

Exclusions Policy

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1. Legal Framework

- 1.1 This policy has due regard to the related statutory legislation, including, but not limited to, the following:
- The Education Act 2002 (as amended by The Education Act 2011)
 - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
 - The Education and Inspections Act 2006
 - The Education Act 1996
 - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
 - The European Convention on Human Rights (EHCR)
 - The Equality Act 2010.
- 1.2 This policy has due regard to statutory and non-statutory guidance including, but not limited to, the following:
- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
 - DfE (2016) 'Behaviour and discipline in schools'
 - DfE (2015) 'Special educational needs and disability code of practice : 0 to 25 years'.
- 1.3 This policy will be implemented in conjunction with the following academy policies and procedures:
- Behaviour Policy
 - Anti-Bullying Policy
 - Positive Behaviour Policy.

2. Grounds for Exclusion

- 2.1 Only the Principal* has the power to exclude a student from the Academy and is able to decide whether this is on a fixed term or permanent basis.

* 'Principal' includes acting Principal by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

- 2.2 The Principal will only exclude a student where it is absolutely necessary and where all other possible disciplinary sanctions, as detailed in the Academy's Positive Behaviour Policy, have failed to be successful.
- 2.3 The following are examples from the Positive Behaviour Policy which may warrant the Principal's decision to exclude a student:
- Carrying or using an offensive weapon (including, but not limited to, a firearm or any description, including starting pistols, air guns and any

type of replica or toy gun, any bladed object or knife, including all variations such as pocket knives, craft knives, scissors, screwdrivers etc)

- Any assault against a member of staff
- A deliberate assault on another student
- Selling, using and/or distributing drugs within the Academy
- Sexual assault
- Persistent racial abuse
- Persistent abuse / bullying, including physical abuse
- Verbal threatening and intimidation of staff
- Bullying committed via social networking media / electronic means
- Deliberately setting off the fire alarm
- Cumulative disruptive events when the Academy has attempted to gain compliance through other sanctions
- Persistent and entrenched refusal to comply with expectations.

2.4 Students can be excluded on a fixed-term basis, i.e. up to 45 school days within an academic year, or permanently. In addition, students can be permanently excluded following a fixed-term exclusion where further evidence is presented.

2.5 In all cases the Principal will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

2.6 All exclusions will be formally recorded.

2.7 At all times the Principal will take into account their legal duties under the Equality Act 2010 and the Special Educational Needs and Disability Code of Practice: 0 to 25 Years, ensuring that they do not discriminate on any grounds, e.g. race, sex or disability and will not increase the severity of a student's exclusion on these grounds.

2.8 The Principal will not issue any 'informal' or 'unofficial' exclusions, such as sending a student home to 'cool off', regardless of whether or not the parents/carers have agreed to this.

3. Factors to Consider when Excluding a Student

3.1 When considering excluding a student the Principal will consider what additional support may be available, particularly for vulnerable pupil groups, in order to reduce their risk of exclusion.

3.2 Before deciding to exclude any student, the Principal will:

- Allow the student the opportunity to present their case
- Take into account any contributing factors.

4. Duty to Inform Parents, Governors and Local Authority

4.1 Following a Principal's decision to exclude a student they will immediately inform the parents/carers either in person or by telephone and confirm the length of the exclusion and the reasons behind it.

4.2 The Principal will also confirm the exclusion in writing, including the following information:

- The reason for the exclusion
- The length of the fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Their right to any representations about the exclusion to the Local Accountability Board's (LAB's) Pupil Exclusion Panel, including how the student will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Pupil Exclusion Panel to consider the exclusion and the fact that the parents/carers are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision or the student's return to school
- Relevant sources of free, impartial information
- For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion, whichever is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification and that parents/carers may receive a penalty fine if they fail to do so.

Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

4.3 Where the Principal has arranged for alternative provision for a student, they will inform the parents/carers of the following information:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the student to identify the person they should report to on the starting date.

4.4 The Principal will also inform the Local Authority and the Clerk to the Local Accountability Board immediately of the following:

- Any permanent exclusions
- Any exclusions which would result in the student being excluded for more than five school days in any one term
- Any exclusions which would result in the student being absent from an examination or national curriculum test.

4.5 If the Principal is considering a Permanent Exclusion, the Area Inclusion Partnership will be consulted, in order to consider alternatives to the decision to Permanently Exclude the student. If the Principal subsequently takes the decision to permanently exclude, the Principal will ensure the Area Inclusion Partnership is notified and that representation is made to the SEMH Panel, where the decision will be scrutinised by the Local Authority.

