

St Andrew's CE Primary School



EXCLUSIONS AND SUSPENSIONS POLICY

OUR TRUST PRAYER

Heavenly Father

Let peace, friendship and
love grow in our schools.

Send the Holy Spirit to give
excellence to our learning,
love to our actions and
joy to our worship.

Guide us to help others
so that we may all

**Learn, Love and Achieve,
Together with Jesus.**

Amen

Introduction

An exclusion is the legal power a ¹headteacher has to remove a pupil from the school site either for a fixed period (a suspension) or permanently. In some cases, a member of the school senior leadership team may suspend a pupil.

It is a statutory obligation to have an Exclusion Policy that complies with the Department for Education's Guidance on Exclusions and Suspensions of July 2024.

This Policy should be read in conjunction with that Guidance.

Expectations

Every headteacher is expected to provide a safe, calm and supportive environment for pupils to learn effectively and to thrive. Sometimes it will be necessary to remove a pupil on a fixed term or permanent basis to achieve this.

Neither suspension nor exclusion is to be used without investigation and proper consideration of possible alternatives. Permanent exclusion will be the last resort.

The Policy and attached procedures will set out how the suspension and/or exclusion process will operate. The 'Exclusion and Suspension Policy' supports the principles set out in the 'Behaviour Policy'.

Prior to an Exclusion or Suspension

The individual pupil's background, circumstances and needs should be considered on a case-by-case basis. The school must demonstrate that a range of strategies and interventions have been tried to modify the pupil's behaviour.

If a pupil has a disability, identified SEN or Social Emotional Mental Health needs then consideration about how this impacts on their behaviour will be taken into account.

If there is social care or health involvement, consultation with these agencies will be part of the evidence gathering and review process.

Suspensions are to be used as part of a strategy to improve behaviour. These will be supported by reintegration meetings that focus on improving behaviour.

In some cases, the matter will be so serious that a single incident may lead to a permanent exclusion.

¹ We use headteacher throughout this policy with the meaning of Executive Headteacher, Headteacher and Acting Headteacher.

A pupil's behaviour outside school can be taken into account, this can include online and physical actions. A headteacher can consider reports of a pupil's actions outside school to determine if the pupil has brought the school into disrepute.

Breaches of the Behaviour Policy

If a pupil's behaviour has a detrimental effect on other pupils in the class and school this is a breach of the behaviour policy. The examples below are not exhaustive, it is the impact of the behaviour that will be taken into consideration.

Such behaviour prevents staff delivering the best teaching and learning for the class as resources are diverted to manage and control an individual at the expense of other pupil's learning opportunities.

Behaviour that is disruptive, in and outside of lessons can lead to either fixed term suspensions, or in some cases a permanent exclusion.

Examples of disruptive behaviour can include:-

- verbal, online or physical bullying
- aggressive behaviour to others in school
- disruption of lessons as a result of poor behaviour
- refusal to follow instructions or directions from school staff
- use or threats of weapons
- damage to school property
- threatening behaviour

Serious Single Incidents

A single, one off, serious incident can result in a permanent exclusion.

Examples of such a serious matter are:-

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been banned by a school's behaviour policy
- bullying
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability
- making serious false allegations about another person

The list is not exhaustive. The headteacher can take other factors into account when deciding if a single incident is so serious to require a permanent exclusion.

Decision Making

The headteacher must be satisfied that the behaviour was in breach of the Behaviour Policy. This may be on the grounds of persistent disruptive behaviour or a single one-off incident (or a combination of both).

A headteacher has the power to issue a permanent exclusion. If the head is absent for a significant period, an acting headteacher can be authorised to make an exclusion decision.

A suspension can be issued by a member of the school senior leadership team and will be reviewed by the headteacher.

A decision to exclude a pupil permanently will only be taken:

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

A headteacher can cancel any sanction before it is reviewed by the Local Governing Board (LGB).

Decisions must be:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

In the head's absence, a deputy can exclude.

Notification of the sanction

The headteacher must notify the parent of the excluded pupil without delay of the reasons for the sanction.

