

# Exclusions and Suspensions – Protocols

An overview of each part of the process and roles of key parties

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## Framework

An exclusion or suspension is the lawful power to remove a pupil from the school site for a fixed period – a suspension – or permanently – an exclusion.

An exclusion or suspension is only lawful if the school can evidence that the pupil has broken the school behaviour policy. The more serious the sanction, the more serious the breach or breaches.

When considering to suspend or exclude, the headteacher must have due regard to the relevant legal obligations imposed by Statute, Regulations and Statutory Guidance.

Actions of pupils in school, outside school and online can be taken into account when determining if a sanction is appropriate. Actions outside of school or online must have a direct connection with the reputation of the school, school staff or pupils, which includes former members of staff and former pupils.

Policies must be followed.

## The Lawful Basis of an Exclusion

A fixed term exclusion, now referred to as a 'Suspension' in the 2023 guidance can be issued by the headteacher . This must be for a breach or breaches of the school's behaviour policy that are so serious that a temporary removal from the school premises is necessary.

A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

There are two grounds, that are sometimes used in combination:

- a single serious incident; and/or
- cumulative breaches of the policy which cause disruption for the school community.

Decisions will be made on the basis that they:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

The reasons for any decision to suspend or exclude must be correctly noted and recorded.

A suspension can be issued by a headteacher on the recommendation of the SLT, however the final decision is the headteachers.

## **Education and Inspections Act 2006**

The Education and Inspections Act 2006, (obligatory for maintained schools, good practice for academies) expects that headteachers will:

- promote, among pupils, self-discipline, and proper regard for authority,
- encourage good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- secure that the standard of behaviour of pupils is acceptable,
- secure that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulate the conduct of pupils.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

## **The Children and Families Act 2014**

Section 66 requires governing boards to use their 'best endeavours' to ensure appropriate SEN provision is made for pupils and to have regard to the SEND Code of Practice 2015. This duty should be considered if a pupil with SEN is suspended or excluded. Could the school have reasonably done more to prevent the suspension or exclusion?

## **Equality Act 2010**

There is an obligation to ensure that there is neither direct nor indirect discrimination when considering the most appropriate sanction for a pupil.

The Equality Act expects that schools will make reasonable adjustments for pupils with a disability. This can include a more flexible approach to how behaviour and other policies are applied.

It is important for heads and investigators to demonstrate what adjustments have been made or considered for any pupil within this category.

## **Human Rights Act 1998**

The pupil (and parents) should be offered the opportunity to comment on the evidence gathered before an exclusion. It would be good practice where possible to offer a meeting ahead of a decision to suspend, but in many cases this will not be possible.

Representations can be made at the reintegration meeting for suspensions.

# **Exclusions and Suspensions**

## **Prior to an Exclusion or Suspension**

The Guidance considers that suspensions and exclusions should be the last resort. Prior to issuing such a sanction, it is important to consider if other options or interventions may be more appropriate. These can include:

- sanctions that are set out in the behaviour policy or within a specified document
- internal isolation
- consultation with parents and family members as appropriate
- referrals to social care or health agencies
- the Assess, Plan, Do, Review graduated response if there is evidence of SEND factors

- consideration of an off-site direction
- use of alternative Provision
- Individual changes to curriculum/timetable
- a possible managed move

Details of interventions, attempts to modify behaviour and discussions with the pupil and family that are relevant to the sanction or attempt to modify the behaviour should also be shared. This should include a summary of reintegration meetings and anticipated outcomes.

A suspension should be used as part of a wider range of strategies to modify behaviour. An exclusion must be as a last resort, or in response to a single one-off incident that is so serious that the pupil cannot remain on the school roll.

## External Agencies

Evidence of contact, referrals, advice and engagement with external agencies, where appropriate, should be taken into account when considering an exclusion or suspension.

## Off-site directions

Consideration should be given to the possibility of an off-site direction to improve future behaviour. An off-site direction is not a sanction. The off-site direction would be to use Alternative Provision to use targeted, specialist intervention to meet the pupil's individual needs and circumstances, whether behavioural or special educational.

The purpose of using an off-site direction must be clearly set out and shared with the parents and pupil.

This can be full time, part time or a combination or in school and AP education. Such provision can be made without parental consent. However, the provision should be targeted, subject to careful review and scrutiny to see if it is effective.

