

Learning together in faith

**Holy Cross Catholic
Multi Academy Company**

Suspension and Exclusion Policy 2026-2028

Responsible for Policy	Marina Kelly
Board Approval Date	14 January 2026
Posted on Website	January 2026
Sent out to Schools	January 2026
Date of Policy Review	December 2027

- Updated in line with DfE guidance - Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement September 2022. <https://rb.gy/ymqzdl>
- This Policy replaces the MAC Exclusion Protocol 2020 – 2023
- Updated in line with further DfE guidance September 2023
- Updated in line with further DfE guidance August 2024

Document Control:

Version History

Version	Status	Date	Author	Department	Summary of Changes
1.0	Draft	09/2023	M.Kelly	HCCMAC, Central Team	Creation of document from template and existing school policies
1.0	Approved	25/10/2023			Approved by Board of Directors
2.0	Draft	11/2023	M.Kelly	HCCMAC, Central Team	Updated to include legislative change and DFE guidance 2023.
2.0	Approved	20/12/2023			Approved by Board of Directors
3.0	Amendments	05/11/2024	M Kelly	HCCMAC, Central Team	Updated to include legislative change and DFE guidance 2024
4.0	None	14/01/26	M Kelly	HCCMAC, Central Team	None
4.0	Approved	14/01/26			Approved by Board of Directors

CONTENTS

1. Introduction	1
2. Aims and processes	2
3. Legislation and statutory guidance.....	3
4. Definitions	4
6. Roles and responsibilities	6
• The Headteacher	7
• Informing parents	7
• Informing the local authority (LA)	9
• Informing the pupil's social worker and/or virtual school head (VSH).....	99
• Cancelling suspensions and permanent exclusions.....	10
• Providing education during the first 5 days of a suspension or permanent exclusion	10
• The Local Governing Body.....	10
• Considering suspensions and permanent exclusions	10
• Monitoring and analysing suspensions and exclusions data.....	11
• The Local Authority (LA)	11
7. Considering the reinstatement of a pupil.....	11
8. Independent review.....	14
9. School registers	16
Making a return to the LA.....	16
10. Returning from a suspension.....	177
Reintegration strategy	177
Reintegration meetings	17
11. Monitoring arrangements.....	18
12. Links with other policies.....	18
13. Supporting Documentation	18

Appendices:

1. Suspension and Exclusion Process Flow Chart	20
2. Independent Review Panel Procedure	21
3. Independent Review Panel Training	24
4. Clerk to an Independent Review Panel	25
5. Procedure at the Hearing_Evidence, Witnesses and Proof	26
6. Record of the proceedings of an Appeal Panel	27
7. Record of Meetings of Independent Review Panels and Subsequent Procedure	28

1. Introduction

- 1.1 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to His disciples at the Last Supper 'This is my commandment, that you love one another, as I have loved you'.
- 1.2 Catholic schools are staffed by teachers and support staff who are not only qualified and expert in their own field but who also, having freely chosen to work in a Catholic institution, commit themselves to care for and support each other in every way possible consistent with the teachings of Christ, Gospel values, Catholic doctrine, and the ethos of the school.
- 1.3 Holy Cross Catholic Multi Academy Company (The MAC) aims not to suspend or exclude any pupils. This policy is in place in case there is an exceptionally rare situation where these courses of action are being considered and, possibly, implemented.
- 1.4 All members of our school communities have a duty to ensure that Gospel values underpin the relationships within the school and should draw on the guidance offered in 'Christ at the Centre'. Whilst not definitive, the core values based on the Beatitudes may be summarised as follows:
 - faithfulness and integrity;
 - dignity and compassion;
 - humility and gentleness;
 - truth and justice;
 - forgiveness and mercy;
 - purity and holiness;
 - tolerance and peace;
 - service and sacrifice (Christ at the Centre' 2008 Fr Marcus Stock STL MA).
- 1.5 This policy will be applied in accordance with statutory regulations for the governance of Holy Cross schools which may apply at any time in accordance with the procedures and delegations adopted by the MAC under those regulations.
- 1.6 This policy is for use by the MAC. Some schools' governance terminology differs within Archdiocesan Multi Academy Companies. This policy uses the term Director to represent Directors of the MAC. The term Local Governing Body (or LGB) is used throughout and comprises members who are appointed by the MAC's Directors to assist them in the supervision of a particular school.

2. Aims and processes

We are committed to following all statutory Suspensions and Exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our MAC aims to:

- Ensure that the Suspension and Exclusions processes are applied fairly and consistently.
- Help governors, staff, parents and pupils understand the exclusions process.
- Ensure that pupils in school are safe and happy.
- Prevent pupils from becoming NEET (not in education, employment or training).
- Ensure all Suspensions and Exclusions are carried out lawfully.

A note on “off-rolling”

Schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as: “The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not Suspend or Exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, for example, sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they haven't met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

Processes

A school's headteacher (**Head**) may suspend a pupil from attending at school for a limited period (**Suspension**) or may permanently exclude a pupil, who will then be removed from the school roll (**Exclusion**).

In certain cases of Suspension, and in all cases of Exclusion the relevant School's Local Governing Body (**LGB**) must set up a panel, comprising members of that LGB and/or Directors (an **LGB Review Panel**), which will then review the Head's decision to Exclude or Suspend.

A parent or an **adult pupil** (a pupil who is over the age of 18) may challenge a decision of the LGB Review Panel, which will then be reviewed independently by an

Independent Review Panel, the members of which will have undergone specialist training and will be independent of the applicable school and the MAC. Appendix 1 comprises a flowchart for the LGB Review Panel process.