If the pupil is Looked After by the Local Authority (LA) or has a social worker, then relevant people at the LA must be notified. The LA must be notified of all suspensions and exclusions.

The notification will set out what will happen next, and how and when the sanction can or will be reviewed by the LGB.

Details about how work will be set, how it will be marked and returned to the pupil will be explained in the notice. If Alternative Provision education is to be provided, details of this will be in the notice.

Reviews of the decision to suspend or exclude

The table sets out the how parents can seek a review of the headteacher’s decision

| Sanction | Right to Review |
|--|--|
| Up to 4 days suspension in a term | Written representations can be made to the Local Governing Body (LGB). The LGB must consider the submissions and consider is any note is to be placed on the file. There is no time limit for such consideration. |
| 5 to 15 days suspension in a term | Representations can be made to the LGB. The LGB does not have to meet with the parents/carers. It may be on written submissions alone. This must be done within 50 days of the decision that triggers the timeline. The LGB must consider the representations and can put a note on the file and overturn the suspension and direct reinstatement. |
| More than 16 days suspension in a term | <p>The LGB must convene a meeting within 15 school days to consider reinstatement. Parents (and usually the pupil) will be invited to attend the meeting and make representations.</p> <p>The LGB can direct reinstatement or determine that the head teacher has acted appropriately.</p> <p>However, if the effect of the sanction is to miss a public exam of national curriculum test, the LGB must seek to review the decision ahead of that event.</p> |
| Permanent Exclusion | The LGB must convene a meeting within 15 school days to consider reinstatement. Parents (and usually the pupil) will be invited to attend the meeting and make representations. |

| | |
|--|--|
| | The LGB can direct reinstatement or determine that the head teacher has acted appropriately. |
|--|--|

The Review meeting

The meeting date will be shared by the clerk. The school will be required to provide evidence of the reasons for the suspension or exclusion.

Parents (and the pupil) have the opportunity to make representations. They can be accompanied by a friend or representative.

The LGB can consider inviting parents and school representatives to reviews of suspensions up to 15 days. However, it is not a requirement that parents are invited to the LGB meeting that will discuss the suspension. If the parents are not in attendance, then the headteacher will not be physically present for that discussion. The headteacher will be invited to submit any submissions also.

If the LGB meeting is to review a suspension of 16 or more days, or to review a decision to permanently exclude a pupil, then parents and the headteacher will be invited to a specially convened meeting.

The clerk will make arrangements for the meeting and notify all parties of the date, time and venue. The clerk will liaise to secure a mutually convenient time if possible.

If the parents/carers request a remote meeting for the LGB review or IRP review. In all other situations, unless there are exceptional circumstances, the review will be in person.

All material that has been provided to the clerk will usually be shared with all parties 5 school days before the meeting.

The meeting panel will be comprised of governors who have no connection with the incidents or events. It may be necessary to use governors or trustees from other schools or trusts to demonstrate suitable independence.

The panel can uphold the headteacher's decision or direct reinstatement.

After the LGB meeting

The clerk must notify all parties of the outcome. The actual decision can be shared by a telephone call to the parents and the school. A letter setting out the reasons in plain English must follow. The letter must also explain what other options are available.

If the decision is to uphold a permanent exclusion, the letter must set out that parents can request an Independent Review Panel within 15 school days of being notified of the LGB decision.

Independent Review Panel (IRP)

If parents (or the pupil) request an IRP to review the LGB decision it must usually be held within 15 school days. If a request is received outside the 15 days, it will not be accepted as the legal timeline is very clear.

The IRP members will have no vested interest or connection with the school. An independent panel will be convened by the Liverpool Diocesan Schools Trust (LDST). The IRP members must be suitably trained.

The parents can request that an SEN expert attends. This person is funded by LDST but must be independent of them.

The IRP can uphold the decision, recommend a review or quash the decision.

Removal from Roll

A pupil can be removed from the school roll following a permanent exclusion if:-

- a) the parent makes no application for an Independent Review Panel within 15 school days of being notified of the meeting of the BG review.
- b) the parent notifies the school that they will not be pursuing an IRP
- c) at the conclusion of the IRP hearing if the IRP upholds the decision to exclude
- d) following a reconsideration meeting following an IRP hearing, the LGB still decides to uphold the decision to permanently exclude a pupil

Removal from the school roll must be in compliance with the current version of the Education (Pupil Registration) (England) Regulations 2006.