Review meetings should be factored into the plan, with invites given to involved parties at least 6 working days before the meeting. If a pupil with an EHCP is made subject of such a direction the parents, pupil and/or LA can request a review which must be convened as soon as is reasonably practicable unless there has been one within the previous 10 weeks. Invites to review meetings should be sent to the parents and relevant professional agencies. The pupil's voice must be heard either in person or by other means.

The school must demonstrate what strategies have been used to modify behaviour and effect change.

## Managed moves

Pupil's who are at risk of exclusion should be considered as candidates for a managed move. Managed moves must be voluntary and must be in the pupil's best interests.

A managed move should be a planned intervention and the reasons for offering, or discounting a managed move should be retained. Managed moves require sharing of information, which may require pupil or parental consent.

If a parent believes they are being pressured into accepting a managed move, they can access the complaint policy. Ofsted can also consider the matter and if there is evidence of off rolling this can be used to support an inadequate judgement.

Schools are expected to proactively engage with the local Fair Access Protocol arrangements.

Evidence of actions connected with potential managed moves are to be retained.

## Disruptive Behaviour

Behaviour that is disruptive, in and outside lessons can lead to either fixed term suspensions, or in some cases a permanent exclusion.

The impact of poor behaviour will be considered and reviewed. The school will take action to address the behaviour and causes of the behaviour. However, the needs of the whole school community are to be considered, not those of the pupil who is not following expected school standards.

Examples of persistent disruptive behaviour can include:-

- verbal, online or physical bullying
- aggressive behaviour to others in school
- disruption of lessons as a result of poor behaviour
- refusal to follow instructions or directions from school staff
- use of weapons or threats of weapons
- damage to school property
- threatening behaviour
- inappropriate actions out of school
- pending criminal proceedings outside of school

This type of behaviour should be addressed with interventions in school, communication between home and school. Consideration should be given to liaison with outside agencies and possible referrals for support.

Possible or potential SEND needs should be taken into account, based on the evidence available. If appropriate, the school SEND policy and strategies should be applied.

Suspensions are a tool to deal with such behaviour and their effectiveness will be reviewed.

Fixed term suspensions can include half a day (including lunchtime suspensions) up to 45 days in an academic year.

If there are a number of suspensions and if the sanctions are not working consideration should be given to other possible strategies. This may include referral for a managed move, a multi agency meeting, referral to health services, education off-site.

If the persistent disruptive behaviour continues, a permanent exclusion may be applied.

Evidence of the impact of this behaviour on teaching, learning and on the wellbeing of the pupil themselves, other pupils and staff in the school shall be provided.

It is not expected that every single instance of disruptive behaviour will be forensically examined, rather an overarching summary and assessment of the impact can be provided with specific examples given to support the decision that is made.

A record of the reasons for each suspension will be made.

## Reintegration Meetings

Arrangements to meet with the pupil and parent/carers will be made prior to the return to classes following a fixed term suspension for persistent disruptive behaviour. The meeting will focus on enabling the pupil to understand the impact of their behaviour

This meeting will set out the expectations that the school has, what needs to change, how this will be managed and how it will be reviewed.

It will set out any actions that the school will take.

There will be an opportunity for the pupil to discuss how they feel and how the situation can change for the better.

A note of the outcome of the meeting will be shared to ensure that everyone involved understands the importance of improvements. It will also explain that if matters do not improve then other sanctions, including a permanent exclusion, can be considered.

If a parent does not attend the reintegration meeting it will proceed and notes and the outcome will be provided.

Non-attendance at the meeting does not prevent the meeting from proceeding, nor does it prevent the school from setting out the expectations are for the parents, pupil and school.

## **Serious one off incidents**

A single, one off, serious incident can lead to a permanent exclusion. Examples of such a serious matter are:-

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability
- making serious false allegations about another person
- arson
- significant criminal damage

The list is not exhaustive. The headteacher can take other factors into account when deciding if a single incident is so serious to require a permanent exclusion.

## **Investigating Incidents**

The headteacher or member of SLT will investigate the incident or allegations. The investigation process will be recorded. This will include details of

- the investigator(s)
- the issues investigated
- witnesses spoken to
- physical evidence that has been viewed or retained
- any CCTV details

Every effort will be made to ensure that everyone providing a statement or account will be treated in the same way.

This will enable the investigator to consider the event that has occurred or the allegation that has been made to determine the facts of the matter.

The Civil Standard of Proof will be applied, that is to say on the Balance of Probabilities A record of the investigation will be kept.