Full details of the processes and procedures to be adopted by the MAC, any LGB Review Panel and any Independent Review Panel in cases of Suspension or Exclusion are set out in this Policy and the Appendices to it.

3. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, schools and pupil referral units (PRUs) in England (September 2022).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- School Attendance (Pupil Registration) (England) Regulations 2024 <https://www.legislation.gov.uk/ukxi/2024/208/made>

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

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

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

- Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK (www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The ‘relevant protected characteristics’ in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process, including (in the case of the governing board of relevant settings using their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.

This policy complies with the MAC’s master and supplementary funding agreements and articles of association.

4. Definitions

In addition to the expressions already defined above, the following expressions have the following meanings:

Off-site direction – when a LGB of a school requires a pupil to attend another education setting temporarily, to improve their behaviour. The expectation is that the pupil returns to the original school and they are dual registered throughout the placement. (If it is determined to be in the best interests of the pupil, it may become a “managed move” – see below).

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, must consent before a managed move occurs.

5. Exclusion and Suspension

Exclusion

Exclusion is the “final step” in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and failed. It is relatively rarely used, but can be, for single incidents but can be so used if the incident is serious enough. It is used in cases of:

- Violence, including threatened violence
- Persistent, malicious disruptive behaviour including open defiance and refusal to agree with school policies which prevents other pupils from learning or presents a health and safety risk to themselves and others
- Selling/supplying drugs on School premises
- Assault upon a member of staff
- Serious assault upon another pupil
- Use or possession of drugs or other illegal substances
- Possession of knives or other offensive weapons
- Actual, intended or threatened use of a potentially dangerous weapon/implement on the School site
- Posing a serious and/or repeated health and safety risk
- Sexual misconduct

For pupils determined to be at risk of Exclusion, a range of measures may be implemented as appropriate, which may include:

- Agreeing an individual behaviour plan/pastoral support plan with parents
- Assessment of social, emotional and learning needs
- Alternative curriculum options (e.g. part-time college provision)
- Allocation of a learning mentor or counsellor
- Interview with the Governors
- Attendance at a Pupil Referral Unit (PRU or The Key)
- Managed move to another School/school
- 6 week placement at another school

When the Headteacher determines that Exclusion is necessary s/he must be satisfied that all the following criteria are met:

- There has been a serious breach of the School’s Behaviour Policy
- There have been similar incidents in the past (or there has been a very serious single incident)
- Strategies have been used to support the pupil to change/improve behaviour
- If the pupil remained at the School there would be serious harm to the education of other pupils or the welfare or safety of staff or pupils.

Headteachers should also, in such cases, consider use of the following:

- an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or
- Managed moves (permanent measure) as preventative measures to exclusion.

Suspension

A pupil who gets into serious trouble at school can be Suspended for a fixed period of time. Schools can Suspend a pupil if:

- they have seriously broken school rules
- allowing them to stay in school would seriously harm their education or welfare, or the education or welfare of other pupils

In addition:

- only the Headteacher can Suspend a pupil
- initially, Suspension must not exceed **five days** (during which an incident may be investigated further)
- the Headteacher can only extend a period of Suspension or 'convert' a Suspension into an Exclusion except in exceptional cases, (i) where a further incident of serious misconduct occurs during the Suspension, (ii) where a further incident of serious misconduct is discovered to have occurred prior to the Suspension, or (iii) where further evidence has been discovered in relation to the matter(s) giving rise to the Suspension. In such a case, a further Suspension may be implemented, to begin immediately after the first period ends; or an Exclusion may be issued to begin immediately after the first period of Suspension ends; or an Exclusion may be determined to be determined to be implemented immediately.
- pupils may only be suspended for a maximum of 45 school days in any one school year
- the school is responsible for providing pupils with suitable work to do and mark it; Parents may be asked to collect the work from the school and return it when the relevant pupil has completed it

The school must contact Parents on the day the pupil is Suspended (save for cases involving adult pupils). The Headteacher must also provide immediate written notification to Parents, the Chair of the Local Governing Body, the Chief Executive Officer (CEO) of the MAC and the Local Authority (LA).

The written notification should set out the period and reason(s) for the Suspension and confirm whether further investigation is being made.

6. Roles and responsibilities

The Headteacher

Deciding whether to Suspend or Exclude

Only the headteacher, or acting headteacher, can Suspend or Exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher may only use Exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to a serious breach, or persistent breaches of the school's behaviour policy.
- If allowing the pupil to remain in school could reasonably be anticipated to lead to serious harm occurring to the education or welfare of others.

Before deciding whether to suspend or exclude a pupil, the headteacher shall:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether any relevant incident(s) leading to the Exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider whether the pupil has special educational needs (**SEN**).
- Consider whether the pupil is especially vulnerable (such as where the pupil has a social worker, or is a looked-after child (**LAC**)).
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The headteacher shall consider the views of the pupil, taking into account their age and understanding, before deciding to Suspend or Exclude, except where it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher must not reach their decision until they have heard from, or on behalf of, the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents

Pupils who are not adult pupils:

If such pupil is at risk of Suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude such a pupil, the parents will be informed of the period of the Suspension or Exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the Suspension or Exclusion.

- The length of the Suspension or, for a permanent exclusion, or that the pupil has been Excluded.
- Information about parents' right to make representations about the Suspension or Exclusion to the LGB and how the pupil may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the LGB to convene an LGB Review Panel meeting to consider the reinstatement of a pupil, and that parents have the right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend (and that, in appropriate cases, the pupil may attend)..