Police and Criminal Investigations

A pupil and his or her family have the right to contact the police if they feel that a criminal offence has been committed.

Unless specifically directed by the police not to share statements or if they are concerned that the school's processes would significantly prejudice an investigation, the exclusion process should proceed. The significant difference in

procedure and legal standard of proof means that the two processes should continue in tandem.

Department for Education Exclusion Reporting Codes

The Department for Education have specific categories of behaviour that may warrant a suspension or exclusion. When reporting to the LA or the DfE a school can select up to three categories.

DfE Exclusion code:

- Abuse against sexual orientation and gender identity - LG
- Abuse relating to disability - DS
- Alcohol related - DA
- Arson - DM
- Bullying - BU
- Challenging/unacceptable behaviour - DB
- Damage - DM
- Disobedience/disrespect to staff - DB
- Drug dealing - DA
- Drug related - DA
- Graffiti/obscene drawing - DM
- Hair/dress not in school code - DB
- Inappropriate use of social media or online technology - MT
- Indecent exposure - SM
- Lewd behaviour - SM
- Non-acceptance of school code of conduct - DB
- Non-attendance at detentions - DB
- Persistent disruptive behaviour - DB
- Physical assault/violent behaviour against a pupil - PP
- Physical assault/violent behaviour against an adult or staff - PA
- Racist abuse - RA
- Refusal of punishment - DB
- Selling/dealing in stolen property - TH
- Setting off fire alarm - DB
- Sexual abuse - SM
- Sexual bullying - SM
- Sexual graffiti - SM
- Sexual harassment - SM
- Sexual misconduct - SM
- Sexual/indecent assault - SM
- Smoking - DA
- Stealing from local shops on school trip - TH
- Stealing personal property - TH
- Stealing school property - TH
- Substance abuse - DA
- Theft - TH
- Truancy/absconding from lessons - DB

- Use or threat of use of an offensive weapon or prohibited item (incl. possession) - OW
- Vandalism - DM
- Verbal abuse/threatening behaviour against a pupil - VP
- Verbal abuse/threatening behaviour against an adult or staff - VA
- Wilful and repeated transgression of protective measures in place to protect public health - PH

Law and Guidance

At each stage the relevant decision makers must ensure that each decision is:-

- lawful
- fair
- reasonable
- proportionate
- follow the evidence gathered
- rational

The principles of Natural Justice, protections of the Human Rights Act 1999 and where relevant the Public Sector Equality Duty must be applied.

The principal legislation to which this guidance relates is:

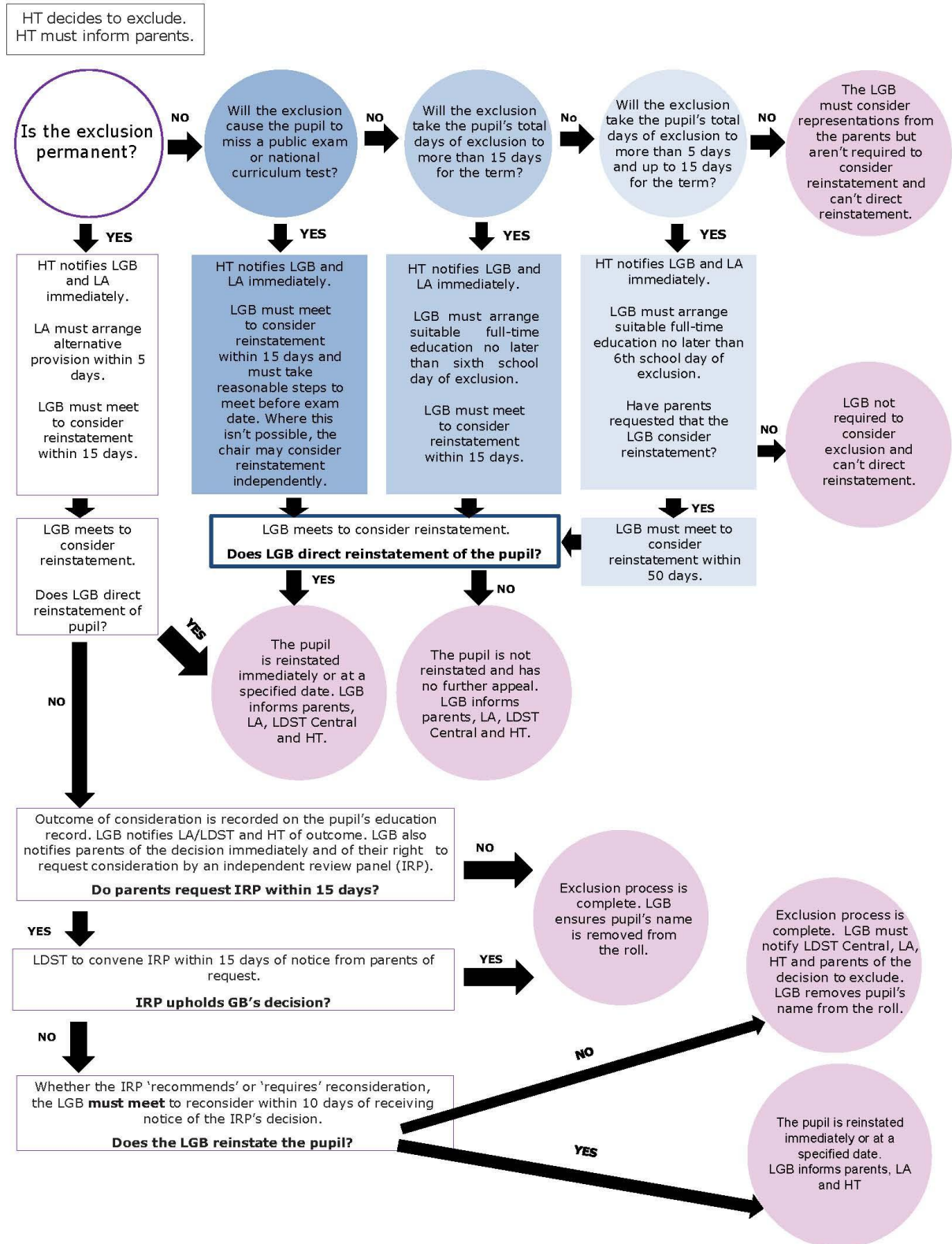
- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- the Equality Act 2010
- the Education and Inspections Act 2006
- the Children and Families Act 2014
- Keeping Children Safe in Education 2024

Statutory Guidance

https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

Appendix 1

LDST Exclusions process flowchart



Appendix 2

Model Suspension Letter

Insert school address

Date

Insert address of parents /carers

Dear **INSERT NAME**

RE: Suspension – **INSERT PUPIL INITIALS AND D.O.B**

I am writing to inform you of my decision to suspend (**insert pupil's name**) for a fixed period of (**insert number 0.5 – 5**) school days. This means that they will not be allowed in school for this period.

The suspension begins today, (**insert date**) and ends on (**insert date and time**). The suspension expires on (**insert time and date**), and we expect your child to be back in school on (**insert day, date and time**), accompanied by parents for a reintegration meeting.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend your child has not been taken lightly. (**Insert pupil name**) has been suspended for this fixed period because of (**delete or add as appropriate**):

- A physical and/or verbal assault of pupil/adult
- Damage to school property
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions

You have a duty to ensure that your child is not present in a public place during school hours for the period of the suspension unless there is reasonable justification for this. 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. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the Local Governing Body, via the Clerk. If you wish to make representations please contact (**insert name**), as soon as possible.

Whilst the LGB governors have no power to direct reinstatement, they can consider any representations you make and may place a copy of their findings on your child's school record.

