

EXCLUSION POLICY

STATUTORY GUIDANCE

Key points within the guidance, which summarise Government views on the use of exclusion and which are reflected in the model policy below, are:

- Good discipline in schools is essential. However, the Government supports Headteachers in using exclusion where it is warranted. Permanent exclusion, however, should only be used as a last resort.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics and to give particular consideration to pupils from groups who are vulnerable to exclusion.
- There should always be early intervention when a pupil displays disruptive behaviour. The causes of that behaviour, which may be the result of un-met needs, should be sought and followed up as appropriate by possible recourse to external multi-agency assessment.
- There should be an agreed strategy for the re-integration of pupils after fixed term exclusion.
- Work must be set and marked by the school for an excluded pupil during the first five days of that exclusion and alternative provision must be arranged from the sixth day.
- Local Authorities (LA) are required to arrange educational provision after the fifth day of exclusion for excluded pupils of compulsory school age from all institutions, including those to whom the guidance does not otherwise apply.
- Parents (and any excluded pupil over 18) may challenge exclusion by asking for a review from an independent review panel. If discrimination is alleged, then they have the right of recourse to a first-tier tribunal or county court.
- Parents (and any excluded pupil over 18) can request the presence of a special needs expert on the review panel, whether or not the excluded pupil is deemed by the school to have SEN.
- The excluded pupil should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.
- The independent review panel does not have the power to direct a Governing Body to re-instate an excluded pupil. It can uphold the exclusion decision; recommend that the Governing Body reconsiders their decision; or quash the decision and direct the Governing Body to consider the exclusion again, in which case the Governing Body must reconvene to do so within 10 school days of being given notice of the panel's decision. A decision to redirect can only be made if the panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.
- If the Governing Body still decides not to re-instate the pupil, then the school will be ordered to make an additional payment of £4,000. This is a contribution towards the cost of providing alternative provision.
- If they have been recommended or directed to reconsider, the Governing Body must inform the parent(s), the Headteacher and the LA or home LA of the outcome of their reconsidered decision and the reasons for it in writing and without delay.

- If the Governing Body decides to offer to reinstate the pupil following a recommendation or direction to reconsider received from the independent review panel, but the parents refuse the offer, no readjustment need to be made to the school's budget.
- The Governing Body must comply with any direction by the panel to place a note on the pupil's record. The note must include the fact that if a child is not reinstated after a panel's direction to reconsider, this does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice already.

THE SCHOOL'S VISION

St Bernard's Catholic Grammar School is committed to the philosophy and practice of inclusion. Therefore we believe our policies should be true to the school's vision and aims. As such, all policies set out to make clear the importance of leadership, the school's culture and Policy, procedure and practice.

We aim to be an inclusive school and offer equality of opportunity and diversity when needed to all groups of students within school. We aim to provide a differentiated curriculum that meets the needs of all students, individuals and groups and a stimulating learning environment that varies according to the age of the learner across the whole curriculum. However, we recognise that the curriculum is subject to imposed and developing change. We also aim to be in a position to maximise individual potential and ensure that students of all ability levels and staff at differing stages in their career are well equipped to meet the challenges of education, work and life.

This will be achieved by:

- Designing a curriculum to promote a full range of learning, thinking and life skills.
- Providing a broad, balanced and relevant curriculum.
- Using flexible and responsive teaching and learning styles.
- Equipping pupils with the skills, knowledge and attitudes necessary to succeed as responsible and valued members of society.
- Developing a close partnership within and with the whole community, including all stakeholders and by listening and responding to the concerns of our students and parents.

We aim to be an inclusive school and offer equality of opportunity and diversity when needed to all groups of pupils within school. These groups include:

- Boys and girls.
- Pupils from minority faiths, ethnicities, travellers, asylum seekers, refugees.
- Pupils who have English as an additional language.
- Pupils who have special educational needs.
- Pupils who are academically more able.
- Pupils who are looked-after children.
- Pupils who are at risk of disaffection or exclusion, young carers, sick children, children from families under permanent or temporary stress.

We aim to provide a differentiated curriculum that meets the needs of all pupils, individuals and groups by:

- Setting suitable learning challenges.
- Responding to pupils' diverse learning needs.
- Overcoming potential barriers to learning and assessment.

