



Suspension and Exclusion Policy

2023 - 2024

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Contents

Statement of intent.....	3
Terminology.....	3
Legal framework.....	3
Roles and responsibilities.....	4
Grounds for suspensions/exclusion.....	7
Factors to consider when suspending /excluding a child.....	9
Duty to inform parents.....	10
Duty to inform the governing board and LA.....	11
Arranging education for excluded children.....	11
Considering suspension and exclusion.....	12
Reaching a decision.....	13
Removing a permanently excluded child from the school register.....	15
Independent review panel.....	16
Appointing a SEND expert.....	16
The role of the SEND expert.....	17
Appointing a clerk.....	18
The role of the clerk.....	18
The duties of the independent review panel members in the conduct of the review.....	18
Reconsidering reinstatement following a review	19
Criminal Investigations.....	19
Training requirements.....	19
Monitoring and review.....	20
A summary of the governing board’s duties to review the headteacher’s exclusion decision.....	21
Summary flowchart.....	23

Statement of Intent

At Firs Primary School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary consequences, the school recognised that suspension/exclusion of children may be necessary where there has been a serious breach, or consistent breaches of the school's Positive Behaviour Policy.

Suspending/excluding a child may also be required in instances where allowing a child to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending/excluding a child should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, governing board and Local Authority when responding to child suspensions/exclusions, to ensure that they are dealt with fairly and lawfully and in line with the DfE statutory guidance. The policy also aims to secure a child's rights to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Terminology:

- Use of the term suspension is a reference to what is described in the legislation as an exclusion for a fixed period.
- The term 'must' refers to what headteachers/governing boards/academy trusts/local authorities/parents and others are required to do by law and must have regard to when carrying out their duties.
- The term 'should' refers to recommendations for good practice as mentioned in the suspensions and permanent exclusions guidance and should be followed unless there is good reason not to.

Legal Framework

This policy has due regard to the related statutory legislation including, but not limiting to the following:

- The Education Act 2002
- The School Discipline (Child Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006

Mar-23

- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Childs) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to the following

- DfE (2017) 'Exclusion from maintained schools, academies and child referral units England'.
- DfE (2016) Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2022) 'Behaviour in Schools.'
- DfE (2022) Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

This policy will be implemented in conjunction with the following school policies and procedures:

- The Positive Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Child Protection and Safeguarding Policy
- Positive Handling Policy

Roles and Responsibilities:

The Local Authority (LA) is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any child of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing a child's needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

Mar-23

- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded child where required.
- Arranging a hearing without delay at a time, date and venue convenient to all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.

The following are not statutory but the responsibilities should be assumed by the LA where not appointed:

- Appointing a clerk to provide advice to the panel and parties to review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions or exclusions within the last 12 months.
- Arranging suitable full-time education for any child of compulsory school age suspended on a fixed-term basis.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if appropriate requirements are met.
- Where a suspension/ exclusion would result in a child missing a public examination or test, considering the sanction before this.
- Considering whether it would be appropriate for a child to be permitted into the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of a child.
- Considering the interests and circumstances of the suspended/excluded child, including the circumstances in which they were suspended/excluded, and having due regard to the interest of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension/ exclusion.
- Ensuring clear minutes are taken on the representation meeting.
- Noting the outcome of the representation meeting on the child's education record, along with copies of relevant papers for future reference.

Mar-23

- Notifying the child's parents, the headteacher and LA of its decision and the reasons for it without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a child's name is removed from the admissions register (Permanent exclusion), where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a child where directed to do so by the exclusions review panel.

The following are not statutory but the responsibilities should be assumed by the LA where not appointment.

The clerk to the exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to.
- Making written representations to the panel.
- Attending the hearing and make oral representations to the panel.
- Being represented.
- Making reasonable efforts to circulate copies of the relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all children can benefit from the opportunities provided by education, and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension/exclusion.
- Complying with the statutory duties in relation to the child's SEND when administering the suspension/exclusion process as outlined in the Special Educational Needs and Disability (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a child has suffered bereavement, bullying or has a mental health issue.

