



HEBBURN

Comprehensive School

Exclusions Policy

Review Period	Recommended Annually		
Date of next review	January 2023	Author	D Thompson
Type of Policy	Statutory	Approval Status	Governing body, individual governor or headteacher
Signed by:			
Head Teacher	Mr D Thompson	Date: 27 January 2022	
Chair of Governors	CLlr A Ellison	Date: 27 January 2022	

Contents

Statement of intent

1. Legal Framework
2. Roles and Responsibilities
3. Grounds for Exclusion
4. The Head Teacher's Power to Exclude
5. Factors to Consider when Excluding a Pupil
6. Duty to Inform Parents
7. Duty to Inform the Governing Body and LA
8. Arranging Education for Excluded Pupils
9. Considering Exclusions
10. Reaching a Decision
11. Notification of Considered Exclusions
12. Removing Permanently Excluded Pupils from the School Register
13. Independent Review Panel
14. Appointing a SEN Expert
15. The Role of a SEN Expert
16. Appointing a Clerk
17. The Role of the Clerk
18. The Duties of the Independent Review Panel Members in the Conduct of an Independent Review Panel
19. Reconsidering Reinstatement Following a Review
20. Criminal Investigations
21. Training Requirements

Appendices

- a) Reviewing the Head Teacher's Exclusion Decision
- b) Changes to the exclusion process during the coronavirus (COVID-19) pandemic

Statement of intent

At Hebburn Comprehensive, we understand that good behaviour is essential for promoting a high-quality education for all.

Amongst other sanctions, the school recognises that exclusion of pupils may be necessary where there has been a serious breach, or persistent breaches, of the school's Behaviour and Rewards Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school. In all cases, excluding pupils will only be used as a last resort.

The school has implemented this policy to clearly define the legal responsibilities of the Head Teacher, Governing Body and Local Authority when responding to exclusions, to ensure that they are dealt with both fairly and lawfully, in line with DfE statutory guidance.

This policy also sets out the pupil's right to an education, despite having been excluded, by ensuring that appropriate arrangements are in place.

1. Legal Framework

1.1. This policy has been written in conjunction with the following statutory legislation including, but not limited to, the following:

- Education Act 2002 (as amended)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended)
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

1.2. 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 pupil referral units in 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'

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

- Behaviour and Rewards Policy
- Anti-Bullying Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy

1.4 Head Teachers, governing bodies and Independent Review Panels must have regard to the guidance issued by the Secretary of State.

2. Roles and Responsibilities

2.1. The Governing Body is responsible for:

- Ensuring that policies designed to promote good behaviour and discipline on the part of the school's pupils are in place by making and reviewing the written statement of general principles to promote good behaviour and discipline amongst pupils.
- Publishing the written statement of principles on the school's website.
- Providing information to LA about any exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis of more than 5 school days.
- Considering parents' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Arranging the representation meeting at a time and date convenient to all parties complying with the statutory time limits.
- Using the civil standard of proof (based on the 'balance of probabilities' that it is more than likely than not that a fact is true) when establishing the facts relating to an exclusion.
- Ensuring that its decision on an exclusion is lawful, rational, reasonable, fair and proportionate.
- Notifying the pupil's parents, the Head Teacher 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.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.

2.2. The Head Teacher is responsible for:

- Ensuring good discipline, so all pupils can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process.
- Considering any contributing and mitigating factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.

- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the Governing Body, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any concurrent police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil 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 easily understood.
- Notifying the Governing Body and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Governing Body once per term of any exclusions not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

2.3. The 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 pupil of compulsory school age excluded permanently, in coordination with the school, no later than the sixth school day of the exclusion.
- Reviewing and re-assessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded pupil where requested by a parent.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.

- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Appointing a clerk to provide advice to the panel and parties to the 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 SEN expert to attend the panel and covering the associated costs of this appointment.

