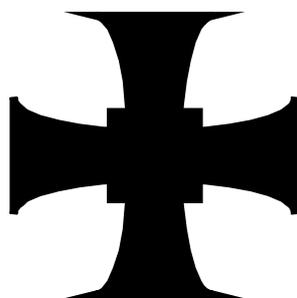


TRINITY SCHOOL CARLISLE



A CHURCH OF ENGLAND ACADEMY

EXCLUSION POLICY

Version Number	Version Description	Date of Revision
1	Revisions as part of routine review. Policy to be read in conjunction with Exclusion Policy Addendum (V1) Sept 2020	October 2020
2	Addendum policy removed due to expiry of 21/03/21 deadline for extended timelines	June 2021

Pastoral Committee

Reviewed: June 2021

Approved by the Pastoral Committee: June 2021

Ratified by the full Governing Body: July 2021

Next review: June 2023

INTRODUCTION

Trinity School is an inclusive school which aims to promote equality in all aspects of school life. We take a positive approach to encouraging good behaviour but also recognise that good discipline in our school is essential to ensure all students can benefit from the educational opportunities we provide.

The Government supports Headteachers in using exclusion from school as a sanction where it is warranted but we understand this is a last resort. We recognise it is our responsibility as a school to communicate to students, staff, and parents our behaviour expectations and the responsibility of all individuals working with students to ensure that no exclusion will be initiated without first exhausting other strategies or in the case of a serious incident, a thorough investigation. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services like Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement.

Whilst exclusion may be an appropriate sanction, our Headteacher will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues or bullying. For more information about the strategies we use and resources available to help us manage behaviour, please see our Expectations for Learning Behaviour Policy and procedures.

When this policy talks about parents, we mean a child's birth parents or anyone who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, all those with parental responsibility will be involved in the exclusions process. As a school we discharge our legal obligation to parents by recognising that obligations are to the 'relevant person' – a parent or the student, who is aged 18 or over.

When this policy talks about a 'term', we mean the autumn, spring or summer terms and the 'academic year' means our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

This policy sets out our normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds and is in line with the 2017 statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'. It should be read in conjunction with the school's Expectations for Learning Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to exclusion and others where relevant.

What is Exclusion?

Exclusion is an extremely serious disciplinary sanction that can only be decided by the Headteacher. It means that a student is not allowed on the school premises for the duration of the Exclusion. If a student excluded from school is found in a public place during normal school hours during the first five school days of exclusion, then a person with parental responsibility for them may be prosecuted or given a fixed penalty notice (a fine).

A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently and there are two types of Exclusion:

- Fixed-Term Exclusion - when a student must not come to school for one or more fixed periods of time.
- Permanent Exclusion - when a child is permanently excluded from school and not allowed to return.

The purpose of this policy is to ensure that:

1. exclusion from school is only used when it is necessary, in maintaining good order in the school, and in keeping with clear guidelines.
2. all students are treated fairly with respect to exclusion.
3. parents/carers feel that their children have been treated fairly.
4. when exclusion is necessary, the legal procedures are properly carried out and all concerned know what part they have to play.
5. appropriate records of exclusions are kept, and that the Governors are kept aware of the pattern of exclusions and can monitor this pattern, through the Pastoral Committee.
6. exclusion is understood by students and parents to be a legitimate and necessary sanction which can be applied if students do not conform to the standards which the school expects whilst students are under the care and discipline of the school.

LEADING UP TO THE DECISION TO EXCLUDE

Following a serious incident which is drawn to the attention of the Head of Year (HoY)/ Year Tutor, or other senior staff, consideration may be given to the use of exclusion as an appropriate sanction.