The headteacher (or senior member of staff as delegated) must also notify parents without delay and, in any event, by the end of the afternoon session on the first day their child is Suspended or Excluded, that:

- for the first 5 school days of an Exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason, which will include specifying on which days this duty applies.
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be provided, if possible:

- The start date for any provision of full-time education that has been arranged
- 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
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher has been unable to obtain all the above information about the alternative provision arrangements by the end of the afternoon session on the first day of the Suspension or Exclusion, they must provide Such information as they can provide by that date and time and, provide the remaining information without delay, and, in any event, no later than 48 hours before the provision is due to start.

If the alternative provision is to be provided before the sixth day of a Suspension or Exclusion, the information may, provided the parents consent, be provided with less than 48 hours' notice.

Informing the Local Governing Body and the Catholic Senior Executive Leader

The headteacher (or senior member of staff as delegated) shall, without delay, notify the Local Governing Body and the MAC's Catholic Senior Executive Leader of:

- Any Exclusion

- Any Suspension which would result in the pupil being Suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any Suspension which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the LGB and CEO of any other Suspensions of which they have not previously been notified, and of Suspension(s) and/or Exclusions which have been cancelled or revoked (as the case may be) in relation to that pupil, including notification of the circumstances and reasons for any cancellation or revocation.

Informing the local authority (LA)

The headteacher (or senior member of staff as delegated) shall notify the LA of any Suspensions or Exclusions without delay. This is a legal requirement regardless of the length of a Suspension.

The notification shall include:

- the reason(s) for the Suspension or Exclusion.
- the length of any Suspension.

In the case of an Exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the Exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- pupil has a Social Worker, or if a pupil is 'looked after', the headteacher must, without delay after their decision, notify the Social Worker and/or VSH, as applicable, of any Suspension or Exclusion
- pupil who is a looked-after child (LAC) is at risk of Suspension or Exclusion, the headteacher (or senior member of staff as delegated) will inform the VSH of that as early as possible.

This is to enable the relevant parties to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve that behaviour.

If the headteacher decides to Suspend or Exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- they have decided to Suspend or Exclude the pupil
- the reason(s) for that decision
- the length of the Suspension.

- the Suspension or Exclusion affects the pupil's ability to sit a National Curriculum test or public examination (where relevant)
- the social worker/or, as applicable, VSH must be invited to any meeting of the LGB about the Suspension or Exclusion. This is to enable them to provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their Suspension or Exclusion. The social worker or VSH should also help to ensure that safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling Suspensions and Exclusions

The headteacher can cancel any Exclusion that has already begun (or one that has not yet begun), but only if the relevant LGB Review Panel has not yet met to consider whether the pupil should be reinstated. Where an Exclusion is so cancelled:

- The Headteacher must notify the parents, (or the pupil in the case of an adult pupil), LGB (OR THE Chair of the LGB Review Panel if one has been convened but not yet met), the LA and the pupil's Social Worker and/or VSH, as applicable, without delay. The notification must also supply the reason for the cancellation.
- There is no requirement to hold a meeting of an LGB Review Panel.
- Parents (or the excluded adult pupil, if applicable) should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the Exclusion being cancelled, which should be arranged without delay.
- The pupil must be allowed back into the school from which they were Excluded without delay.

Providing education during the first 5 days of a Suspension or Exclusion

During the first 5 days of a Suspension or Exclusion, if the pupil is not attending alternative provision, (AP), the headteacher shall take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher must make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school must work with the LA to arrange AP from the first day following the Suspension or Exclusion. Where this is not possible, the school must take reasonable steps to set and mark work for the pupil, including the use of online pathways.

The Local Governing Body

Reviewing Suspensions and Exclusions

The Local Governing Body of an applicable school has a duty to consider parents' representations about a Suspension or Exclusion. It has a duty to consider the reinstatement of a Suspended or Excluded pupil (see section 7 below) in certain circumstances.

Within 14 days of receiving a request, the LGB will provide the Secretary of State with information about any Suspensions or Exclusions within the last 12 months.

For any Suspension of more than 5 school days, the LGB will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Both the Social Worker and/or VSH must be informed when a Governing Board meeting is taking place, in order to share information. The Social Worker and/or the VSH can attend the meeting, should they wish to do so.

Monitoring and analysing Suspensions and Exclusions data

The LGB must challenge and evaluate the data on the applicable school's use of Suspension, Exclusion, off-site direction to alternative provision and managed moves. Each LGB should carefully consider the level of pupil moves and the characteristics of pupils who are moving through any Exclusions to ensure the sanction is only used when necessary and as a last resort.

The LGB shall consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- The school register and absence codes.
- Instances where pupils receive repeat Suspensions.
- Interventions in place to support pupils at risk of Suspension or Exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and Exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- The characteristics of Suspended and Excluded pupils, and why this is taking place.
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- The cost implications of directing pupils off-site.

The Local Authority (LA)

In cases of Exclusions, the LA will arrange suitable full-time education to begin no later than the **sixth school day** after the first day of the Exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the Exclusion.

7. Considering the reinstatement of a pupil

Appendix 2 set out the Procedure for the holding of LGB Review Panel Meetings.

The LGB will of the applicable school shall convene an LGB Review Panel to consider and decide on the reinstatement of a Suspended or Excluded pupil within 15 school days of receiving notice of the Suspension or Exclusion, but in the case of a Suspension, only if:

- the Suspension would bring the pupil's total number of days out of school to more than 15 in a term, or;
- it would result in a pupil missing a public exam or National Curriculum test.