2.4. The clerk to the exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented or accompanied at the review hearing.
- Making reasonable efforts to circulate copies of 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 taken, including the details of attendance, voting, decision and reasons for the decision.
- Notifying the governing body, parent and local authority (and home local authority if required) of the panel decision in writing without delay.
- Retaining the minutes for a minimum of 5 years from the date of the decision.

3. Grounds for Exclusion

- 3.1. The school will only exclude a pupil as a last resort where all other possible disciplinary sanctions have failed.
- 3.2. Exclusion can only be for a breach of the school behaviour policy, which must be widely published to all pupils and parents, preferably on the school's website. The behaviour of a pupil outside of school premises and outside of school hours can be considered grounds for an exclusion.
- 3.3. Exclusion may be in response to persistent breaches of the school behaviour policy or for a "one-off" serious breach of the behaviour policy. It must be demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school.
- 3.4. Where a pupil has Special Educational Needs (EHC Plan or on the SEN Register) it must be demonstrated that the school has provided the support to help the pupil and evidence of intervention strategies in place which have been discussed with the pupil and parents.

- 3.5. "Informal" or "unofficial" exclusions (eg sending a child home or off site for a cooling down period' are unlawful regardless of whether they occur with the agreement of parents.
- 3.6. Pupils must not be excluded because they have additional needs/a disability that the school feels it is unable to meet or because of lack of academic attainment/ability. Pupils must not be excluded based on the actions of the pupil's parent or because of a failure of the pupil to meet specific conditions before reinstatement.
- 3.7. Pupils can be excluded on a fixed-period basis up to a maximum 45 school days within an academic year, or permanently.
- 3.8. The law does not permit the Head Teacher to extend a fixed-period exclusion or convert a fixed period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed –period exclusion may be issued to begin immediately after the first period ends or a permanent exclusion may be issued to begin immediately after the end of the fixed period. Each decision is a new exclusion and the Head Teacher must comply with the law and guidance for each exclusion decision.
- 3.9. A pupil may be excluded from the school premises for the duration of the lunchtime period where their behaviour at lunchtime is disruptive. Lunchtime exclusions are counted as half a school day for statistical purposes and to determine whether a governing body meeting is triggered.
- 3.10. In all cases, the Head Teacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.
- 3.11. The school has the power to direct a pupil off-site for education to improve their behaviour.

4. The Head Teacher's Power to Exclude

- 4.1. Only the Head Teacher has the power to exclude a pupil from the school, and is able to decide whether this is on a fixed-period or permanent basis. Exclusions will only be issued on disciplinary grounds.
- 4.2. Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the ECHR.
- 4.3. All exclusions will be formally recorded on the Management Information System.
- 4.4. When sending a pupil home following any exclusion, the Head Teacher will ensure that they exercise their duty of care at all times and will always inform the parents.
- 4.5. The Head Teacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that a fact is true.

- 4.6. The Head Teacher may withdraw an exclusion that has not been reviewed by the Governing Body.
- 4.7. At all times, the Head Teacher will take into account their legal duties under the Equality Act 2010 and the 'Special Educational Needs and Disability Code of Practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.
- 4.8. The Head Teacher will not use the threat of exclusion as a means of influencing parents to remove their child from the school.

5. Factors to Consider when Excluding a Pupil

- 5.1. When considering the exclusion of a pupil, the Head Teacher will:
 - Allow the pupil the opportunity to present their case.
 - Take into account any contributing or mitigating factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
 - Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
 - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
- 5.2. The Head Teacher will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:
 - LAC
 - Pupils eligible for FSM
 - Pupils with SEND
 - Certain ethnic groups
- 5.3. The Head Teacher will consider avoiding permanently excluding LAC pupils, those with SEMH needs or pupils with an EHC plan.
- 5.4. Where a pupil has an EHC Plan and is at risk of exclusion, the Head Teacher will consider requesting an early annual review or an interim/emergency review of the EHC Plan.
- 5.5. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Head Teacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

- 5.6. Where SEND or SEMH issues are identified, an individual plan will be created. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, then exclusion may be considered.
- 5.7. In accordance with the Equality Act 2010, a pupil with identified SEND or SEMH will not be excluded until all other avenues have been explored and there is no alternative, due to the seriousness of the incident.
- 5.8. The Head Teacher or the Assistant Head Teacher with responsibility for inclusion will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