We aim to provide a happy, healthy and safe school by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our pupils and staff members.
- Providing high quality pastoral care, support and guidance, driven by the leadership team.
- Safeguarding the health, safety and welfare of pupils and staff.
- Listening and responding to the concerns of learners and parents.
- Taking care to balance the needs of all members of the school community.

We will secure inclusive education for our students by constant review and evaluation of what is done through the following questions:

- Does each student achieve all they can?
- Are there differences in the achievements of different groups of students?
- What is in place for students who are not achieving their potential?
- Are our actions effective? How do we know?
- Are all our students happy in school?
- Are all our staff members happy in school?
- Are all members of our community valued? Do they feel secure and are they offered opportunities to learn? Are structures in place to support inclusion if they cannot?

We will do everything possible to avoid the need for exclusion by:

- Carrying out early intervention strategies, especially in the case of a student with SEN to ascertain that the student is receiving appropriate provision and support.
- We will consider the use of multi-agency assessment of students who demonstrate persistent disruptive behaviour.
- We will check whether there are mental health or family problems.
- We may request an early review of a student's SEN statement/Education, Health & Care Plan or an interim/emergency review.

And are mindful that the Government does not regard exclusion to be justified for:

- A breach of uniform or appearance, except for persistent defiance.
- Minor incidents, such as failure to complete homework or to bring in money owed.
- Poor academic work.
- Lateness or truancy.
- Pregnancy.
- Misdeeds by a child who has special educational needs, except for very serious offences.

If nevertheless it becomes necessary to exclude a student, the DFE statutory guidelines and regulations (September 2017) will be stringently followed.

The criterion used by the Government is that any exclusion 'must be on disciplinary grounds'. The behaviour of students outside school may be relevant and can be considered as grounds for an exclusion decision. There are two categories of exclusion: fixed period or permanent. In both cases, this normally means that the student is not permitted to enter the premises of the school at any time. A student may also be excluded from the school premises for a part of the day, such as the duration of the lunchtime break or the morning or afternoon sessions.

Exclusion can be used:

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon. We need not postpone taking a decision on exclusion solely because a police investigation is underway. Our decision will be taken on the evidence available to the school at the time. The headteacher will give particular consideration to the fairness of exclusion if he/she is aware that some evidence is being withheld by the police.
- Where allowing a student to remain in school would be detrimental to the education of other students or to the welfare of other students, staff or of the student them self.
- More usually where it follows a series of breaches of the school's disciplinary code and after a range of strategies to resolve the student's disciplinary problems have been tried and have failed.
- When the behaviour of one or more of our pupils outside school is such that it can be considered as grounds for exclusion.

THE PRINCIPLES OF OUR EXCLUSION POLICY

1. Only the Headteacher (or Acting Headteacher) has the power to exclude a student from school and this will only ever be on disciplinary grounds. He or she may not delegate that power to any one else. The Headteacher may exclude a student for one or more fixed periods not exceeding 45 school days in any one school year. If a pupil is excluded for lunchtime only, each period of lunchtime exclusion counts as a half day. He or she may exclude a student permanently if he/she judges that the circumstances warrant it. The Headteacher may withdraw an exclusion that has not been reviewed by the Governing Body.
2. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further

evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

3. The use of exclusion should reflect the importance of good behaviour for the education and welfare of all students. In considering whether to exclude a student, the Headteacher will weigh up the seriousness, or persistence, of the student's behaviour, together with the impact of not excluding the student on the school as a whole and the integrity of its behaviour policy.
4. In line with the principles of administrative law(including the European convention on Human Rights), any decision the Headteacher makes to exclude a student must be lawful, rational, reasonable, fair and proportionate.
5. When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof, that is, on the 'balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen and vice versa.
6. We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.
7. The Headteacher will take account of his/her legal duty of care to a student when taking a decision to send a student home following an exclusion.
8. The school will always have due regard to its public sector equality duty and this will be taken in to account when deciding to exclude a student.
9. The Headteacher will be mindful of the Prevent Duty and this will be taken in to account when deciding to exclude a student.
10. Exclusion will never be used informally or unofficially; this is against the law. However, the Headteacher does have the right to direct a student for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason. This will only be considered when there has been full consultation and agreement with parents and the receiving institution. The threat of exclusion will never be used to influence parents to remove their child from the school.
11. Early intervention and the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour will be used to help prevent further exclusion.
12. Where practical, the Headteacher will give the student an opportunity to present his/her case before taking the decision to exclude.
13. When considering exclusion, the Headteacher will take into account: any possible short term mitigating circumstances, such as bereavement, mental health issues etc.; whether the student has been subject to bullying; whether the student comes into a category that is known to be a particularly vulnerable group (for example, students with SEN, FSM students; looked-after children; certain groups or a group with disproportionately high levels of exclusion; traveller children); whether all preventative strategies have been fully used; and whether a student has already had a number of fixed-term exclusions which appear to have been ineffective.

