Our Lady of Walsingham Catholic Primary School



Suspension and Permanent Exclusions Policy

Adopted by Governors: Autumn 2026

Review date: Autumn 2027



Our Lady of Walsingham Catholic Primary School is a learning community based on Gospel values. We aim to develop our pupils by encouraging their growth as spiritual and moral individuals who have the confidence to make the best choices. We encourage them to aspire to achieve and to realise their full potential. We nurture our children as they grow into responsible members of our community and to develop a lifelong love of learning.

Hand in hand with God, we love, live and learn.

Our Lady of Walsingham Exclusion Policy
It is the policy of Our Lady of Walsingham school, that behavioural issues are dealt with in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion.

Luke 6:31
"Do to others as you would have them do to you."

This reminds us not only are we encouraging the children to consider their actions, but that the adults in school consider the way in which we react to and support children when they have made mistakes.

Purpose of this policy
This policy is designed to outline the approach to suspensions and permanent exclusions at Our Lady of Walsingham. Schools should refer to the DfE document '*Suspension and Permanent Exclusions from Maintained Schools, Academies and Pupil Referral Units' August 2024* . The Education Act 1996 is listed in the principal legislation that the guidance refers to. The school must also have regard to the Equality Act 2010 when deciding about a suspension or permanent exclusion.

Principles
1. Suspension and exclusion is a sanction used by a school only in cases deemed as serious breaches of the School Behaviour Policy. A pupil may be at risk of suspension or exclusion from school for behaviour such as:

    - Physical aggression against another pupil
    - · Physical aggression against an adult
    - · Verbal abuse or threatening behaviour towards another pupil or adult
    - · Bullying
    - · Prejudicial behaviour
    - · Racist abuse or homophobic abuse
    - · Sexualised behaviour
    - · Damage to school or personal property
    - · Theft
    - · Persistent disruptive behaviour in the classroom or on the playground and/or persistent refusal to follow instructions

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other pupils' learning, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

2. Schools must seek to reduce the number of incidents leading to suspensions and permanent exclusions by promoting a positive atmosphere of mutual respect and discipline within the school. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.
   The Headteacher should also consider the use of multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.

3. In very exceptional circumstances there may be a need for a temporary reduced timetable to meet a pupil's individual needs. The School Admissions Code (published by the DfE in December 2014) states that a child is entitled to a full-time place in the September following their 4th birthday. In very exceptional circumstances there may be a need for a temporary reduced timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a reduced timetable is considered as part of a re-integration package.
   A reduced timetable should only be used as a short-term measure. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full time or be provided with alternative provision. In agreeing to a reduced timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as an authorised absence.

4. A suspension from the school can only be authorised by the Headteacher or the Deputy Headteacher acting on their behalf. If none are available to authorise the exclusion, a decision should be deferred until the opportunity for authorisation is available.

5. In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.

6. Informal or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

7. The behaviour of a pupil outside school can be considered grounds for an exclusion.

8. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, head teachers should consider whether exclusion is providing an effective sanction. An academic year is defined as a school's 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.

9. Where a pupil has received 15 suspensions within one school term a panel of the Local Academy Committee will be convened to review the suspensions.

10. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the headteacher's duty to notify parents, still apply.

11. Headteachers, governors and appeal panels must apply the civil standard of proof when establishing the facts in relation to an exclusion i.e. 'on the balance of probabilities' it is more likely than not that the fact is true.

12. In relation to looked after children (LAC), schools will co-operate pro-actively with foster carers, children's home staff, the LA that looks after the child and the LA's virtual school head.

13. Schools must regularly monitor the number of suspensions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Notification of an Exclusion

1. Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. Parents should be informed of the length of the suspension. This will be done on the day of the suspension, being authorised by either direct telephone contact or a face-to-face meeting. Written notification of the suspension of a pupil to their parents can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or by posting it to that address. Notification of the suspension of a pupil to their parents can be given electronically if the parents have given written agreement for this kind of notice to be given.
2. The headteacher must inform parents that for the first five school days of a suspension (or until the start date of any alternative provision or end of exclusion where this is earlier) parents are legally required to ensure that their child is not present in a public place at any time during school hours and that parents may be given a fixed penalty notice or prosecuted if they fail to do so. Reasonable steps to set and mark work should be taken by the school. The letter from school about the exclusion must also tell parents how to challenge the decision. (See Appendices 1-4 for template letters)

3. For suspensions of more than 5 days, the governing body must arrange suitable full time education for the pupil. This provision must begin no later than the sixth day of the exclusion. The governing body's duty to arrange education from the sixth day of a fixed term exclusion is triggered by consecutive fixed term exclusions totalling more than five days.