6. Duty to Inform Parents

- 6.1. Following the Head Teacher's decision to exclude a pupil, they will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons for the exclusion.
- 6.2. The Head Teacher will inform the parents in writing (electronically if written permission has been received from the parents for notices to be sent this way) of the following:
 - The reason(s) for the exclusion
 - The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
 - Their right to raise any representations about the exclusion to the Governing Body, including how the pupil will be involved in this and how the representations will be made
 - Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the exclusion, and the fact that they are able to be represented or accompanied
 - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
 - Relevant sources of free, impartial information
- 6.3. Where the pupil is of compulsory school age, the Head Teacher will inform the parents by the end of the afternoon session that for the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier) and that parents are legally required to ensure that their child is not present in a public place during school hours. Any parent who fails to comply with this duty without reasonable justification commits an offence and may receive a fixed penalty notice or be prosecuted.
- 6.4. Where the Head Teacher has arranged alternative provision, they will also inform the parents of the following:
 - The start and end date for any provision of the alternative full-time education

- The start and finish times of the alternative full time education
 - The address at which the provision will take place
 - Any information necessary for the pupil to identify the person they should report to on the starting date
- 6.5. Where the Head Teacher 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 the pupil beginning the provision.
- 6.6. If the alternative provision is due to begin before the sixth day of the exclusion, the Head Teacher is able to give less than 48 hours of notice, with parental consent.
- 6.7. If the Head Teacher has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

7. Duty to Inform the Governing Body and LA

- 7.1. The Head Teacher will inform the Governing Body and LA, without delay, of the following:
- Any permanent exclusions (including where a fixed-period exclusion is followed by a new decision to permanently exclude the pupil)
 - Any exclusions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
 - Any exclusions which would result in the pupil being absent from an examination or national curriculum test
- 7.2. For any exclusions, other than those above, the Head Teacher will notify the Governing Body and LA once per term.
- 7.3. All notifications to the Governing Body and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.
- 7.4. If the pupil who is excluded lives outside the LA in which the school is located, the Head Teacher will notify the pupil's 'home authority'.

8. Arranging Education for Excluded Pupils

- 8.1. For any fixed-period exclusions of more than five school days, the Governing Body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.
- 8.2. Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.
- 8.3. For permanent exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

- 8.4. The Governing Body will not arrange full-time education for any pupil who is currently in their final year of compulsory education who does not have any further public examinations to sit.
- 8.5. The Governing Body is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion. The Governing Body will always attempt to arrange alternative provision before the sixth day of exclusion.
- 8.6. Where it is not possible to arrange alternative 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 pupil.
- 8.7. If a pupil with SEND has been excluded, the Governing Body will ensure that:
 - Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
 - When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

9. Governing Body's Consideration of Exclusions

- 9.1. The Governing Body has a duty to consider representations made by parents about an exclusion. The Governing Body has delegated its functions of consideration to a designated sub-committee consisting of at least three governors.
- 9.2. Parents and, where requested, a friend or representative, the Head Teacher, and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.
- 9.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 9.4. The Governing Body will consider the reinstatement of an excluded pupil, where:
 - The exclusion is permanent.
 - The exclusion is fixed-period, and would bring the pupil's total number of excluded school days to more than 15 in any given term.
 - The exclusion would result in the pupil missing a public examination.
- 9.5. In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than 5 but less than 15 school days within a term, if requested by the parents, the Governing Body will consider exclusions within 50 school days of receiving notification.
- 9.6. In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the Governing Body is not required to meet and cannot direct the reinstatement of the pupil.

