

**Holy Cross Catholic
Multi Academy Company**

Permanent Exclusion Protocol

September 2020 - September 2023

Responsible for policy	Marina Kelly
Date of policy	September 2020
Date approved by HCC MAC Board	2 nd September 2020
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Permanent Exclusion Procedures

DfE guidance clearly explains the procedures to be followed if exclusion is applied. These procedures should be followed precisely.

Permanent Exclusion

Permanent exclusion is the “final step in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and failed. It is not usually used, but can be, for one-off incidents. It is used in very serious cases of:

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

For pupils known to be at risk of permanent exclusion, a range of measures may be implemented as appropriate:

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

When the Headteacher recommends permanent exclusion to the Governors/Directors she/he will be satisfied that all the following criteria are met:

- There has been a serious breach of the School's Behaviour Policy
- There have been similar incidents in the past (unless this is a serious single incident)

- Strategies have been used to support the pupil to change/improve behaviour
- If the pupil remained at the School there would be serious harm to the education, welfare or safety of staff/pupils

Proof

The standard of proof currently applied in school exclusions is the balance of probabilities. However, the more serious the allegation, the more convincing the substantiating evidence needs to be, i.e. the evidence should indicate that it is distinctly more probable than not that the pupil has done what he/she is alleged to have done.

This does not amount to requiring a criminal standard of proof ('beyond reasonable doubt') but it does mean that the Headteacher may need to rely on evidence of the pupil's past behaviour to prove the likelihood of committing this serious offence. Thus, if a pupil is permanently excluded for bringing a knife into the School and threatening to stab someone, previous incidents of threatening behaviour or the possession of a weapon would be relevant, but not disciplinary matters of another nature, e.g. possession of a controlled substance or general disobedience.

Permanent Exclusion Procedures

- The Headteacher makes the decision.
- A letter will be sent to parents with an explanation of their rights and a copy to the Local Governing Body.
- Work must be provided for the pupil until any appeals have been heard and a final decision is reached.
- This will only be used if all other sanctions have failed and a managed move is not appropriate. It might also be used for single one off dangerous offences such as Arson, Physical assault or supplying an illegal substance.
- A Disciplinary Panel meeting will be convened to deliberate on the exclusion. The parents, pupil and School will be expected to attend.
- The Disciplinary Panel will consist of 3 Governors/Directors from Holy Cross Catholic MAC (excluding staff).
- The Headteacher, supported by relevant staff, will present the case for permanent exclusion. This will include a written report which will be shared with the parents, pupil and Disciplinary Panel members in advance of the meeting. At the meeting the parents and pupil will be able to make representations to the School and the Disciplinary Panel.

The panel can:

- Uphold the permanent exclusion

- If the Panel uphold the decision to permanently exclude, the parents do have the right to lodge an appeal to the Independent Appeal Panel.
- Decide that the permanent exclusion was incorrect but the relationship between the school and family has broken down. In this case the pupil could be offered a new school by the LA.
- If a pupil is re-instated the parents and pupil will meet the relevant staff as soon as possible after the disciplinary hearing. A programme of re-integration will be agreed to ensure that all involved do their best to achieve a successful return to the School (see additional details below).

The MAC Board of Directors must review exclusions on a termly basis. The services of a properly trained Clerk should be secured for exclusion hearings.

The Exclusion Report

In advance of the Disciplinary Panel the Headteacher will prepare an exclusion report with numbered pages which explains why the pupil was excluded. The report will include:

- A profile sheet including basic information about the pupil
- An overview of the case including a detailed account of the reason(s) for the exclusion
- The fact that the current DfE exclusions guidance has been adhered to
- Where relevant, that a full range of behaviour modification strategies has been attempted without lasting success
- An explicit statement as to what mitigating and aggravating factors apply in this case
- An indication of how the sanction that has been applied is consistent with the School's Behaviour Policy
- A statement to explain how the School's expectations with regard to behaviour are communicated to pupils and parents
- A statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present exclusion have been dealt with in a manner proportionate to their involvement
- The alternative sanctions that were considered (if applicable)
- An indication of the consultations that took place before the decision to exclude was finally reached
- Where applicable, the fact that the pupil and their parents were warned of the risk of permanent exclusion
- In the case of a pupil with SEN, or a looked-after or disabled pupil, that the relevant DfE guidance was considered before the decision to exclude was taken
- That in reaching the decision, equal opportunity legislation was complied with