4. Where a pupil has an education, health and care (EHC) plan, the LA may need to review the plan or reassess the pupil's needs, in consultation with the parents, with a view to identifying a new placement.

5. If alternative provision is being arranged, then parents must be informed of the start date for this provision, the start and finish times of any such provision, the address at which the provision will take place and any information required in relation to who the child should report to on the first day. Information of alternative provision must be provided no later than 48 hours before the provision is due to start, unless it is being provided before the 6th day of a suspension, in which case the information can be provided with less notice with parents' consent.

6. A pupil can transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. Alternatively, the school may organise for the pupil to spend some or all of their exclusion time at a partner school, again with the consent of all parties.

7. In the case of a permanent exclusion, parents will be offered a face-to-face meeting with the headteacher.

8. The law does not allow for extending a suspension or 'converting' a suspension into a permanent one. In exceptional cases, usually where further evidence comes to light, a further suspension may be issued to begin immediately after the first period ends. Alternatively a permanent exclusion may be issued to begin after the end of the first period. In such cases the head teacher must write again to the parents, issue a new suspension notice, explaining the reasons for the change and providing any additional information required.

9. A pupil who has been suspended will have the reason explained to them by a member of staff so that they understand the nature of their misbehaviour.

10. The school should work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. Family Support Worker, Attendance Service, Trust or Local Authority. Should it be decided that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. The aim is that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

11. The Chair of Governors, Local Authority, Our Lady of Walsingham and relevant school staff will be notified of all suspensions on the same day of the production of the exclusion letter; notification will clearly outline the reasons for the exclusion. The governing body must also be informed if an exclusion would result in a pupil missing a National Curriculum test.

Pupils Returning from a suspension.

All pupils returning from a suspension are required to attend a re-integration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school.

Permanent Exclusions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off'' incident.

If a child has been permanently excluded:

- the school's governing body is required to review the headteacher's decision and parents may meet with them to explain their views on the exclusion.
- if the governing body confirms the exclusion, parents can appeal to an independent appeal panel organised by the Academy Trust. A person may not serve on an independent review panel if they have, or at any time have had, any connection to the

governing body.

- the school must explain in a letter how to lodge an appeal.
- the local authority must provide full-time education from the sixth day of a permanent exclusion.

The headteacher must remove a pupils' name from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel.
- The parents have stated in writing that they will not be applying for an independent review panel.
- Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.
- Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion, the school must make a return to the LA. The return must include all the particulars which were entered in the admission register, the address of any parent with whom the pupil normally resides, and the grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion). This return must be made as soon as the grounds for deletion are met and no later than the deletion of the pupil's name.
- A LA cannot require a school to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations or the payments which an academy has to make under its funding agreement. An LA may ask an academy trust to enter into an arrangement for the transfer of funding for a pupil who has been permanently excluded, on the same basis as if the school were a maintained school. The trust may be obliged under its funding agreement to comply with such a request.

Appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the governing body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors. Guidance for conducting appeals can be found in Appendices 5 and 6.

Relationship to other school policies

The Exclusion Policy should be read in tandem with the Behaviour Guidelines and the School's Behaviour Policy.

Other relevant Trust and School Policies: Inclusion- SEND Policy, Equality Policy, Attendance Policy.

Appendix 1: Example Letter to Parents for Suspension (Up to 5 days)

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[pupil's name]** for a period of **[specify period]**. This means that he/she will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this may well be upsetting for you and your family, but the decision to suspend **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been suspended for this fixed period because **[reason for suspension this can be more than one reason]**.

You have a duty to ensure that your child is not present in a public place at any time during school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates.

We will set work for **[pupil's name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **[Name of Contact]** at **[contact details — address, phone number, email]**, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to discuss how best we can support your child.

Guidance can be obtained from the Department for Education website at https://www.gov.uk/government/publications/school-exclusion You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-tribunals/ tribunals/ send/ index.htm).