- Considering the use of a multi-agency assessment for a child who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions/exclusions as a sanction, e.g. if a child has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual children, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of children with additional needs.
- Determining whether a child will be suspended/ excluded on disciplinary grounds.
- Withdrawing any suspensions/exclusions that have not been reviewed by the governing board where appropriate.
- Ensuring any decisions to suspend/exclude are lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend/exclude a child.
- Ensuring that they have considered their legal duty of care when sending a child home following a suspension/exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a child's parents without delay where the decision is taken to suspend/exclude the child, including the days on which the parents must ensure the child is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easy to understand.
- Notifying the governing board and LA of their decision to exclude/suspend a child where appropriate, as well as the child's home authority if required.
- Notifying the governing board once per term of any suspensions/exclusions not already notified.

Grounds for suspension/exclusion

The school will only suspend/exclude a child where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Positive Behaviour Policy, have failed to be successful.

The following examples of behaviour may underline the school's decision to suspend/exclude a child:

- Any incident which poses a risk to other children or members of staff, e.g. bringing a weapon into the premises.
- Any incidents which breach the law.
- Persistent and severe bullying.
- Verbal and physical abuse.
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to injury.

Children can be suspended on a fixed-term basis, i.e. up to 45 school days within a year, or excluded. (This is permanent). Children can be excluded following a suspension, where further evidence is presented. In all cases, the Head teacher will decide which sanction a child will be subject to depending on what the circumstances warrant.

- Only the headteacher has the power to suspend/exclude a child from the school, and is able to decide whether this is a suspension (a fixed term sanction) or on a permanent basis. All suspensions and exclusions will only be issued on disciplinary grounds.
- The headteacher is able to exclude children from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions would be counted as half of a school day.
- The headteacher is able to consider a child's disruptive behaviour outside of the school premises as grounds for suspension, in accordance with the school's Positive Behaviour Policy.
- Any decision to suspend or exclude a child will be lawful, proportionate and fair, with respect to legislation relating directly to suspension, exclusions and the school's wider legal duties, including the European Convention on Human Rights.
- When sending a child home from any suspension/exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform parents.
- The headteacher will apply the civil standard of proof when responding to the facts relating to the suspension/exclusion, i.e. that 'on balance of probabilities' it is more likely than not that the facts are true.
- The headteacher may withdraw any suspension/exclusion that has not already been reviewed by the governing board.

- At all times, the headteacher will take account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice 0-25 years', ensuring that they do not discriminate on any grounds e.g. race, sex, disability, and will not increase the severity of the child's suspension/exclusion on these grounds.
- The headteacher will not issue any 'informal or unofficial' suspensions, such as sending a child home to 'cool-off', regardless of whether or not the parents have agreed to this.
- The headteacher will not use the threat of a suspension/exclusion as a means of instructing parents to remove their child from the premises.

Factors to consider when suspending/excluding a child

When considering the suspension/exclusion of a child, the headteacher will:

- Allow the child the opportunity to present their case.
- Take into account contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the child's wellbeing has been compromised, or they have been subject to bullying.
- Take into consideration whether the child has received multiple suspension or approaching the legal limit of 45 excluded days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess children who demonstrate consistently poor behaviour.
- The headteacher will consider what extra support may be available for vulnerable groups whose suspension rates are higher, to reduce their risk of suspension/ permanent exclusion, including the following:
 - LAC
 - Children eligible for FSM
 - Children with SEND
 - Certain cultural behaviours
- The headteacher will consider avoiding permanently excluding LAC children, those with SEMH issues or children with an EHC plan.
- Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated approach outlines in the SEND and Positive Behaviour Policies. If the child continues to endanger the physical or emotional wellbeing of other children or staff, despite exhausting the graduated approach process, then suspensions may be considered.