The decision maker will be able to explain the basis of their decision in writing.

The pupil involved will be offered an opportunity to explain their position.

The investigation will be conducted as objectively as possible. No assumptions about events or individuals will be factored into the investigation process.

Investigations will be conducted as expeditiously as possible.

Any delays or problems with the process will be recorded, with reasons provided (if possible).

A suspension may not be converted to a permanent exclusion or the suspension extended. However, if there are further investigations to be conducted, or if more evidence becomes available the head teacher can impose a further suspension or an exclusion if the facts of the situation merits this.

A headteacher can also review and cancel a suspension if more evidence becomes available.

If a change to the original sanction is made, notifications will need to be made to parents and relevant departments of the Local Authority.

## **Safeguarding, including child on child abuse**

If there is a safeguarding investigation that may lead to a permanent exclusion, then complex and difficult decisions needs to be made. The school shall refer to Keeping Children Safe in Education (KCSIE 2022).

The statutory duty to make safeguarding arrangements and promote the welfare of pupils must underpin decision making. This includes engagement with safeguarding partners.

'Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. **Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.**" As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education.'

## **Off-rolling and unlawful exclusions**

A suspension, even if it is for a lunchtime or half day, must be correctly reported and recorded.

If a school requires a pupil to leave the school site as a result of their behaviour, then this is a suspension. If the pupil leaves the site for health or emotional well-being then this is an authorised absence with the suitable code applied. **It is critical that the correct recording of reasons for pupils being off site is undertaken.**

If a parent feel that they are being pressured to remove a pupil from the school roll under threat of exclusion they can address this using the complaint policy.

'Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this.'

## **SEND & Vulnerable groups of pupils**

For more vulnerable pupils, alternative sanctions will be considered prior to any suspension or exclusion decision being made. These pupils include

- Pupil Premium pupils
- Free School Meals pupils
- Looked after Children

- pupils who have an EHCP
- or are on the SEND register

The impact of any SEND needs on the event will also be considered. If SEND or Social, Emotional and Mental health Needs (SEMH) needs are identified the SEND Code of Practice principles of Assess, Plan, Do, Review will be applied.

Any personal or outside of school factors that may have an impact on a pupil will be considered, if they are known to the school.

If a pupil has a disability within the application of the Equality Act 2010, this will be taken into account when considering what provision or sanction is appropriate. The obligation to use best endeavours to meet a pupil's needs will be evidenced.

A pupil with a disability may still receive a suspension or permanent exclusion if the decision is proportionate to the legitimate aims of the school. The school must show that its action was either a proportionate means of achieving a legitimate objective and/or part of reasonable adjustments.

The legitimate aims of the school are to reduce disruption and maintain an appropriate learning environment for other pupils and ensuring the well-being and safety of staff and pupils in the school.

If a pupil has an EHCP the headteacher must consider if an early annual review should be convened prior to a decision to exclude.

If the pupil is LAC or formerly LAC contact shall be made with the social worker and where appropriate the Virtual School Head (VSH). Ideally this will be prior to any decision to suspend or exclude but will depend on the circumstances.

A record of factors taken into consideration, discussions held, and decisions made in respect of these pupils will also be made.

## Permanent Exclusions

If the breach of the behaviour policy is so serious that only a permanent exclusion will address the concerns then the headteacher will weigh up all of the evidence and make a final decision. Disruptive behaviour that continues with no evidence of likely change can lead to a permanent exclusion.

The head will take account of the pupil's (and parents') views, where these are given.

The headteacher must be satisfied that this is the last resort. Why this is the case will be recorded.

**A head must be satisfied that there has been a serious breach of the school behaviour policy and that to allow the pupil to remain (or return) to the school would seriously harm the education or welfare of others.**

**Evidence of this must be provided.**

## Decision Making

Before making a decision for either type of sanction, the headteacher (or member of SLT) will take note of the information gathered.

They will ensure that the pupil concerned has been given an opportunity to comment on the circumstances, and sometimes their parent/carer also. Decisions will be made on the basis that they:-

- lawful

- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

Decisions must be made in accordance with appropriate school policies, these may need to be referenced in cases of an exclusion.

Any factors that are relevant to the decision will be set out, and reasons for the decision will be provided.

If there is a dispute about a set of events or if the facts are not agreed, the headteacher will explain why one version of events was preferred and how the Civil Standard of proof test was met.

