

Park Hill Primary School

Exclusions Policy



Approval Level	Governing Board
Date Reviewed	12.09.25
Approved On	22 nd September 2025
Category	Statutory
Next Review Date	Advised annually – September 2026
Policy Availability	School Website
Written By	Mrs A. Boardman
Related Document(s)	Glossary of Acronyms (available on school website)

Policy Version Control

Date of Change	Details of Change
09.01.23	Change of Chair of Governors' name (p. 2).
12.09.25	Updated dates of key documentation (pages 4-5). Updated examples of grounds for exclusion (page 8).

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Statement of Intent

At Park Hill, we understand that good behaviour is essential for promoting a high-quality education. We do not believe that exclusions are the most effective way to support pupils with behavioural needs and will make every effort to personalise provision for our children so that they are able to access education.

However, amongst other disciplinary sanctions, we recognise that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort, only after a range of strategies have been tried first.

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

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

Legal Framework

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

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

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

- DfE (2024) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2024) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

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

- Behaviour Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Safeguarding and Child Protection Policy

Key Personnel in Relation to this Policy

Name	Role(s)
Mrs L. Lohan	Chair of Governors
Mrs C. Logan	Head Teacher Designated Safeguarding Lead

Roles and Responsibilities

Sandwell Local Authority: the LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents/carers where they have an EHCP 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 Board not to reinstate a permanently excluded pupil where required.
- 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/carers, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

Governing Board: the Governing Board is responsible for:

- Providing information to the Secretary of State and 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.
- Considering parents/carers' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the school.

- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents/carers, the Head Teacher and LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents/carers of where to apply for an independent review panel.
- Informing parents/carers of relevant sources of information.
- 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.

Head Teacher: the Head Teacher is responsible for:

- Implementing good levels of discipline to ensure 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, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing 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/carers 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 Board, 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 police investigation and/or criminal proceedings.
- Notifying a pupil's parents/carers without delay where the decision is taken to exclude the pupil, including the days on which the parents/carers 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/carers is clear and easily understood.
- Notifying the Governing Board and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Governing Board once per term of any exclusions not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

Grounds for Exclusion

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

Exclusion is a last resort at Park Hill.

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

- Any incident which poses a risk to other pupils or members of staff e.g. incidents relating to weapons or sexual violence
- Any incident which breaches the law
- Persistent and severe bullying
- Physical assault against other children or staff
- Verbal abuse or threatening behaviour against other children or staff
- Discriminatory abuse
- A single, serious and major incident e.g. serious assault on another individual leading to injury
- Incidents of significant, deliberate damage to property

Pupils can be excluded on a fixed-period basis (up to 45 school days within an academic year) or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

A fixed-period exclusion can also be for parts of the school day, for example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. For statistical purposes, lunchtime exclusions are counted as half a school day.

In all cases, the Head Teacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

The Head Teacher's Power to Exclude

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. All exclusions will only be issued on disciplinary grounds.

The Head Teacher is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.

The Head Teacher is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the school's Behaviour Policy.

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.

All exclusions will be formally recorded on the pupil information system (Safeguard software and SIMS).

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/carers.

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 the facts are true.

The Head Teacher may withdraw any exclusion that has not already been reviewed by the Governing Board.

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.

The Head Teacher will not issue any 'informal' or 'unofficial' exclusions e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this. This is unlawful, regardless of whether they occur with the agreement of parents/carers.

The Head Teacher will not use the threat of exclusion as a means of influencing parents/carers to remove their child from the school.

Fixed-Term Exclusions

A decision to exclude a pupil for a fixed period should be taken only in response to breaches of the school's Behaviour Policy, where these are not serious enough to warrant permanent exclusion. Individual fixed-period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school following an exclusion.

Ofsted inspection evidence suggests that 1-3 days are often long enough to have the desired effect, without adverse educational consequences.

A school can do fixed term exclusions for a maximum of 45 days in one academic year. When a pupil is given a fixed period exclusion for six school days or longer, the school has a duty to arrange suitable full-time education provision from and including the sixth school day of the exclusion.

When a pupil receives three fixed term exclusions in one term this should trigger a CAF (Common Assessment Framework) which could then lead to a TAC (Team Around the Child) meeting.

When a pupil has received 15 days of exclusions in one term this should then be presented to the Governors for them to review the case. Both of these measures are used as a strategy to prevent a permanent exclusion.

Full-time education must be provided from the first day for Looked After Children.

Primary schools must arrange reintegration meetings for all pupils following a fixed term exclusion. Return to school cannot be delayed if a parent is unable or unwilling to attend this meeting.

Examples of behaviour types that warrant a fixed term exclusion:

Continued disruptions in lessons and school	1 – 3 days
Defiance	1 – 3 days
Verbal abuse to staff / pupils / others	1 day
Racial abuse to staff / pupils / others	1 day
Bullying – physical / verbal	1+ day
Physical abuse to staff / pupils / others	1+ day
Sexually inappropriate behaviour	To be determined
Theft	1 – 3 days
Vandalism	1 – 3 days
Extortion	1 – 3 days
Threatening behaviour	1 – 3 days
Setting off fire alarm	1 – 3 days

This table is a guide only and draws on current practices in Sandwell Primary Schools. The number of days given to the pupil is at the discretion of the Head Teacher and Chair of Governors.