- In accordance with the Equality Act 2010, under no circumstances will a child with identified SEND or SEMH be suspended before the graduated response process has been completed.
- Where a child with SEND or SEMH issues is suspended/excluded because of a SEND or SEMH-related need that could not be met in school, detailed records will be kept highlighting that these children are closely tracked and show that the school has a close relationship with the child's next destination.
- The Headteacher will work in conjunction with the parents of any child with additional needs, to establish the most effective support mechanisms.

Duty to inform parents

- Following the headteacher's decision to suspend/exclude a child, they will immediately inform the parents, in person or by telephone, of the period of suspension and the reasons behind this.
- The headteacher will inform the parents in writing of the following:
 - The reasons for the suspension.
 - The length of the suspension or for an exclusion, the fact that this is permanent.
 - Their right to raise representation about the suspension to the governing board, including how the child will be involved in this and how the representations are made.
 - The right to attend a meeting where there is a legal requirement for the governing board to consider suspension/exclusion, and the fact that they are able to bring an accompanying individual.
 - The arrangements that have been made for the child to continue their education prior to the organisation of any alternative provision, or the child's return to school.
 - Relevant sources of free, impartial information.

Where the child is of compulsory school age, the headteacher will inform the parents by the end of the afternoon sessions that:

- For the first five days of the suspension/exclusion (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do this.

Where the headteacher has arranged alternative provision, they will also inform parents of the following:

Mar-23

- The start and end date for any provision of full-time education.
- The address at which the provision should take place.
- Any information necessary for the child to identify the person they should report to on the starting date.
- Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of notice, with parent consent.
- If the alternative provision is due to begin before the sixth day of the suspension/exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.
- If the headteacher has decided to suspend the child for a further fixed period following their original suspension, or to exclude them, they will notify the parents without delay and issue a new suspension notice to parents.

Duty to inform the governing board and LA

The headteacher will inform the governing board and LA, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to exclude the child).
- Any suspensions which would result in the child being suspended for more than five school days in a term (or more than 10 lunchtimes).
- Any suspensions which would result in a child being absent from an examination or national curriculum test.
- For any suspensions, other than those above, the headteacher will notify the governing board and LA once per term.
- All notifications to the governing board and LA will include the reasons for exclusions and the duration of any suspensions.
- If the child who is suspended/excluded lives outside the LA in which the school is located, the Headteacher of the school will notify the child's 'home authority.'

Arranging education for excluded children

- For any suspensions of more than five school days, the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of the suspension.
- Where a pupil receives consecutive suspensions, these will be registered as cumulative, and full-time education will still have to be provided from the sixth day of the suspension.

Mar-23

- For exclusions, full-time education will also be provided for the child from the sixth day of the exclusion.
- The governing board will not arrange full-time education for any pupil who is currently in the final year of compulsory education, and who does not have any further public examinations to sit.
- The governing board is aware that it is beneficial to exclude children to begin their alternative education arrangements before the sixth day of suspension/exclusion. The governing board will always attempt to arrange alternative provision before the sixth day of exclusion/suspension.
- Where it is not possible to arrange provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded child.

If a child with SEND has been excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the child's parents, who are able to request preferences.
- When identifying alternative provision, any ECP plan is reviewed/the child's needs are reassessed, also in consultation with the child's parents.

Considering suspensions and exclusions

- The governing board will consider any representations made by parents in regard to suspensions and exclusions.
- Parents and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.
- Any meeting to consider the reinstatement of a child will be arranged at a date and time convenient to all parties, and in compliance with any statutory time limits.
- The governing board will consider the reinstatement of the suspended/excluded child where this is an exclusion.
- This is a suspension and would bring the child's total number of excluded school days to more than 15 in any given term.
- The exclusion/suspension would result in the child missing an examination.
- In the case of a suspension, where a child's total number of suspended days is more than five but less than 15 school days within a term, if

Mar-23

requested by the parents, the governing board will consider suspensions within 50 school days of receiving notification.

