



Part of T4 Trust

## ATTENDANCE AND EXCLUSION POLICY

### Version Control

Action	Name	Date
Reviewed by	IMHS	June 2012
Reviewed by	IMHS	November 2013
Reviewed by	IMHS	<i>November 2014</i>
Reviewed by	IMHS	<i>November 2015</i>
Reviewed by	IMHS	June 2016
Revised by	Lisa Tharpe	April 2021
Approved by	Trust Board	April 2021
Reviewed by	Lisa Tharpe	February 2023
Reviewed by	Lisa Tharpe	September 2023
Approved by	Trust Board	September 2023

## Contents

The Roles and responsibilities .....	3
Aims .....	4
The following documentation is also related to this policy:.....	5
Context .....	8
Our practice .....	8
Emotional support .....	9
Food.....	9
Hygiene.....	9
Transport .....	9
Guidance on punctuality.....	9
Target setting.....	10
Roles and responsibilities .....	10
Considering the reinstatement of a student .....	16
Independent review .....	18
School registers .....	20
Returning from a suspension.....	21
Remote access to meetings .....	22
Monitoring arrangements .....	22
Attendance Procedure.....	24
Persistent absence.....	24
Children Absent from Education & Children Missing Education .....	25
Exclusion .....	26
Appendix 1: independent review panel training .....	27

## The Roles and responsibilities

The Trust Board	The board of directors of the Trust (including any committee of the board duly appointed by it), who may also be referred to as trustees
The Headteacher	The teacher in charge of the school who may also be referred to as Head, Executive Head or Principal

**Headteacher** - Aaron Mulhern - Email: [aaron.mulhern@ianmikardo.com](mailto:aaron.mulhern@ianmikardo.com)

**Office Manager** - Muriel Finney - Email: [Muriel.finney@ianmikardo.com](mailto:Muriel.finney@ianmikardo.com)

**The Designated Safeguarding Lead is:**

Lynn St. Phillip-Ross – Lead Inclusion and Welfare Practitioner – Email: [lynn.st.phillip-ross@ianmikardo.com](mailto:lynn.st.phillip-ross@ianmikardo.com)

**The Trust’s Safeguarding and Compliance Reporting Lead is:**

Lisa Tharpe – Deputy Head - Email: [lisa.tharpe@ianmikardo.com](mailto:lisa.tharpe@ianmikardo.com)

**The Deputy Designated Safeguarding Lead are:**

Hazera Begum – Attendance and Welfare Coordinator – Email: [hazera.begum@ianmikardo.com](mailto:hazera.begum@ianmikardo.com)

Karen Raftery – Head of Post 16 and Careers - Email: [karen.raftery@ianmikardo.com](mailto:karen.raftery@ianmikardo.com)

Jason Levine – Designated Mental Health Lead – Email: [jason.levine@ianmikardo.com](mailto:jason.levine@ianmikardo.com)

**The Safeguarding Leads - Board of Governors for T4 Trust are:**

Helal Ahmed – Local Community Board of Governor for Safeguarding

Sara Attwood – T4 Trust Board of Governor for Safeguarding

**Local Authority Designated Officer (LADO)** Melanie Benzie Tel: 020 7364 0677

Email: [LADO@towerhamlets.gov.uk](mailto:LADO@towerhamlets.gov.uk)

**The NSPCC Whistleblowing Advice Line 0800 028 0285** which is free & anonymous, more information can be found at [nspcc.org.uk/whistleblowing](http://nspcc.org.uk/whistleblowing).

## Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- o Ensure that the exclusions process is applied fairly and consistently
- o Help governors, staff, parents and students understand the exclusions process
- o Ensure that students in school are safe and happy
- o Prevent students from becoming NEET (not in education, employment or training)
- o Ensure all suspensions and permanent exclusions are carried out lawfully

## A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student.”

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- o Without following the statutory procedure, contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event, e.g., sending them home to 'cool off'
- o Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- o Due to poor academic performance
- o Because they haven't met a specific condition, such as attending a reintegration meeting
- o By exerting undue influence on a parent to encourage them to remove their child from the school

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

We believe this policy relates to the following legislation:

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

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

- o Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- o [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- o Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- o Section 579 of the [Education Act 1996](#), which defines 'school day'
- o The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- o [The Equality Act 2010](#)
- o [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

## Definitions

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a student to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a student is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

The following documentation is also related to this policy:

- Advice on School Attendance (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Improving Attendance at School (DfE)
- School attendance parental responsibility measures: Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
- Data Protection: a toolkit for schools (DfE)

- Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

### **Links with other policies**

- Behaviour & Anti-bullying Policy
- SEN Policy and information report
- Child Protection and Safeguarding Policy

We are committed to providing an education of the highest quality for all our students. We believe high attainment depends on good attendance.