Where Suspension does not or will not bring the pupil's total number of days of Suspension to more than 5 in a term, the LGB must consider any representations made by parents. In such a case the LGB cannot convene an LGB Review Panel, it is not required to meet with the parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been or will be suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the LGB in relation to the Suspension, it shall convene an LGB Review Panel to consider and determine whether the Suspended pupil should be reinstated within 15 school days of receiving such representations.

In the case of an adult pupil, that pupil may make such representations, in which event an LGB Review Panel shall be convened to act in the same manner as with a Suspended pupil who is not an adult.

Where a Suspension or Exclusion would result in a pupil missing a public examination or National Curriculum test, any LGB Review Panel shall, so far as is reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test **9IF NECESSARY, BY HAVING THE MATTER DETERMINED BY THE Chair of the LGB if it is impossible to convene an LGB Review Panel meeting in time).**

The following parties shall be invited to any LGB Review Panel and allowed to make representations or share information:

- Parents, (or any adult pupil if and where requested, a representative or friend).
- The pupil, if they are aged 17 or younger and it would be appropriate, in the opinion of the LGB Review Panel (acting in its sole discretion), to their age and understanding (and, where requested, a representative or friend).
- The headteacher.
- The pupil's social worker, if they have one.
- The VSH, if applicabler.

The Local Governing Body must arrange the LGB Review Panel meeting within the time limits set out above at a time that suits all relevant parties. However, the LGB Review Panel's decision will not be invalid simply on the grounds that it was not made within these time limits.

The LGB Review Panel may:

- reinstate the relevant pupil

- decline to reinstate that pupil
- direct the reinstatement of the pupil on a particular later date where possible.

In reaching a decision, the LGB Review Panel must consider:

- whether the decision to Suspend or Exclude was lawful, reasonable, and procedurally fair.
- whether the headteacher followed their legal duties.
- the welfare and safeguarding of the pupil and their peers.
- any evidence that was presented to the LGB Review Panel.

It shall decide whether or not a fact is true ‘on the balance of probabilities’ (that is, whether it is more likely to be true than not).

Minutes shall be taken of the meeting, and a record kept of the evidence that was considered. The outcome must also be recorded on the pupil’s educational record, and copies of relevant papers must be kept with this record.

The LGB shall notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or, if the pupil is an adult, that pupil.
- The headteacher.
- The pupil’s social worker, if they have one.
- The VSH, if the pupil is looked after.
- The local authority.
- The pupil’s home local authority, if it differs from the school’s local authority.

In the case of an Exclusion where the LGB Review has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is an Exclusion.
- Notice of parents’ right to ask for the decision to be reviewed by an Independent Review Panel (an **Independent Review**).
- The date by which an application for an Independent Review must be made (15 school days from the date on which notice in writing of the LGB Review Panel’s decision is given to parents or the pupil, as applicable).
- The name and address to which an application for an Independent Review and any written evidence should be submitted.
- That any application for an Independent Review should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil’s special educational needs (**SEN**) are considered to be relevant to the Exclusion.

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the MAC to appoint an SEN expert to advise the Independent Review Panel.
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEN expert to be appointed in any application for an Independent Review.
- That parent may, at their own expense, appoint someone to make written and/or oral representations to the Independent Review Panel, and parents may also bring a friend to the Independent Review Panel meeting.
- That, if parents believe that the Exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

8. Independent review

The detailed processes, proceedings, qualifications and structure of Independent Review Panels are set out in Appendices 3, 4, 5, 6, and 7.

If parents apply for an Independent Review within the required timeframe, the MAC will arrange for an Independent Review Panel to be formed to review the decision of the LGB Review Panel not to reinstate the relevant Excluded pupil.

Applications for an Independent Review must be made within 15 school days of notice being given to the parents by the Local Governing Body of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time.
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of an Independent Review Panel if they:

- Are a member/director of the MAC.
- Are the headteacher of the excluding school, or have held this position in the last 5 years.
- Are an employee of the MAC, or a member of the LGB of the excluding school (unless they are employed as a headteacher at another school in the MAC).
- Have, or at any time have had, any connection with the MAC, (except as the headteacher of another school in the MAC, relevant school, LGB, parents or the pupil, or the incident leading to the Exclusion, which might reasonably be taken to raise doubts about their impartiality).
- Have not had the required training within the last 2 years (see Appendix 3 for what such training must cover).

The Panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was Excluded, and have regard to the interests of other pupils and people working at the applicable school.

In the case of a pupil who is not an adult, taking account of the pupil's age and understanding (determinable by the Independent Review Panel in its absolute discretion), the pupil or their parents (as applicable) will be made aware of their right to attend and participate in the Independent Review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the Independent Review Panel (in this section the **Panel**) must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's Exclusion.

Where a VSH is present, the Panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the Exclusion, or are otherwise relevant to the pupil's Exclusion.

Following its review, the Panel shall:

- uphold the LGB Review Panel's decision, or
- recommend that the LGB reconsiders reinstatement, or
- quash the LGB Review Panel's decision and direct that it reconsiders reinstatement (but only if it judges that the decision was flawed).

New evidence may be presented, but the school cannot introduce new reasons for the Exclusion or the decision not to reinstate. The Panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the Panel must only take account of the evidence that was available to the LGB Review Panel at the time of making its decision. This includes

any evidence that the Panel considers would, or should, have been available to the LGB Review Panel and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the Panel considers it is unreasonable to expect the LGB Review Panel to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the LGB reconsiders reinstatement.

The Panel's decision shall be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the Panel has reached its decision, the Panel will notify all parties in writing without delay.