Advice on the exclusions process can also be obtained from the Educational Inclusion & Partnership Team on 0300 126 100 or via the online contact form available https://northamptonshire.firmstep.com/default.aspx/RenderForm/?F.Name=BSR3B6xZnjG or Information Advice Support Service (IASS) on 01604 636111 contact@iassnorthants.co.uk (for pupils with special educational needs)

The following information may also be useful:
ACE Education http://www.ace-ed.org.uk/ and their advice line service on 03000 115 142 on Monday to Wednesday from 10:00am to 1:00pm during term time
The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk
Independent Parental Special Education Advice https://www.ipsea.org.uk/

[Pupil's Name]'s suspension expires on **[date]** and we expect **[pupil's name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

Head teacher

Appendix 2: Example Letter to Parents for Suspension (6 – 15 days)

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[pupil's name]** for a fixed period of **[specify period]**. This means that **[pupil's name]** will not be allowed in school for this period. The suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this may well be upsetting for you and your family, but my decision to suspend **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been suspended for this fixed period because **[specify reasons for suspension]**.

You have a duty to ensure that your child is not present in a public place at any time during school hours during the first 5 school days **[or specify dates if suspension is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates.

We will set work for **[pupil's name]** during the first five school days of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the **[6th school day of the pupil's exclusion] [specify date]** until the expiry of his/her suspension we **[The Academy trust - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time]** and report to **[staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider.]**

You have the right to request a meeting of the governing body to whom you may make representations, where the decision to exclude can be reviewed. You may request a representative or

friend to be invited to that meeting. As the period of this suspension is more than 5 school days in a term the governing body must meet if you request it to do so. The latest date by which the governing body must meet, if you request a meeting, is **[specify date — no later than the 15th school day after the date on which the governing body were notified of this exclusion]**. If you do wish to make representations to the governing body and wish to be accompanied by your child and friend or representative, please contact **[name of contact] on/at [contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm). Making a claim would not affect your right to make representations to the governing body.

You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Advice on the suspension process can also be obtained from the Educational Inclusion & Partnership Team 0300 126 100 or via the online contact form available https://northamptonshire.firmstep.com/default.aspx/RenderForm/?F.Name=BSR3B6xZnjG or Information Advice Support Service (IASS) on 01604 636111 contact@iassnorthants.co.uk (for pupils with special educational needs)

Exclusion guidance can be obtained from the Department for Education website at http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/.

The following information may also be useful:
ACE Education http://www.ace-ed.org.uk/ and their advice line service on 03000 115 142 on Monday to Wednesday from 10:00am to 1:00pm during term time
The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk
Independent Parental Special Education Advice https://www.ipsea.org.uk/

[Pupil's name]'s suspension expires on **[date]** and we expect **[pupil's name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

Head teacher

Appendix 3: Example Letter to Parents for Fixed Term Suspension (more than 15 days)

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[pupil's name]** for a fixed period of **[specify period]**. This means that **[pupil's name]** will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this may well be upsetting for you and your family, but the decision to suspend **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been suspended for this fixed period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place at any time during school hours during **[the first five school days of suspension or specify dates]**, I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates.

We will set work for **[pupil's name]** during the **[first five school days or specify dates]** of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the **[6th school day of the pupil's suspension] [specify date]** until the expiry of his/her suspension we **[The Academy trust - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** he/she should attend **[give name and address of the alternative provider]** at **[specify the time]** and report to **[staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider.]**

As the length of the suspension is more than 15 school days in total in one term the governing body must meet to consider the suspension. At the meeting you may make representations. You may request a representative or friend to be invited to that meeting. The latest date on which the governing body can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by your child and friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm). Making a claim would not affect your right to make representations to the governing body.

You and **[pupil's name]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time to discuss how we can best support your child

Guidance can be obtained from the Department for Education website at http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/.

Advice on the suspensions process can also be obtained from the Educational Inclusion & Partnership Team 0300 126 100 or via the online contact form available https://northamptonshire.firmstep.com/default.aspx/RenderForm/?F.Name=BSR3B6xZnjG or Information Advice Support Service (IASS) on 01604 636111 contact@iassnorthants.co.uk (for pupils with special educational needs).

The following information may also be useful:
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[Pupil's name]'s suspensiom expires on **[date]** and we expect **[name of pupil]** to be back in school on **[date]** at **[time]**.

Yours sincerely

Head teacher

Appendix 4: Permanent Exclusion

Dear **[Parent's Name]**
I regret to inform you of my decision to permanently exclude **[pupil's name]** with effect from **[date]**. This means that **[pupil's name]** will not be allowed in this school unless he/she is reinstated by the governing body).