### **Promoting good attendance**

- We expect all school staff to support and promote excellent school attendance by acting as role models and to work hard to provide a learning environment in which all students are eager to learn, feel valued and enjoy coming to school. School staff have a responsibility for identifying trends in attendance and punctuality's
- Sometimes a student's absence or lateness may not be their fault and in these circumstances, it is our policy to be supportive of the child and not to make them feel guilty or inadequate. Also, at times we have to give allowances for religious beliefs and individual family circumstances
- We believe it is essential to regularly remind parents of the importance of good attendance and its links to student's attainment. The Education Act 1996 clearly states that the prime responsibility of parents/carers is to ensure that their children attend school regularly.
- We have a duty to monitor student ' attendance through daily registration and will address all poor or irregular attendance by contacting and discussing the situation with parents
- We will inform the local authority of student who are regularly absent from school or have missed ten days or more without permission. The local authority must have in place 'robust procedures and policies' to enable them to meet their duty in relation to CME
- We have a duty to establish the whereabouts of all absent students and will send a member of the school staff to a child's home if contact cannot be made by phone with the child's parents/carers. We will inform the police if there is no answer when school staff visit the family home
- For all student we have in place at least two emergency contact phone numbers for different adults associated with each student
- We believe truancy is a matter that we treat very seriously as we feel students are not only losing valuable learning time, but they are putting themselves at serious risk as the school and their parents are not aware of their whereabouts

- We have a duty to ensure that all parents are aware of our 'legal powers to use parenting contracts, parenting orders or penalty notices to address poor attendance and behaviour in school.' Parents have a duty to ensure their children are well behaved and attend school regularly as 'good behaviour and attendance are essential to children's educational prospects'
- We are aware that 'parenting contracts, orders and penalty notices for irregular attendance apply only to students of compulsory school age who are registered at a school' but they can also be applied for misbehaviour by students outside compulsory school age such as sixth form students. While 'penalty notices for parents of students found in a public place during school hours after being excluded also apply only to children of compulsory school age who are registered at a school.'
- We believe it is essential to have a strong working relationship with the Education Welfare Service which provides support for students and their families in order promote good student attendance and to reduce truancy
- We are aware that leave of absence can only be granted to a student only in exceptional circumstances and in authorising a holiday in term time we will take into account the child's attendance record, the child's age, the reason for the trip, the time in the academic year and the employment difficulties that parents face by taking holidays in school holiday time.
- We will exercise a consistent approach and ensure equity for all students.
- We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making radical changes to many existing data protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation
- We acknowledge the new guidance given to all schools in the 'Data protection: a toolkit for schools' (DfE April 2018) regarding the appropriate use of personal data
- We aim to be judged at least good in all school inspections by ensuring that standards for all students are higher than schools of a similar size and that standards continue to improve faster than the national trend. We believe we will achieve this by having in place a home-school agreement that all parents have signed up to and by improving student attendance and truancy
- We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010
- We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.
- We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

- The educational section of the audit that covers differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.
- We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

## **Context**

Students at Ian Mikardo High School have struggled to engage with mainstream education and when they arrive here, they have an entrenched history of non-attendance and exclusion. All of them have severe and complex Social, Emotional and Mental Health Difficulties and a negative attitude to school. Most come to us as non-attenders, from a part-time placement or were educated in isolation; almost all have no experience of regular attendance within a group setting.

Their attitude to education is shared by the majority of their parents, many of whom failed to engage with learning at their own schools. They may also feel that they are being blamed for their children's educational failure.

Our short-term aim is to make our students feel safe. At Ian Mikardo we have created an environment where they are nurtured consistently, and we show them how to build healthy and appropriate relationships with us and with each other so that they can begin to engage with learning. Our long-term aim is to equip them with the academic, social and practical skills they will need to lead a stable, independent and fulfilling adult life.