This notification will include:

- The Panel's decision and the reasons for it.
- Where relevant, details of any financial readjustment or payment to be made if the LGB does not decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the LGB to have placed on the pupil's educational record.

9. School registers

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

- 15 school days have passed since the parents were notified of the LGB Review Panel's decision to not reinstate the pupil and no application has been made for an Independent Review Panel, or
- The parents (or, as applicable, the adult pupil) have stated in writing that they will not be applying for an Independent Review.

Where an application for an Independent Review has been made within 15 school days, the LGB will wait until that Independent Review has concluded before causing the removal of the relevant pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an Excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a Exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name.
- The full name and address of any parent with whom the pupil normally resides.

- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency.
- The fact that their name is to be deleted from the admissions register by virtue of Exclusion.
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents (or, as applicable, the adult pupil) have told the school the pupil is moving to another school.
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

10. Returning from a Suspension

Reintegration strategy

Following Suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school.
- Informing the pupil, parents and staff of potential external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents if they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

11. Monitoring arrangements

The school will collect data on the following:

- Attendance, Exclusions and Suspensions.
- Use of pupil referral units, off-site directions and managed moves.
- Anonymous surveys of staff, pupils, and other stakeholders on their perceptions and experiences.

The data will be analysed and will be reported back to the governors and Directors

The data will be analysed from a variety of perspectives including:

- At school level.
- By age group.
- By time of day/week/term.
- By protected characteristic.

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

The MAC will work with its schools to consider this data, and to analyse whether there are patterns across the MAC, recognising that numbers in any 1 school may be too low to allow for meaningful statistical analysis.

12. Links with other policies

This exclusions policy is linked to:

- School Behaviour policies.
- School SEND policies.

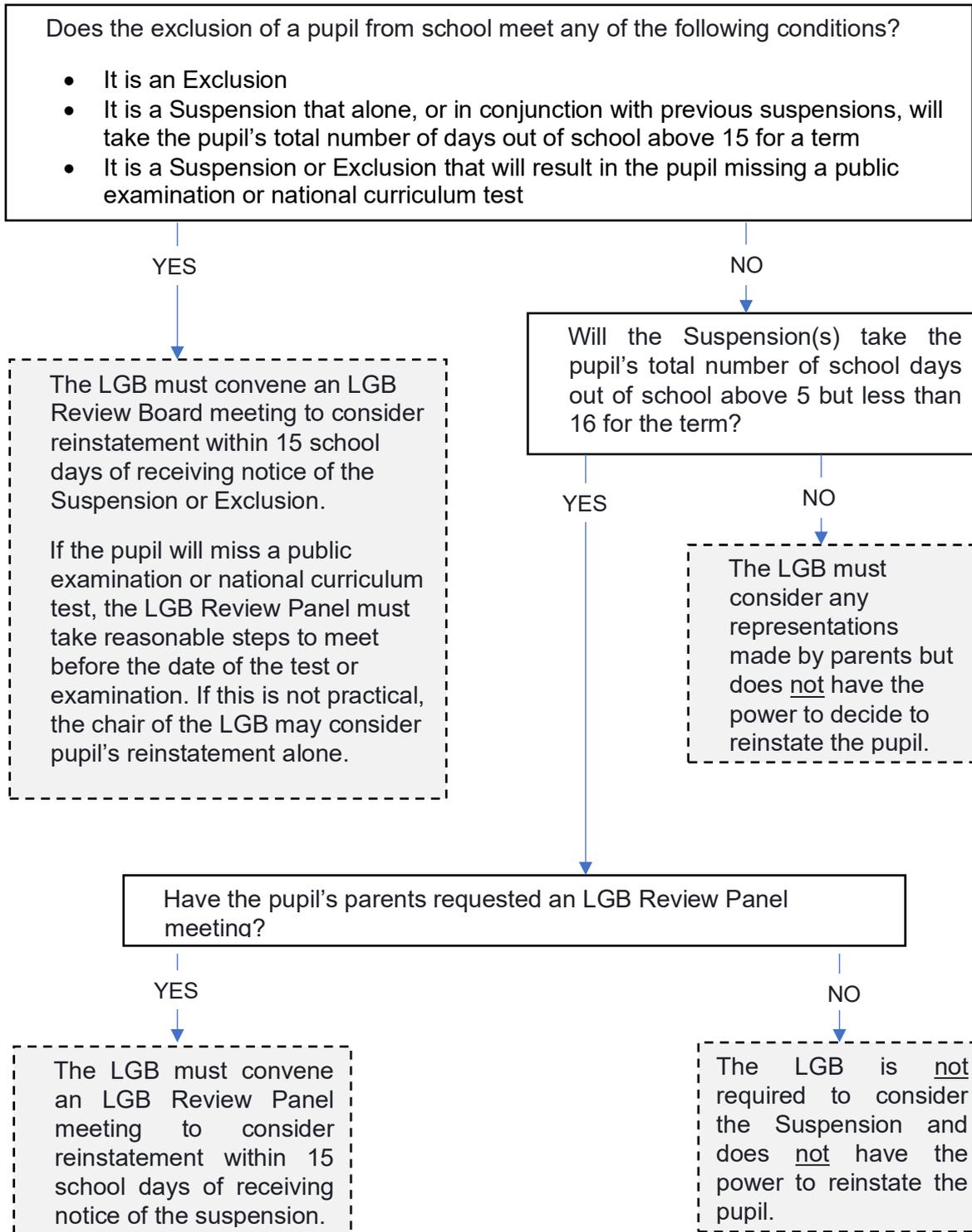
13. Supporting Documentation

The following supporting documentation can be found on the Headteacher shared area of CrossNet:

- a. Checklist for Headteachers
- b. Pupil Exclusion – Headteacher Report Template
- c. Suspension and Exclusion Model Letters

- i. **Model letter 1:** From Headteacher (or teacher in charge of a PRU) notifying parent(s) of a suspension period of 5 school days or fewer in one term, and where a public examination is not missed.
 - ii. **Model letter 2:** From Headteacher (or teacher in charge of a PRU) notifying parent(s) of a pupil's suspension of more than 5 school days (up to and including 15 school days) in a term.
 - iii. **Model letter 3:** From Headteacher (or teacher in charge of a PRU) notifying parent of a suspension period exclusion of more than 15 school days in total in one term.
 - iv. **Model letter 4:** From the Headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of a pupil's permanent exclusion.
 - v. **Model letter 5:** From the clerk of the governing body (of a primary, secondary or special school) to parent upholding a permanent exclusion.
- d. Suggested Organisation of the LGB Review Panel
 - e. Exclusion Statutory Guidance September 2022
 - f. Changes to Statutory Guidance
 - g. Parent Leaflet –Exclusions
 - h. Exclusion Flowchart
 - i. Model letter – invite to attend an LGB Review Panel meeting

Process flowchart - Local Governing Body Review Panel



Local Governing Body Review Panel Procedure

Purpose of the Local Governing Body Review Panel meeting

The Local Governing Body **must** establish an LGB Review Panel (**Panel**) which acts on its behalf in relation to an Exclusion or relevant Suspension. The role of the Panel is to examine and review the decision by the Headteacher to Exclude or, where applicable, Suspend a pupil. The Panel meeting shall allow parent(s) (or adult pupil) to make any representations they may wish to make to it.

Guidelines on the Conduct of the Panel

1. Before the Hearing

- a. The school shall appoint a Clerk to assist the Panel, who must not be an employee of the relevant school or have any connection to any party involved in the review: in making such an appointment the school shall take advice from the CEO or the MAC or other senior employee of the MAC nominated by the CEO for such purpose.
- b. The Clerk will circulate, at least 5 school days before the meeting, a report from the headteacher and any written representations from the parents and/or the Local Authority and all other papers to be produced before the Panel. The Panel may adjourn the meeting if the papers are introduced or circulated later than this.
- c. The Headteacher and parents have the right to be represented at the hearing and to call witnesses. The names and status of any representatives and/or witnesses should ideally be notified to the Chair of the Panel prior to the meeting.

2. At the Hearing

1. The Chair of the Panel should welcome all participants and carefully explain the respective responsibilities of those present, with particular reference to the role of the Panel and the Clerk. The procedure should operate on the rules of natural justice and in particular each party at the hearing has an equal right to be heard.
2. The Headteacher presents the case for the Exclusion in the presence of the parent(s), calling witnesses and/or written information, as appropriate.
3. The parent(s) (or representative) then have the opportunity to ask questions of the Headteacher on the evidence given by him/her or any witnesses whom he/she may call.
4. The Panel members then have the opportunity to ask questions of the Headteacher and witnesses in the presence of the parent(s).
5. The parent(s) (or representative) put their case in the presence of the Headteacher and call such witnesses and/or written information, as appropriate. The parent may call as a witness the pupil who is the subject of the exclusion.
6. The Headteacher then has the opportunity to ask questions of the parents and their witnesses.

7. The Panel members have the opportunity to ask questions of the parents and their witnesses in the presence of the Headteacher.
8. The Headteacher and the parent(s) (or representative) then have the opportunity to sum up their cases if they so wish in the presence of all parties.
9. The Headteacher, parent(s), representatives and witnesses will then withdraw.
10. The Panel members deliberates in private, only recalling the Headteacher, parent(s) and any representatives to clear points of uncertainty on evidence already given. If a recall is necessary, both parties will return even if only one is concerned with the point giving rise to doubt. The Clerk will remain for the purpose of recording the decision and to give advice, as appropriate, on the legal and procedural aspects of exclusion matters.
11. The Chair will announce the Governors' decision to the Headteacher and the parents and their representatives personally.

3. After the Hearing

12. The Clerk will confirm the decision to parents, in writing, within one school day with a copy to the MAC and the Local Authority.
13. Where Governors uphold the decision to exclude a pupil, the following information should be included at the end of the letter to the parent (or as applicable, adult pupil).

*“You have the right to request a review of the decision by an independent review panel against this decision. If you wish to do so, please notify **NAME** of your wishes. You must set out the reasons for your review in writing and send this notice of review to **NAME, ADDRESS, TELEPHONE NUMBER** by no later than **DATE**. If you have not lodged a review by **DATE**, you will lose your right to review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. You may bring a friend to the review, or at your own expense appoint someone to make written and/or oral representations to the panel. Also, please inform **NAME** if it would be helpful for you to have an interpreter present at the hearing.*

Your review will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years) head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman.

You may request the presence of a Special Educational Needs expert. The role of the SEN expert will be to provide impartial advice on how special educational needs may be relevant to the exclusion, and he/she should advise the panel on whether he/she believes the academy acted in legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

The review panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later

than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the governing body reconsiders their decision to exclude your child; or they may quash the governing body's decision and direct that the governing body considers the exclusion again. If the review panel either recommends or directs that the governing body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.

In addition to the right to apply for an Independent Review Panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 (within 6 months of the incident) to the First Tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send/appeals. In the case of other forms of discrimination, a claim may be made to the County Court. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which your child was excluded.