The school uses the following guidelines;

- take account of our legal duty of care when sending a student home following exclusion;
- establish the facts in relation to the exclusion decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did, than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- take care in the process not to discriminate against, harass or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a parent's first language;
- communicate without delay in person or by telephone in the first instance to give the parents an opportunity to ask any initial questions or raise concerns directly with the Headteacher for a Permanent Exclusion and with pastoral staff for a Fixed Term Exclusion;
- communicate decisions clearly and in writing with all due regard for necessary reasonable adjustments as above and by an appropriate method which might include text message, email, or notice given in person or sent home with the student or posted/hand delivered to the last known home address. If a notice is sent home with a student, we will consider the need to send a duplicate copy by an alternative method as well or take steps to confirm receipt of the notice;
- notify the Governing Body/Board of Trustees and Local Authority of any permanent exclusion, any exclusion of more than 5 days or 10 lunchtimes in one term, and any exclusion that means a student will miss a statutory examination or assessment (including the reason/s for and duration of the exclusion);
- notify the local authority and governing body/board of Trustees once per term of any other exclusions not already notified;
- within 14 days of any request, provide the Secretary of State for education and (in the case of maintained schools and PRUs) the local authority, with information about any exclusions within the last 12 months;

- in the case of a permanent exclusion where the student lives outside the local authority area in which our school is located, notify the student's 'home authority' of the exclusion and reason(s) for it without delay so they can arrange to meet their legal duty to provide suitable full-time education.

Fixed Term (temporary) Exclusion

A temporary/fixed term exclusion is when a student is excluded from school for one or more fixed periods of time and must remain home. It can be for up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A fixed period can also be for just parts of a school day. For example, if a student's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

We aim to make an exclusion the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of policy.

A fixed-period exclusion cannot be extended or converted to 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.

When we decide on a fixed term exclusion we will:

- inform parents explaining the reasons for the exclusion and how long it will last;
- provide resources/activities for the student for the first 5 days of the exclusion;
- make arrangements for alternative education for a student from the 6th day if the exclusion is for more than 5 days (or consecutive shorter fixed-period exclusions accumulate to more than 5 days) and we will include the following information (if we can find it out in within the timescales):
 - the start date for any provision of full-time education that has been arranged;
 - the start and finish times, including the times for morning and afternoon sessions if relevant;
 - the address at which the provision will take place; and
 - any information required by the student to identify the person they should report to on the first day.
- explain that during the first 5 days of any exclusion, the student must not be in a public place during school hours and that parents are responsible for the whereabouts of the student because a parent who fails to comply with this duty without reasonable justification will be committing an offence and may be given a fixed penalty notice or be prosecuted;
- arrange a re-integration meeting on the student's return to school where all those concerned can discuss the best way forward for the student;
- ensure parents know about their right to make representations about the exclusion to the Governing Body/Trustees, how representations should be made and, where there is the legal right to meet with the governing body/Trustees to have them consider the exclusion, to be represented at that meeting (at their own expense) and to bring a friend. See [The Role of Governors](#) for more information about the Role of Governors/Trustees and this process.
- provide information about relevant sources of free and impartial information including:
 - a link to this statutory guidance on exclusions
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 (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 relevant, 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 (www.ipsea.org.uk).

If we can't provide any of the information, we need to about alternative education in the timescales, we will provide a subsequent notice later, 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 6th day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Exclusion Categories

It is important to recognise that each incident is looked at individually and in deciding upon the length of any fixed term exclusion, the individual student's behaviour over time is likely to be a factor. It is likely that fixed term exclusions (between 1-5 days), will happen in the following circumstances, although it is important to acknowledge that fixed term exclusions up for longer periods may be exercised for more serious or persistent breaches of our Expectations for Learning Behaviour Policy:

Abuse – sexual orient & Gen id

Abuse Relating to Disability

Bullying – verbal/homophobic bullying/physical/racist bullying

Damage – vandalism/graffiti/arson

Drug and Alcohol related – possession of illegal drugs/drug dealing/alcohol abuse/inappropriate use of prescribed drugs//smoking/substance abuse

Inappropriate use Online Tech

Persistent Disruptive Behaviour – challenging behaviour/persistent violation of school rules/disobedience

Physical Assault against adult: violent behaviour/obstruction and jostling/wounding

Physical Assault against pupil – fighting/wounding/violent behaviour/obstruction and jostling

Racist Abuse – racist taunting and harassment/racist bullying/swearing that can be attributed to racist characteristics/derogatory racist statements/racist graffiti

Sexual Misconduct – sexual abuse/sexual harassment/sexual bullying/sexual assault/ lewd behaviour/sexual graffiti

Theft – stealing school property/selling and dealing in stolen property/stealing personal property (pupil or adult)/stealing from local shops on a school outing

Use/Threat – Offensive Weapon

Verbal abuse/threatening behaviour against adult – threatened violence/swearing/intimidation/aggressive behaviour/homophobic abuse and harassment/carrying an offensive weapon

Verbal abuse/threatening behaviour against pupil – threatened violence/swearing/ verbal intimidation/aggressive behaviour/homophobic abuse and harassment/carrying an offensive weapon

Wilful and repeated transgression of protective measures to protect public health

Permanent Exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Headteacher will consult with

senior leaders and the chair of the Governing Body/Board of Trustees as soon as possible in such a case.