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 Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

You may wish to contact **INSERT LOCAL AUTHORITY DETAILS**, who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk

Yours sincerely

Headteacher

Appendix 3

Model exclusion letter

Insert school address

Date

Insert address of parents /carers

Dear [Parent's Name]

I regret to inform you of my proposal to permanently exclude (pupil name) with effect from (date). This means that your child will not be allowed in this school unless they are reinstated by the governors.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude your child has not been taken lightly. (Child's name) has been excluded because [reasons for the exclusion — including any other relevant previous actions the school has taken to support the child].

You have a duty to ensure that your child is not present in a public place during school hours for the first 5 school days of this exclusion, unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for your child's education to continue will be made. For the first five school days of the exclusion we will set work for (child's name) and would ask you to ensure this work is completed and returned promptly to school. From the sixth school day of the exclusion onwards — i.e. from (insert date) — the local authority is responsible for providing suitable full-time education.

As this is a permanent exclusion the governors must meet to consider it. At the meeting you may make representations and ask them to reinstate your child in school. Your child can also attend the meeting if you wish. The governors 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 governors must meet is (insert date). If you wish to make representations to the governors and/or wish to be accompanied by your child/young person, a friend or representative please contact the Clerk to the LGB.

You will, whether you choose to make representations or not, be notified by the governors 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 clerking services 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 local 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 Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on <http://www.childrenslegalcentre.com>

Advice

You may also wish to contact [Name] at [LA name] on/at [contact details – address, phone number, email], who can provide advice on what options are available to you.

Yours sincerely

Headteacher

Appendix 4

Panel Meeting Procedure

1. Arrival and introductions

The chair welcomes all parties, outlining the stages of the meeting and expected conduct. In the case of remote meetings, this should include guidance on how participants should indicate that they wish to speak and how any 'chat' functions should be used (including how 'chat' functions or other messages will be monitored by the clerk and included within minutes).

2. Considering relevant information and evidence

The panel seeks to establish the facts and circumstances of the decision to exclude, as well as the circumstances of the excluded pupil. Those making representations or giving evidence should be invited by the chair to speak and have their views heard. Sufficient time should be given for this and for the panel to ask questions or clarify points. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned.

3. Final statements

It is appropriate for the chair to invite those making representations to give a brief final statement. This may also extend to those giving evidence if the panel deems it necessary.

4. Concluding the meeting

The chair concludes the meeting by thanking all parties for their attendance and requesting that they withdraw to allow the panel to consider its decision. The clerk should stay to record the discussion and support the panel, sharing their notes of the meeting if required and helping with the wording of the decision letter.

5. The decision stage

The panel must decide to uphold the decision or to reinstate the pupil either immediately or on a specific date. In some cases, a decision to reinstate will make no practical difference; the pupil may already have returned to school following a suspension or the parents make clear they do not want their child reinstated. However, the panel should still consider, on the basis of the evidence, whether or not it would have upheld the decision to suspend or exclude.

**The suspension/exclusion should not be discussed outside
of the meeting.**

Appendix 5

Example statements for decision letter

A - Where the panel decide NOT to reinstate the pupil:

A panel of governors met on [date] to consider the decision by [headteacher's name] to [permanently exclude/suspend [pupil's name]]. After carefully considering the representations made and all available evidence, the panel has decided not to reinstate [pupil's name].

The reasons for the panel's decision are:

[Insert clear reasons for the outcome by referring to use of the school's behaviour policy and covering the following (as appropriate)]

- the headteacher's decision being lawful, reasonable, procedurally fair, and appropriate in the circumstances
- there being no other reasonable alternative to suspension or exclusion
- the welfare and safeguarding of the pupil and their peers
- the headteacher's legal duties]

[In the case of permanent exclusion] You have the right to appeal this decision and to request that it is reviewed by an independent review panel (IRP). If you wish to do so, please note:

- The review must be held within 15 school days of receipt of the governing body's decision.
- To request a review, you will need to write to [insert name and role] at [address]. You can request to hold the meeting via remote access and you can also submit additional papers or reports for consideration.
- An independent panel will then be arranged, normally within three school weeks of receiving the request.
- You can attend the panel meeting, together with your child. A Special Educational Needs (SEN) expert will attend if you have requested this.
- At the meeting, you can state your views and ask the panel members questions. You can also ask the school representative questions about their decision.
- The panel members will make their decision in private and you will be notified in writing of their decision.
- The panel can uphold the exclusion, recommend the governing body to reconsider or quash the exclusion, and ask the governing body to consider the exclusion again.