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded because **[reasons for the exclusion — include any other relevant previous history]**.

You have a duty to ensure that your child is not present in a public place at any time during school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates**]. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates.

Alternative arrangements for **[pupil's name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[pupil's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements, if known.]**

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations, your son/daughter can also attend the meeting if you wish and ask them to reinstate your child in school. You may request a representative or friend to be invited to that meeting. The governing body have the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you may make application

against their decision to an Independent Review Panel. The latest date by which the governing body must meet is **[specify the date — the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and wish to be accompanied by your son/daughter, a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and tribunals/tribunals/send/index.htm). Making a claim would not affect your right to make representations to the governing body.

Exclusion guidance can be obtained from the Department for Education website at http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/.

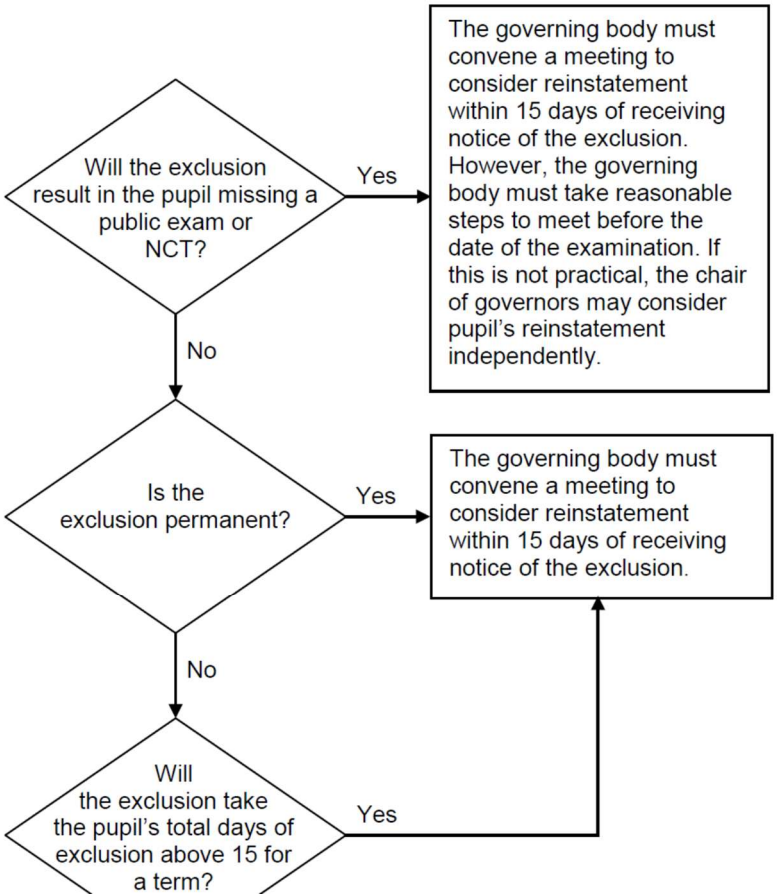
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Independent Parental Special Education Advice https://www.ipsea.org.uk/

Yours sincerely

Head teacher

Appendix 5: A summary of the governing body's duties to review the Headteacher's decision



Appendix 6 : **The Governing Body Meeting to Consider Suspensions and Exclusions**

This document is intended to provide the Chair, Governors and Clerk with guidance for running a meeting to consider exclusion.

The requirements on governing boards to consider the reinstatement of an excluded pupil are different for suspensions where a pupil would be suspended for more than five but less than 15 days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of suspension whether the pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

It is important that the governors on the panel understand that they 'own' the meeting and not the Head Teacher. How the meeting is arranged and conducted, is a vital part of working with the parents/carers of the pupil involved to support the young person's future. The meeting should be mutually convenient to all parties including the parents/carer, the date and time of the meeting should be agreed with the parents/carers in the first instance.

1. Membership of the panel

This can be between 3 and 5 governors, but must not be less than 3. An odd number of governors are strongly recommended. Members should, as far as possible, have no prior knowledge of the matter, which means that the detail of individual pupil suspensions and exclusions must not be discussed in governors' meetings. To discuss the matter in advance will compromise the ability of governors to reach a fair decision, based on natural justice, and could make the process invalid, and flawed

Governors must not sit on the panel if any of the following apply:

- know the pupil and/or his/her family;
- witnessed the incident that led to the suspension or exclusion;
- have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- have a spouse/partner who was involved in the incident;
- for any other reason they may not be able to be impartial;
- is a member of the school staff;
- is the Chair of Governors and discussed the pupil with the Head Teacher;

2. Chairing the meeting

A full member of the governing body must chair the meeting. The Chair of Governors may act as chair, provided that he/she has not discussed the matter before with anyone, especially the Head Teacher but it can be one of the other governors. Only full governors can take part. Associate Members of the governing body may not sit on the panel.