You may wish to contact the local authority. You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0345 345 4345 or on www.childrenslegalcentre.com. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January. Statutory guidance on exclusions can be found at www.gov.uk/schools-colleges/behaviour-attendance.

The Governors recognise that you will be disappointed by their decision. However, we would urge you to make use of the services and provision that the local authority can offer to settle [PUPIL NAME] into an environment where he can receive effective help in addressing his undoubted needs. We sincerely believe that this is in the best long-term interests of your [SON/DAUGHTER]."

Independent Review Panel Training Requirements

The MAC shall take all reasonable steps to ensure that all members of an Independent Review Panel and its clerk have received applicable training within the 2 years prior to the date of the review.

That training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and Exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the Independent Review Panel's decision making.
- The need for the Panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of headteachers, LGBs and the Independent Review Panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

The Clerk to an Independent Review Panel

The MAC shall appoint a clerk (**Clerk**) to provide advice to each Independent Review Panel and to all parties to the Independent Review on procedure, law and statutory guidance on Exclusions. Where appointed the Clerk must perform the following additional functions:

- Make reasonable efforts to inform the following people that they are entitled to: make written representations to the Panel; attend the Panel meeting and make oral representations to the Panel; and be represented:
 - a) the parents (or the pupil in the case of an adult pupil);
 - b) the headteacher;
 - c) the LGB; and
 - d) the local authority (in the case of a maintained school or PRU).
- Make reasonable efforts to circulate to all parties copies of relevant papers at least 5 school days before the Independent Review. These papers must include:
 - a) the LGB's determination;
 - b) the parents' application for an Independent Review; and
 - c) any policies or documents that the LGB Review Panel was required to have regard to in making its decision.
- Give all parties details of those attending and their role, once the position is clear.
- Attend the Independent Review meeting and ensure that minutes are produced in accordance with instructions from the Panel.

Statutory guidance to the MAC on appointing a Clerk

The Clerk must not have served as clerk to the LGB Review Panel in relation to its decision not to reinstate the pupil.

In addition to the training required by law, Clerks should have an up-to-date understanding of developments in case law which are relevant to Exclusion.

Statutory guidance for the MAC regarding the Clerk's role on preparing for an independent Review

The MAC should ensure the clerk follows the following processes:

- The Clerk should identify in advance of the Independent Review meeting whether the pupil will be attending. Where an Excluded pupil is attending the hearing, consideration should be given in advance as to the steps that will be taken to support his/her participation. If the Excluded pupil is not attending, it should be made clear that they may express their views through a representative or by submitting a written statement.

- The Clerk should inform the parents of their right to bring a friend to the hearing.
- In order to review the LGB Review Panel's decision the Panel will generally need to hear from those involved in the incident, or incidents, leading to the Exclusion. The Clerk should also try to ascertain whether an alleged victim, if there is one, wishes to be heard at the Panel's review meeting. This could be in person, through a representative or by submitting a written statement.
- In the case of witnesses who are pupils of the school it will normally be more appropriate for the Panel to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and, if they are under 18, with their parents' consent. In such cases, that pupil's parents should be invited to attend the meeting in support of their child.
- Where character witnesses are proposed, the Clerk should seek the agreement of the Panel; but this should be allowed unless there is good reason to refuse.
- All written witness statements should be attributed, signed and dated, but if the school satisfies the Panel prior to issuing any statement that the anonymity of the witness should be preserved, that, statement should at least have all identifying features redacted. In any event Excluded pupils are entitled to know the substance behind the reason for their Exclusion.
- Parties attending the Panel meeting have the right to be represented. Representatives may make written or oral representations to the Panel. If any of the parties wish to bring more than one friend or representative, the clerk should seek the Panel's agreement in advance, having regard to a reasonable limit on numbers attending the Review meeting. However, all parents may attend, if they wish to do so, and each can make representations and be represented.
- In addition to written witness statements and submissions of the headteacher of the relevant school, the Clerk should request written evidence from the school for circulation to all relevant parties in advance of the meeting, such as policies and documents of the school which the LGB Review Panel would reasonably have been expected to take account of in reaching its decision on reinstatement.
- Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the Panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements should be used.

- Where an excluding head teacher has left the school, the Panel may use its discretion in deciding whether to also invite this person to make representations.
- The Clerk should notify the panel where requested documents have not been provided so that the panel can take a decision on whether to adjourn the hearing to allow for the documents to be provided.

Procedure at the Independent Review Panel Meetings

The appeal meeting shall not be held at the school that the pupil has been excluded from. The Independent Review Panel (**Panel**) shall take reasonable steps to establish an atmosphere of informality where the parties can present their cases effectively.

The remit of the Panel is to consider whether the pupil should have been Excluded and whether the pupil should be re-instated. In considering an appeal, the Panel will decide whether the pupil did what he or she is accused of doing. If more than one incident of misconduct is alleged, the Panel will decide on each incident. If satisfied on the balance of probabilities (that, that it is more likely than not) that the pupil did what they were alleged to have done, and then the Panel will decide whether, considering all relevant factors, permanent Exclusion was a reasonable response to that conduct. Relevant factors must include:

- The broader interests of other pupils and staff in the school, as well as those of the excluded pupil
- The School's published Behaviour policy
- Where other pupils were involved in the same incident and were also disciplined, the fairness of the Exclusion in relation to the sanctions imposed on the other pupils involved

To reach a decision, the Panel may need to hear evidence from those directly or indirectly involved, including the pupil. Neither the LGB nor the school may introduce new reasons for the Exclusion. However, the parent may put forward new information that may not previously have been available. If this happens, the LGB and/or the school shall be given an opportunity to respond.