B - Where the panel decide to reinstate the pupil:

A panel of governors met on [date] to consider the decision by [headteacher's name] to [permanently exclude/suspend [pupil's name]]. After carefully considering all available evidence and representations made, it is the decision of the panel that [pupil's name] should be reinstated as soon as possible.

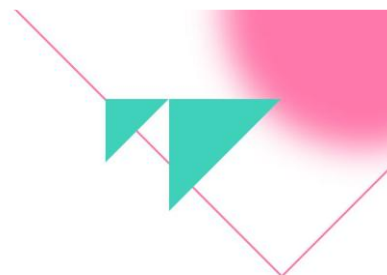
[Where appropriate, identify reasons for the outcome] As such, [pupil's name] will be allowed to return to the school on [date] at [time].

Decision letter guidance

- The clerk should help the panel word the letter and will usually be responsible for sending it.
- The letter should be sent without delay. Ensure that your decision letter:
 - is marked as confidential
 - makes clear that the exclusion is permanent (where relevant)
 - includes all legally required information

Appendix 6

Serving on an Exclusion Panel - Guidance from the National Governance Association



Governing bodies have a statutory duty to consider certain instances of pupil suspension and exclusion. The mechanism for this is a meeting whereby a panel of governors/trustees determine whether the headteacher's decision to exclude was lawful, reasonable, and procedurally fair.

This guidance explains the role of exclusion panels and how to prepare if you're part of a panel.

The purpose of the panel meeting

The panel's role is to establish the facts in relation to the suspension or exclusion. The meeting gives the panel an opportunity to hear from those in attendance and to consider this alongside evidence and information received in advance.

You should think about whether it is more likely than not that a fact is true (rather than trying to prove it beyond a reasonable doubt).

The governing board's clerk will make arrangements for the meeting, including inviting relevant parties such as the suspended/excluded pupil (where appropriate), their parents, the local authority and the headteacher. Other relevant parties may include the pupil's social worker or virtual school head (VSH), external special educational needs and disabilities (SEND) specialists and the local authority.

Reviewing the evidence

The panel should receive written evidence and information in advance of the meeting that is relevant to the decision to suspend/exclude. This will vary depending on the circumstances, but examples include:

- a list of all those who will be present at the panel meeting
- a copy of the headteacher's decision letter sent to parents
- a statement from the headteacher (providing a summary of the case and the reasoning behind their decision)
- the school's behaviour policy and any other relevant policies (e.g. SEND policy)

- parents' written representations in support of their child
- witness statements (these can be from the headteacher, the pupil's teachers, the designated safeguarding lead, the pupil themselves, their parent(s) and, if applicable, the designated teacher for looked-after children, the pupil's social worker, and VSH)
- the pupil's behaviour record and other relevant information held by the school such as those relating to a pupil's SEN (if applicable)
- evidence of support and interventions attempted prior to exclusion (headteachers can use suspension and exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions)
- photographs and videos such as CCTV recordings

Questions to ask

The governing body should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. Refer to the following questions when you are reviewing written evidence and during the meeting. Questions that need to be asked during the meeting will vary depending on the circumstances; the panel should identify where it needs more information and from whom.

Questions to ask – lawfulness.

- Who made the decision? Is it clear that the headteacher made the decision to suspend/exclude the pupil?
- Was this decision taken in respect of a behaviour(s)? In what way did the pupil seriously or persistently breach the school's behaviour policy?

Questions to ask – reasonableness.

- What evidence is there of the school intervening and supporting the pupil to prevent serious and or persistent breaches of the school's behaviour policy? Has the school tried to use alternative strategies to manage behaviour and avoid a suspension/exclusion?
- Were all other avenues explored so that the suspension/exclusion was the last resort? Were the specific needs and circumstances of the pupil considered before the decision was made?
- Does the seriousness of the incident(s) match the sanction issued?
- If the pupil has special educational needs or is disabled, did the school make reasonable adjustments?
- What is the likely impact on the pupil of the decision to exclude them? This includes consideration of timing of key national examinations, safeguarding issues from being out of school, and the home environment.