- Where appropriate a comment from the Headteacher of her duty of care and the need to balance the needs of the individual against the needs of the whole School community.
- A list of the interventions that have taken place to modify the pupil's behaviour, including a table to show any fixed-term exclusions that have been applied, with dates, duration and reasons. This should be augmented with appropriate evidence, such as a copy of the support plans and reports of reviews that have taken place, and letters to parents.
- A behaviour log containing brief details of past incidents with the relevant dates and actions taken. Do not include a behaviour log for a pupil charged with a one-off offence, unless the previous behaviour is similar to that which led to the exclusion.
- Details of any investigation that has taken place including, where appropriate, witness statements which should normally be attributed and dated, and diagrams and photographs where relevant.
- A copy of the School's Behaviour Policy highlighting the part which indicates that exclusion imposed is a sanction that might be applied in the circumstances alleged

As the Headteacher alone has the power to exclude, Disciplinary Panel members can only either uphold the decision or order re-instatement, either immediately or by a particular date.

Re-instatement

If Governors re-instate an excluded pupil it may be appropriate for a separate meeting to take place between the Headteacher and the Chair of Governors. If the pupil is to be re-instated the process of re-integration will require careful planning. Having established that the pupil is prone to the sort of behaviour that led to their exclusion in the first place, the School may be considered as not having fulfilled its duty of care to the pupil if it does not take steps to reduce the likelihood of such behaviour reoccurring. This would make it difficult to justify a further exclusion for the same offence. For example, if a pupil were re-instated after a drug related offence, it would be appropriate to offer counselling as part of the re-integration plan. Care will need to be taken in drawing up a plan that is supportive but which could not be construed as victimising the pupil.

The re-integration plan should involve a statutory interview which provides an opportunity to discuss the re-integration plan and emphasise to parents the importance of working cooperatively with the School. It may be appropriate to draw up a parenting contract if this forms part of the re-integration plan but should the parents refuse to engage, this would not constitute grounds to delay re-instatement. It would be appropriate to point out that the pupil might be subject to further exclusion if their behaviour does not improve, but also to stress explicitly that the pupil will be treated fairly.

A re-integration plan may also involve carrying out a risk assessment and implementing measures to reduce identified risks, e.g. if a pupil is re-instated following an assault upon another pupil. In such cases there are issues of duty of care toward both pupils (and perhaps to staff).

The School will formalise re-integration plans, where actions, expectations and consequences are made clear in writing. Should a further exclusion be necessary, the School's case will be supported if it can be demonstrated that a sound integration plan was put in place and rigorously applied. Such a plan may also go some way to reassuring staff.

Appeal Hearings

Parents whose child is excluded permanently from a school in the Holy Cross Catholic MAC have the right to appeal against the decision to uphold the exclusion. This appeal is made to the Independent Appeal Panel. The right of appeal is unrestricted subject to the time limit.

An appeal must be lodged in writing to the Clerk to the Appeal Panel within 15 school days from the date the parent receives notice of the decision. The panel will meet as soon as possible but in any event within 15 school days of the notification of appeal.

In the event of a permanent exclusion the LA will be notified promptly once the exclusion is confirmed.

Holy Cross Catholic MAC's duty to arrange an Independent Review Panel
(Ref. DfE Guidance Exclusion from maintained schools, academies and pupil referral units in England, Sept 2017).

Arranging a date and venue

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

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the Disciplinary Panel of its decision not to reinstate a permanently excluded pupil; 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.

Any application made outside of the legal time frame must be rejected by MAC

The MAC 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.