The Order of the Appeal Hearing

The order of hearing will be notified in advance to the parties.

At the start of the hearing the Chair or Clerk will welcome the parties and introduce those present, pointing out that the Panel is independent of the School and its LGB and that its decision is binding on them.

The Clerk will explain the order in which the parties entitled to be heard will state their case and that there will be an opportunity for questioning by the other parties afterwards.

The Panel members may also ask questions of the other parties to the appeal or of any witnesses who appear, in order to clarify an issue or to elicit more information. The aim will be for Panel members to ask their questions at the end of each party's statement and following questions by the other parties.

The Clerk may be called on to give legal or procedural advice to the Panel during the hearing and when they retire to consider their decision. The Chair will order proceedings and lead the Panel in establishing the relevant facts. If the parent appears to be having difficulty in presenting their case, the Chair should intervene to assist them to ensure that their case is established and that factual matters not in dispute are clearly identified. The Chair will assist parents who have English as a

second language or who have literacy problems, and who may not have understood all the paperwork.

If the Panel wishes to vary the notified procedure, they should only do so after hearing the views of all the parties present and entitled to make representations.

Sufficient time will be allowed for each party to put its case. The Panel should ensure that parents are given the opportunity to comment on relevant information obtained from the LGB or the school. The Clerk and the Panel must ensure that no party attending the hearing is present alone with the Panel.

In exceptional cases the Panel may adjourn an Independent Review to a later date. If there is an adjournment, it is essential that no part of the proceedings takes place other than in the presence of all the Panel members.

Independent Reviews – Evidence, Witnesses and Proof

Where the School's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the Independent Review Panel (**Panel**), if it wishes to see it. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable as evidence.

The Panel cannot compel witnesses to attend. The Panel may call witnesses who saw the incident or behaviour which gave rise to the exclusion. It may also call a teacher or teachers (other than the Headteacher) who investigated the incident and interviewed pupils. The Headteacher has the right to make written representations to the Panel and to appear and make oral representations.

Where adult witnesses are unwilling to appear in person or are unavailable, the Panel must rely on their written statements, copies of which will have been circulated to all parties by the Clerk before the hearing. In the case of witnesses who are pupils of the School, it will generally be appropriate for the panel to rely on their written statements. Pupils may, however appear as witnesses in person if they do so voluntarily and with their parents' consent. All written witness statements must be attributed and signed, except in cases where the Panel has determined that the anonymity of any relevant pupil should be preserved. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.

The calling of character witnesses is at the discretion of the Panel, but should be allowed unless there is good reason to refuse. It is for the Panel to decide whether any witnesses, having given evidence, should remain for the remainder of the hearing.

If any of the parties intend to raise matters or produce documents at the hearing which are not covered by the statement of decision or the notice of appeal, these should be submitted to the Clerk to the Appeal Panel in good time before the hearing. If substantial new issues are raised for the first time at the hearing, an adjournment may be necessary to allow all parties to consider the issues.

An Panel may uphold the decision to exclude, direct immediate reinstatement or reinstatement at some future date, or may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction. A Panel, when directing reinstatement, may specify a future date rather than an immediate return to allow for support arrangements to be put in place or for other similar reasons, but the date of re-instatement should be reasonable in all the circumstances. The Panel cannot attach conditions to the re-instatement of a pupil.

Under no circumstances can an Independent Review continue if the number of Panel members drops below three at any stage. Once a Panel Review meeting has begun, no Panel member may be substituted by a new member for any reason.

Proof

The standard of proof currently applied in school exclusions is the balance of probabilities. However, the more serious the allegation, the more convincing the substantiating evidence needs to be, that is, that the evidence should indicate that it is clearly more likely than not that the pupil has done what they are alleged to have done.

This does not amount to requiring a criminal standard of proof (that is, 'beyond reasonable doubt'). The Headteacher may adduce evidence of the pupil's substantially similar past behaviour to prove the likelihood of committing this serious offence. For example, if a pupil has been Excluded for bringing a knife into the School and threatening to stab someone, previous incidents of threatening behaviour or the possession of a weapon would be relevant, but not disciplinary matters of a different nature, such as possession of a controlled substance or general disobedience.

Record of Meetings of Independent Review Panels and Subsequent Procedure

The Clerk to an Independent Review Panel (**Panel**) should take minutes of the proceedings, the attendance, the voting and record the decision in a format approved by the Panel.

After the Hearing

The decision of the Panel is binding on all parties. The Appeal Panel shall communicate its decision to all parties by the end of the second school day after the Review meeting. Where the meeting is held on the last day of term or outside term-time, the Panel shall notify all parties by the end of the second working day after its conclusion.

If the Panel upholds the Exclusion, the Clerk should immediately report this to the pupil's home LA. The Clerk should also advise the parent (if the pupil is not an adult pupil, otherwise that adult pupil) to contact the LA about arrangements for the pupil's continuing education. The Headteacher should remove the pupil's name from the school's roll the day after the conclusion of the Independent Review. Where the Panel direct re-instatement it should immediately inform the Headteacher of its decision and specify the date on which the pupil must be readmitted.

Details of Exclusions may not be deleted from the pupil record where the Exclusion is a matter of fact. The Governing Body must, however, comply with any parental request to append their appeal statement to the pupil's record. It will be for the LGB to decide what details of the Exclusion are included in the pupil's school record: copies of the Headteacher correspondence should be included and the minutes of the hearings, if the respective panels agree to this.