

Exclusion Policy

Purley CE Primary School

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Review Cycle: 2 years

Reviewed By: Curriculum & Pupil Welfare Committee

Approved By: Head Teacher

Last Reviewed: Autumn 2018

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Exclusion Policy

Introduction

By working with parents and pupils we aim to create a community where children feel safe and secure whilst learning to become good members of society. We have high expectations of all our staff and pupils. The highest priority is given to promoting good behaviour and as such our approach to behaviour is grounded in our school values. We encourage children to take responsibility for their own behaviour and we expect parents and carers to fully support the application of this policy.

Purley Primary School aims to include not exclude, and we will approach all challenging behaviour in a supportive and positive way. We recognise that poor behaviour can be symptomatic of a real, deeper need for support or being influenced by external factors beyond the school's influence.

This policy should be read in conjunction with the Behaviour Policy (including Anti-Bullying Policy).

Types of Exclusion

Internal Exclusion

Internal Exclusion is when a pupil is excluded from the rest of the school and must work away from their class/classes for a fixed amount of time. This will be in a setting deemed appropriate by the Headteacher. An internal exclusion is a discretionary measure where a pupil's behaviour has escalated and more serious measures need to be taken beyond the normal classroom behaviour policy. When a pupil is internally excluded parents will be informed by the Headteacher or member of the senior leadership team. In most cases an internal exclusion assists to prevent a Fixed Term Exclusion. Within all Internal Exclusion environments, support will be offered to the pupil through the relevant staff overseeing the Internal Exclusion to ensure class work is achieved and reparation work is carried out to ensure the pupil can return to the normal classroom.

Fixed Term Exclusion

Fixed Term Exclusion is when a pupil is excluded from school and must remain home for a fixed amount of time. Purley Primary School will ensure that this is for the shortest time necessary to ensure minimal disruption to the pupil's education, however, the school will also be mindful of the seriousness of the breach of policy and the seriousness of the pupil's behaviour in line with the Exclusions Policy. It is the parent's responsibility to ensure that during the Fixed Term Exclusion the pupil is not seen in a public place during normal school hours as this would make the parent liable to a fine.

If a Fixed Term Exclusion is longer than five days the Headteacher will ensure there is education provision provided for the pupil during this extended period. This can be in the format of an alternative education setting such as the iCollege. At Key Stage 1 and 2 this is called the Inspiration College. With all Fixed Term Exclusions the school will provide education materials for the parents to ensure the pupil will not fall behind in

classwork and it is the parent's responsibility to ensure that this work is completed during the first five days.

For the extended Fixed Term Exclusions the school will liaise with the alternative education provision to ensure appropriate work is provided and information about the pupil is shared to ensure the right differentiation of work is achieved.

Permanent Exclusion

A Permanent Exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult Senior Leaders and the Chair of the Governing Body as soon as possible in such a case.

Managed move

In cases where the Headteacher and parents agree that the progress of the child has been unsatisfactory and that the pupil is unwilling or unable to profit from the education of opportunities offered, or if a parent's failure to engage in strategies implemented by the school are resulting in a continued pattern of poor behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not an exclusion and in such cases the Headteacher will assist the parents in placing the pupil in another school in line with the Local Authority's Managed Move procedures (these can be found on West Berkshire Council website).

The Headteacher's power to exclude

1. Only the Headteacher (or Acting Headteacher) of a school can exclude a pupil and this must be on disciplinary grounds.
2. Lunchtime. 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. Lunchtime exclusions are counted as half a school day for statistical purpose. Arrangements will be made for pupils entitled to free school meals to receive their entitlement by providing a packed lunch.
3. Outside School. The behaviour of pupils outside school e.g. sporting events, trips, can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the School's published behaviour policy.
4. Guiding Principles. Any decision of our Schools, including exclusion, must be made in line with the principles of administrative law, i.e. that it is lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair and proportionate.
5. Duty of Care. The Headteacher must take account of the legal duty of care when sending a pupil home following an exclusion.
6. Standard of Proof. When establishing the facts in relation to an exclusion decision the Headteacher 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, rather than the criminal standard of 'beyond reasonable doubt'.