We will follow the same procedure to decide on and initiate a permanent exclusion as for a fixed term exclusion but where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the student by the local authority responsible for their continuing education (from the 6th day after exclusion), so that a long-term re-integration plan for a new placement can be put in place. We will also draw attention to a student's statement of SEND if they have one because the Local Authority must ensure that an appropriate full time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

The Governing Body/Board of Trustees will meet to decide whether to reinstate a student and if the Headteachers' decision to exclude was justified based on the evidence. Parents and the student will have an opportunity to present their point of view, regarding the exclusion and Governors/Trustees will either uphold the exclusion or reinstate the student. If the permanent exclusion is upheld by the Governing Body/Board of Trustees, parents have the right to appeal to an Independent Review Panel. This panel must be arranged within 15 days of the permanent exclusion (or for exclusions over 15 days) and will be at a time and date convenient to all parties. Parents can ask the School to ask a Local Authority representative to attend but Governors will decide whether they can make comment or just observe.

Where possible, written evidence including other relevant information should be circulated to all parties of an Independent Review Panel at least 5 days in advance of the meeting. See [The Role of Governors](#) for more information about the Role of Governors and this process

A student is most likely to be at risk of permanent exclusion for the following reasons:

- Possessing, using, possessing with intent to supply, or supplying any drugs or illegal substances in school.
- Any physical assault on a member of staff.
- Possessing a weapon in school, let alone threatening to use one. Trinity deems that any knife, irrespective of length, constitutes an offensive weapon and should not be brought into the School. In addition to knives, BB guns, air guns, catapults, slings, etc, will also be deemed to be offensive weapons. Other types of offensive weapons will include lengths of pipe, bats, other blunt instruments, or items judged by the Headteacher or Governors to be carried with the intention to inflict injury on another individual.
- Other serious offences, such as lighting a fire in the school, however small.
- Deliberate activation of the fire alarm without good intent, including smoking/vaping inside the building.
- Repeated or serious misuse of the school computers by hacking or other activities that compromise the integrity of the computer network.
- Regular refusal to be controlled by the staff of the school including persistent defiance and disruption.
- Posing a threat to any other members of the school community.
- Any sexual abuse or assault.
- Action which led to serious potential danger to another student or to a member of staff or passers by.
- Racial abuse, assault, or harassment.
- The repeated use of foul language directed at a teacher or other adult in school.
- Demanding money with menaces.

There may be other reasons for which a permanent exclusion is the right response by the school and where such incidents can be seen as being on the same level of disruption as those described above.

Any incidents, which are governed by the law of the land, such as theft, common assault, harassment, threatening behaviour, are likely to be reported to the police, as well as the school acting to exclude the student.

If incidents happen off the school site, or out of school hours, or when the student is not in school uniform, the school still reserves the right to act, where the incident concerns members of the school community, or where the school's good name is being brought into disrepute, and where the good discipline of the school is an issue.

Ahead of any decision to recommend exclusion from school (fixed term, or permanent), a thorough investigation should be conducted into the incident, talking to any witnesses, staff and/or students as soon as possible, and independently. Signed and dated witness statements will be gathered, including the student's version of events, for all issues serious enough to warrant a fixed term exclusion. Where it is appropriate to do so, CCTV evidence will be reviewed in accordance with guidelines in our separate CCTV Policy. Once the facts have been established or while this is taking place, the student(s) involved may be isolated, as a means of minimising the after effects of the action. The person dealing with the incident should find out from the student if there was any reason for the behaviour and any extenuating circumstances or provocation.