5. Arranging Education for Excluded Students

- 5.1 For any fixed-term exclusion of more than five days, the Academy will arrange suitable full-time education for the student which will begin no later than the sixth day of exclusion.
- 5.2 For permanent exclusions, full-time education will be provided for the student from the sixth day of exclusion.
- 5.3 Full-time education will not be provided for any student in their final year of compulsory education who does not have any further public examinations to sit.
- 5.4 Where it is not possible to arrange alternative provision during the first five days of exclusion the Academy will ensure that they take reasonable steps to set and mark work for the excluded student.
- 5.5 If a pupil with SEND has been excluded the Academy will ensure that:
 - Any alternative provision is arranged in consultation with the student's parents/carers, who are able to request preferences
 - When identifying alternative provision, any Education & Health Care Plan (EHCP) is reviewed and/or the student's needs are reassessed in consultation with his/her parents or carers.

6. The Role of the Pupil Exclusion Panel in Considering Exclusions

- 6.1 A Panel will consider any representations made by parents/carers with regard to the exclusion.
- 6.2 Parents/carers and, where requested, a friend or representative, and the Principal will be invited to attend any consideration of exclusions and will be able to make representations.
- 6.3 In the case of fixed-term exclusions where the student's total number of excluded days is more than five but less than 15 school days within a term, and if requested by the parents/carers, the Panel will consider exclusions within 50 school days of receiving notification.
- 6.4 In the case of a fixed-term exclusion where the student's total number of excluded days does not amount to more than five, the Panel is not required to meet and cannot direct the reinstatement of the student.
- 6.5 The Panel will convene within 15 days to consider the reinstatement of an excluded student where:
 - The exclusion is permanent
 - The exclusion is fixed-term and would bring the student's total number of excluded school days to more than 15 in any given term

- The exclusion would result in the student missing a public examination.
- 6.6 Where the exclusion would result in a student missing a public examination, the Panel will consider the exclusion before the test to decide whether the student should be reinstated in time to take the examination. The Panel will also consider whether it would be appropriate to allow the excluded student to enter the premises to take the examination.
- 6.7 When considering the reinstatement of an excluded student, the Panel will:
- Only discuss the exclusion with the parties present at the meeting
 - Ask for any written evidence in advance of the meeting
 - Circulate any written evidence and information to all parties at least five school days in advance of the meeting
 - Allow parents/carers and students to be accompanied by a person of their choice at the meeting
 - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting
 - Identify the steps needed to enable and encourage the excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible
 - Consider the interests and circumstances of the excluded student, including the grounds for exclusion.
- 6.8 The Panel will ensure that clear Minutes are taken of the meeting as a record of the evidence that was considered. These Minutes should be made available to all parties on request.

7. Reaching a Decision

- 7.1 After considering exclusions, the Panel will either:
- Decline to reinstate the student
 - Direct the reinstatement of the student immediately, or on a specified date.
- 7.2 The Panel will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 7.3 The Panel should ask all parties to withdraw before making a decision. The Clerk may stay to support the Panel by referencing earlier notes of the meeting and with the decision letter.
- 7.4 In order to reach a decision, the Panel will consider whether the exclusion of the student was lawful, proportionate and fair, taking into account the Principal's legal duties and any evidence that was presented in relation to the decision to exclude.

- 7.5 The Panel will notify the parents, Principal and Local Authority of their decision, including the reasoning for this, without delay. The written notification can be delivered directly to parents, hand-delivered to their last known address or posted first class to their last known address.
- 7.6 In the case of a permanent exclusion where the Panel decides not to reinstate the student, they will notify the parents/carers of the following:
- That the exclusion is permanent and inform them of their right for it to be reviewed by an independent review panel
 - Of the date by which an application for review must be made
 - Of the name and address of whom the review application should be submitted to
 - That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's Special Educational Needs and Disabilities are considered relevant to the exclusion
 - That, regardless of whether a student has been identified as having SEND, the parents have a right to the attendance of an SEND expert at the review and that no charge will be made for this
 - That they are required to make it clear if they wish for a SEND expert to attend the review
 - That they may appoint someone at their own expense to make representations to the panel.
- 7.7 The Panel will inform the parents/carers that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place. A link to the following guidance should be included in the letter to parents notifying them of a decision to uphold an exclusion:
- Statutory guidance on exclusions
<https://www.gov.uk/government/publications/school-exclusion>
 - Guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribuna-special-educational-needs-and-disability>
 - Impartial advice for parents such as the Coram Children's Legal Centre www.childrenslegalcentre.com or ACE Education <http://www.ace-ed.org.uk> and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time
 - Any links to local services which the Principal considers appropriate.