7. Equality. Under the Equality Act 2010 (“the Equality Act”) Purley school recognises that we must not discriminate against, harass or victimise pupils because of their sex, race, disability, religious belief, sexual orientation, because of a pregnancy / maternity or because of a gender reassignment. For disabled children, this includes our duty to make reasonable adjustments to policies and practices.
8. Special Educational Needs and Disabilities (SEND). Purley Primary School promotes the ethos of inclusivity and works hard to ensure all pupils are treated fairly and with respects. We will make reasonable adjustment (Equality Act 2010) to acknowledge and accommodate any difficulties pupils may have. Some of our pupils may have an Individual Behaviour Plan (IBP) or Support Action Plan (SAP) to support them with managing their behaviour and these documents may supersede the Behaviour Policy in individual cases.

If the Headteacher decides to exclude a pupil she will:

- Ensure there is sufficient recorded evidence to support the decision.
- Explain the decision to the pupil if the pupil is in an appropriate state of mind to listen.
- Contact the parents or assign a member of the Leadership Team to contact the parents and explain the decision and ask that the child is collected if it is during the school day.
- Send a letter to the parents explaining the reasons for the exclusion; whether it is a Permanent or Fixed Term Exclusion indicating the length of the exclusion and any terms or conditions agreed for the pupil’s return.
- Ensure, for cases where more than a day’s exclusion, that appropriate work is set and arrangements are in place for it to be marked.
 - If the exclusion is greater than 15 days or is a permanent exclusion, a Governors’ Disciplinary Meeting (GDM) will be held in school to examine the exclusion. Parents are invited to GDMs.
 - Plan how to address the pupil’s need for integration back into the school community. Plan a meeting with parents and the pupil on his/her return to be conducted by the Headteacher or a suitable senior member of staff.

Re-Integration

After a Fixed Term Exclusion the pupil and the parent will be requested to attend a reintegration meeting with a senior member of staff. At this meeting the behaviour leading to the exclusion will be discussed and targets set for improvement. Support around behaviour will also be discussed. The meeting will be recorded on the school’s reintegration form and a copy will be retained by the parent and pupil and the school. The pupil will not be able to return to school until the reintegration meeting is fulfilled.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk in cases where parents will not comply by refusing to collect a pupil, the pupil’s welfare is a priority. In this situation the school may consider an internal exclusion until the end of the day implementing the original exclusion decision from the time the pupil is collected from school; or in more severe cases the school may contact Social Services and/or the Police to safely take the pupil off site.

Procedure for Appeal

If parents wish to appeal the decision of exclusion the matter will be referred to the Governing Body and handled through the school and Local Authority appeal procedure. The Headteacher will ensure that the information regarding the appeal process will be included on the letter informing the parents of the exclusion.

Chair of Governors.....

Appendix 1

Statutory guidance to Headteachers on informing parents about an exclusion

The Headteacher's duty to inform parties about an exclusion

Informing parents about an exclusion

1. Whenever the Headteacher excludes a pupil she must, without delay, notify parents of the period of the exclusion and the reasons for it.
2. She must also, without delay, provide parents with the following information in writing:
 - the reasons for the exclusion.
 - the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent.
 - parents' right to make representations about the exclusion to the governing body (in line with the requirements set out in paragraphs 50 to 57) and how the pupil may be involved in this.
 - how any representations should be made, and
 - where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
3. Written notification of the information in paragraph 26 can be provided by delivering it directly to the parents, leaving it at their last known address, or by posting it to this address.
4. Where an excluded pupil is of compulsory school age the Headteacher must also notify parents without delay, and by the end of the afternoon session:
 - that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
5. If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:
 - the start date for any provision of full-time education that has been arranged for the pupil during the exclusion.
 - the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant.
 - the address at which the provision will take place, and
 - any information required by the pupil to identify the person he / she should report to on the first day.

6. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.
7. The information in paragraphs 28 and 29 must be provided in writing but can be provided by any effective method (paragraph 35 provides guidance on this issue).
8. The failure of a Headteacher to give notice of the information in paragraphs 28 and 29 by the required time does not relieve the Headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.
9. Parents must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required.
10. When notifying parents about an exclusion, the Headteacher should set out what arrangements have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school, in line with the guidance in paragraphs 48 and 49.
11. For notifications under paragraphs 28 and 29, effective methods for providing the information may include email or text message, giving the notice directly to the parents or sending the information home with the excluded pupil. Where information is sent home with a pupil, the Headteacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.
12. When notifying parents about an exclusion the Headteacher should draw attention to relevant sources of free and impartial information. This information should include:
 - a link to this statutory guidance on exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
 - a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com (telephone: 08088 020 008), and
 - where considered relevant by the Headteacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).
13. The Headteacher should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the governing body have been understood.