The days illustrated above are a guideline only and longer exclusions (including permanent exclusions) may be implemented depending on the severity of the offence.

If total is 5 school days or less	Governors do not have to meet but it is good practice to do so.
If total is 5 1/2 school days or more	Parents have the right to put the case to Governors – they are able to remove the fixed term exclusion from the pupil's school record if appropriate.
Exclusions that total 15 school days or more in one term.	Governors should review the pupil's case.

Permanent Exclusions

The decision to permanently exclude can only be made by the Head Teacher (or Deputy Head Teacher if the Head Teacher is not available). A decision to exclude a pupil permanently should be taken only:

- In response to serious breaches of the school's Behaviour Policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other in the school.

The decision to exclude a pupil permanently is a serious one and should only be taken when all the facts and evidence are clear. In some circumstances, it will be necessary to put a fixed-term exclusion in place pending the outcome of an investigation. This should be as short as possible and work should be sent home by school in the first instance.

Full-time education should be provided from the sixth day of any fixed term exclusion. However, full time education must be provided from the first day for Looked After Children. In such cases, letters sent to parents/carers need to indicate that a permanent exclusion might be the outcome of these investigations.

There will be exceptional circumstances where the Head Teacher will decide to permanently exclude a pupil for a "one off" incident. These could be:

- Serious actual or threatened violence against another pupil or member of staff
- Sexual assault / abuse
- Supplying an illegal drug
- Carrying an offensive weapon

When a pupil is involved in a criminal activity the school should consider informing the police. The outcome of the police investigation does not have to have reached its conclusion before the Head Teacher makes their decision (see Improving Behaviour & Attendance: Guidance on exclusion for Schools & PRUs: September 2008 – Part 6 – Police involvement and parallel criminal proceedings).

Once the Head Teacher has made the decision to permanently exclude a pupil they need to contact the Local Authority to advise them in order for the statutory Day 6 education provision to be made by the Authority (Day 1 for Looked After Children). Head Teachers should carefully follow the procedures set out in law, which are designed to ensure fairness and openness in the dealing of permanent exclusions.

Correspondence to the parents / carers must clearly indicate the following:

- The reason for the permanent exclusion and effect from what date
- The parent's right to make representations about the exclusion to the Governing Board and how the pupil may be involved in this.
- The contact details if they wish to make such representation (this is normally the Clerk to the Governors).
- The school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so.
- The arrangements that have been made enabling the pupil to continue with his / her education (Day 6 Provision).
- The latest date by which the Governing Board must meet to consider the exclusion (15 school days from date of the permanent exclusion letter).
- The parent's right to see and have a copy of their child's records upon written request to the school.

- The name and telephone number of an officer from the Local Authority who can provide advice as well as the contact details for ACE (Advisory Centre for Education).

Within one school day the Head Teacher must inform the Governing Board and the Local Authority of permanent exclusions. If the pupil lives outside the local authority where the school is located, the “home” local authority need to be advised in order from them to provide the statutory Day 6 provision.

The Clerk to the Governors is responsible for arranging the meeting of the Discipline Committee meeting, ensuring that there are three or five Governors available. The Clerk will need to minute the meeting. The statutory guidance is that this meeting must take place within 15 school days from the date of the permanent exclusion.

Pupil Discipline Committee of Governors

If necessary, the Full Governing Board may delegate its functions to consider exclusions to a designated committee. The Pupil Discipline Committee should:

- Appoint a clerk.
- Invite parents/carers, Head Teacher and LA officer.
- Request any written statements (including witness statements) in advance of the meeting.
- Circulate in advance any written statements (including witness statements) and a list of all those who will be present at the meeting to all parties in advance of the meeting.

The school needs to collate all the relevant paperwork and to ensure that the family receives this paperwork at least five days prior to the governors meeting. The Governors, as well as the Local Authority representative, will also need copies of the paperwork provided again at least five days prior to the Governors meeting.

Once the Governing Board have heard the case then the clerk to the Governors will inform the family of the decision within one working day, clearly stating in the letter that the family have the right to appeal against this decision before an Independent Appeal Panel.

In the appeal letter the contact details to whom the request for the appeal must be made to should be clearly identified as well as the date by which the letter needs to be received by (the family have 15 school days in which to appeal). On receipt of a letter requesting an appeal, the Local Authority has 15 school days in which to hear this appeal.

The Governing Board has the discretion to allow an excluded child onto the premises for the sole purpose of taking a public examination.

Factors to Consider when Excluding a Pupil

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

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 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.

The Head Teacher will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are, on average, higher to reduce their risk of exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Head Teacher will consider avoiding permanently excluding LAC pupils, those with SEMH issues or pupils with an EHCP.

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 with Inclusion Support (Preventing Primary Exclusions Team) to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created in line with the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Head Teacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

Duty to Inform Parents

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 behind this.