14. The decision to exclude a student permanently will only be made:

- 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.

PROCEDURES TO BE FOLLOWED IN CASES OF EXCLUSION

In all cases the Headteacher will in writing, without delay:

- inform the student's parents/legal guardian of the nature and period of exclusion, or that the exclusion is permanent.
- give reasons for the exclusion.
- advise the parent/legal guardian that he/she may make representations to the Governing Body's Student Disciplinary Committee.
- advise the parent/guardian on how his/her representations may be made and how the student may be involved in this.
- 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.
- draw the attention of the parent/guardian to the following relevant sources of free, impartial information:
 - a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
 - a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.aceed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
 - where considered relevant by the Headteacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).
- take account of his/her legal duty of care when sending a student home following exclusion. 'Holding' arrangements until the student can be collected may be necessary.
- inform parents what arrangements have been made to provide education for the student prior to the start of any alternative provision or their return to school. Work will be provided that is accessible and achievable by students outside of school.

- make arrangements to provide suitable full time education from the sixth day onwards for students who have been given a fixed period exclusion lasting longer than five days. If alternative provision is being arranged then the following information must be provided for the parent/guardian: the start date for any full-time educational provision during the 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 student to identify the person that he/she 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 will 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 an exclusion, in which case the information may be provided with less than 48 hours' notice with parents' consent. If the excluded pupil is in Year 11 or 13 and has completed all public examinations, no alternative educational provision after six days is necessary.

This information will be put in writing and will be given directly to the parents or be sent by email or by post, either by hand or the postal service, to their last known address. The information provided to parents will be clear and consideration will be given to translating the letter if the parent's first language is not English. The information can also legally be sent home with the excluded pupil, but in this case we will always send a duplicate copy by a reliable alternative method.

Where the excluded student is of compulsory school age, the school will 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 an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Headteacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session.

The Headteacher will explain to parents in writing that they have the right of appeal to the Governing Body concerning:

- Fixed term exclusions of more than five school days in a term or if any exclusion will mean that the pupil misses a public examination or National Curriculum test.
- Permanent exclusions.

If the Governors decide not to reinstate the pupil before the end of a fixed term exclusion or not to reinstate following a permanent exclusion, then the parents can appeal to the LA.

Parents may make a claim to a court or tribunal if they believe the pupil has been discriminated against. The Equality Advisory Service will supply help and advice.

Parents will be informed when a fixed term exclusion has been extended or, following further evidence, will be followed by permanent exclusion. In such cases, the Headteacher will write again to the parents explaining the reasons for the change and providing any additional information required.

The Headteacher must immediately notify the LA, and the 'Home Authority' for those students living outside of the local authority boundary, and the Student Disciplinary Committee of the details of the exclusion including the reason for it in the following cases:

- permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
- fixed period exclusions totalling more than five school days, be it consecutively or in any one term, or ten lunchtimes/half-day sessions in any one term;
- exclusions of any length which would result in the loss of an opportunity to take a public examination or National Curriculum test:

The Headteacher will make a termly report to the LA and Governing Body on all exclusions, covering: the number and reasons for the exclusions; the duration of any fixed-period exclusion; the school's response to repeated exclusions; the gender, ethnicity and age of the students involved and whether they were already on individual education programmes or other support programmes; links with parents; truancy, punctuality and attendance figures; and follow-up action, including what has subsequently happened to permanently excluded students.

In addition, within 14 days of a request, the Headteacher or Governing Body must provide to the Secretary of State and the LA, information about any exclusions within the last 12 months.