3. Clerking the meeting

It is strongly recommended that, in cases where the Clerk to Governors is an employee of the school, he/she should not Clerk meetings of the governing body relating to suspensions and exclusions. This is in case parents bring an allegation that he/she influenced the governor's decision when left alone with the panel during their private deliberation of the matter and was not impartial. Evidence and arrangements regarding the meeting can be organised by members of the school.

The Agenda and details of who will be present at the meeting should be sent to all parties at least 5 days prior to the meeting.

The Clerk will take Minutes of:

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- the evidence and questions by all parties
- the main points of the discussion by panel members;
- the decision reached, and:
- the supporting reasons.
- how the pupils views were captured

4. Preparing for the meeting

Governors on the committee must collate accurate information in good time prior to a meeting, to allow them sufficient time to prepare. Parents should also be provided with the same bundle of information.

The bundle should include, but is not limited to, the following:

- Details of the incident which led to suspension or exclusion, including how this relates to the Behaviour Policy and how the sanctions process was followed
- Details of the interventions that have been exercised
- A statement from the headteacher
- The headteacher's report
- The pupil's attainment and progress data

- The pupil's behaviour record
- Special educational needs data relating to the pupil
- Any witness statements taken of the incident that led to the pupil's suspension or exclusion (these may be anonymous)
- A copy of the Behaviour Policy
- A copy of the Suspension and Exclusion Policy

If evidence is submitted after this bundle has been distributed, it must be agreed, prior to or at the meeting, by the committee in order for it to be submitted and used as evidence in the consideration.

Prior to the meeting, the committee should decide who will chair the meeting and ensure that everyone has a clear understanding of the processes in the suspensions and exclusions guidance. Going into the meeting, the committee should be prepared to allow everyone to make representations, to make their case and to challenge each other's case.

The committee should be mindful that it is not their role to judge whether an incident leading to suspension or exclusion did or didn't happen, they should simply investigate whether the correct procedures and processes have been followed, and that the Head Teacher's decision to exclude is legal.

5. Order of the meeting

5.1 Noting attendance

The Clerk should take minutes and a list of the names of everyone who is present at the meeting

- the governor members of the panel, stating who is in the chair;
- the Headteacher and any other members of school staff present;
- the parents/carers and anyone accompanying them, i.e. a friend or representative
- the pupil, if in attendance, and if not how their views have been captured
- the LA Officer, if in attendance - usually only for permanent exclusions, or long-term suspensions, and if requested by a parent to attend the meeting, to be an observer and only make representation with the governing body's consent. [Academies are not statutorily required to invite the LA].
- the Clerk

The Clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and how and whether or not they had indicated that they would be present. Governors also need to detail the pupil's views and how they were obtained if they or their parent/carer does not attend. Parent/carers may be delayed for whatever reason and it is at the chair's discretion whether the start of the meeting will be briefly postponed, but in the light of natural justice it would be appropriate to allow parents/carers sufficient time to attend.

5.2 Apologies

The Clerk should note any apologies offered.
Note: the meeting must not take place with less than 3 governors.

5.3 Chair's welcome, introductions and opening remarks

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. He/she should state the purpose of the meeting and outline its format.

The purpose of the meeting:

- to establish whether, based on the facts known at the time, the Head Teacher took the right action in suspending or excluding the pupil;
- to consider whether the type or length of period of suspension or exclusion was appropriate.
- to ensure the suspension or exclusion was reasonable, fair and appropriate taking into account the Head Teacher's legal duties.
- the governing body is legally required to consider a suspension or exclusion they must consider the interests and circumstances of the excluded pupil, including circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working in the school to establish that the Head Teacher's decision warrants a permanent exclusion and is:

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

Based on the evidence presented to them the governors on the panel have two basic options:

- to uphold the Head Teacher's action, or
- to reinstate the pupil, immediately or a future date

In order to help them reach their judgement the meeting should take the following pattern (see Appendix 7 for example of agenda).