Exclusion of a child who has Special Educational Needs

There are certain factors that every school needs to take into consideration for children who display disruptive behaviour that is as a result of their Special Educational Need or Disabilities (SEND) so we will take steps to:

- engage proactively with parents in supporting the behaviour of students with additional needs;
- provide early intervention to address underlying causes of disruptive behaviour including an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have;
- consider the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour;
- take account of our statutory duties in relation to SEND when administering the exclusion process including having regard to the SEND Code of Practice;
- where we have concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEN or looked after child, in partnership with others (including the Local Authority as necessary) consider what additional support or alternative placement may be required.

Ultimately, the decision to exclude a student must be lawful, reasonable, and fair, in particular considering our statutory duty under the Equality Act 2010 not to discriminate against students on the basis of protected characteristics, such as disability.

In the case of students with statements of special educational needs or who are known to have significant learning difficulties, the Curriculum Leader for Learning Support should also be consulted.

In the case of Looked After Children, the designated teacher should also be consulted.

Before decisions are taken with regard to a recommendation to exclude, the person dealing with the incident should normally consult the Head of Year (HoY)/Year Tutor (YT). The HoY/YT should consult with the Assistant Headteacher (Behaviour and Welfare), to seek a

second opinion on the proposed action. Only the Headteacher can exclude from school – it should be clear that any proposal is a recommendation from the Head of Year. The threat of an exclusion is a powerful thing, and needs to be voiced carefully with a student, if at all.

In dealing with such incidents we should take into account the degree of danger or disruption involved, and how many other students were aware of the incident. Where there is some doubt as to the course of action to be followed, great care must be used to make sure that the investigation is at all points sound. The student's recent record of conduct should be also taken into account in deciding the appropriate punishment, as should the consistency of the action through the school.

Where exclusion is felt to be the appropriate response then a case should be made to the Headteacher at the first available opportunity. The Headteacher will wish to be reassured that all the above points have been taken into account and may wish to hear the student's story in person before agreeing to an exclusion. If this is not practical, the student's version of events will be written down and considered. The length of exclusion will depend on the seriousness of the offence, and usually the student's past record of behaviour.

For any form of exclusion exceeding five days, full time education will be provided by the school for students from the sixth day. Such provision will be arranged through Carlisle Inclusion Panel.

For a permanent exclusion, the Local Authority has responsibility for the education of a student from the sixth day.

All investigations and processes undertaken in the school, which may lead to an exclusion, will be conducted in the context of natural justice. The school excludes on the 'balance of probabilities.'

Re-Admission

Following any Fixed Term Exclusion a Re-Admission meeting will be held by the School which the parent/carer and the student must attend. Depending on the nature of the incident and the behavioural history of the student, Trinity School will ensure when necessary that the appropriate paperwork and supportive strategies are implemented and offered to ensure a successful re-admission to the School. Where appropriate, outside agencies or representatives from the Local Authority will be invited to attend. For evidence purposes, both the student and parent/carer will be asked to sign a copy of the notes taken during the Re-Admission meeting.

A number of interventions/support strategies should be considered during Re-Admission meetings. A minimum expectation is that all students will be placed on report following an exclusion. Students with repeat exclusions may well be encouraged to engage with external agencies. This could be through the 'Early Help' process.

At each Re-Admission meeting, the current provision/strategies and their success/failings should be discussed, in order that appropriate decisions regarding wider strategies are well placed. Conversations should be clearly documented and signed as ongoing evidence of intervention/support offered. Evidence should document declined interventions.

Repeat Exclusion(s)

In any school year:

If a student receives a third fixed term exclusion in their school career, then the parent/carer and their child should expect a member of the Senior Leadership Team to participate in Re-Admission procedures to the School unless other intervention plans are in place. During Re-Admission the parent/carer and their child will be required to sign and agree to a behaviour contract (which includes school, student and parent/carer undertakings) that is representative of the School's Expectations for Learning Behaviour Policy.

If a student reaches 10 days of exclusion in a term, then they and their parent/carer will meet with a member of the Senior Leadership Team and be informed that further exclusions may initiate a Governors' Hearing Panel Meeting with their parent/carer. If 15 days of exclusion are accrued in any one term then a Governors' Hearing will be held with representatives from the Local Authority.

If exclusions continue to occur after 15 days in a term, parents/carers will be informed that their child is now at risk of permanent exclusion.