- 9.7. Where exclusion would result in a pupil missing a public examination, the Governing Body will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.
- 9.8. If it is not practicable for a sufficient number of governors to consider the decision before the examination date, the chair of governors will consider the exclusion alone and decide whether or not to reinstate the pupil.
- 9.9. In light of the above, the Governing Body will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.
- 9.10. The Governing body will make reasonable endeavours to arrange the date and time that is convenient to all parties in compliance with the relevant statutory time limits. However, its decision will not be invalid simply because it was not made within these time limits.
- 9.11. When considering the reinstatement of an excluded pupil, the Governing Body will:
- Only discuss the exclusion 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 pupils and parents to be accompanied by a person of their choice to 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 pupil 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 excluded pupil, including the grounds for exclusion.

10. Reaching a Decision

- 10.1. After considering exclusions, the Governing Body will either:
- Decline to reinstate the pupil.
 - Direct the reinstatement of the pupil immediately, or on a specified date.
- 10.2. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the Governing Body will still consider whether the pupil should be officially reinstated, and whether the Head Teacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 10.3. The Governing Body will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that a fact is true.

10.4. To reach a decision, the Governing Body will:

- Identify the 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 their decision. The clerk may remain to help the governing body by reference to their notes and with the wording of the decision letter.
- Consider whether the exclusion of the pupil was lawful, proportionate and procedurally fair, taking into account the Head Teacher's legal duties and any evidence that was presented to the Governing Body in relation to the decision to exclude.
- Record the outcome of the decision on the pupil's educational records, along with copies of relevant papers for future reference.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.
- Governing bodies should retain records and evidence relating to an exclusion for at least six months in case of a claim of discrimination is made to the Tribunal or County Court, however it may retain them for the duration of the pupil's attendance at school.

11. Notification of Considered Exclusions

11.1. The Governing Body will notify the parents of the excluded pupil, the Head Teacher and the LA of their decision following the consideration of an exclusion, in writing and without delay.

11.2. In the case of a permanent exclusion, where the Governing Body decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for 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 pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Local Authority to appoint a SEN expert to attend the review and advise the review panel.
- Of the role of the SEN expert, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEN expert to attend the review.
- That they may appoint someone at their own expense to make oral or written representations to the panel.

- 11.3. The Governing Body will also notify parents that in addition to the right to apply for an independent review panel if they believe that there has been unlawful discrimination in relation to the exclusion, then they may also make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND) or County Court, and that this should be made within six months of when the discrimination allegedly took place.
- 11.4. After any conclusion, the Governing Body will notify the parents, and all other parties involved, of the decision that was made and the reasons for the decision in sufficient detail to enable all parties to understand why the decision was made.

12. Removing Permanently Excluded Pupils From the School Register

- 12.1. The Head Teacher will remove a pupil's name from the school admissions register if:
 - 15 school days have passed since the parents were notified of the Governing Body's decision not to reinstate the pupil and no application has been made for an independent panel review or,
 - The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- 12.2. If an application for an independent panel review has been made within 15 school days, the Head Teacher must wait until the review has been determined, or abandoned, and until the Governing Body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.
- 12.3. If a pupil's name is to be removed from the register, the Head Teacher 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 pupil normally resides.
 - The grounds upon which the pupil's name is to be removed from the register.
- 12.4. 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 pupil's name was removed.
- 12.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.
- 12.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
 - Code B: Education off-site
 - Code D: Dual registration
 - Code E: Absent and not attending alternative provision

13. Independent Review Panel

- 13.1. The LA will appoint an independent review panel to review the Governing Body's decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.
- 13.2. The independent review panel will consist 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 a paid capacity, disregarding any experience as a school governor or volunteer.
 - A current or former school governor who has served for at least 12 consecutive months in the last 5 years, provided that they have not been a teacher or Head Teacher during that time.
 - A Head Teacher or individual who has been a Head Teacher within the last 5 years.
- 13.3. Parents are required to submit their applications within:
- 15 school days of the Governing Body's notification of their decision.
 - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.
- 13.4. Any application made outside of this timeframe must be rejected by the local authority.
- 13.5. Parents are able to request an independent review panel even if they did not make representations to, or attend, the meeting at which the Governing Body considered the exclusion.