5.4 Verbal statement from the Head Teacher

This will be in support of any written evidence previously circulated. The Head Teacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. He/she may invite other staff members to attend to offer supporting evidence, being careful not to be over represented. Governors, parents/carers may make comments/ask questions after the Head Teacher has presented his/her case.

Written evidence should be circulated in advance it should be sent to all the parties involved at least 5 days prior to the meeting, this includes the parents/carers. Witness statements should be signed and dated unless there is good reason not to. There should also be the pupil's views taking into account their age and understanding. In the case of a permanent exclusion, where the Head Teacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions, a report from the Head Teacher giving evidence why he feels the exclusion is justified.

The evidence provided by the Head Teacher should include sufficient to allow governors to have a full picture of the situation i.e. copies of the Pastoral Support Plan, Individual Education Plan, Risk Assessment, details of intervention strategies and outcomes, whether a Family Support Plan has been offered or provided, and details of Special Education Needs/Disability and how supported.

5.5 Questions to the Head Teacher

Panel members (governors) may ask questions to clarify points after the Head Teacher has presented his/her case as well as parents/carers and Local Authority representative.

5.6 Verbal statement from the parent/carer (or pupil if appropriate)

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf

5.7 Questions to parents/carers

Panel members (governors) may make ask questions as well as Head Teacher and Local Authority representative. If pupil is in attendance he/she may also be questioned.

5.8 Representations from the LA Officer

In the case of an academy, the LA Officer may attend the meeting if invited by the academy or requested by parents. However at an academy the LA Officer can only observe unless permission is given for them to contribute.

5.9 Final clarification

The Chair of the panel should ensure that all parties, especially the parents/carers/pupil, have had an opportunity to say what they wish to and that all points are clear. Governors should be confident that they have all the information they need to be able to reach a correct decision.

5.10 Reaching a Decision

At this point everyone other than the governors and Clerk should withdraw from the meeting, to allow the governors to discuss the case/s under consideration and form a judgement. In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude.

In the case of a suspension of 5 days or fewer, if the panel do not uphold the Head Teacher's decision they cannot direct reinstatement. This is not within their power, but a note should be placed on the child's file.

When reviewing other suspensions of more than 5 days when reinstatement is not practical because for example the pupil has returned to school following the end of a suspension or the parents make it clear they do not wish their child reinstated, the governing body must, in any event, consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded, the parents can request an independent review

In this case a note should be attached to the child's school record, to clarify if the panel did not support the Head Teacher's action.

The panel may agree that, whilst a suspension (not permanent) was the correct action to take, the number of days given was too severe. In this case, provided the pupil has not already returned to school, the panel may decide to reinstate the pupil sooner than planned. This does not have to be immediately, but may be from an earlier date than initially set down.

Governors may also want to consider whether, if it has not already happened, a brief time needs to be allowed for the Head Teacher and staff to plan for the child's reintegration, as he/she was not expected back in school quite so soon.

Where the panel judged that suspension or exclusion was not the correct course of action, it may reinstate the pupil, as outlined above. In these cases some of the following might apply:

- the Head Teacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;
- the panel judged that insufficient strategies had been put in place to support the pupil prior to the incident that resulted in the suspension or exclusion (i.e. it could have been avoided if the school had given better support), or;
- the parent/carer has made an acceptable representation against the suspension or exclusion, e.g. provided evidence of mitigating circumstances, provided evidence to support their child's views with regard to their case;
- the child had not been given a voice at the meeting and their views captured by the school;
- strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the pupil presents or faces; or some time at a Special Resource Base; or in the case of Looked After Children, whether their Personal Education Plan has been reviewed;
- based on the balance of probabilities they felt the Head Teacher's decision was not lawful, reasonable and procedurally fair;

There are times when pupils with Statements/Education, Health and Care Plans are exhibiting behaviour that might lead to their suspension or exclusion, or have been excluded. In these cases the school should have requested a review of this to establish that the child has the appropriate level of support in the school, or is even the appropriate school for the pupil to attend, this may not always happen as a one off offence of physical violence etc., An external review may also be requested where pupils and their behaviour has deteriorated.

Where a child with a Statement/Education, Health and Care Plan is excluded from school the panel should always ask what the school has done to support the pupil before exclusion is imposed and satisfy itself that the school has done all it can. Schools should call a review if they feel the pupil's behaviour has deteriorated or the pupil is struggling to cope. Parents/carers of a pupil with a statement/Education, Health and Care Plan must be informed of their right to appeal to First Tier Tribunal with regard to any exclusion.