If students reach 45 days exclusion in the school year, the Headteacher and Governors recognise that the School is likely to have exhausted the strategies available to it to deal with the persistent disruption to the learning of others presented by these students. In addition Governors recognise that the individual concerned will have lost at least 45 days learning through this process and it would be unlikely that the school could offer any other reasonable support at this time. At this point or at any other time in this process the Headteacher may seek a Managed Move if this has not been previously explored. If this move breaks down then the school will permanently exclude.

EXCLUSION PROCEDURES

ADMINISTRATIVE PROCEDURES RE: EXCLUSIONS

1. Letters informing parents of the exclusion will be typed by the Pastoral Admin Manager, from a brief prepared by the HoY/Year Tutor and the Assistant Headteacher (Behaviour & Welfare). An exclusion pack will also be generated which corresponds to the reason for exclusion.
1. Early contact with parents is important and a phone call must be made to make sure that the letter of exclusion does not arrive cold. This is the duty of the HoY/Year Tutor or the Assistant Headteacher (Behaviour & Welfare). In the event of the decision to exclude being taken so late in the day that a letter cannot be guaranteed to arrive before the student leaves for school, then the parent should be informed by telephone of the decision to exclude. This is to avoid students arriving in school and having to be sent home again or isolated for the day because a parent has not received a letter in time.
2. The letter indicating the decision to exclude will be copied to the following:
 - Chair of the Pastoral Committee
 - Headteacher
 - HoY/Year Tutor/Form Tutor
 - Clerk to Governors
 - In the case of permanent exclusion a copy will also go to the Chair of Governors
 - LA
4. The letter must include the information about the right to appeal and the means of exercising this right and the other legally required information from Department of Education guidelines.

5. The Pastoral Admin Manager will ensure that a note indicating that the student has been excluded, and for how long, and for what reason, is placed in the bulletin to staff at the first available opportunity.
6. An interview with the parents/carers and the student should normally precede a reintegration to school after exclusion, according to variance linked to 'consecutive exclusions'. An inability or unwillingness of a parent or carer to attend a reintegration meeting should not delay a student's return to school. The reintegration of a student will normally be dealt with by HOY and if requested by the HOY, the Assistant Headteacher (Behaviour & Welfare), although for particularly serious or repeated offences the Headteacher or a Deputy may be involved. This should be decided at the time of exclusion and when the appointment with parents is made.
7. The Pastoral Admin Manager and Clerk to the Governors' Discipline Committee will keep records of all exclusions so that an overview of the position in the school as a whole and for individual students can be easily obtained. A summary will be provided to the Governors' Pastoral Committee [who also act as the Discipline Committee] by the Assistant Headteacher (Behaviour & Welfare) at the end of each academic year.
8. In circumstances where a student would miss an external examination as a result of an exclusion then an alternative means of taking the examination will be found by the Assistant Headteacher (Behaviour & Welfare), unless this would compromise the integrity of the examination for this or other candidates, or unless the reasons for the exclusion are very serious, or the exclusion is permanent.

Timescales

All exclusions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates) are subject to amended arrangements with regards to:

- the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels
- the deadline for applications for an independent review

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss an exclusion that occurred between 25 September 2020 and 24 September 2021 may be eligible for time extensions in some circumstances.

Meetings relating to exclusions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in the suspensions and expulsions from maintained schools, academies and pupil referral units in England statutory guidance.

Governing boards and arranging authorities for IRPs should take all reasonable steps to meet the normal deadlines for suspensions and expulsions occurring after 24 September 2020.

They should:

- consider the actions for schools during the coronavirus (COVID-19) outbreak
- facilitate remote access meetings where it is not reasonably practicable to meet in person

If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

An exclusion should be taken as having 'occurred' on the first day of the exclusion.

Any exclusions covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.

Timescales for expulsions between 25 September 2020 and 24 September 2021

Exclusions between 25 September 2020 and 24 September 2021 (inclusive) should follow the deadlines in the suspensions and expulsions from maintained schools, academies and pupil referral units in England statutory guidance, other than the deadline for the application of an independent review.

If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

Timescales for exclusions between 1 June 2020 and 24 September 2020

Governing boards and IRPs who have a duty to meet to discuss an exclusion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions.