We expect our students to attend school, but it is also central to our ethos that we treat them as individuals, and we recognise that there are many factors in their lives that make their attendance difficult. For this reason, we do not punish non-attendance. Instead, we work on removing the barriers that are inhibiting attendance. We do this by addressing the reasons behind any individual's failure to attend school and ensuring that we deliver a creative curriculum in a safe and stimulating environment.

This policy also includes procedures concerning the school register and the school's exclusion practices.

## **Our practice**

Our aim is to remove the barriers that are stopping a student from attending school. These include:

- Students' Social, Emotional and Mental Health difficulties.



- Lack of routine in students' lives which may be a consequence of being raised within a chaotic and dysfunctional family background. e.g -no-one to get them up, provide clean clothes.
- Problems in getting to school – this can include fear at having to travel through a gang-controlled postcode, school phobia, high risk behaviour or mental health conditions.

To overcome those barriers, we offer:

### **Emotional support**

We encourage students to come to school by providing a supportive environment that makes them feel contained and safe. All staff work consistently to support students, to form appropriate relationships with them, and to make the school an emotionally nurturing community. When the school was rebuilt in 2011, this requirement was an integral part of the design. We foster a warm, open and reflective atmosphere, enhanced by the use of windows, light and open spaces throughout the building.

### **Food**

We provide a nutritious breakfast and lunch free of charge to students. This is served in a stylish café which encourages informal conversation between students, and between students and staff, who eat together. Breakfast is served between 8.30am and 9.30am; this encourages students to arrive in time for lessons and optimises their capacity for learning. It also facilitates a transition from what is often a chaotic home life to the structure of the school day and enables staff to assess students and pick up on any change in their emotional state. Fruit and filtered water are freely available.

### **Hygiene**

We have facilities for washing students' clothing. We provide showers for students, and our hair and beauty salon encourage them to take pride in personal grooming. In extreme circumstances, we purchase essential items for students such as trainers and coats.

### **Transport**

Both the school and the local authority in which the students reside in provide travel training to foster independence in students. This means that a member of staff, or a Council travel trainer, will meet a student at home and walk or cycle with him to school, and escort a child home or to the station. Some students travel by taxi paid for by their local authority, either because they lack the skills to travel independently, or because of the distance involved.

### **Guidance on punctuality**

We recognise that our students often present with disruptive patterns of behaviour, particularly when they are new to the school. It is important to appreciate that, compared to

our students' home lives, school life revolves around a timetable and is highly structured. Within this, staff model punctuality to students, just as they model other appropriate forms of behaviour. By the time our students attend college, we have impressed upon them the importance of meeting commitments that will give them learning – and ultimately earning - opportunities. As few of them come from working families. It is important that this sense of personal responsibility is part of the school's culture. Students who are late are welcomed, and reasons for lateness are addressed at an appropriate time.

### **Target setting**

We always treat our students as individuals and just as we expect staff to differentiate between students in terms of their behaviour, where attendance targets are set, they relate to individual students. We make it clear that we have high expectations, and we work with students' families and with a local authority Attendance and Welfare Advisor to maximise attendance.

## **Roles and responsibilities**

### **The headteacher**

#### **Deciding whether to suspend or exclude**

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

A decision to suspend or exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a student, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g., the student has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

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

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the student and will inform the student of how their views were taken into account when making the decision.

### **Informing parents or the student where they are 18 or older**

If a student is at risk of suspension or exclusion the headteacher will inform the parents/student as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

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

The parents/student will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/student's right to make representations about the suspension or permanent exclusion to the governing board and, where the student is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a student, and that parents/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

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

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the student needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

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

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

### **Informing the local authority (LA)**

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

The notification will include:

- The reason(s) for the suspension or permanent exclusion

- o The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

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

### **Informing the student's social worker and/or virtual school head (VSH)**

If a:

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

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

If the headteacher decides to suspend or permanently exclude a student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:

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

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

### **Cancelling suspensions and permanent exclusions**

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- o The parents or the student if they are 18 or older governing board and LA will be notified without delay

- o Where relevant, any social worker and VSH will be notified without delay
- o The notification must provide the reason for the cancellation
- o The governing board's duty to hold a meeting and consider reinstatement ceases
- o Parents or the student if they are 18 or older will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- o The student will be allowed back in 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 student has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

### **Providing education during the first 5 days of a suspension or permanent exclusion**

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as Microsoft Teams Classroom may be used for this. Based on the individual students individualised educational needs or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online pathways.

