



LYMM
HIGH SCHOOL

Suspension & Permanent Exclusion Policy

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Introduction

Lymm High School has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Suspension or exclusion are used only as last resorts, and we aim to reduce the need for the use of them as far as is possible. This policy outlines the school's use of suspensions and exclusions and is supported by our school **Behaviour Policy**.

This policy is written with due regard to the DfE guidance 'Exclusion from maintained schools, Academies and pupil referral units in England – September 2022.' The principle legislation that this guidance relates to is, The Education Act 2002 as amended by the Education Act 2011, The School Discipline (Pupil Exclusions and Reviews Regulations 2012, The Education and Inspections Act 2006, the Education Act 1996, and 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.

Any person taking a decision to suspend or exclude a student will follow this policy in conjunction with the aforementioned DfE guidance which can be found via the following link: (<https://www.gov.uk/government/publications/school-exclusion>)

1. Power to use exclusion

The headteacher is the only member of staff within the school who can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed term periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. In the absence of the headteacher, the deputy head or acting headteacher can make this decision.

2. Grounds for exclusion

Any suspension, whether fixed term or permanent exclusion, will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on suspensions and permanent exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the school community.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent exclusions or fixed-term suspensions:

- Verbal abuse to staff and others
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Smoking cigarettes or e-cigarettes
- Serious breach of mobile phone policy
- Serious or Persistent acts of bullying
- Theft
- Serious actual or threatened violence against another student or a member of staff

- Sexual abuse or assault
- Supplying an illegal drug or other prohibited items/substances
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour
- Persistent refusal to follow daily school routines
- Persistent defiance of school staff

This list is by no means exhaustive, and any serious misconduct which affects the welfare of members of the school community or brings the school into disrepute may lead to suspension or permanent exclusion. It should also be noted that suspension or exclusion may be imposed after a first offence and that the offences considered under this policy may have taken place on or off the school premises.

3. Sixth Form

This exclusions policy applies to sixth form as much as it does to the main school. However, the school takes the position that it is reasonable to hold post-16 students to account for a higher level of conduct given the age of the students involved and the fact that they have made a conscious choice to continue their education at Lymm High Sixth Form, including signing the Sixth Form Code of Conduct. Therefore, students can expect to be issued with fixed terms suspensions for incidents that might not necessarily have warranted such a sanction in the main school.

Similarly, the threshold for permanent exclusion is likely to be somewhat lower. We have very high expectations of sixth form students and any failure to meet the expectations from the Code of Conduct can quickly put at risk the education of other students by undermining this ethos. Therefore, sixth form students persistently failing to meet the expectations as set out in the sixth form Code of Conduct must understand that their place in the sixth form will be in jeopardy.

4. Types of suspension or exclusion

Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Possessing, using or supplying an illegal drug or any other prohibited item/substance
- Carrying an offensive weapon
- Arson

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing body to ensure that the headteacher's decision was lawful; (with respect to the legislation relating directly to exclusions and a school's wider legal duties,

including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.

The headteacher may cancel an exclusion that has not yet been reviewed by the governing body. If this occurs, the governing body and local authority should be notified, and if relevant, the social worker and virtual school head.

Fixed-term suspension

The length of a fixed-term suspension will be set out by the school at the start of the suspension period. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). In exceptional cases, usually where further evidence has come to light, a fixed period suspension may be extended or converted to a permanent exclusion.

A fixed-term suspension may result from a serious breach or persistent breaches of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term suspension by the headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so. During fixed-term suspensions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the exclusion period.

An excluded pupil has no automatic right to take a public examination on the school's premises. The governing body can decide whether or not to allow the pupil to sit the exams, and this will depend on the seriousness of the reason for exclusion.

Lunchtime suspension

This is a type of fixed-term suspension and will not be used as a long-term solution to a behaviour problem. A lunchtime suspension counts as half a day when calculating total number of days of exclusion.

The school may decide to suspend a pupil from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils and breaches the behaviour policy. Arrangements will be made for parents or carers to collect the suspended pupil and supervise them if their age or vulnerability warrants it. The school will not normally invoke a lunchtime suspension for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour.

Pupils who are entitled to free school meals will still be given this provision over their period of lunchtime suspension.

Alternative behaviour management strategies used to manage behaviour prior to suspension

Internal isolation

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the school. This may also occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the school site, but separation is needed. They will be placed in the isolation room and supervision will be provided. Failure to comply typically results in a fixed term suspension.

Step Out

A fixed term suspension can at times take place internally in school, away from the rest of the school community or it may take place in collaboration with an alternative provider such as another local school (the school calls this 'Step Out'). Such a decision is especially likely to be taken if circumstances suggest:

- The excluded pupils' safety is at risk by being at home. (As referenced in **Child Protection Policy**)
- The excluded pupil is approaching external exams and the exclusion would seriously harm their success
- The pupil has serious Special Educational Needs and would struggle to access any learning. In such instances the time without the direction of a teacher or learning support worker will be kept to a minimum.