If parents believe that the suspension or exclusion has occurred as a result of discrimination they may make a claim under the Equality Act 2010, so the panel need to consider whether the school has made reasonable adjustments to policies and practices and the provision of auxiliary aids with regard to the disability.

The panel may include comments or make recommendations but cannot put conditions on suspension or exclusion or the outcome, suggestions possibly such as including establishing a meeting, during a suspension period, to draw together a mutually agreeable Pastoral Support Plan for the pupil.

Where all parties have chosen to stay to be told the decision they should be invited back into the meeting room to receive this. However, it is not an opportunity for further discussion of the case. In any event, a formal letter detailing the decision, and setting out the reasons why governors have reached their conclusion, should be sent to the parent/ carer on the second working day after the hearing, either hand delivered or posted by first class mail (see Appendix 8 for letter template).

6. Academy Trust's duty to arrange an independent review panel

For a suspension there is no further right of appeal by the parents/carers– the decision of the Governors' panel is final, unless the pupil has special educational needs or a disability when they can go to First Tier Tribunal.

In the case of a permanent exclusion, the parents/carers must be informed in the letter from the panel of how they can make an application to an Independent Review Panel to Our Lady Immaculate Catholic Acadamies Trust. Notices to parents confirming details of where their application for an independent review panel should be sent and should make it clear that parents are entitled to bring a friend or representative to the review.

Where parents make an application against a permanent exclusion to an Independent Review Panel after the governing body meeting they can only:

- uphold the decision,
- recommend that the governing body reconsider their decision, or
- quash the decision and direct the governing body reconsider the exclusion again.

The Independent Review Panel cannot direct reinstatement, only the Governing body and the First Tier Tribunal can reinstate.

When sent back to governors and recommended to reconsider or the decision quashed and direct the governing body to reconsider, this has to take place 10 days from the date of receipt of the outcome of the Independent Review Panel. It is then the decision of the governing body to review the decision not to reinstate and write to the parent, Head Teacher and local authority of their decision without delay.

It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil without strong justification.

The panel must order an adjustment to be made in the school's budget for this adjustment to take place. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made.

There is no requirement on governing boards to seek further representations from other parties or to invite them to a reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant; however, it should take care to ensure that any additional information does not make the decision unlawful, e.g. where new evidence is presented or information is considered that is irrelevant to the decision at hand.

The governing board should ask any parties in attendance to withdraw before making a decision. If a clerk is present, they may stay to help the board by reference to their notes of the meeting and with the wording of the decision letter.

The governing board should note the outcome of its consideration on the pupil’s educational record, along with copies of any documentation for future reference.

The governing board should base its reconsideration on the presumption that a pupil will return to school if reinstated, regardless of any stated intentions by the parents or pupil. If an offer of reinstatement from the governing board is turned down by the parents, this should be recorded on the pupil's educational record. The governing board's decision should demonstrate how they have addressed the concerns raised by the independent review panel; this should be communicated in standard English for all parties to understand.

The governing board should ensure that clear minutes are taken of reconsideration meetings, and these should be made available to all parties on request.

7. Further action

Minutes of the Meeting should be held in a Governors Confidential Minute folder in the Head Teacher's Office and a copy of the letter attached to the pupils school record. These do not need to be circulated unless requested.

One copy of all paperwork needs to be kept as a parent can go the First Tier Tribunal re disability discrimination before and after an Independent Review, claims can be up to 6 months after the review.

Appendix 7 **Model Agenda to be used for a Suspension o**r **Exclusion Hearing**

1. Chair's welcome, introduction and opening remarks

2. Verbal statement from the Head Teacher

3. Questions to the Head Teacher by Governors and Parents/Carers

4. Verbal statement from the parents/carers

5. Questions to the parents/carers by Governors and Head Teacher

6. Final clarification by the Chair

7. Reaching a decision - The Head Teacher and Parents/Carers will withdraw from the meeting at this point.

8. All parties return to hear the decision and reasons.

9. The meeting closes with no more discussion.

Appendix 8

Model letter from the Chair of the Panel to parent upholding a permanent exclusion

[Date]

Dear [Parent/carer's Name]

The meeting of the governing body at [school] on [date] considered the decision by [Head Teacher's name], the Head Teacher, to permanently exclude your son/daughter [name of pupil]. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold [pupil's name] permanent exclusion.

