



# Suspensions Policy

The Axholme Academy

February 2023

Review date: Spring 2026

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## 1. Aims

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

The Axholme Academy aims to:

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

### *A note on off-rolling*

The Axholme Academy is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil 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 pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend The Axholme Academy:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the The Axholme Academy feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from The Axholme Academy

## 2. Legislation and statutory guidance

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.

It is based on the following legislation, which outlines The Axholme Academy's powers to exclude pupils:

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

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'The School Day'

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

The Equality Act 2010

Children and Families Act 2014

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

### **3. Definitions**

Suspension – when a pupil is removed from The Axholme Academy for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from The Axholme Academy permanently and taken off The Axholme Academy roll. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a governing board of a maintained school requires a pupil 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 pupil 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.

### **4. Roles and responsibilities**

#### **4.1 The Principal**

Deciding whether to suspend or exclude

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

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

In response to serious or persistent breaches of the The Axholme Academy’s Ready to Learn Behaviour policy, and

If allowing the pupil to remain in The Axholme Academy would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the Principal 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 pupil to give their version of events

Consider whether the pupil has special educational needs (SEND)

Consider whether the pupil is especially vulnerable (e.g. the pupil 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 Principal will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils 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 Principal will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### **Decision to Suspend**

The decision to suspend is based on the balance of probability after enough evidence has been gathered from various sources. Whilst gathering evidence, the student under investigation will have their viewpoint taken into account.

### **Internal Suspension**

If this is decided to be the most appropriate consequence for a given student every effort will be made to contact their parent/carer with details of the exclusion and subsequent readmission meeting.

Details will be outlined and confirmed by letter.

If a student refuses to serve or fails an internal exclusion the The Axholme Academy will attempt to involve parents/carers to avoid escalating the consequence further. If this is unsuccessful, the student may be externally suspended.

Parents will be expected to attend to readmit the student following an internal suspension. It may not be possible for them to rejoin the The Axholme Academy community until this has taken place and may remain in Reflection.

### **Informing parents**

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

If the Principal decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

The reason(s) for the suspension or exclusion

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

Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil 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 pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Principal 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 pupil needs in order to identify the person they should report to on the first day

If the Principal 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 Axholme Academy reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

### **Informing the governing board**

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

Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil

Any suspension or permanent exclusion which would result in the pupil 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 pupil missing a National Curriculum test or public exam

The Principal will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

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

The Principal 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 that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the The Axholme Academy is located, the Principal will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

Pupil with a social worker is at risk of suspension or permanent exclusion, the Principal will inform the social worker as early as possible

Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Principal will inform the VSH as early as possible

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

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

They have decided to suspend or permanently exclude the pupil

The reason(s) for the decision

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

The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (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 pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

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

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

The parents, governing board and LA will be notified without delay

Where relevant, any social worker and VSH will notified without delay

Parents will be offered the opportunity to meet with the Principal to discuss the cancellation

As referred to above, the Principal will report to the governing board once per term on the number of cancellations

The pupil will be allowed back into The Axholme Academy

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the pupil. The Axholme Academy directs students in these circumstances to our Google Classrooms where Independent Learning Tasks are set in every subject for all learners. In addition - all students, in Years 8 through to 11, have copies of their Independent Learning Planners at all times - topics in these planners should be worked through directed by their Strengths and Gaps reports and according to curriculum using GCSE Pod, Heggarty and the Oak Academy website. Additional / paper work will be provided and marked when returned, in addition, for any student without online access or who has completed all Google Classroom tasks.

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

## **4.2 The governing board**

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

Responsibilities regarding exclusions are delegated to The Axholme Academy Governing Board.

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

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 pupil. This provision will begin no later than the sixth day of the suspension.

The governing board does not have to arrange such provision for pupils 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 challenge and evaluate the data on The Axholme Academy's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

- How effectively and consistently the The Axholme Academy's Ready to Learn Behaviour policy is being implemented

- The Axholme Academy's register and absence codes

- Instances where pupils receive repeat suspensions

- Interventions in place to support pupils at risk of suspension or permanent exclusion

- 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

- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working

- The characteristics of suspended and permanently excluded pupils, and why this is taking place

- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

- The cost implications of directing pupils off-site

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

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

For pupils who are LAC or have social workers, the LA and The Axholme Academy will work together arrange suitable full-time education to begin from the first day of the exclusion.

## **5 Considering the reinstatement of a pupil**



The Axholme Academy Governing Board will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

The exclusion is permanent

It is a suspension which would bring the pupil's total number of days out of The Axholme Academy to more than 15 in a term; or

It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, The Axholme Academy Governing Board must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Principal to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, The Axholme Academy Governing Board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Principal to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, The Axholme Academy Governing Board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, The Axholme Academy Governing Board may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)

The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)

The Principal

The pupil's social worker, if they have one

The VSH, if the pupil is looked after

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 Axholme Academy Governing Board can either:

Decline to reinstate the pupil, or

Direct the reinstatement of the pupil 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 Axholme Academy Governing Board will consider:

Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair

Whether the Principal followed their legal duties

The welfare and safeguarding of the pupil and their peers

Any evidence that was presented to the governing board

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

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 pupil's educational record, and copies of relevant papers will be kept with this record.