## Cancelling Exclusions

If a head wishes to cancel an exclusion or suspension before the Governing Board have met, this can be done. The pupil, parents, governing board, LA, social worker and VHS (if involved) must all be informed. The pupil must be allowed to return to school.

Any days that are cancelled must be removed from the pupil record and do not contribute to the 45 day academic year limit.

## What happens after a suspension or permanent exclusion decision has been made?

The initial notification to a parent can be made by telephone. If this is done the person giving the notification should record the time and date of the call. A summary of the call should be recorded. Whoever makes the call should ensure that they can give sufficient information about the events and decision. Factors such as EAL, health and home circumstances should be taken into account when deciding how to make this initial call.

The school will notify the parents as soon as possible about the decision. This will be followed by an email or letter that will explain:-

- reasons for the suspension or exclusion
- duration of the suspension or confirm that it is a permanent exclusion
- set out how to raise representations about the suspension or exclusion to the governing board
- what arrangements have been made for the pupil to continue their education, including any possible alternative provision,
- details of a reintegration meeting and the pupil's return to school after a suspension.
- when there is a legal requirement for the governing board to consider the suspension or exclusion, and explain that the parent/carer and pupil can attend and bring a friend or supporter.

If it is a permanent exclusion the headteacher must also set out:-

- details of when the public shall not be in a public place during school hours for the first 5 days

If AP is being provided the letter must also include:-

- the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
- 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.

If the AP is to be arranged, notification of the above information is to be provided at least 48 hours before the provision begins, unless there is mutual agreement that this time line can be reduced.

Details of where to obtain advice and support will be provided in the communication.

The school will ensure that the pupil is either collected from school or arrangements for travel home are safe and suitable.

The school must also notify the local authority where the pupil resides if the exclusion is permanent.

Notification can be given electronically, by email or by text (though how this much information could be delivered by text is extremely questionable), hand delivered, usual post or sent with the pupil (again this seems to be a most inappropriate suggestion within the Guidance).

External sources of advice should also be included in the notification.

- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

Notification must be given to a social worker if one is allocated, to the VHS if the child is LAC. Notification must be given of any review meetings and an invitation to attend should be extended to relevant agencies.

The LA must be notified of all exclusions.

## Setting Work

A fixed term suspension of more than 1 day will require work to be set and marked for the pupil.

If a school issues a suspension of more than 5 days, full time education is to be provided. This is on a cumulative basis if there are a series of suspensions.

In the event of a permanent exclusion, responsibility for making arrangements for education pass to the Local Authority from the 6<sup>th</sup> day of the exclusion.

## Reviews, Representations and the Governing Board Review Meeting (GBR)

The headteacher can review and cancel a sanction prior to any meeting of the governing body to review the sanction.

Sanction	Right to Review
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Up to 4 days	Written representations can be made to the Governing Body (GB). The GB must consider the submissions and consider reinstatement.
5 to 15 days	Representations can be made to the GB. The GB does not have to meet with the parents/carers. It may be on written submissions alone. This must be done within 50 days of the decision that triggers the timeline. The GB must consider reinstatement
	However, if the effect of the sanction is to miss a public exam of national curriculum test, the GB must seek to review the decision ahead of that event.
More than 16 days	The GB must convene a meeting within 15 schools days to consider reinstatement

Any meeting with GB shall be arranged by the school.

If the parents wish to ask for a review of suspensions up to 15 days, they are entitled to do so. The GB has an obligation to consider representations and reinstatement. However, it is for the GB to determine if they wish to invite parents to a meeting, or if the GB considers that the matter can be dealt with by written submissions.

If the matter is to be dealt with by written submissions, the GB should invite the headteacher to make written submissions also.

If the parents and pupil are not present for the review, the Headteacher must not be in attendance either. If the review is to take place during a usual GB meeting then the Headteacher must be asked to leave for that part of the meeting. Notification of the outcome shall be given to the parents and headteacher at the same time, by letter or email.

Every effort must be made to meet the 15 school day time limit to review 16+ suspensions and permanent exclusions. This may mean that the options for the meeting time and date are limited. However, it is important to try and make arrangements for a mutually convenient time and date for all parties.

Should the meeting be outside the timeframe specified, written reasons must be provided.

The meeting will consist of at least three governors. If the local governing board cannot provide three governors, the school may use suitable governors from another setting. Invitations will be extended to:-

- parents/carers
- the pupil (where appropriate)
- the head teacher
- a representative of the local authority.
- the social worker (if one is allocated)
- the VHS (if the child is LAC)

Careful consideration must be given about how to ensure that the pupil's voice is shared within the meeting and how they are enabled to participate. This will depend on the age, confidence and circumstances of each situation.