- How would allowing the pupil to remain in school seriously harm the education and/or welfare of the pupil and/or others in the school?

Questions to ask – procedural fairness.

- Has the pupil been heard and supported in the process? Were they able to make a statement and/or respond?
- Has there been a thorough investigation of the incident(s)? Is there sufficient evidence? (a cross section of witness statements, for example)
- Has the school’s behaviour policy and the statutory exclusions guidance been followed throughout the process?

Reaching a decision

At the end of the meeting, the panel will privately discuss the case and reach a decision to:

- uphold the headteacher’s decision to suspend or exclude; or
- direct reinstatement of the pupil immediately or on a particular date

In relation to **permanent exclusions**, [statutory guidance](#) sets out the following two tests of the headteacher’s decision to exclude:

- Was the decision to exclude in response to serious or persistent breaches of the behaviour policy?
- Would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others, such as staff or pupils, in the school?

Both tests should be met.

The panel’s decision does not have to be unanimous; it can be reached by a majority vote.

In some cases, a decision to reinstate will make no practical difference. For example, the pupil may already have returned to school following a suspension or the parents make clear they do not want their child reinstated. However, the panel should still consider whether or not it would have upheld the decision to suspend or exclude.

The panel’s decision should be clear and transparent, identifying reasons for the outcome. Your clerk will help you to construct a decision letter on this basis. The clerk should be present during the panel’s decision making in order to provide procedural advice and continue to take minutes.

Key considerations

Considering the following factors will help the panel decide whether the headteacher’s decision to suspend or exclude was lawful, reasonable and procedurally fair. Refer to the information and evidence provided to the panel as well as responses to questions asked by the panel.

| Examine | Consider |
|--|--|
| <p>The exclusion incident</p> <p>Whether the behaviour policy has been breached (in a serious or persistent manner)</p> | <ul style="list-style-type: none"> Establish the facts on the balance of probabilities (it is more likely than not that a fact is true). Whether the school applied the relevant policies fairly and proportionately. It should be clear which part of the policy has been breached. If there is not enough evidence for the panel to be confident that behaviour policy was breached, then the panel should consider directing reinstatement of the pupil immediately or on a particular date. Refer to the school's behaviour policy. |
| <p>Whether suspension/exclusion is appropriate (as a last resort because there is no reasonable alternative)</p> <p>If the pupil has a <u>protected characteristic</u>, whether due regard has been given to the Equality Act 2010 and the public sector equality duty</p> | <ul style="list-style-type: none"> The severity of the incident and likelihood of repeat behaviour, accounting for apologies given, remorse shown and/or offers to make reparation. Any risk to the education or welfare of the excluded pupil or others in the school. Whether all alternatives to exclusion have been attempted. The headteacher must show that the decision to exclude is not discriminating against, harassing or victimising the pupil on the grounds of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. Refer to the behaviour policy as well as the equality strategy and objectives. |

| Examine | Consider |
|--|---|
| <p>If the excluded pupil has a protected characteristic or SEND, whether they have been put at an unfair risk of exclusion because of the school's policies, practices and procedures</p> | <ul style="list-style-type: none"> • The headteacher must show that the relevant policies were consistently applied, sufficiently explained and that the excluded pupil was supported to comply. • Refer to relevant policies as well as data reviewed by the governing board that shows consistency of application. |
| <p>Whether there are any mitigating factors that may explain why a behaviour happened or a pupil took a particular action.</p> | <p>Although the existence of any mitigating factors does not mean that the decision to exclude is incorrect, the panel should be satisfied that they were appropriately considered by the headteacher when making the decision to suspend/exclude the pupil. Potential mitigating factors include:</p> <ul style="list-style-type: none"> • An Education and Health Care Plan (EHC Plan) • Looked After Children (LAC) • Bullying • Mental health and trauma issues • Medical issues • Potential SEND • Social or family reasons |