The Headteacher's duty to inform the Governing Body and the Local Authority about an exclusion

14. The Headteacher must, without delay, notify the Governing Body and the Local Authority of:
 - a permanent exclusion (including where a fixed period exclusion is made permanent).
 - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term, and
 - exclusions which would result in the pupil missing a public examination or national curriculum test.
15. For all other exclusions the Headteacher must notify the Local Authority and Governing Body once a term.
16. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.
17. In addition, within 14 days of a request, the Governing Body must provide to the Secretary of State and the Local Authority, information about any exclusions within the last 12 months.
18. For a permanent exclusion, if the pupil lives outside the Local Authority in which the Schools are located, the Headteacher must also advise the pupil's 'Home Authority' of the exclusion without delay.

The Governing Body's and Local Authority's duties to arrange education for excluded pupils

19. For a fixed period exclusion of more than five school days, the Governing Body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.
20. For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's 'Home Authority' in cases where the school is maintained by (or located within) a different Local Authority.
21. In addition, where a pupil has a statement of SEN, the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.
22. Local Authorities must have regard to the statutory guidance, *Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities* when carrying out their duties in relation to the education of looked after children.
23. Provision does not have to be arranged by either the Schools or Local Authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

Statutory guidance on the education of pupils prior to the sixth day of an exclusion

24. It is important for our School to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on the Governing Body or Local Authority is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, our School and the Local Authority should work together to arrange alternative provision from the first day following the exclusion.
25. Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, our School should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside school.

The Governing Body's duty to consider an exclusion

The requirements on a Governing Body to consider an exclusion

26. The Governing Body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Appendix 1 of this guidance, *A summary of the governing body's duties to review the Headteacher's exclusion decision*).
27. The Governing Body may delegate their functions with respect to the consideration of an exclusion decision to a designated committee (the Pupil Discipline Committee) consisting of at least three governors.
28. The Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
 - the exclusion is permanent.
 - it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term, or
 - it would result in a pupil missing a public examination or national curriculum test.
29. If requested to do so by the parents, the Governing Body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.
30. Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the Governing Body, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an

exclusion decision alone. In such cases parents still have the right to make representations to the Governing Body and must be made aware of this right.

31. The following parties must be invited to a meeting of the Governing Body and allowed to make representations:

- parents.
- the Headteacher, and
- a representative of the Local Authority.

32. The Governing Body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, the Governors' decision will not be invalid simply on the grounds that it was not made within these time limits.

33. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Statutory guidance to governing bodies in preparing for the consideration of an exclusion decision

34. Where the Governing Body is legally required to consider the decision of the Headteacher to exclude a pupil they should:

- not discuss the exclusion with any party outside of the meeting.
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting).
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations), and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding, or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

Statutory guidance to governing bodies on exclusions that would result in a pupil missing a public examination or national curriculum test

35. Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the Governing Body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

The requirements on a Governing Body when considering the reinstatement of an excluded pupil

36. Where the Governing Body is legally required to consider an exclusion the Governors must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.
37. The governing body must also consider any representations made by:
- parents.
 - the Headteacher, and
 - a representative of the Local Authority.
38. When establishing the facts in relation to an exclusion decision the Governing Body 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 rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the Governing Body can either:
- uphold an exclusion, or
 - direct reinstatement of the pupil immediately or on a particular date.
39. Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Governing Body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

Statutory guidance to Governing Bodies on the consideration of an exclusion decision

40. The Governing Body should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own exclusion or giving evidence to the Governing Body. (*A suggested procedure is set out at Appendix 2*).
41. The Governing Body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Governors. These minutes should be made available to all parties on request.