Parents may request an independent review panel even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil. The MAC must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

The venue must be accessible to all parties.

The MAC must arrange a venue for hearing the review. Whatever the venue, the panel must hold the hearing in private unless the MAC directs otherwise. 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 MAC should take all reasonable steps to ensure the venue for the review is appropriate and has a suitable area for the parties to wait separately from the panel before the review.

Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews the MAC should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

Appointing panel members

The MAC must constitute the panel with three members representing each of the three categories below. A three-member panel must be constituted with two members from each of the categories of school governors and head teachers.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Current or former school governors (including members of PRU management committees and directors of academy trusts) who have served as a governor for

at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during that time.

- Head teachers or individuals who have been a head teacher within the last five years.

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

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

The MAC should determine payment arrangements for panel members and must make arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith.

Every care should be taken to avoid bias or an appearance of bias. The MAC should request that prospective panel members declare any conflict of interest at the earliest opportunity.

Where possible, panel members who are governors or head teachers should reflect the phase of education (primary/secondary) and type of school from which the pupil was excluded, for example: special school; boarding school; PRU; academy or maintained school.

The MAC should consider whether the chair should be someone with a legal qualification or other legal experience. This is particularly important where a clerk will not be providing legal expertise to the panel.

In order to meet their duties within the statutory time frame, the MAC should identify a number of eligible individuals in each of the different categories required to constitute an independent review panel in advance of an application for a review.

Appointing a clerk and the clerk's role

The MAC may appoint a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions. Where appointed the clerk must perform the following additional functions:

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

Where a clerk is not appointed, the functions become the responsibility of the MAC.

Statutory guidance to the MAC on appointing an independent review panel clerk

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

In addition to the training required by law, clerks should have an up to date understanding of developments in case law which are relevant to exclusion. Where a clerk is not appointed, the MAC should consider what additional steps it may need to take to ensure that the Independent Review Panel is administered properly.

Statutory guidance for the MAC regarding the clerk's role on preparing for an independent review

The MAC should ensure the clerk follows the advice below:

- The clerk should identify in advance of the meeting whether the pupil will be attending. Where an excluded pupil is attending the hearing, consideration

should be given in advance as to the steps that will be taken to support his/her participation. If the excluded pupil is not attending, it should be made clear that they may feed in their views through a representative or by submitting a written statement.

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

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

Ensuring that panel members and clerks are trained

The MAC must ensure that all panel members and clerks have received training within the two years prior to the date of the review. This training must have covered:

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

Procedure at the hearing

The appeal hearing will not be held at the school that the pupil has been excluded from. The Appeal Panel will do everything possible to establish an atmosphere of informality where the parties can present their cases effectively.

The remit of the Appeal Panel is to consider whether the pupil should have been excluded and whether the pupil should be re-instated. In considering an appeal, the panel will decide whether the pupil actually did what he or she is accused of doing. If more than one incident of misconduct is alleged, the panel will decide on each incident. If satisfied on the balance of probabilities that the pupil did what he was alleged to have done, and then the panel will decide whether, considering all relevant factors, permanent exclusion was a reasonable response to that conduct. Relevant factors must include:

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

To reach a decision, the panel may need to hear evidence from those directly or indirectly involved, including the pupil. The governing body may not introduce new reasons for the exclusion. However, the parent may put forward new information that may not previously have been available. If this happens, the governing body will be given an opportunity to respond.

The Order of the Appeal Hearing

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

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

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

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

The Clerk may be called on to give legal or procedural advice to the Appeal Panel during the course of the hearing and when they retire to consider their decision.

The Chair will order proceedings and lead the panel in establishing the relevant facts. If the parent appears to be having difficulty in presenting their case, the Chair should intervene to assist them to ensure that their case is established and that factual matters not in dispute are clearly identified. The Chair will assist parents who have English as a second language or who have literacy problems, and who may not have understood all the paperwork.

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

Sufficient time will be allowed for each party to put its case. The panel should ensure that parents are given the opportunity to comment on relevant information obtained from the Governing Body. Care must be taken to ensure that no party attending the hearing is present alone with the Appeal Panel.