8. Removing Permanently Excluded Students from the Register

- 8.1 The Principal will remove a student from the school register if:
- 15 school days have passed since the parents were notified of the Panel's decision not to reinstate the student and no application for an independent panel review has been received

- The parents have stated in writing that they will not be applying for an independent review panel following a permanent exclusion.
- 8.2 If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined before removing a student from the register.
- 8.3 If a student's name is to be removed from the register as a result of a permanent exclusion, the Principal will inform the Local Authority of all the particulars which were entered in the admission register, the address of any parent/carer with whom the student normally resides and the grounds upon which their name is to be removed from the register.
- 8.4 If a student's name has been removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the student should be reinstated.

9. Independent Review Panel

- 9.1 White Rose Academies Trust (WRAT) will arrange for an Independent review of the Panel's decision not to reinstate a permanently excluded student if the parents submit their application for this within the required timescale as detailed below:
- 15 school days of the Panel's notification of their decision
 - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.
- 9.2 Applications received outside of the above timescale will not be reviewed.
- 9.3 WRAT will adhere to all statutory guidelines when conducting an independent panel review as outlined in the DfE's statutory guidance document 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2017'.
- 9.4 If requested by the parents in their application for an independent review panel, WRAT will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.
- 9.5 The role of the Independent Review Panel is to review the Pupil Exclusion Panel's decision not to reinstate a permanently excluded student from the academy. In reviewing the decision, the Independent Review Panel will consider the interests and circumstances of the excluded student, the circumstances surrounding the exclusion and have regard to the interests of other students and people working in the academy.
- 9.6 The Independent Review Panel will apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

- 9.7 New evidence may be presented to the Independent Review Panel, although the academy cannot introduce new reasons for the exclusion or for the decision not to reinstate the student and the panel must disregard any new reasons that are introduced.
- 9.8 Following the review, the Independent Review Panel will do one of the following:
- Uphold the original decision
 - Recommend that the Pupil Exclusion Panel reconsiders reinstatement
 - Quash the decision and direct that the Pupil Exclusion Panel reconsiders reinstatement.
- 9.9 Following the review, the Independent Review Panel must issue written notification to all parties without delay to include their decision and the reasons for it and any information that the Independent Review Panel has directed should be placed on the student's educational record.