The Axholme Academy Governing Board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

The parents, or the pupil, if they are 18 or older

The Principal

The pupil's social worker, if they have one

The VSH, if the pupil is looked after

The local authority

The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the The Axholme Academy Governing Board has decided not to reinstate the pupil, the notification of decision will also include the following:

The fact that it is a permanent exclusion

Notice of parents' right to ask for the decision to be reviewed by an independent review panel

The date by which an application for an independent review must be made (15 The Axholme Academy days from the date on which notice in writing of the governing board's decision is given to parents)

The name and address to which an application for a review and any written evidence should be submitted

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 pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion

That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel

Details of the role of the SEN expert and that there would be no cost to parents for this appointment

That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

That, if parents believe that the 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

## **6. Independent review**

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by The Axholme Academy Governing Board of its decision to not reinstate the pupil or, if after this time, within 15 The Axholme Academy days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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 Principal category. At all times during the review process there must be the required representation on the panel.

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

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 Principals during this time

Principals or individuals who have been a Principal within the last 5 years

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

Are a member of the Governing Board of the The Axholme Academy

Are the Principal of The Axholme Academy, or have held this position in the last 5 years

Are an employee of the governing board of The Axholme Academy

Have, or at any time have had, any connection with The Axholme Academy, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

Have not had the required training within the last 2 years

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

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil 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 pupil'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 pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil'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 Principal in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

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

Uphold the governing board's decision

Recommend that the governing board reconsiders reinstatement

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 Axholme Academy 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 pupil within 10 school days

Any information that the panel has directed the governing board to place on the pupil's educational record

## **7. The Axholme Academy registers**

A pupil's name will be removed from the The Axholme Academy admission register if:

15 school days have passed since the parents were notified of The Axholme Academy Governing Board's decision to not reinstate the pupil and no application has been made for an independent review panel, or

The parents have stated in writing that they will not be applying for an independent review panel

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 pupil's name from the register.

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

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

### **Making a return to the LA**

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

The pupil's full name

The full name and address of any parent with whom the pupil normally resides

At least 1 telephone number at which any parent with whom the pupil 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)

Details of the new The Axholme Academy the pupil will attend, including the name of that The Axholme Academy and the first date when the pupil attended or is due to attend there, if the parents have told the The Axholme Academy the pupil is moving to another The Axholme Academy

Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the The Axholme Academy that the pupil is moving house

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

## **8. Returning from a suspension**

### **8.1 Reintegration strategy**

Following suspension, The Axholme Academy will put in place a strategy to help the pupil reintegrate successfully into the Academy's life and full-time education. These will be directed by the Reintegration Meeting.

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

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 pupil, parents, and other relevant parties.

### **8.2 Reintegration meetings**

During the Reintegration meeting appropriate arrangements will be made to prevent further suspensions. These may include:

- Clarifying academy expectations
- Request consent to conduct diagnostic assessments (eg Special Educational Needs assessments, Early Help Assessment)
- Agreeing pastoral or behaviour support strategies (eg anger management, peer mentoring, circle group)
- Setting behaviour targets
- Clarifying the consequence of repeat or similar incidents

If the Axholme Academy decides that the student is not ready to return to lessons, they will receive a further suspension. A readmission letter outlining the agreed outcomes of the meeting will be recorded and kept on file.

## **The Axholme Academy Suspension Stages**

Students receiving repeat exclusions will escalate through the following stages:

- Stage 1 - first Suspension

- Stage 2 - for a student on stage 1 given a further Suspension within 12 months of their most recent Suspension or a Suspension for the same reason as any previous Suspension
- Stage 3 - for a student on stage 2 given a further Suspension within 12 months of their most recent Suspension or an Suspension for the same reason as any previous Suspension
- Stage 4 - for a student on stage 3 given a further Suspension within 12 months of their most recent Suspension or a Suspension for the same reason as any previous Suspension

Students escalating to stage 4 or receiving an Suspension whilst already on stage 4, are required to attend an Extended Leadership Team Behaviour Review Meeting with their parent/carer, extended school leaders and other academy staff to explore whether anything else can be done to meet the student's behaviour needs at the academy. The meeting will take place whether or not a parent/carer or the student attends.

The structure of Behaviour Review Meetings is as follows:

- Clarify the reason why the student has been referred to the panel
- Provide an overview of the behaviour concerns using examples
- Explain why this type of behaviour is not acceptable at the academy
- Seek the student's view
- Seek the parent's view
- Reinforce academy expectations
- Explore and agree next steps
- Clarify the next stage in the process if the student's behaviour does not improve

Meeting outcomes are recorded, distributed to all in attendance and held on the student's file.

## **9. Monitoring arrangements**

The The Axholme Academy will collect data on the following:

Attendance, permanent exclusions and suspensions

Use of pupil referral units, off-site directions and managed moves

Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Data Manager. They will report back to the Principal.

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

At school level

By age group

By time of day/week/term

By protected characteristic

The Axholme Academy 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 pupils are identified by this analysis, The Axholme Academy will review its policies in order to tackle it.

## **10. Links with other policies**

This exclusions policy is linked to our:

- Ready to Learn Behaviour policy
- SEND policy and information report