## **The governing board**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding exclusions are delegated to the local governing board and headteacher.

The local governing board has a duty to consider parents'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student

The governing board has a duty to consider parents'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student

Within 14 days of receiving a request, the governing board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

The governing board does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

### **Monitoring and analysing suspensions and exclusions data**

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board will consider:

- o How effectively and consistently the school's behaviour policy is being implemented
- o The school register and absence codes
- o Instances where students receive repeat suspensions
- o Interventions in place to support students at risk of suspension or permanent exclusion
- o Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- o 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
- o The characteristics of suspended and permanently excluded students, and why this is taking place
- o Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it
- o The cost implications of directing students off-site

### **The local authority (LA)**

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

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

### **Considering the reinstatement of a student**

The local governing board will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice of the suspension or exclusion if:

- o The exclusion is permanent
- o It is a suspension which would bring the student's total number of days out of school to more than 15 in a term; or
- o It would result in a student missing a public exam or National Curriculum test

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the local governing board of must consider any representations made by parents the student if they are 18 or older. However, it is not required to arrange a meeting with parents/the student, and it cannot direct the headteacher to reinstate the student.

Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/student make representations to the board, the local governing board will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents/student do not make representations, the board is not required to meet, and it cannot direct the headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the local governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the of the local governing board may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- o Parents, or the student if they are 18 or older (and, where requested, a representative or friend)
- o The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- o The headteacher
- o The student's social worker, if they have one
- o The VSH, if the student is looked after

Governing board meetings can be held remotely at the request of parents, or students if they are 18 or older. See section 9 for more details on remote access to meetings.

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

### **The local governing board can either:**

- o Decline to reinstate the student, or



- o Direct the reinstatement of the student immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

**In reaching a decision, the local governing board will consider:**

- o Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- o Whether the headteacher followed their legal duties
- o The welfare and safeguarding of the student and their peers
- o Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the student's educational record, and copies of relevant papers will be kept with this record.

The local governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- o The parents, or the student if they are 18 or older
  - o The headteacher
  - o The student's social worker, if they have one
  - o The VSH, if the student is looked after
  - o The local authority
  - o The student's home authority, if it differs from the school's

Where an exclusion is permanent and the local governing board has decided not to reinstate the student, the notification of decision will also include the following:

- o The fact that it is a permanent exclusion
- o Notice of parents'/the student's if they are 18 or older right to ask for the decision to be reviewed by an independent review panel
- o The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- o The name and address to which an application for a review and any written evidence should be submitted
- o That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- o That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to advise the review panel
- o Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- o That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

- o 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
- o That, if parents believe that the permanent 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. Also, that any 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

### **Independent review**

If parents/the student if they are 18 or older apply for an independent review within the legal timeframe, the Trust will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/student by the local governing board of its decision to not reinstate the student **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/students. See section 9 for more details on remote access to meetings.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- o A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- o Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- o Headteachers or individuals who have been a headteacher within the last 5 years

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

- o Are a member of the Trust of the excluding school
- o Are the headteacher of the excluding school, or have held this position in the last 5 years
- o Are an employee of the Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- o Have, or at any time have had, any connection with the school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

- o Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.

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

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

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

Following its review, the independent panel will decide to do 1 of the following:

- o Uphold the governing board's decision
- o Recommend that the governing board reconsiders reinstatement
- o Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board 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 governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

**This notification will include:**

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the student within 10 school days
- Any information that the panel has directed the governing board to place on the student's educational record

**School registers**

A student's name will be removed from the school admission register if:

- 15 school days have passed since the parents/student if they are 18 or older were notified of the local governing boards decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/student have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a student's name from the register.

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

**Making a return to the LA**

Where a student's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The student's full name
- The full name and address of any parent with whom the student normally resides
- At least 1 telephone number at which any parent with whom the student normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)

- o Details of the new school the student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents have told the school the student is moving to another school
- o Details of the student's new address, including the new address, the name of the parent(s) the student is going to live there with, and the date when the student is going to start living there, if the parents have informed the school that the student is moving house

This return must be made as soon as the ground for removal is met and no later than the removal of the student's name.