Interventions to support those at risk of repeat exclusions

Although very few students are ever at risk of fixed-term exclusion, some do present behaviours that may warrant this sanction, occasionally more than once. Where this is the case, the school look to support the student to help them understand their actions and the potential consequences, in an attempt to minimise the possibility of further exclusion. There are a number of support interventions available to the school and any implemented support plan will be tailored to the needs of the student at risk. Interventions include:

- Reintegration meeting – this takes place after any fixed-term exclusion, before the student reintegrates into the school community. The meeting is between the Headteacher (or appointed member of the Senior Leadership Team to act on behalf of the Headteacher), at least one parent/guardian and the student. The factors that contributed to the fixed-term exclusion are explored and strategies to prevent them reoccurring are agreed upon, with all present providing a signature to confirm their endorsement. How the strategies will be monitored and by whom is also documented as part of this Behaviour Management Plan.
- Pastoral Support Plan (PSP) - a school based programme which aims to help the student to improve their social, emotional and behavioural skills. The PSP will identify precise and specific targets for the student to work towards, which will have been agreed by the member of staff representing the school (such as a Head of Year), the parents/guardians and the student.
- Referral to the Educational Psychologist – where appropriate, parents/guardians can grant permission for their child to work with the Educational Psychologist that is allocated to the school, to consider the underlying causes that result in the behaviours that warrant such serious sanction, the impact that it has on others and strategies to help prevent further offence.
- Referral to SEBDOS – this is the Local Authority's behaviour support programme, offering a range of interventions depending upon need.
- Referral to Haybrook College - Haybrook College and Pupil Referral Unit provides an alternative education in Slough for students aged 11-19 who have been excluded, are at serious risk of exclusion or who exclude themselves from mainstream education. It is able to offer a range of courses, from short-term to permanent alternative education. In an attempt to prevent further fixed-term exclusion, referral to Haybrook College may be considered for any student at St Bernard's that is at distinct risk of further exclusion, particularly those that may be approaching permanent exclusion. Courses such as

Momentum, a two week course designed for young people who are at risk of exclusion, have proven successful as appropriate intervention in the past. The course offers young people a chance to develop their own skills in behaviour management and provides a supportive environment in which they can identify where they may need additional support, and work on these areas in a small group setting.

- Managed Moves – where a student is at distinct risk of permanent exclusion, a managed move to an alternative mainstream school will be offered as an option to parents/guardians. Often the opportunity to make a fresh start will be all that is needed to help the student avoid the behaviours of the past. The Headteacher will liaise with the parents over possible alternative schools and will do all they can to help facilitate the move for the student to a new school.
- Agreed Behaviour Contract – after several contraventions of the School's Behaviour Policy that have led to repeated fixed-term exclusions, the Headteacher will insist upon a student at risk of permanent exclusion and their parents/guardians signing an agreed behaviour contract. This will outline very specifically what is expected from the student as a member of this School's community and that should they contravene the School's Behaviour Policy in such a way that warrants fixed-term exclusion again, that they will face permanent exclusion.

ACTION BY THE GOVERNING BODY

For a fixed period exclusion of more than five school days, the Governing Body must arrange suitable fulltime education for any student of compulsory school age. This provision must begin no later than the sixth day of the exclusion. Where it is not possible, or appropriate, to arrange alternative provision during the first 5 school days of an exclusion or if the exclusion is for less than 5 days, the school will take reasonable steps to set and mark work for an excluded student.

The Governing Body has a duty to consider any representations made by parents/guardians about an exclusion and may delegate their functions with respect to the consideration of an exclusion decision to a designated committee consisting of at least three governors. The Student Disciplinary Committee has no power to exclude a student, nor can it increase the severity of the Headteacher's original exclusion by extending the period of exclusion. It can uphold exclusion or direct the pupil's reinstatement, either immediately or by a particular date. However, in the case of fixed term exclusion that does not bring the pupil's total number of days of exclusion to more than five days in a term, the Committee cannot direct reinstatement and is not required to arrange a meeting with parents. The Committee's role is essentially to review, as the need arises, the decisions of the Headteacher.

The Committee must consider the reinstatement of an excluded pupil within 15 school days in the case of:

- permanent exclusion;
- fixed period exclusion of students who have been excluded for more than 15 school days in the term, or who will have been as a result of the exclusion;
- all fixed period exclusions that would result in a student missing a public examination. Where an exclusion would result in a student missing a public examination there is a further requirement for the Committee, so far as is reasonably practicable, to consider the exclusion before the date of the examination. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the student. In such cases parents still have the right to make representations to the Governing Body and must be made aware of this right.