Parents/carers may bring a friend or representative to support them. It is good practice to notify the school who this will be before the meeting.

Governors must not discuss the issues outside of the meeting, except with the clerk to make suitable arrangements to attend.

Written material from all parties should be provided as part of a pack of material five school days ahead of the meeting. The pack should consist of:-

Section A	Relevant policies, guidance and regulations
Section B	Relevant correspondence
Section C	Evidence and witness accounts
Section D	Reports from the school to support the decision
Section E	Submissions from the parents/carers to challenge the decision

The school must comply with the duty to make reasonable adjustments to enable participants to support attendance and enable everyone to make their contributions to the meeting.

## **The Role of Governors – Governing Board Review (GBR)**

Governors are required to meet and review the headteacher's decision for permanent or 16+ day suspensions. This will include a review of the actions that lead to the sanction being applied.

A meeting is also required if a pupil will miss a public examination or test, i.e. SAT. to determine if the pupil can attend school to sit the paper despite not being permitted to attend school.

Details of the investigation, witness accounts, the views of the sanctioned pupil and any relevant reports or correspondence will be taken into account.

Governors will have the opportunity to question those present at the meeting.

If facts are disputed then the governors must apply the balance of probabilities test, and give reasons for their decision. The GBR can:-

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.
- (agree to the pupil attending the school to sit the exam or test or to uphold a decision to refuse attendance)

## **Meetings**

There is a presumption that meetings of the Governing Board will be face to face. However, they can be remote if:

- The parent request it
- There is an 'extraordinary event' that means it is not reasonably practicable to hold the meeting in person. The threshold for this is high, and the guidance gives examples such as outbreaks of infection or disease.

The clerk should discuss the options with the parents. If a remote meeting is arranged there must be good guidance to the parents about how to join and participate.

## **What the GBR must consider**

When reviewing the decision to exclude the GB should

- Take reasonable steps to ensure that clear minutes are taken and record evidence that was taken into account. These minutes are to be available on request.
- Ensure that everyone can give their views and address the issues they feel are relevant to the exclusion. This includes supporting young people to participate where relevant.
- Make the decision about reinstatement only with the clerk present.
- Record the reasons for the decision about reinstatement and place a note on the pupil file. If the panel cannot direct reinstatement, they should consider if a note be placed on the pupil file.

*122. In reaching a decision on whether a pupil should be reinstated, the governing board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude.*

*123. The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.*

The panel must consider the facts of the matter, any disputed accounts, the impact on the pupil and others in the school.

The GBR must review the decision and consider if it is:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

Minutes must be taken and made available on request or to the IRP. The minutes should demonstrate how the decision was reached without attributing individual comments or remarks to individual panel members.

## **After the GBR**

The Clerk will write to the parties to confirm the outcome of the meeting.

If reinstatement is the outcome, it will be necessary to confirm the date for the pupil to return to school.

If the GBR uphold the exclusion the letter must explain:-

- what the decision is
- the basis and reasons for the decision
- the right to seek a review by an independent review panel (within 15 school days from the notification of the GBR outcome)
- details of that process, including a SEND expert
- how to lodge the application for a review
- the possibility of a claim for disability discrimination being made to the tribunal or county court

The letter should be easy to understand and give a sense of what was considered, what was taken into account. The decision about how any facts in dispute were determined. The reasons for the decision and if the GBR felt that the headteacher had correctly followed the relevant legal obligations and policies when making a decision.

The letter should also set out if there were any procedural issues and how these were addressed by the GBR.

## **Independent Review Panel (IRP)**

The Trust or Local Authority has an obligation to arrange an Independent Appeal Panel if a review is requested.

An independent clerk will be appointed to the IRP.

The IRP will decide one of the following:

- uphold the exclusion committee decision;
- recommend that the exclusion committee reconsiders reinstatement;
- quash the exclusion committee decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed on the grounds of illegality, irrationality or procedural impropriety).

The IRP must review the decision to determine if the process has been:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

The DfE Guidance provides more detail about the constitution, powers and role of the IRP.

If the IRP recommend a review hearing or quash the decision, a second Governing Board Review meeting will be convened within 10 days of the IRP notification.

This will be clerked by a clerk who has had no involvement in the previous meetings and will take account of the decision of the IRP.