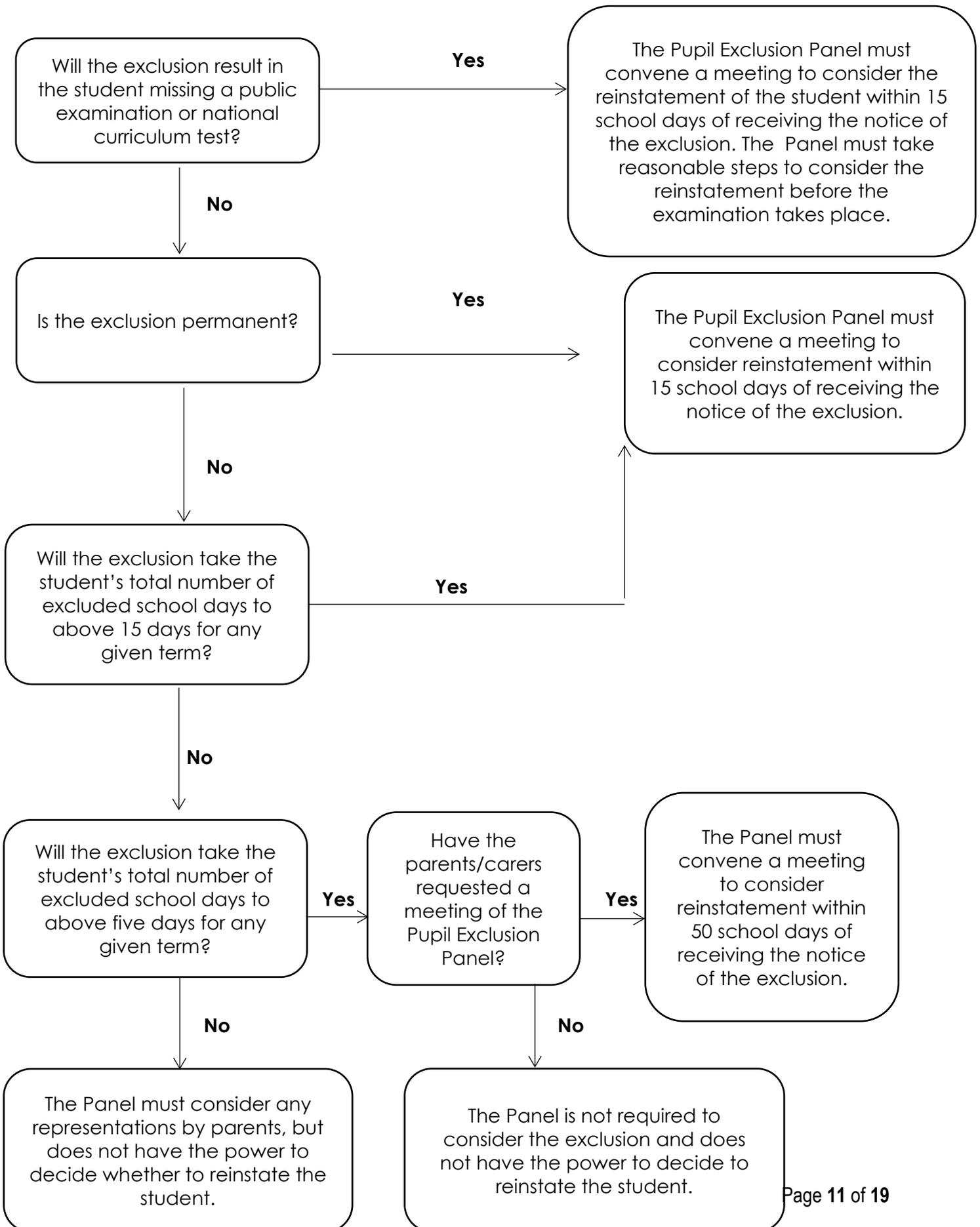
10. Equality Impact Statement

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

In the development of this policy due regard has been given to achieving these objectives.

Flowchart for reviewing the Principal's Exclusion Decision



Model Letter from Principal informing parents/carers of a fixed term exclusion

Dear

Re: Fixed Term Exclusion

I am writing to inform you that the Academy has made the decision to exclude **(name of student)** on a fixed term basis for **X days** starting on **(date of first day of exclusion)**. Please accompany **(name)** on **his/her** return to the Academy on **(date and time)** and ask for **(member of staff conducting the reintegration meeting)**. The reason for the exclusion is:

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Since your child is of compulsory school age you have a duty to ensure that **he/she** is not present in a public place during the first five days of **his/her** exclusion or until the start of any alternative provision, whichever is earlier. If **(Name)** is seen in public during school hours after being excluded, it can result in you being given a fixed penalty notice or even prosecuted. The academy will ensure that the appropriate arrangements are in place to ensure **(name)**'s education is not damaged.

Select one of the following options

Option 1 – for exclusions of five school days or less

As the exclusion is fewer than five days, the Academy will set work for your child. Teachers will require this work to be delivered back to the Academy once completed so that it can be marked and feedback provided.

If you wish to discuss this exclusion with the Local Accountability Board, please contact Vicki Reynolds, Clerk to the Local Accountability Board, on reynolds.v@whiteroseacademies.org as soon as possible. Whilst the LAB has no power to amend the Principal's decision it can consider what you say in this meeting and write their own report of the incidents, which will be added to your child's school record.

Option 2 – for exclusions between 6 and 15 school days

As the exclusion is longer than six days, for the first five days we will set work for your child. Teachers will require this work to be delivered back to the Academy once completed so that it can be marked and feedback provided.

After this period **(name)** will be provided with an alternative provision at **(details of alternative provision)**. Please arrive at **(time)** on **(date)** and ask for **(name)**. This provision will end on **(date)**. Please accompany **(Name)** on **his/her** return to the Academy on **(date and time)** and ask for **(member of staff conducting the reintegration meeting)**.

If you wish to discuss this exclusion with the Local Accountability Board, please contact Vicki Reynolds, Clerk to the Local Accountability Board on reynolds.v@whiteroseacademies.org as soon as possible. Please note, if you request

a meeting, the latest date that the Pupil Exclusion can meet is (date). *This date should be no later than the 50th school day after the date on which the LAB was notified of the exclusion.* As the total number of days that your child has been excluded exceeds five days in a term, the Pupil Exclusion Panel will consider reinstatement. If you wish to make representations to the Pupil Exclusion Panel and would like to be accompanied by a friend or representative, please contact Vicki Reynolds as soon as possible.