## **Returning from a suspension**

### **8.1 Reintegration strategy**

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the student:

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties.

### **Reintegration meetings**

The school will clearly explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

The student, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

### **Remote access to meetings**

Parents, or students if they are 18 or older, can request that a governing board meeting, or independent review panel be held remotely. If the parents/student don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- o All the participants have access to the technology which will allow them to hear, speak, see and be seen
- o All the participants will be able participate fully
- o The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- o Compromise the ability of participants to contribute effectively, or
- o Prevent the meeting from running fairly and transparently

### **Monitoring arrangements**

The school will collect data on the following:

- o Attendance, permanent exclusions and suspensions
- o Use of student referral units, off-site directions and managed moves
- o Anonymous surveys of staff, students, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every week by Hazera Begum (Attendance & Welfare Coordinator) who will report back to the Headteacher and Deputy Head.

The data will be analysed from a variety of perspectives including:

- o At school level
- o By age group
- o By time of day/week/term
- o By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Deputy head and Headteacher every year. At every review, the policy will be reviewed by the Local governing board

### ***Headteacher***

- Has a legal requirement to record and monitor attendance. This has been delegated to the Deputy Head and the Attendance and Welfare Coordinators.

### ***School Office***

- To record attendance onto the Fire Register and the School's Inventory MIS until 9.30am
- To collect the fire register and the School's Inventory MIS at 9.30
- To follow up absence with a phone call and, if there is no answer, a text message
- Update the SIMS register if students arrive late or a reason for absence is established
- Complete the register on the School's Management Information System weekly
- Complete exclusion paperwork

### ***Tutor***

- Continue to call home to establish a reason for absenteeism

### ***Tutors***

- To follow up absence with a courtesy call at the end of the day (wish the student well if unwell, ask if they are likely to be in tomorrow, say they were missed.)
- To follow up concerns about punctuality and attendance with parents/carers and students
- To offer students/parents alarm calls as appropriate
- To discuss attendance where there is a concern, and to recognise good attendance
- To co-ordinate work and home tuition

### ***Deputy Head, and the Attendance and Welfare Coordinator***

- Discuss attendance of all students at weekly case management meeting
- Plan intervention with Attendance and Welfare Advisor (AWA) for those causing a concern

### ***Senior Leadership Team***

- To ensure the curriculum offered meets the needs of the students
- To ensure that work is available to be taken to non-attendees

### **Attendance and Welfare Coordinator**

- To meet with parents and students at the beginning of the school year to discuss attendance
- To carry out home visits
- To inspect registers
- To attend weekly meetings with the welfare team

### **Students**

- Responsible for attending
- Responsible for discussing any difficulties with their tutor

### **Parent/Carers**

- Parents/carers are legally responsible for ensuring their child attends school
- Should acknowledge non-school attendance and the consequences
- To notify the school of lateness and absence

### **Attendance Procedure**

**School Office staff** to record who comes into school onto the Fire Register and School Inventory MIS, and to complete MIS registers on SIMS weekly.

**Tutors** to follow up ALL absences by contacting parents on the first day of absence, and subsequently if the absence continues.

**Headteacher** to inform **Tutors, Welfare and Welfare Coordinator & Deputy Head** of any specific concerns.

**Deputy Head** to oversee strategy causing concern, and to discuss significant issues at her line management meeting with the **Headteacher**.

### **Persistent absence**

It is consistent with the school's ethos that we offer places to students who were not previously in education. While our aim is to engage them with education, it would be unrealistic to expect them to suddenly achieve high attendance figures, and our success in developing their attendance should be seen in this context. Encouraging them to attend school is an on-going process that relates to their success in forming relationships within the school, and which can be hampered by on-going personal difficulties outside school. An attendance rate categorised by the Government as persistent absence can therefore represent a success if seen in context of a young person who has never previously engaged with learning and who continues to lack family support.



We do not believe that the likelihood that a young person is likely to remain a persistent absentee is a reason to deny them a place at Ian Mikardo; conversely we believe that all young people, irrespective of their circumstances, should have the opportunity to engage with education, and that our specialist provision can meet the needs of those who struggle. This view is actively encouraged and supported by the LGB, whose members recognise the school's success in increasing attendance rates for many students.