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

Evidence and Witnesses

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

The Appeal Panel cannot compel witnesses to attend and any witnesses must therefore appear before it voluntarily. The Appeal Panel may wish to call witnesses who saw the incident or behaviour which gave rise to the exclusion. They may also wish to call a teacher or teachers (other than the Headteacher) who investigated the incident and interviewed pupils. The Headteacher has the right to make written representations to the panel and to appear and make oral representations.

Where adult witnesses are unwilling to appear in person or are unavailable, the panel must rely on their written statements, copies of which will have been circulated to all parties by the Clerk before the hearing. In the case of witnesses who are pupils of the School, it will generally be appropriate for the panel to rely on their written statements. Pupils may, however appear as witnesses in person if they do so voluntarily and with their parents' consent. All written witness statements must be attributed and signed, except in cases where the School has good reason to wish to protect the anonymity of pupils. In such cases the statement will not be attributed and some names may be blanked out. The general principle remains that someone accused of something is entitled to know the substance and the source of the accusation. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.

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

If any of the parties intend to raise matters or produce documents at the hearing which are not covered by the statement of decision or the notice of appeal, these should be

submitted to the Clerk to the Appeal Panel in good time before the hearing. If substantial new issues are raised for the first time at the hearing, an adjournment may be necessary to allow all parties to consider the issues.

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

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

Record of the proceedings of an Appeal Panel

The Clerk to an Appeal Panel should take minutes of the proceedings, the attendance, the voting and record the decision in a format approved by the Appeal Panel.

After the Hearing

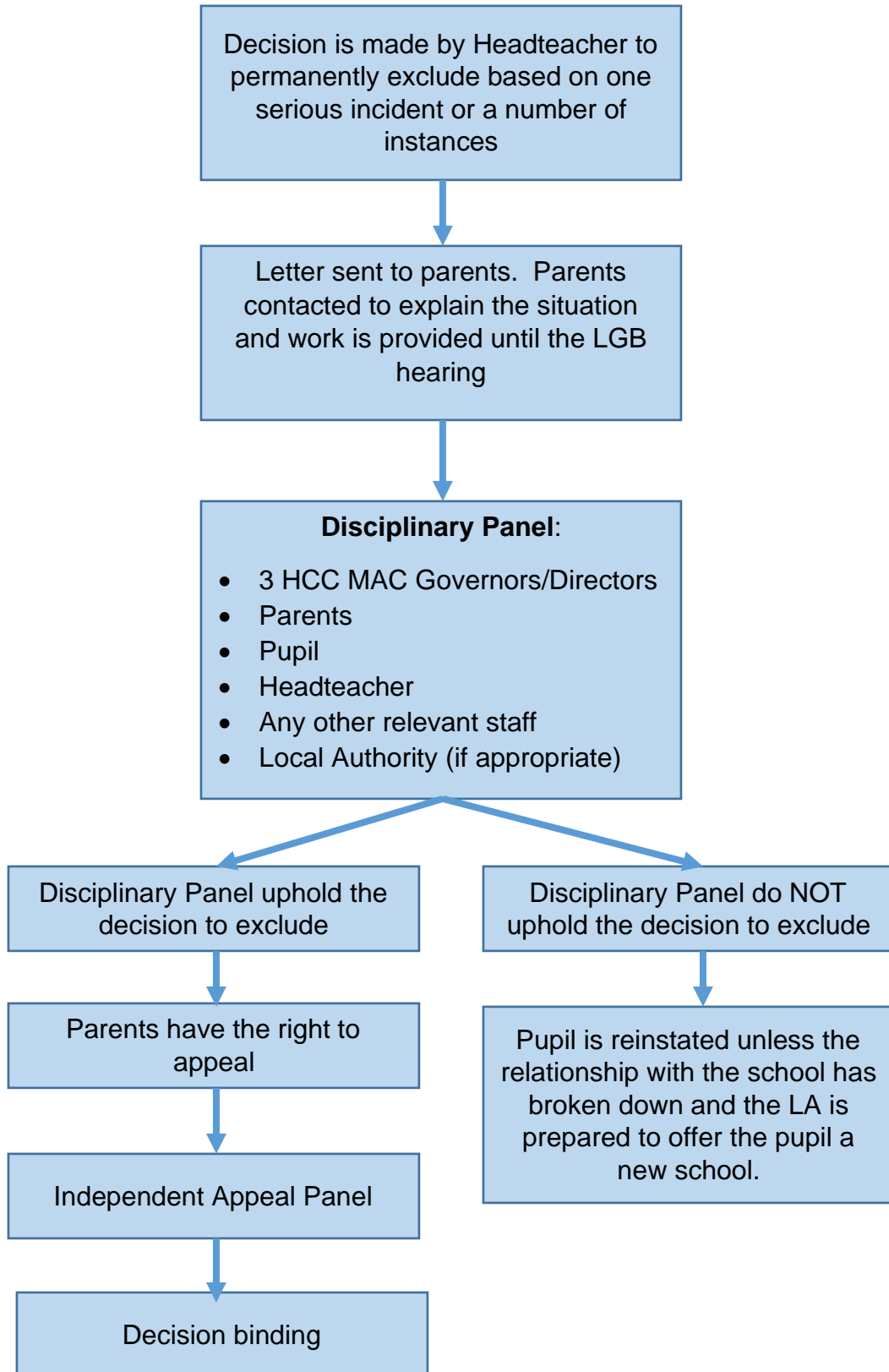
The decision of the Appeal Panel is binding on all parties. The Appeal Panel will communicate its decision to all parties by the end of the second school day after the appeal hearing. Where a hearing is held on the last day of term or outside term-time, the panel will notify all parties by the end of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