Whilst there is no legal imperative to allow an excluded student to return to school in order to take a public examination, the Governing Body will consider whether it would be appropriate to exercise discretion and allow the excluded student back on school premises for this purpose.

For all other fixed period exclusions where a student would be excluded for more than 5 school days in the term (but not more than 15) and their parents have made representations, the Committee must consider whether the excluded pupil should be reinstated within 50 school days of receiving notice of the exclusion. In this circumstance, the following parties must be invited to a meeting of the Committee and allowed to make representations:

- parents;
- the Headteacher; and
- a representative of the local authority

In the absence of any representations from the excluded student's parents, the Committee is not required to meet and cannot direct the reinstatement of the student.

The Student Disciplinary Committee may review all the various categories of exclusions and will consider any representations made by the parents of the excluded student. If the student is aged 18 or over, he/she may represent him/herself provided there is parental agreement. The Committee can uphold exclusion or direct the student's reinstatement, either immediately or by a particular date, other than in the case of fixed term exclusion that does not bring the student's total number of days of exclusion to more than 5 days in a term, where it cannot direct reinstatement.

If the parent/guardian takes their objections to an independent review panel and the panel recommends that the case should be reviewed, the Governors must reconsider their decision to exclude a pupil, but cannot be forced by law to change their decision or reinstate that pupil.

For the procedures of the Student Disciplinary Committee, refer to Appendix 1: PROCEDURES AT A MEETING OF THE STUDENT DISCIPLINARY COMMITTEE.

PARENTING ORDERS

Under the Anti-Social Behaviour Act 2003, LAs have powers to apply for a parenting order to help address children's behaviour in school. A parenting order is a court order which compels parents to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.

If necessary, the school will request that the LA make an application for a parenting order if we feel it would help us address a student's behaviour in school. Parenting orders will only be considered following a permanent exclusion or a second fixed term exclusion within 12 months, particularly if parents have not responded to the opportunity to meet with the Headteacher or the Governor's Committee.

Related Policies:

This policy should be read in conjunction with the school's Behaviour Policy, Equalities Policy, Health and Safety Policy, Safeguarding and Child Protection Policy, SEND Policy, PHSE Policy and Admissions Policy.

References:

DFE Guidance - Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion (Feb 2015)

APPENDIX 1

PROCEDURES AT A MEETING OF THE STUDENT DISCIPLINARY COMMITTEE

The Governing Body has established a Student Disciplinary Committee to which it delegates its functions in respect of exclusions (hereafter referred to as 'the Committee').

- The Committee consists of at least three governors.
- All Governors who serve on the Committee receive training to help them discharge their duties. A Clerk to the Committee is also appointed.
- The Committee can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.
- If one of the Committee has knowledge of the student(s) involved in the exclusion, or of the incident that led to that exclusion that could affect his/her impartiality, he/she should step down.
- The Chair has a casting vote in all cases where an even number of Governors are considering the case.
- If the exclusion could result in a pupil missing a public examination, the Committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the exclusion independently and decide whether to re-instate the student; these are the only circumstances in which the Chair alone will review exclusion. When this occurs, the parents also have the right to make oral representations. If possible, the Chair of Governors will have the advice of the clerk or a LA officer. The Committee or Chair of Governors may agree to allow the student back on to the school premises for the sole purpose of sitting an examination but they are not obliged to do so.
- The Committee are required to give additional consideration to the exclusion of a student with SEN or a looked-after child.

Convening an appeal meeting

Fixed term exclusions of less than 5 days, which do not bring a student's total number of days of exclusion to more than 5 in the term:

- If the parents/guardians of an excluded student make written representations, the Committee will convene to consider them but are not required to meet with the parents/guardians.

Fixed term exclusions of 5–15 days, which do not bring a student's total number of days of exclusion to more than 15 (or 30 half-days) in the term:

- If the parents of an excluded student make written representations and make the request, the Committee must convene a meeting and consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion.
- The parents, the Headteacher and a LA officer will be invited to the meeting at a time and a place convenient to all the participants, within the statutory time limit. The parents and the school representatives may each be accompanied by a friend/advisor.