Option 3 – fixed term exclusion of more than 15 school days

As the exclusion is longer than six days, for the first five days we will set work for your child. Teachers will require this work to be delivered back to the Academy once completed so that it can be marked and feedback provided.

After this period (name) will be provided with an alternative provision at (details of alternative provision). Please arrive at (time) on (date) and ask for (name). This provision will end on (date). Please accompany (name) on his/her return to the Academy on (date and time) and ask for (member of staff conducting the reintegration meeting).

In addition, the Local Accountability Board Panel must hold a meeting to discuss whether (name) will be permanently excluded from the Academy; you and your child are invited to join this meeting. The latest date on which the Pupil Exclusion Panel can meet is (date). *This date should be no later than 15 school days from the date the LAB were notified of the exclusion.* If you wish to make representations to the Pupil Exclusion Panel and wish to be accompanied by a friend or representative, please contact the Clerk to the LAB, Vicki Reynolds on reynolds.v@whiteroseacademies.org as soon as possible. Whether you decide to attend the meeting or not, you will be notified in writing of the date, location and time of the meeting.

You can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or to the County Court for other forms of discrimination.

I would like to take this opportunity to tell you about free and impartial information that you may wish to access – please read the following:

- You may wish to read the statutory guidance on exclusions – <https://www.gov.uk/government/publications/school-exclusion>
- Coram Children's Legal Centre offers impartial advice for parents – <https://www.childrenslegalcentre.com>
- If applicable, you may wish to contact a local service such as the Traveller Education Services, the Information Advice and Support Services Network, the National Autistic Society (NAS) School Exclusion Services or Independent Parental Special Educational Advice.

If you have any queries regarding this letter, you are welcome to contact me at the Academy.

Yours sincerely

Model letter from Principal informing parents/carers of a permanent exclusion

Dear

Re: Notification of Permanent Exclusion

I am writing to inform you that I have made the decision to exclude (name) from the Academy on a permanent basis. I can assure you that the decision to exclude (name) has not been taken lightly. However, I consider permanent exclusion to be necessary for the following reasons:

- *Outline the reasons for the decision in sufficient detail to ensure that the parent/carer understand why the decision was made and how the Principal arrived at this decision.*

Since your child is of compulsory school age you have a duty to ensure that **he/she** is not present in a public place during the first five days of **his/her** exclusion or until the start of any alternative provision, whichever is earlier. If **(name)** is seen in public during school hours after being excluded it can result in you being given a fixed penalty notice or even prosecuted.

In regards to (name's) educational provision, the Academy has made the following arrangements:

Outline the arrangements made for the provision of education for the student whilst they are excluded, including:

- *The start date of any alternative provision*
- *The start and finish times of the provision*
- *The address at which the provision will take place*
- *Any information regarding who the student should report to on the first day.*

The decision to permanently exclude **(name)** will be considered by a panel which has the power to either overturn or uphold the exclusion. The Committee must meet within 15 days of receiving notification of the exclusion.

The Governors' Discipline Committee will meet to consider the exclusion on **(date, time and location)**. You are invited to attend this meeting, accompanied by a friend or representative, in order to make any representations you may wish. Please submit any written statement or evidence to the Clerk to the LAB, Vicki Reynolds on v.reynolds@whiteroseacademies.org no later than **(date)**

If the panel does not overturn the decision to permanently exclude **(name)** you have the right to request that an independent review panel to reassess the decision.

I would advise you that you can access free and impartial advice through the following:

- You may wish to read the statutory guidance on exclusions – <https://www.gov.uk/government/publications/school-exclusion>

- Coram Children's Legal Centre offers impartial advice for parents – <https://www.childrenslegalcentre.com>
- If applicable, you may wish to contact a local service such as the Traveller Education Services, the Information Advice and Support Services Network, the National Autistic Society (NAS) School Exclusion Services or Independent Parental Special Educational Advice.

If you have any queries regarding this letter, you are welcome to contact me at the Academy.