14. Reconsidering Reinstatement Following a Review Panel Hearing

- 14.1. There are 3 possible outcomes following an Independent Review hearing
- The exclusion is upheld;
 - The governors are asked to reconsider their decision;
 - The exclusion is quashed and governors are directed to reconsider their decision.
- Where the independent review panel directs or recommends that the Governing Body reconsider their decision not to reinstate a pupil, the Governing Body will do so within 10 school days of being given notice of the review panel's decision.
 - Where a panel has quashed the governing body's decision and directed that it reconsiders, the panel should order that a £4000 readjustment must be made to the school's budget. This budget readjustment will not be made where the governing body reinstates the pupil within 10 school days of receiving notice of the panel's decision (irrespective of whether the parent accepts the reinstatement).

- Reconsideration provides an opportunity for the governing body to look afresh at the question of reinstating the pupil in light of and with the benefit of the findings of the independent review panel. There is no requirement to seek further representations from other parties or invite them to the reconsideration meeting. If one party is invited, all parties should be invited to attend. If the parties are present at the reconsideration meeting, the governing body should ask them to withdraw before making a decision.
- The governing body should ensure that clear minutes are taken of the reconsideration meeting and should make the minutes available to all parties on request.
- Following reconsideration, the Governing Body will notify the parents in writing and without delay, the Head Teacher and the LA of their reconsidered decision and the reasons for its decision, addressing any concerns raised by the independent review panel. The reconsideration decision should be noted on the pupil's educational record.
- **Police Involvement and Parallel Criminal Investigations**
 - The Head Teacher does not need to postpone taking a decision to exclude a pupil due to a police investigation being underway, and/or any criminal proceedings that may be or are being brought. The Head Teacher may take a decision on the evidence available to them at the time.
 - Where the evidence is limited by a police investigation or criminal proceedings, the Head Teacher should consider any additional steps they may need to take to ensure that any decision made is fair and reasonable. The final decision on whether to exclude is for the Head Teacher to make.
 - If the Governing Body is required to consider the Head Teacher's decision in these circumstances, they will not postpone the meeting and must decide whether or not to reinstate the pupil based on the evidence available.
 - A police investigation and/or parallel criminal proceedings should not directly determine whether an independent review panel should be adjourned. The panel will consider whether any charge has been brought against the pupil and if so what the charge is; whether relevant witness and documents are available; the likely delay if the hearing were adjourned and the effect it may have on the excluded pupil, parents any victim or the school and whether an adjournment or declining to adjourn might cause injustice.
- **Monitoring and Review**
 - This policy will be reviewed annually by the Head Teacher in conjunction with the Governing Body.
 - The next scheduled review date for this policy is the Spring Term 2022

- All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Reviewing the Head Teacher's Exclusion Decision

Will the exclusion result in the pupil missing a public examination or national curriculum test?

Yes

The Governing Body must convene a meeting to consider the reinstatement of the pupil within 15 days of receiving the notice of the exclusion. The Governing Body must take reasonable steps to consider the reinstatement before the examination takes place.

No

Is the exclusion permanent?

Yes

The Governing Body must convene a meeting to consider the reinstatement of the pupil within 15 days of receiving the notice of the exclusion.

No

Will the exclusion take the pupil's total number of excluded school days to above 15 days for any given term?

Yes

The Governing Body must convene a meeting to consider the reinstatement of the pupil within 15 days of receiving the notice of the exclusion.

No

Will the exclusion take the pupil's total number of excluded school days to above 5 days for any given term?

Yes

Have the parents requested a meeting?

Yes

The Governing Body must convene a meeting to consider the reinstatement of the pupil within 50 days of receiving the notice of the exclusion.

No

The Governing Body must consider any representations by parents, but does not have the power to decide to reinstate the pupil.

No

The Governing Body is not required to consider the exclusion and does not have the power to decide to reinstate the pupil.

- **Monitoring and Review**

- The arrangements in this appendix will be reviewed when there are any changes to government guidance.
- Any changes to the arrangements in this appendix will be communicated to all stakeholders.