42. The Governing Body should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the Governing Body by reference to his / her notes of the meeting and with the wording of the decision letter.
43. In reaching a decision on whether or not to reinstate a pupil, the Governing Body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.
44. The Governing Body should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.
45. In cases where the Governing Body considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.
46. Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, the Schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

The Governing Body's duty to notify people after their consideration of an exclusion

47. Where legally required to consider an exclusion, the Governing Body must notify parents, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different Local Authority from the one that maintains the school, the Governing Body must also inform the pupil's 'Home Authority'.
48. In the case of a permanent exclusion the Governing Body's notification must also include the information below:
 - The fact that it is permanent.
 - Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel 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 parents – see paragraph 74).
 - 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 Local Authority to appoint an SEN expert to attend the review.

- 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 a SEN expert to be appointed in any application for a review, and
 - g) that parents may, at their own expense, 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 has 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.
49. The Governing Body may provide the information in paragraphs 71 and 72 by: delivering it directly to parents, leaving it at their last known address, or by posting it to this address.
50. Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

Statutory guidance to Governing Bodies on providing information to parents following their consideration of an exclusion

51. The Governing Body should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.
52. Where relevant, it will be for schools to confirm the details of where the parents' application for an Independent Review Panel should be sent: this is normally to the clerk of the Independent Review Panel.
53. In providing details of the role of the SEN expert, the governing body should refer to the statutory guidance provided to SEN experts in paragraphs 155 to 158 of the DfE's *Exclusion Guidance*.
54. Where the Governing Body decides to uphold an exclusion they should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision to uphold an exclusion and should include:
- a link to this statutory guidance on exclusions: Exclusion Guidance.
 - a link to guidance on making a claim of discrimination to the First-tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.
 - a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com (telephone: 08088 020 008), and,

- where considered relevant by the governing body, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

The Headteacher's duty to remove a permanently excluded pupil's name from the school register

55. The Headteacher must remove a pupil's 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, or
- the parents have stated in writing that they will not be applying for an Independent Review Panel.

56. Where an application for an Independent Review Panel has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

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

Statutory guidance to schools on marking attendance registers following exclusion

58. Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E.

The Local Authority's duty to arrange an Independent Review Panel

Arranging a date and venue

59. If applied for by parents within the legal time frame, the Local Authority must, at their own expense, arrange for an Independent Review Panel hearing to review the decision of a Governing Body not to reinstate a permanently excluded pupil.

60. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the Governing Body of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 74), or

- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.
61. Any application made outside the legal time frame must be rejected by the Local Authority.
 62. The Local Authority must not delay or postpone arranging an Independent Review Panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.
 63. Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the Governing Body considered the exclusion.
 64. The Local Authority must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the Local Authority received the parent's application for a review (Panels have the power to adjourn a hearing if required).
 65. The Local Authority must arrange a venue for hearing the review, which must be in private unless the Panel directs otherwise.
 66. Where the issues raised by two or more applications for review are the same, or connected, the Panel may combine the reviews if, after consultation with all parties, there are no objections.

The Governing Body's duty to reconsider an exclusion decision following a review

67. Where the Panel directs or recommends that the Governing Body reconsiders their decision, the Governing Body must reconvene to do so within 10 school days of being given notice of the Panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.
68. If, following a direction to reconsider, the Governing Body does not offer to reinstate the pupil within 10 school days of being notified of the Panel's decision, an adjustment may be made to the school's budget in the sum of £4,000. This payment will be in addition to any funding that would normally follow an excluded pupil.
69. If the Governing Body offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget. The Governing Body must comply with any direction of the Panel to place a note on the pupil's educational record. This includes noting that, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice or, in the case of a community or voluntary controlled school, the Governing Body may appeal against the decision of the Local Authority as the admission authority to admit the child.

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

- the parents.
- the Headteacher.
- the Local Authority and, where relevant, the 'Home Authority'.

Statutory guidance to Headteachers, Governing Bodies, Independent Review Panel members and clerks on police involvement and parallel criminal proceedings

71. Headteachers need not postpone taking a decision on an exclusion solely because a police investigation is underway and / or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to her at the time.