The reasons for the governing body's decision are as follows: [give reasons in as much detail as possible, explaining why they were arrived at]

- The fact that it is permanent

- Notice of parents' rights to ask for the decision to be reviewed by an independent review panel [Our Lady of Walsingham] and the following information;
    a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing body's decision was given to the parents);
    b) the name and address to whom an application for a review (and any written evidence) should be submitted;
    c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
    d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the Academy Trust to appoint an SEN expert to attend the review and give written and/or oral advice;
    e) details of the role of the SEN expert and that there would be no cost to parents for this appointment;
    f) that parents must make clear if they wish for an SEN expert to be appointed in any application for a review; and
    g) that parents may, at their own expenses, appoint someone to make written and/or oral representations to the panel and that parents may also bring a friend to the review.

- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion occurred as a result of discrimination then 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.
- That 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 the pupil was excluded.

The arrangements currently being made for [pupil's name]'s education will continue. [specify details here].

Yours sincerely

Chair of the Exclusions Panel
[name of school]

Appendix 9: **Information for Independent Review Panel**

The Academy Trust must constitute the panel with either three or five members representing each of the three categories below. A five member panel must be constituted with two members from each of the categories of school governors and head teachers.

- 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 and directors of academy trusts who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during that time
- Head teachers or individuals who have been a head teacher within the last five years.

A person may not serve as a member of a review panel if they:

- are a member/director of the academy trust or governing board of the excluding school;
- are the head teacher of the excluding school or anyone who has held this position in the last five years;
- are an employee of the local authority/academy trust, or the governing board, of the excluding school (unless they are employed as a head teacher at another school);
- have, or at any time have had, any connection with the academy trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are employed by the academy trust as a head teacher at another school; or
- have not had the required training within the last two years

Clerks to independent review panels must be trained to know and understand the statutory guidance. The panel and its clerk must have had training within two years prior to date of review.

The clerk to the Independent Review Panel should not have served as clerk to the governing board in the meeting at which the decision was made not to reinstate the pupil.

The clerk should inform the parents of their right to bring a friend or representative to the hearing.

Pupils may appear as witnesses if they do so voluntarily, and, if they are under 18, with their parents' consent

Where an excluding headteacher 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 make a decision on whether to adjourn the hearing to allow for the documents to be provided.

If a panel directs a governing board to reconsider reinstatement, it may order the LA to make an adjustment to the school's budget or the academy trust to make an equivalent payment to the LA in whose area the school is located, unless within 10 schools days of receiving notices of the panel's decision, the governing board decides to reinstate the pupil.

The panel may adjourn on more than one occasion, if necessary; however, consideration must be given to the effect of adjournment on the parties to the review, the excluded pupil and their parents and any victims.

<u>Appointing an SEND expert</u>

The SEND expert for an independent review panel must be someone who has expertise and experience of SEND considered by the LA/academy trust as appropriate to perform the functions specified in the legislation.

Duties

Panels must apply the civil standard of proof, i.e. "on the balance of probabilities", it is more likely than not that a fact is true, this means that the panel should accept that something happened if it is more likely that it happened than that it did not.
The panel must always make one of three decisions:

- To uphold the governing board's decision
- To recommend reconsideration
- To quash the decision and direct reconsideration

Where parents are not seeking reinstatement for their child, this fact should be acknowledged by the panel, but it should not affect the conduct of the panel or its decision. Recording of the panel's findings on a child's educational record and an acknowledgement by the governing board that it would be appropriate for it to offer to reinstate the pupil are both potential outcomes in these circumstances.

The independent review panel's decision is binding on the pupil, their parents, the governing board, the headteacher and the LA.

In the event that a panel cannot continue because it no longer has representations from each of the three categories of member required, it should, having regard to the particular circumstances and the effect on the parties, victim, and pupil/parent, adjourn to allow reasonable time for enough missing persons to become available.

The panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision to uphold the exclusion.

All decisions of a governing board must be made in accordance with public law. Panels are expected to understand the legislation that is relevant to exclusions and the legal principles that apply. Headteachers and governing board members of panels are likely to have first-hand experience of the education context that may be relevant to considerations about whether or not a decision was reasonable in the circumstances.

The panel should consider if the governing board relied on irrelevant points or failed to take account of all relevant points when making their decision.

If the panel upholds the governing board's decision, the headteacher should immediately report this to the LA as well as notifying the parents and governing board.