Mediation

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Pupil Referral Unit

It may be in the best interests of a pupil to be educated at a pupil referral unit, where specialist provision is available for students who are struggling to succeed in mainstream education. The aim will usually be for such a placement to be temporary, in the hope that behaviours can be addressed in such a way that the pupil is ready for mainstream education again. However, in some instances it may be that the pupil remains in the pupil referral unit for a longer period of time.

Managed transfer

It may be in the best interest of a pupil to have a chance of a fresh start by moving to another school. This will only occur with the consent of parents, the LA, the headteacher, and the school's governing body. The new school will be asked by the headteacher to accept the pupil.

Parents will not be put under any pressure to agree to a managed move, and the school will do everything it can to ensure that the transition is as smooth as possible. On occasions, this may be done on a trial basis where the new school will make a judgement as to whether or not the trial period has been sufficiently successful as to warrant a permanent move.

5 Special Circumstances

Looked-after children and young people

Lymm High School understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school.

Pupils with special educational needs or a disability (SEND)

Pupils with SEN

Our school's full SEN provision is outlined in our **special educational needs policy**. We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as

part of their SEN. The school will try every practical alternative to suspension, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the headteacher will use the time between the initial decision and the governing body's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that their SEN statement/EHC Plan be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Pupils with a disability

If a pupil with a disability is under consideration for suspension or exclusion, the headteacher will ensure that all other possible options have been tried. To justify suspending or excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability.

Ethnicity

Lymm High School does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our school **Complaints Procedure**. Where the issue arises in relation to a suspension or exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

Behaviour Outside School

Students' behaviour outside school on school "business" - for example school trips and journeys, away school sports fixtures or a work experience placement - is subject to the school's **Behaviour Policy**. Bad behaviour in these circumstances will be dealt with as if it had taken place in school.

For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for suspension or exclusion, then the headteacher may decide to suspend or exclude.

6. Making the decision to suspend

Suspension or exclusion of any sort, for any period of time, is taken very seriously by the school, and the decision to suspend or exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before suspension or exclusion, as these sanctions are only used as last resorts unless the behaviour exhibited equates to a serious breach of the **Behaviour Policy**.

Following the decision to exclude, every effort is made to contact parents before the end of the day. This contact can be made by telephone, email or via a message through the School Gateway. A letter will be sent on the day of the decision, by post and email giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the governing body and the LEA as directed in the letter. The circumstances surrounding the exclusion will be formally recorded.

Procedure

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or exclusion and the reason(s) for it. Ideally, notification should be in person or by telephone in the first instance as this would give the parents an opportunity to ask

any initial questions or raise concerns directly with the headteacher. When notifying parents about a suspension or exclusion, the headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance in section 5.

They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the suspension;
- the period of a fixed-period suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension or exclusion to the governing body and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the suspension or exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information mentioned in the above paragraph can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- the start date for any provision of full-time education that has been arranged for the child during the suspension;
- 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; and
- any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it must be provided 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, in which case the information can be provided with less than 48 hours' notice with parents' consent.

General factors the headteacher considers before making a decision to suspend or exclude and implementing the suspension or exclusion:

- The timing of the suspension or exclusion: suspension or exclusion need not be imposed instantly unless there is an immediate threat to the safety of others, the student concerned, or that the learning environment would be unsettled by allowing the pupil to remain within the pupil body. However, the school will implement the suspension or exclusion at the closest time to the incident
- Ensure appropriate investigations have been carried out including taking statements from the perpetrator, victim and witnesses to the alleged incident/s
- Keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible
- Consider all the evidence available to support the allegations taking into account the school's behaviour policy and all other relevant school policies

- Consider any mitigating factors around the incident or the present
- Consider the impact on the victim if the reason for the suspension or exclusion has been an assault of any type

Exercise of discretion

In reaching a decision, the head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the head will consider

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's **Behaviour Policy**; and
- b) the effect that the student remaining in the school would have on the education and welfare of other students and staff.

Confidentiality

The school will deal with all cases of suspension or exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

Recording and notifying the decision to suspend or exclude

All suspensions and exclusions will be formally recorded and the headteacher will contact the parents or carers of the pupil immediately, once the decision has been made to, specifying why this action has been taken and the length of time that it will last. If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing. The headteacher will notify the governing body and LA within one day of the decision to suspend being made where the exclusion is permanent or is a fixed term suspension regardless of the length of a suspension.

Where a suspended or excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of a suspension or exclusion (or until the start date of any alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be prosecuted. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session.

7. During a suspension or exclusion

Although the headteacher has made the decision to suspend or exclude a pupil, Lymm High School maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of suspension, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the suspension is fixed-term, the school will arrange for alternative full-time educational provision. Alternative provision might be arranged through private tutors or at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider

- a local FE college

If the child has a SEN statement/EHC Plan, the alternative provision will meet those needs.