For these reasons Ian Mikardo does not subscribe to the details of the Government's initiative on persistent absence though we are vigilant in tracking it and working to ensure that students do attend. We set challenging and ambitious targets for each student, treating each as an individual and tailoring our responses to take account of their complex needs and their family's circumstances. We believe that our attention to tracking and challenging poor attendance is appropriate for our students and exceeds the Government's requirements.

### **Children Absent from Education & Children Missing Education**

The school closely monitors attendance, absence, suspensions, and exclusions. A child absent from education, whether prolonged or on repeat occasions, can be a vital warning sign of a wide range of safeguarding issues and is a potential indicator of abuse and neglect, including child sexual abuse, child sexual exploitation, and child criminal exploitation (county lines)

In accordance with the DfE's *Working together to improve school attendance*, the school follows up on absences and addresses persistent absence as part of its safeguarding duty. Such an approach prevents the risk of these children becoming children missing education in the future. Staff address daily absence and persistent absence as soon as these problems emerge as part of school's early help response. Staff should be alert to children already known to be vulnerable especially Children known to a Social Worker and Looked After Children, since absence from education may increase known safeguarding risks within the family or in the community. Staff must also be alert to signs of children at risk of travelling to conflict zones, female genital mutilation and forced marriage.

We will follow our procedures for unauthorised absence and for dealing with children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of going missing in future. This includes informing the local authority if a child leaves the school without a new school being named and adhering to requirements with respect to sharing information with the local authority, when applicable, when removing a child's name from the admission register at non-standard transition points.

If a staff member suspects that a child is suffering from harm or neglect, we will follow local child protection procedures, including with respect to making reasonable enquiries. We will make an immediate referral to the local authority children's social care team, and the police, if the child is suffering or likely to suffer from harm or is in immediate danger.

When a student does not return to school and the whereabouts of the child and their family are not known, the schools Attendance and Welfare Coordinator will take the lead and will make reasonable enquiries and refer the student to the Attendance & Welfare Advisor to support with those enquiries to ascertain the child's whereabouts, and only after these steps have been taken refer to the Local Authority using a Missing Children referral form.

**The schools Attendance & Welfare Coordinator is:** Hazara Begum.

Contact: LBTH CME Officer, Tower Hamlets Education Safeguarding Service,  
[Saadia.Anwer@towerhamlets.gov.uk](mailto:Saadia.Anwer@towerhamlets.gov.uk) 020 7364 3426 / 07562 431 817

### **Exclusion**

At Ian Mikardo, exclusion from the school community is used as a last resort and for the shortest period possible. It is not a punitive measure and is initiated by the Headteacher and the Deputy Head when it is felt that it is unsafe for a student to be in school. It is done in the interests of a student's own health and safety, and the health and safety of others and because we feel that, at that time, the school is not an appropriate environment for the student. This ensures that both students and staff feel safe in the school.

Students enjoy attending the school and become upset when they are excluded. When a student is sent home, we do not cast them adrift, we immediately begin to use the "breathing space" created by the student's absence to develop a plan of how best to support them and reintegrate them into the school.

We also support them at home so that our work with them continues. This includes home visits. These can be made by our Deputy Head, the Attendance and Welfare Coordinator, the Child and Adolescent Psychotherapist, and other staff who may work with the student off-site at a library or ideas store. This work may be academic, or it may relate to the reason the student is unable to integrate with the school community, e.g., anger management or bullying.

We believe that the way we handle exclusion is rare if not unique, and it is resource intensive. Like everything else at Ian Mikardo, we adopt this practice because it works. We recognise that our students do not have consistent family support. By treating them with understanding and respect and offering them continuity of support in their relationship with us, we find that they are able to take positive steps forward in a situation that, handled differently, could be detrimental to their fragile emotional state and lead to criminal activity.

We also recognise that some students who are referred to Ian Mikardo have such specific complex needs that day SEMH provision does not meet them. If we feel that the school lacks the specialist resources to manage a student effectively, we believe that it is in his best interests to support him to find another provision that is appropriate for his needs.

## **Appendix 1: independent review panel training**

The Trust must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- o The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- o The need for the panel to observe procedural fairness and the rules of natural justice
- o The role of the chair and the clerk of a review panel
- o The duties of headteachers, governing boards and the panel under the Equality Act 2010
- o The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act