- In the case of a suspension, where the child's total number of suspended days does not amount to more than five, in the absence of any such representations, the governing board is not required to meet and cannot direct the reinstatement of the child.
- Where suspensions/exclusions would result in a child missing a public examination, the governing board will consider the suspension before the test to decide whether the child should be reinstated in time to take the examination.
- If it is not practical for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee would consider the suspension and decide whether to reinstate the child.
- In light of the above, the governing board will also consider whether it would be appropriate to allow the child to enter the premises to take the examination.
- When considering the reinstatement of a suspended child, the governing board will:
 - Only discuss the suspensions with the parties present at the meeting.
 - Ask for any written evidence prior to the meeting.
 - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
 - Allow the child and the parent to be accompanied by a person of their choice at the meeting.
 - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
 - Identify the steps needed to enable and encourage the excluded child to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
 - Consider the interests and circumstances of the suspended/excluded child, including grounds for the named sanctions.

Reaching a decision

After considering suspensions/exclusions, the governing board will either:

- Decline to reinstate the child.
- Direct the reinstatement of the child immediately, or on a specific date.
- If the reinstatement would make no practical difference, e.g. if the child has already returned to school following a suspension or the parents

make it clear they do not want their child reinstated, the governing board will still consider whether the child should be officially reinstated, and whether the headteacher's decision to suspend/exclude the child was fair, lawful and proportionate, based on the evidence presented.

- The governing board will apply the civil statement of proof when responding to the facts relating to a suspension/exclusion, it is more likely than not that the facts are true.

To reach a decision, the governing board will:

- Identify steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding the decision.
- Consider whether the suspension of the child was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to suspend/exclude.
- Record the outcome of the decision of the child's education records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension/exclusion that cannot reinstate the child.

Notification of considering suspensions/exclusions

- The governing board will notify the parents of the suspended/excluded child, the headteacher and the LA of their decision following the consideration of a suspension/exclusion in writing without delay.
- In the case of an exclusion, where the governing board decides not to reinstate the child, they will notify the parents:
- That this is permanent and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for a review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a child's SEND are considered relevant to the exclusion.

- That, regardless of whether a child has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.
- The governing board will also notify parents that, if they believe a suspension/exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-Tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.
- After any conclusion, the governing board will notify the parents and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing a permanently excluded child from the school register

The headteacher will remove the child from the register if:

- 15 days have passed since the parents were notified of the governing board's decision not to reinstate the child and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If the application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommendation or directed it to carry out, before removing the child from the school register.

If a child's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the child normally resides.
- The grounds upon which the child's name is to be removed from the register.
- Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the child's name was removed.

If a child's name has been removed from the register and a discrimination claim is made, the child may be reinstated following a decision made by the First-Tier Tribunal (SEND) or County Court.

Whilst a child's name remains on the admissions register, the appropriate code will be used to mark the child's attendance.

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent review panel

The LA will review the governing board's decision not to reinstate an excluded child, if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories;

- A lay member to chair the panel. This individual will not have worked in any school in any paid capacity.
- A current or former school governor who has served at least twelve consecutive months in the last five years.
- A Headteacher or individual who has been a Head of school/Headteacher within the last five years.

Parents are required to submit their applications within:

- 15 school days of the governing boards notification of their decision.
- 15 school days of the final determination of the disciplinary claim made under the Equality Act 2010
- Any application made outside of this timeframe will not be reviewed.
- Parents are able to request an independent panel review even if they did not make a case to, or attend the governing board's initial consideration of the exclusion.
- The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlines in the DfE statutory guidance document Suspension and Permanent Exclusion from maintained school, academies and pupil referral units. 2022.

Appointing a SEND expert

- if requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.