Yours sincerely

WHITE ROSE ACADEMIES TRUST

Pupil Exclusion Panel Meetings Terms of Reference

1. PURPOSE

- 1.1 To operate within the statutory guidelines issued by the Department for Education (DfE) relating to pupil exclusions and in accordance with the Trust's Exclusions Policy, Positive Behaviour Policy and Anti-Bullying Policy.
- To consider the actions of the Principal in excluding the pupil
 - To consider representations made by parents and the Local Authority
 - To determine whether the Principal's decision to exclude the pupil should be upheld, or whether the pupil should be re-instated immediately or by a particular date
- 1.2 The panel will convene within **15 school days** to consider:
- All permanent exclusions
 - All fixed-period exclusions of pupils who have been excluded for more than 15 school days in the term
 - All fixed-period exclusions that would result in a pupil missing a public examination or National Curriculum test

The panel will convene within **50 school days** to consider:

- Any fixed-term exclusion that will take the pupil's total days excluded above 5 for the term **and** the parents have requested a review panel

2. CONSTITUTION

- 2.1 Pupil Exclusion Panel Hearings will be convened as and when required and within the statutory timeframes.
- 2.2 All Pupil Exclusion Panel Hearings will consist of a minimum of three Panel members
- 2.3 In all Pupil Exclusion Panel Hearings, the Panel will comprise of at least two members of the Trust Board or Local Accountability Boards and/or the Independent Chair.
- 2.4 The third Panel member may be an Associate Member providing they have no prior knowledge of the student or the incident that could affect their ability to act impartially
- 2.5 The majority of Panel members must be Trustees or Local Accountability Board members

- 2.6 An Associate Member is not eligible to chair the meeting
- 2.7 Staff governors from the same Academy as the student(s) are not permitted to join the Panel as it is likely they will have prior knowledge of the student and/or the incident.
- 2.8 Staff governors working at a different Academy within the Trust to the student(s) are permitted to join the Panel providing they have no prior knowledge of the student or the incident that could affect their ability to act impartially.
- 2.9 Parent governors with a child in the same year group and at the same Academy as the student are not permitted to join the Panel as it is likely they will have prior knowledge of the student and/or the incident.
- 2.10 Parent governors with a child attending a different Academy within the Trust to the student(s) are permitted to join the Panel providing they have no prior knowledge of the student or the incident that could affect their ability to act impartially.
- 2.11 In all instances, if any Panel member has any prior knowledge of the student or the incident that could affect their ability to act impartially, they must step down.
- 2.12 The Chair has the casting vote in all cases where an even number of Panel members are considering the case.
- 2.13 Minutes will be taken at all Pupil Exclusion Panel meetings. The Clerk to the LAB will usually clerk the Panel meetings, though meetings may be clerked by another member of the Governance Team or a member of the Academy's staff, unless this is deemed inappropriate in the particular circumstances.

Pupil Exclusion Panel Hearing

MODEL STRUCTURE

- 1 Introductions by the Chair - names and roles
- 2 The Chair explains how the meeting will be conducted and the reasons for the meeting:
 - to review the exclusion;
 - to consider the views of parents and student;
 - to check that the Principal has had regard to current DfE guidance and whether the Principal's decision to exclude was lawful, rational, reasonable, fair and proportionate.
- 3 The Chair explains possible outcomes of the meeting:
 - whether the Principal's decision to exclude the pupil should be upheld
 - whether the pupil should be re-instated immediately or by a particular date
- 4 The Chair invites the Principal / Designate to present his/her case in support of the exclusion. This is followed by questions from the student, parents, LA representative and governors.
- 5 The Chair invites student / parents to present their views on the exclusion. This is followed by questions from the Principal, LA representative and governors.
- 6 The Chair invites the LA representative (if applicable) to make comments about the exclusion. This is followed by questions from the parents, Principal, and governors.
- 7 The Chair invites the Principal to summarise his/her case in support of the exclusion.
- 8 The Chair invites the student / parents to summarise their views on the exclusion.
- 9 The Chair checks that everyone has said what they want to say
- 10 The Chair informs the parents that the decision will be sent to them in writing without delay
- 11 The Principal, staff, student and parents and LA representative (if present) leave the meeting.
- 12 The Panel make their decision with the Clerk in attendance.

Making the decision

The Pupil Exclusion Panel must consider, on a balance of probability:

- Whether the student did what he/she is alleged to have done, and which behaviour policies were not followed
- Whether the correct procedures were followed

- The seriousness of the incident and the appropriateness of the length of the sanction
- The likelihood of the incident being repeated if the pupil was allowed to return
- The fairness of the exclusion in relation to any other pupils involved in the same incident
- Any relevant previous misbehaviour
- The support provided by the school and for how long it was provided
- Any SEN and/or disabilities the pupil may have
- Any mitigating circumstances – for example, the child having been bullied

The Pupil Exclusion Panel should decide whether to uphold the exclusion (if it agrees with the Principal's decision) or to allow the pupil to return to school immediately or on an agreed date.