Fixed term exclusions of more than 15 days (or 30 half-days), permanent exclusions and exclusions that involve a student missing a public examination:

- In any of the circumstances outlined directly above, the Committee has a duty to convene a meeting within 15 days of receiving the notice of exclusion. The Committee need not postpone a meeting if a police investigation of a potential crime associated with the reason for the exclusion is underway.
- The parents, the Headteacher and a LA officer will be invited to the meeting at a time and a place convenient to all the participants, within the statutory time limit. The parents and the school representatives may each be accompanied by a friend/advisor.
- The committee will ask for any written statements, including witness statements in advance of the meeting.
- The clerk will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties, including the student if it is known that he/she will be present.

Before the meeting

The members of the committee should:

- not discuss the exclusion with any party outside of the meeting;
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school;
- 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 pupils to be accompanied by a friend or representative;
- first seek parental consent and invite the parents to accompany their child to the meeting, where a student under the age of 18 is to be invited as a witness;
- have regard to 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 student has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and

- identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on his/her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the student's age and understanding.

Conduct of the meeting

The meeting will be conducted as follows:

- No party to the review will be alone with the Committee before, during or after the meeting.
- The Clerk makes all introductions and explains the reason for the meeting and the powers held by the Committee either to uphold the exclusion or re-instate the student.
- The Clerk will take thorough minutes of the meeting as a record of the evidence that was considered by Committee. These minutes should be made available to all parties on request.
- The school representative, usually the Headteacher, will present the school's case. He/she can be questioned by all the other parties.
- The parents will be asked to give their reasons for appealing. A friend/representative may present the parents' case.
- The parents and the student, if present, will still be asked if they have anything to add.
- The other parties may question the parent and/or comment on what the family has said.
- The LA representative will provide information on support for students in the LA and how similar incidents have been dealt with by other schools, and can be questioned on these, but may not comment on the specific case being discussed.
- The school sums up its case.
- The parents or their representative sum up their case.
- All the parties except the Committee and the clerk leave.

The Committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

In the light of their consideration, the Committee can either:

- uphold an exclusion; or
- direct reinstatement of the student immediately or on a particular date.

In reaching a decision on whether or not to reinstate a student, the Committee should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

Where reinstatement is not practical because for example, the student has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Committee must, in any event, consider whether the Headteacher's decision to exclude the student was justified based on the evidence.

The decision – fixed term exclusion

The Clerk may help the Committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards. In reaching that decision, the Committee should be mindful that the Government does not allow that exclusion to be justified for:

- A breach of uniform or appearance, except for persistent defiance.
- Minor incidents, such as failure to complete homework or to bring in money owed.
- Poor academic work.
- Lateness or truancy.
- Pregnancy.
- Misdeeds by a child who has special educational needs, except for very serious offences.

In the case of fixed term exclusion, it is possible that the exclusion may already have expired and the student is back in school. If this is the case, the committee will decide whether:

- The Headteacher's decision to exclude the student was justified, based on the evidence.
- The outcome should be added to the student's record for future reference.

In rare cases, the parents may have already decided that they do not want their child reinstated whatever the Committee's decision. Under those circumstances, the Committee should simply record whether or not they believe that the Headteacher's decision was justified. This view should be recorded and sent to the parents.

If the fixed term exclusion is still operative, the Committee will decide whether or not the Headteacher's decision to exclude was justified. They can:

- uphold the exclusion, which will then have to run its course.
- direct the pupil's reinstatement either immediately or on a named date.

The Committee through the Clerk must inform the parents, the Headteacher and the LA of their decision in writing within one school day of the hearing, giving the reasons. Where the student resides in a different LA from the one that maintains the school, the Committee must also inform the student's 'home authority'. They may not attach any conditions to any direction they have given the Headteacher to reinstate the student. The Committee should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

Where the Committee decides to uphold an exclusion they will draw to the attention of parents relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information will be included in the letter notifying parents of the decision to uphold an exclusion and will include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.aceed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time);
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- and where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Where relevant, the details of where the parents' application for an independent review panel should be sent should be confirmed.

The school has in place established procedures both for the return to school of a student whose fixed term exclusion has been upheld, and for the reinstatement of a student whose exclusion has been overturned. On their return, a student first has a meeting with the Headteacher or another senior member of staff, responsible for the student's welfare, along with his/her parents.