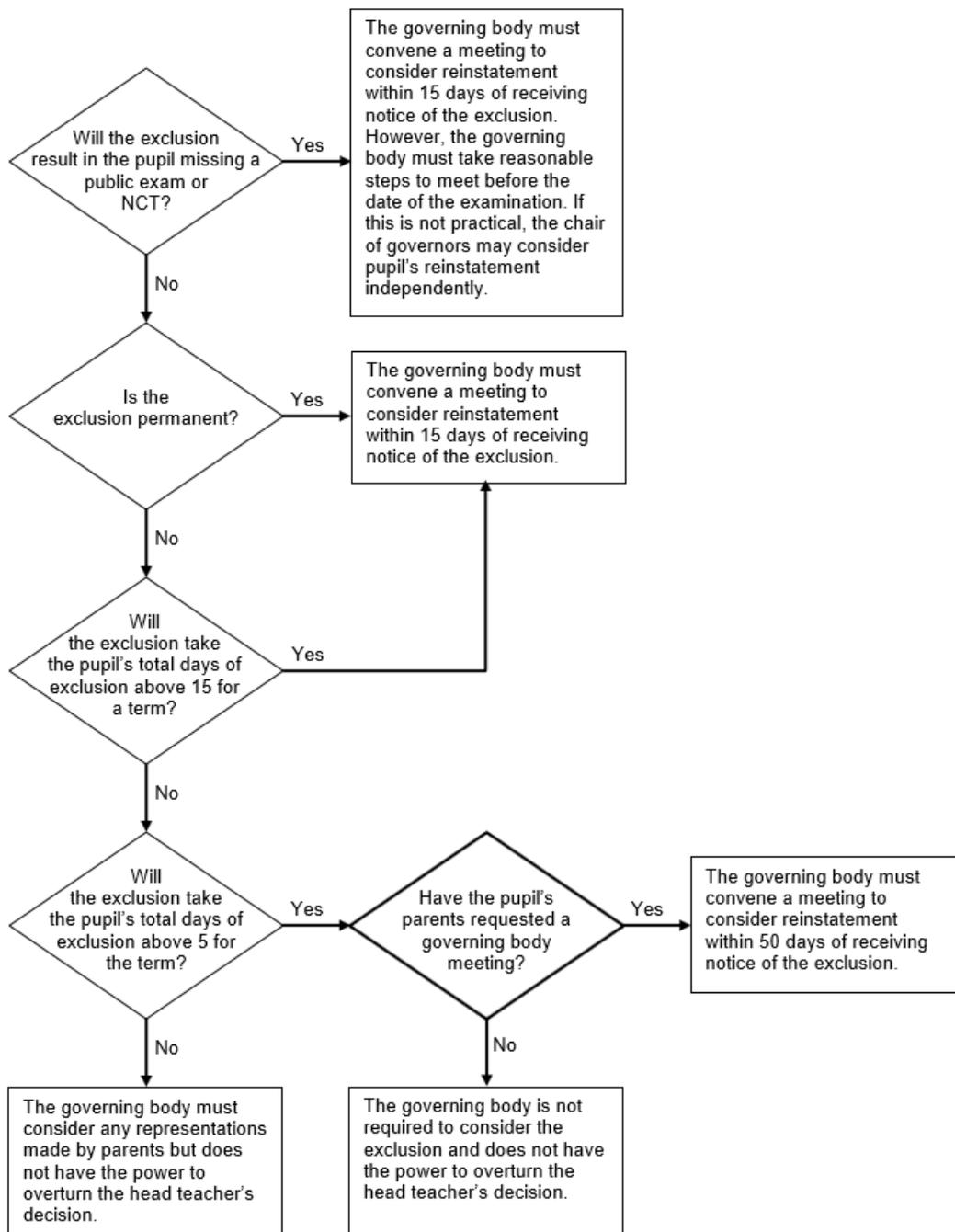
72. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should give particular consideration to ensuring that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make.

73. Where the Governing Body is required to consider the Headteacher's decision in these circumstances they cannot postpone their meeting and must decide whether or not to reinstate the pupil on the evidence available.

74. The fact that parallel criminal proceedings are in progress should also not directly determine whether an Independent Review Panel should be adjourned.

75. Where a Panel decides to adjourn, the clerk will be responsible for monitoring the progress of any police investigation and / or criminal proceedings, as well as for reconvening the Panel at the earliest opportunity.

A summary of the Governing Body's duties to review the Headteacher's exclusion decision.



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.