Whilst there is no requirement to have parties attend, they can be invited to make representations. The school may not introduce new grounds for the exclusion.

## **Removal from Roll**

A pupil can be removed from the school roll following a permanent exclusion if:-

- a) the parent makes no application for an Independent Review Panel within 15 school days of being notified of the meeting of the BG review.
- b) the parent notifies the school that they will not be pursuing an IRP
- c) at the conclusion of the IRP hearing if the IRP upholds the decision to exclude
- d) following a reconsideration meeting following an IRP hearing, the GB still decides to uphold the decision to permanently exclude a pupil

Removal from the school roll must be in compliance with the current version of the Education (Pupil Registration) (England) Regulations 2006.

## **Police and Criminal Investigations**

A student and his or her family have the right to contact the police if they feel that a criminal offence has been committed.

Unless specifically directed by the police not to share statements or if they are concerned that the school's processes would significantly prejudice an investigation, the exclusion process should proceed. The significant difference in procedure and legal standard of proof means that the two processes should continue in tandem.

## Roles and Responsibilities

### The Headteacher

The headteacher is responsible for ensuring that the school is a safe, secure learning environment for pupils and staff.

The headteacher will implement policies to ensure high standards of pupil behaviour. The headteacher will implement consistent, fair and respectful approaches to managing behaviour.

The headteacher has the lawful authority to apply exclusions and suspensions if pupils are not complying with the behaviour policy.

### Senior Leadership Team (SLT)

Members of the school senior leadership team are authorised to make recommendations for suspensions if a pupil's behaviour is so poor that removal from site for a period of time is necessary. The final decision will be for the headteacher but can be based on investigation and conclusions from senior members of staff.

SLT can investigate any allegations or incidents on the instruction of the headteacher.

### Parents and/or Carers

The Guidance uses the term 'Parent' for any person with parental responsibility or who has care of a child.

Parents are to be included in discussions about potential methods to modify behaviour, to provide information to the school about the pupil.

Information about either a suspension or permanent exclusion will be provided without delay by the head teacher or relevant senior leader.

Parents will have an opportunity to address the issues raised. This process will depend on the decision that the school has made.

### Pupils

The pupil will have an opportunity to comment on the events leading to the decision about them. It is important to ensure that the suspended or excluded pupil has an opportunity to give their point of view and to make any points about the process they wish to. The pupil's age and understanding must be taken into account.

Other relevant pupils will have an opportunity to give their account of what has occurred. It is not necessary to seek parental consent when speaking to any pupil about any behavioural incident in school, though in some cases school may choose to do so.

## Governors/Trustees

The role of the governors and trustees is to review the decision taken by the head teacher.

The governing board may consider that it is appropriate to use governors or trustees from another school or academy trust to ensure that the matter is fairly and independently reviewed.

This may be to consider written or possibly in person representations for suspensions.

The governors must consider the reasonable and lawfulness of the decision and whether or not to uphold the decision.

## Independent Review Panel (IRP) Members

Following notification that the governors have upheld the head teacher's decision to permanently exclude a pupil, there is an opportunity for parents (and subject to age and understanding) the excluded pupil themselves to request that the matter is reviewed by an IRP. This is within 15 school days of being sent the notification about the governors' decision.

The IRP must review if the governors' decision was reasonable and within the grounds set out in administrative law. That is to say was the decision:-

- lawful
- fair
- rational
- reasonable
- proportionate

They must be independent of the school and trust. They must be suitably trained.

## The Local Authority (LA)

The LA will be invited to attend the Governor's meeting. They will have the opportunity to make representations. **(NB FOR ACADEMIES THIS IS ONLY WITH THE CONSENT OF THE CHAIR, HOWEVER, IT WOULD BE POOR PRACTICE TO PREVENT IT UNLESS THERE WAS A VERY GOOD REASON).**

## The Clerk

A clerk will provide advice and support to the Governor's meeting. The clerk will ensure that information is provided to all relevant parties and arrange the meeting.

A clerk will assist with the arrangements for an IRP meeting.

The clerk will communicate with everyone necessary to fulfil the obligations set out in the statutory guidance to share information, provide packs of documents, minute meetings and send out correspondence.

## Special Educational Needs (SEN) Expert

If an IRP is requested, the parents/carers can request the attendance of a SEND expert to attend and comment upon the approach, policies and procedures that have been applied in this case. The role of the SEN expert is set out in the statutory guidance for IRPs.