The decision – permanent exclusion

Government guidance sets out reasons why it would normally be inappropriate to reinstate a pupil. These are:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying illegal drugs.
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules.

When the Committee decides to uphold a permanent exclusion, a letter to the parents (or to the student if aged 18 or over) will state:

- Their reason for the decision.
- The right of the family to refer the case to an independent review panel, together with the name and address of the person to whom any request for a review should be sent.
- The date by which any request for a review should be lodged.
- That any request for a review must set out the grounds on which the request is made.
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a first-tier tribunal or a county court.

The Committee through the Clerk must inform the parents, the Headteacher and the LA of their decision in writing within one school day of the hearing, giving the reasons. Where the student resides in a different LA from the one that maintains the school, the Committee must also inform the student's 'home authority'. They may not attach any conditions to any direction they have given the Headteacher to reinstate the student. The Committee should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

Where the Committee decides to uphold an exclusion they will draw to the attention of parents relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information will be included in the letter notifying parents of the decision to uphold the exclusion and will include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.aceed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time);
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- and where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

If the Committee decides to overturn the exclusion, as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the Committee's views on the exclusion will be placed on the student's school record with copies of relevant papers.

Independent review panels

The Committee will advise parents that they have the right to request a review of the decision by the Governor's Committee to uphold a permanent exclusion through an independent review panel. Information outlining as to how this can be done will also be provided. The request will normally be made to the Clerk of the review panel. Parents will also be given:

- A link to the statutory guidance on exclusions.
- A link to guidance on making a claim of discrimination to the first-tier tribunal.
- A link to the Coram Children's Legal Centre.
- If needed, links to local services such as the traveller education service or the local parent partnership.

The LA is responsible for managing and training independent panels concerning cases of permanent exclusion. An independent panel cannot overturn the decision of a Governors' Committee. They can uphold the decision or recommend that the Governors reconsider. Further, if they have grounds for believing that the Governors' decision was flawed in any way, they can quash the decision and direct the Governing Body to reconsider their decision.

The LA is responsible for managing and training independent panels concerning cases of permanent exclusion. An independent panel cannot overturn the decision of a governors' committee. They can uphold the decision or recommend that the governors reconsider. Further, if they have grounds for believing that the governors' decision was flawed in any way, they can quash the decision and direct the governing board to reconsider their decision.

The LA may appoint a clerk to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions. There is statutory guidance on who is eligible to be an independent review panel clerk. Their duties both before and during the hearing are clearly stated. The LA/academy trust will ensure that all panel members and clerks have received training within the two years before the date of the review, and details are given in the guidance as to what that training must comprise.

If requested by parents in their application for an independent review panel, the LA must appoint a SEN expert to attend the panel and cover the associated cost of this appointment.

The statutory guidance is also very specific concerning the role of the panel in reviewing the governing board's decision not to reinstate an exclude pupil.

The panel may decide to adjourn a hearing if there is an on-going police investigation and/or criminal proceedings associated with the exclusion.

Follow up

Where an application for an independent review has been made within 15 school days, the student will remain on the school roll until the review has been held and its outcome known. Where the review panel directs or recommends that the Governing Body reconsiders their decision, the Governing Body must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

In the case of either a recommended or directed reconsideration, the Governing Body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the Headteacher;
- the local authority; and, where relevant, the 'home authority'.

Should a pupil be permanently excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain in the school budget for a little longer if the parent chooses to appeal to a Governors' Committee and then an independent review panel.

If, following a direction to reconsider, the Governing Body does not offer to reinstate the student within 10 school days of being notified of the panel's decision, an adjustment may be made to the school's budget in the sum of £4,000. This payment will be in addition to any funding that would normally follow an excluded pupil. If the Governing Body offers to reinstate the student within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget.

The Governing Body must comply with any direction of the panel to place a note on the student's educational record. This includes noting that, where a student is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community or voluntary controlled school, the Governing Body may appeal against the decision of the local authority as the admission authority to admit the child.

The Headteacher must remove a student's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Committee's decision to uphold a permanent exclusion 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 Headteacher must wait until the review has been determined, or abandoned, before removing a student's name from the register.

Where a student's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the student should be reinstated.

Approved by the Catholic Life of the School Committee: 2nd May 2018

Next review: Spring 2020