If the Appeal Panel upholds the permanent exclusion, the Clerk should immediately report this to the pupil's home LA. The Clerk should also advise the parent to contact the LA about arrangements for their child's continuing education. The Headteacher should remove the pupil's name from the School's roll the day after the conclusion of the exclusion appeal. Where the Appeal Panel direct re-instatement they should immediately inform the Headteacher of their decision and specify the date on which the pupil must be readmitted.

Details of exclusions may not be deleted from the pupil record, where the exclusion is a matter of fact. The Governing Body must, however, comply with any parental request to append their appeal statement to the pupil's record. It will be for the Local Governing Body to decide what details of the exclusion are included in the pupil's school record:

copies of the Headteacher correspondence should be included and possibly the minutes of the hearings, if the panels respectively agree to this.

Permanent Exclusion Flow Chart



Procedure for meetings at which the PUPIL DISCIPLINE PANEL considers the action of a Headteacher in excluding a pupil.

Purpose of the meeting

The Local Governing Body **must** establish a Pupil Discipline Committee which acts on their behalf over the exclusion of pupils from the school. The purpose of the meeting is for the Committee to consider the decision by the Headteacher to exclude a pupil either permanently or for certain fixed terms. The meeting also allows for parent(s) to make any representations they may wish to make to the Committee.

Guidelines on the Conduct of Exclusion Hearings

1. Before the Hearing

- a. The Clerk will circulate before the hearing a report from the Headteacher and any written representation from the parents and /or the Local Authority. It may be necessary to adjourn the meeting if the papers are introduced at the hearing.
- b. The Headteacher and parents have the right to be represented at the hearing and to call witnesses. The names and status of any representatives and/or witnesses should ideally be notified to the Chair of the Committee prior to the meeting.

2. At the Hearing

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

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

3. After the Hearing

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

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

representations to the panel. Also, please inform **NAME** if it would be helpful for you to have an interpreter present at the hearing.

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

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

The review panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

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

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

You may wish to contact the local authority. You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0345 345 4345 or on www.childrenslegalcentre.com. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to

1 January. Statutory guidance on exclusions can be found at www.gov.uk/schools-colleges/behaviour-attendance.

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