Marking attendance registers following suspension

Whilst a suspended pupil's name remains on a school's admissions register, the pupil should be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate attendance code, such as Code D (if the alternative provision is at a PRU or independent school where the pupil is dual registered) or Code B (if the provision is an approved educational activity that does not involve the pupil being registered at any other school), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E

8. Following a Fixed Term Suspension

A return to school reintegration meeting will be held following the expiry of the fixed term suspension and this will involve a member of the Senior Leadership Team and / or the child's Head of Year, and other staff where appropriate. At this meeting the decision will be taken as to whether a further period of monitoring or intervention is required.

9. Making the decision to Permanently Exclude

Whenever the headteacher excludes a pupil they must, without delay, notify parents of the permanent exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the permanent exclusion;
- the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- how any representations should be made; and where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information mentioned in the above paragraph can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

When informing parents about a permanent exclusion, the Headteacher will also set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or a new school. For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's 'home authority' in any cases where the pupil's home is in a different Local Authority.

The Headteacher will notify the Governing Body and Warrington Local Authority of a permanent exclusion (including where a fixed period suspension is made permanent).

If a pupil lives outside Warrington Local Authority, the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

10. Reviewing a suspension or exclusion

The governing body will review fixed-term suspensions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any fixed-term suspensions that would lead to a pupil being excluded for more than 15 days of a school term or missing a public exam. The governing body will look at the evidence and the records leading up to the suspension and decide whether, in light of the evidence and his/her legal duties, the headteacher has made a lawful, reasonable and-procedurally fair decision.

The governing body may delegate its functions with respect to the consideration of a suspension or exclusion to a designated sub-committee consisting of at least three governors.

The governing body must consider the reinstatement of an excluded pupil **within 15 school days** of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed-period suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

The requirements are different for fixed-period suspensions where a pupil would be suspended for more than five but less than 16 school days in the term. In this case, if the parents make representations, the governing body must consider within 50 school days of receiving the notice of exclusion whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing body is not required to meet and cannot direct the reinstatement of the pupil.

Parents who want a review of the suspension can contact the governing body via the Clerk to the Governing Body. Subject to the type and length of the suspension or exclusion imposed by the headteacher, parents will be invited to a review meeting and are entitled to bring a friend or representative with them. Parents will be asked to provide the governing body with any written statements or evidence that they might have relating to the suspension or exclusion prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The pupil concerned is encouraged to attend if they are able to fully understand the proceedings. Lymm High School believes that pupils should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- 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 headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The review hearing will be minuted by the clerk.

In the case of a fixed-period suspension which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Statutory guidance to a governing body in preparing for the consideration of a suspension or exclusion

Where the governing body is legally required to consider the reinstatement of a suspended or excluded pupil (be that permanent or fixed term greater than 15 days) they should:

- not discuss the details with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN);
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

When establishing the facts in relation to a suspension or permanent exclusion, the governing body must apply the civil standard of proof; i.e. 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

In the light of its consideration, the governing body can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

Notification of the governing body decision

Parents will be notified of the outcome of the governing body review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the governing body's review. The outcome of the governing body meeting will be one of the following:

Reinstating the pupil

The governing body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing body. These minutes should be made available to all parties on request.

The governing body should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the governing body by reference to their notes of the meeting and with the wording of the decision letter.

If the governing body decides that the decision to exclude was not lawful, reasonable or procedurally fair in light of the evidence and the duties of the headteacher, the governing body must reinstate the pupil immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil is easily reintegrated into the school. This will include a reintegration meeting with the headteacher and parent or carer on school grounds, during which a behaviour support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The governing body may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

Where legally required to consider reinstating an excluded pupil, the governing body must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing body must also inform the pupil's 'home authority'.

Upholding the suspension or exclusion

If the governing body finds that the suspension or exclusion decision was lawful; reasonable; and procedurally fair, they will uphold the decision to suspend or exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - a)** the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing body's decision is given to parents);
 - b)** where and to whom an application for a review (and any written evidence) should be submitted;
 - c)** that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the exclusion;
 - d)** that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;
 - e)** details of the role of the SEN expert
 - f)** that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel; and
- That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion then 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.
- That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

11. Independent Review Panel

If parents apply for an independent review within the legal timeframe, the local authority 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 governing board of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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

- 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the academy trust of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the school or the governing board of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the school, 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 school. The parents/carers of the pupil 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.

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 school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced. 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 body does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing body to place on the pupil's educational record.

12. School Registers

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

- 15 school days have passed since the parents were notified of the governing body'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 panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

13. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves

The data will be analysed termly by the Assistant Head for Behaviour & Welfare (AHT B&W) and reported back to the Headteacher and Staff & Student Wellbeing Committee annually.

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

This policy will be reviewed by the Headteacher & Assistant Headteacher (B&W) every two years. At every review, the policy will be approved by the Staff & Student Wellbeing Committee.

14. Links with other policies

This exclusion policy is linked to our:

- Behaviour policy
- SEN policy

Appendix 1 - Timeline for exclusion

A summary of the governing body’s duties to review the head teacher’s exclusion decision