The Head Teacher will also inform the parents in writing 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 Board, 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 Board to consider the exclusion, and the fact that can bring an accompanying individual
- 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

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), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

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

- The start and end date for any provision of 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

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 (within 48 hours of the pupil beginning the provision).

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.

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/carers without delay and issue a new exclusion notice to parents/carers.

Duty to Inform the Governing Board and Local Authority

The Head Teacher will inform the Governing Board and LA, without delay, of the following:

- Any permanent exclusions (including where a fixed-period exclusion is followed by a 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

For any exclusions, other than those above, the Head Teacher will also involve the Chair of Governors immediately and report to the Full Governing Board once per term.

All notifications to the Governing Board and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.

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'.

Arranging Education for Excluded Pupils

For any fixed-period exclusions of more than five school days, the Governing Board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.

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.

For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.

The Governing Board is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion.

The Governing Board will always attempt to arrange alternative provision before the sixth day of exclusion.

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.

If a pupil with SEND has been excluded, the Governing Board will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents/carers, who are able to request preferences.
- When identifying alternative provision, any EHCP is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents/carers.

Considering Exclusions and Reinstatements

The Governing Board will consider any representations made by parents/carers regarding exclusions.

Parents/carers 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.

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.

The Governing Board will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent.
- The exclusion is for a 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.

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 Board will consider exclusions within 50 school days of receiving notification.

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 Board is not required to meet and cannot direct the reinstatement of the pupil.

Where exclusion would result in a pupil missing a public examination, the Governing Board will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the Chair of Governors will consider the exclusion alone and decide whether or not to reinstate the pupil.

In light of the above, the Governing Board will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the reinstatement of an excluded pupil, the Governing Board 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/carers 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.

Reaching a Decision

After considering exclusions, the Governing Board will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date.

If reinstatement would make no practical difference (for example, if the pupil has already returned to school following a fixed-period exclusion or the parents/carers make clear they do not want their child reinstated), the Governing Board will still consider whether the pupil should be officially reinstated. The Governing Board will also consider whether the Head Teacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The Governing Board 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 the facts are true.

To reach a decision, the Governing Board 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.
- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the Head Teacher's legal duties and any evidence that was presented to the Governing Board in relation to the decision to exclude.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

Notification of Considered Exclusions

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

In the case of a permanent exclusion, where the Governing Board decides not to reinstate the pupil, they will notify the parents/carers:

- 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/carers have a right to require the Governing Board to ensure a SEND expert attends the review.

- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Governing Board will also notify parents/carers that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Governing Board will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing Permanently Excluded Pupils from the School Register

The Head Teacher will remove pupils from the school register if:

- 15 school days have passed since the parents/carers were notified of the Governing Board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Head Teacher will wait until the review has been determined, or abandoned, and until the Governing Board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

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.

Any return to the LA will be made as soon as the grounds for removal are met and before the date in which the pupil's name was removed.

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.

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

Independent Review Panel

The LA will review the Governing Board's decision not to reinstate a permanently excluded pupil if the parents/carers submit their application for this within the required time frame.

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

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years.
- A Head Teacher or individual who has been a Head Teacher within the last 5 years.

Parents/carers are required to submit their applications within:

- 15 school days of the Governing Board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the Governing Board's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

Adopting a SEND Expert

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

Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement

in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert.

The Role of a SEND Expert

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

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Appointing a Clerk

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the Governing Board when the decision was made not to reinstate the pupil.

The Role of a Clerk

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

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.

- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents/carers, Head Teacher, Governing Board and the LA, that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
 - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
 - Informed about who is attending the meeting, and what their roles are.
 - Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

The Duties of Independent Review Panel Members

The role of the panel is to review the Governing Board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision.
- Recommend that the Governing Board reconsiders reinstatement.
- Quash the decision and direct that the Governing Board reconsiders reinstatement.

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, the Governing Board, Head Teacher and the LA.

Reconsidering Reinstatement Following a Review

Where the independent review panel instructs the Governing Board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an instruction to reconsider, the Governing Board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel recommends that the Governing Board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following a recommendation to reconsider, the Governing Board does not offer to reinstate the pupil, it will not be subject to a financial adjustment.

If, following reconsideration, the Governing Board offers to reinstate the pupil but the parents/carers decline, no adjustment will be made to the school's budget.

Following reconsideration, the Governing Board will notify the parents/carers, the Head Teacher and the LA of their reconsidered decision and the reasons for this.

Criminal Investigations

The Head Teacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

The Head Teacher will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Governing Board is required to consider the Head Teacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training Requirements

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.

Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Head Teachers, Governing Boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law that are relevant to exclusion.

Useful Contacts

Advisory Centre for Education (ACE)	0808 800 0327
Sandwell Parent Partnership	01215520047
Sandwell Exclusions Team	01215698467
Sandwell SEND Information, Advice and Support Service (IASS)	01215004010

Appendix A – A Summary of the Governing Board’s Duties to Review the Head Teacher’s Exclusion Decision

[DfE ‘Exclusion from maintained schools, academies and pupil referral units in England’ \(2017\)](#)