Meetings relating to exclusions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in suspensions and expulsions from maintained schools, academies and pupil referral units in England. If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it is reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

Timescales for meetings of independent review panels to consider exclusions

The timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19) if:

- the exclusions occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

To minimise uncertainty for pupils and their families, the arranging authority should reassess at regular intervals whether it is reasonably practicable to meet. If it is, they should arrange this without delay.

The Role of Governors

The Governing Body has a duty to consider parents' representations about an exclusion and must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent;

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

If a student would be excluded from school for more than 5 school days, but not more than 15, in a single term, and requested to do so by the parents, the Governing Body/Board of Trustees must consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion.

In the case of a fixed period exclusion which does not bring the student's total number of days of exclusion to more than five in a term, the Governing Body/Board of Trustees must consider any representations made by parents, but it cannot direct reinstatement as it does not have the power to overturn the Headteacher's decision and is not required to arrange a meeting with parents. In this case Governors/Trustees will consider whether it would be appropriate to place a note of their findings on the student's educational record.

Excluded students will be enabled and encouraged to participate at all stages of the exclusion process, considering their age and understanding.

Following their consideration, Governors/Trustees may (where applicable):

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

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 governing body/board of Trustees must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

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

In the case of a permanent exclusion, parents have the right to ask for the decision to be reviewed by an Independent Review Panel which will include representatives from the Governing Body/Board of Trustees.

GOVERNORS' INVOLVEMENT IN EXCLUSIONS

1. The Chair of the Discipline Committee will receive copies of all exclusion letters and will keep a record of all exclusions.
2. The Governor members of the Pastoral Committee will be those normally called on to form a Discipline Committee, should it be required. Three members other than the Headteacher will form a quorum.
3. Where the Chair of Discipline Committee receives notice of an exclusion which:
 - a) is for more than fifteen days in aggregate in any one term; **or**
 - b) would mean that a student would miss an examination; **or**
 - c) is the subject of a parental appeal or representation to the Clerk to the Governors;

then a meeting of the Discipline Committee will be called to consider the school's exclusion/s.

The latest date the Discipline Committee can meet is 15 school days after notification of the exclusion.

PERMANENT EXCLUSION

The Discipline Committee will meet within fifteen school days of the Headteachers' decision to recommend permanent exclusion. The meeting will be held within the context of the school's disciplinary policies, the Department for Education's guidelines, and within the proper framework of the law. In reaching a decision, the Discipline Committee must be satisfied that the school has made every effort to fulfil its policies in spirit and in letter.

The purpose of the meeting is to consider the Headteacher's recommendation to exclude permanently, to clarify issues raised in reports and to enable parents/carers and/or students to put forward their views. When a permanent exclusion has been reported, the Senior Access and Inclusion officer for the area will now be the LA representative at the Governors' Discipline Committee for maintained schools or at the request of parents at Academies.

The LA representative will still be able to advise schools on procedures and alternatives to exclusion etc, where a student is at risk of or has been permanently excluded.

The LA will contact parents to explain the exclusion process, their right to make representation and continued education for their child, but will no longer be writing reports on their behalf nor attend the meeting to support them.

Appeals against a decision by the above committee to exclude permanently will be heard by an Independent Review Panel.

What is an Independent Review Panel?

If applied for by parents within the legal time frame, the Local Authority/Academy Trust will, at their own expense, arrange for an Independent Review Panel hearing to review the decision of a Governing Body/Board of Trustees not to reinstate a permanently excluded student.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the Governing Body/Board of Trustees of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

If requested by parents in their application for an independent review panel, the local authority/academy trust must appoint a SEND expert to attend the panel and cover the associated costs of this appointment. The SEND expert's role is like that of an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

Parents 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.

The role of the panel is to review the Governing Body's/Board of Trustees' decision not to reinstate a permanently excluded student.

In reviewing the decision, the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the exclusion decision;
- recommend that the Governing Body reconsiders their decision; or
- quash the decision and direct that the Governing Body considers the exclusion again.

An independent review panel does not have the power to direct a Local Advisory Board to reinstate an excluded student. However, where a panel decides that a Local Advisory Board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Local Advisory Board to reconsider its decision.