- The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decision or actions connected to the review and which are taken in good faith.
- Parents have a right to request the attendance of the SEND expert at a review, regardless of whether the school recognises that their child has SEND.
- Individuals will not serve as a SEND expert if they have, or at any time have had, any connection to the LA, school, parents or child, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially: however, an individual is not taken to have such a connection solely because they are an employee of the LA.
- The SEND expert will be a professional with first-hand experience of assessment and support of SEND, as well as someone with an understanding of the legal requirements on schools in relation to SEND. These might include Educational Psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.
- Recently retired individuals are not precluded for fulfilling this role; however, the LA will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of the current practice and the legal requirements on schools in relation to SEND.
- Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded child, or siblings of the excluded child. The LA request prospective SEND experts declare any conflict of interest at the earliest opportunity.
- The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of the SEND expert in advance of a request.
- The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

The role of the SEND expert.

- The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The expert will base their advice on the evidence provided at panel. The SEND expert's role does not include making an assessment of a pupil's SEND.

Mar-23

- The focus of the SEND expert's advice will be on whether the school policies which relate to SEND, or the application of these policies in relation to the excluded child were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution they could have made to the circumstances of the child's exclusion.
- Where the school does not recognise that a child has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the child may potentially have, and any contribution that this could have made to the circumstances of the child's exclusion.
- The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Appointing a clerk

- The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.
- Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the child.

The role of the clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded child wishes to attend the panel hearing, taking reasonable steps to enable the child to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be children at the school. (Children under the age of 18-years of age will not be allowed to appear in person without parental consent).
- Ensure all parties are:

- Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
- Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

The duties of independent review panel members in the conduct of a review panel

- The role of the panel is to review the governing board's decision not to reinstate a permanently excluded child. In reviewing the decision, the panel will consider the interests and circumstances of the excluded child, including the circumstances in which the child was excluded, and having regard to the interests of other children and people working at the school.
- The panel will apply the civil standard of proof rather than the criminal standard of 'beyond reasonable doubt.'
- Following the review, the panel will do one of the following:
 - Uphold the decision.
 - Recommend that the governing boards reconsiders reinstatement.
 - Quash the decision and direct that the governing board reconsiders reinstatement. The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the child, parents, the governing board, headteacher and the LA.

Reconsidering reinstatement following a review

- Where the independent review panel instructs the governing board to reconsider their decision not to reinstate a child, they will do so within 10 school days of being given notice of the review panel's decision.
- The school is aware that if the governing board does not offer to reinstate the child, then the school will require to make a payment of £4,000 directly to the LA in which the school is located.
- If, following reconsideration, the governing board offers to reinstate the child, but the parents decline, no adjustment will be made to the school's budget.
- Following reconsideration, the governing board will notify the parents, the headteacher and the LA of their reconsideration decision and the reasons for this.

Criminal investigations

- The headteacher will not postpone taking a decision to exclude a child due to a police investigation being underway, or any criminal proceedings that are in place.
- The headteacher will give particular consideration when deciding to exclude a child where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training requirements

- The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.
- Training will cover:
 - The requirements of the legislation, regulations and statutory guidance governing exclusions.
 - The need for the pane to observe procedural fairness and the rules of natural justice.
 - The role of a chair of a review panel.
 - The role of the clerk to a review panel.
 - The duties of headteachers, governing boards and the panel under the Equality Act 2010.
 - The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by the Act.
 - Clerks will also have up-to-date understanding on developments in case law which are relevant to exclusion.

Monitoring and review

This policy will be reviewed on an annual basis by the Headteacher in conjunction with the governing board.

A summary of the governing board's duties to review the headteacher's exclusion decision

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.¹

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension.²

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.³ The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁴

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

¹ The governing board may delegate its functions to consider an exclusion to a designated committee.

² The governing board may delegate its functions to consider an exclusion to a designated committee.

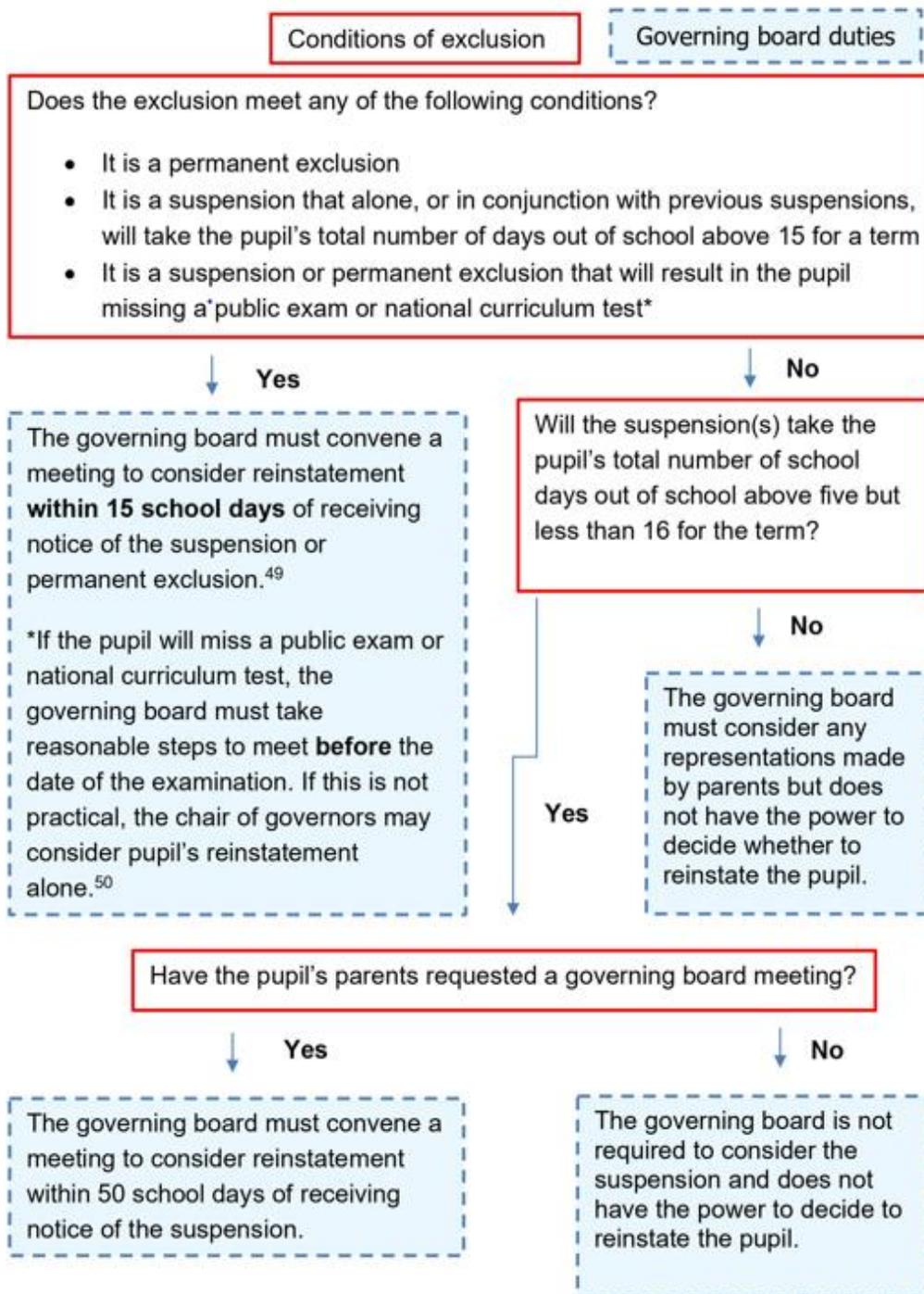
³ The governing board may delegate its functions to consider an exclusion to a designated committee.

⁵⁴ The ability for a chair to review in the case of public exams refers only to maintained schools.

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

A summary of the governing board's duties to review the headteacher's exclusion decision



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ The ability for a chair to review in the case of public exams refers only to maintained schools.