SALFORD CITY ACADEMY

Exclusions Policy

Salford City Academy
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Part of United Learning

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United Learning Exclusions Guidance – Academies

How to use this guidance

This guidance is designed to support schools in drafting their Exclusion policy in line with the statutory framework as outlined in the statutory guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', July 2022. ("the DfE Exclusion Guidance"). A Behaviour Policy template, which includes a section on exclusions and a template appendix to detail reasonable adjustments, has been provided for schools and can be found on United Learning's Hub Policy Portal here.

This guidance note should be read together with the Permanent Exclusion Checklist for Heads, United Learning's Behaviour, Rewards and Sanctions Guidance, Special Educational Needs and Disability (SEND) Policy and Equal Opportunities policy.

All United Learning schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of graduated sanctions that can be applied.

This document provides an overview of the exclusion process. It should always be read alongside current The DfE Exclusion Guidance which should be followed in all cases. However, neither the DfE, nor this Guidance should be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate

School Leaders, Local Governing Bodies, local authorities, United Learning, independent review panel members and clerks, SEND experts, social workers, and Virtual School heads must by law have regard to the DfE guidance when deciding in their respective roles one of:

- whether to suspend or permanently exclude a pupil;
- whether to decline to reinstate the pupil;
- whether to direct reinstatement of the pupil; or
- whether to recommend or direct that the governing body reconsiders reinstatement of the pupil.

In this policy, reference to 'exclusion' includes both a suspension (fixed term exclusion) and permanent exclusions. Where the policy is referring to a specific type of exclusion (i.e. suspension or permanent), the wording will make this clear.

United Learning's approach to exclusion

United Learning believes that exclusion can be an appropriate sanction. Typically, exclusions are the result of persistent breaches of the school's behaviour policy. In those cases, exclusions should only be instigated when all other routes have been exhausted and when behaviour is in direct conflict with the individual school's behaviour policy. Where exclusions are as a result of a serious one-off breach of the behaviour policy, schools will still need to show that the response is proportionate. This will involve justifying the sanction in all the circumstances of the case and demonstrating why a lesser sanction would not be appropriate. This is particularly important where a Permanent Exclusion is issued and/ or the pupil has SEN, including those with an EHC Plan or a disability, or if the pupil has a social worker, including looked-after children and previously looked-after children.

SEND

The school should, in partnership with others (including, where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability. It is important to recognise that a formal diagnosis is not required to establish that a child has a disability if the school knew, or could reasonably have known, that the child had a disability (see paragraphs 53-56, DfE Guidance for further information). Our Behaviour Policy Template on the Hub includes a template appendix schools can use to detail their graduated approach to providing reasonable adjustments.

LAC and Previously LAC

Where a pupil has a social worker and they are at risk of suspension or permanent exclusion, the social worker, Designated Safeguarding Lead (DSL) and the pupil's parents should be informed to involve them as early as possible in relevant conversations. Where a LAC is likely to be subject to a suspension or permanent exclusion, the Designated Teacher should work with the VSH to consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Similar safeguards apply to previously LAC (see paragraphs 57-61, DfE Guidance for further information)

Therefore, if pupils from the above groups are suspended or permanently excluded, evidence that the above steps have been implemented will need to be shown in order to justify the exclusion.

Please refer to the Permanent Exclusion Checklist for Heads / acting Heads[1] and specifically **Appendix 1: Additional Checklist when considering suspension or permanent exclusion for SEND pupils. The requirements given in Part 4 of the DfE Exclusion Guide must be followed in relation to those students**. Schools must ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Regular monitoring of exclusions by school leaders and governors is strongly recommended to help mitigate this risk. A data capture template to facilitate monitoring and analysis is provided in the Appendices (Appendix 8).

During suspensions, the Principal/Headteacher (or designated member of school staff) should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil.

However permanent exclusion on the grounds of persistent breaches of the school's behaviour policy must only be used as a last resort when a range of other strategies have been tried and exhausted. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen on rare occasions.

Who can exclude?

The The DfE Guidance makes clear that only the Headteacher of a school, or the acting Headteacher in their absence, can exclude a pupil (see page 11). Whilst leadership structures vary across United Learning schools, this requirement applies to all schools in the Group. Each school's own exclusion policy must make clear which leadership roles can carry out an exclusion, reflecting the leadership structure in the school and whether, for example, there is an Executive Principal and a Head of School,

[1] Where the term Headteacher / Principal is used in this guidance, it also refers to acting Heads / Principals.

rather than a Principal per se. In this policy, the term 'Principal' is used when setting out the roles and responsibilities of the person performing the role of Headteacher in carrying out exclusions.

Exclusion from school

The decision to exclude a pupil must be lawful, reasonable, and fair. There are two types of official exclusion:

1. Suspensions

This is an exclusion for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full time education provision commences from the 6th day and must be organised by the excluding school. A pupil may not be excluded for more than 45 days in a school year. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

Repeated use of suspension for children with an EHCP or disability (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

2. Permanent Exclusion

This is where the Principal/Headteacher's decision is that the pupil should not be allowed to return to the school. The decision should only be taken if:

(a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; <u>and</u>

(b) allowing him/her to remain in the school seriously harms the learning or welfare of the pupil or others in the school;

In most cases, this will be after a wide range of alternative strategies having been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

Each case must be judged on the facts and the context taking into account:

- The degree of severity of the offence;
- The likelihood of reoccurrence (including a consideration of the student's previous behavioural record – taking care to be clear what behavioural incidents the pupil is actually being excluded for);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying) harassment);

- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status (see above);
- Preventative measures to a school exclusion including an off-site direction or a managed move
- The school behaviour policy, special educational needs policy and equality law obligations.
- The pupil's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

3. Unofficial exclusions

Formal exclusion is the only legal method of preventing a pupil's attendance on disciplinary grounds. If a pupil is sent home for disciplinary reasons (including lunch times) for example, to "cool off" for the rest of the day and this is not recorded as a suspension: this is an informal or unofficial exclusion which is unlawful. regardless of whether they are done with the agreement of the parent[2].

Stages of exclusions

1. Permanent exclusions

The permanent exclusion process falls into **three stages**:

1. Decision by the Principal/Headteacher to exclude.

2. Consideration of the Principal/Headteacher's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee.

3. In the case of a permanent exclusion, and only if requested by the parent, consideration of the Principal/Headteacher's decision by an Independent Review Panel.

The initial decision on whether to exclude is for the Principal/Headteacher to take. As part of considering a permanent exclusion, as stated above, the **Principal/Headteacher is expected to sense check their decision with the relevant Regional Director/ National Director at** United Learning ***before*** making their decision.

2. Suspension or Permanent Exclusion ("PEx")?

The DfE Guidance is very clear that PExs must be carefully investigated and used as a last resort. It is inevitable in some cases that it is not possible to carry out a thorough investigation the same day as the incident. However, the guidance is equally clear that a suspension cannot be extended or "converted" into a further suspension or a PEx. The exception is where, in exceptional circumstances,

[2] The term 'parent' throughout also means parents (plural) and carers.

usually where new evidence has come to light, a further suspension or PEx may be issued to begin immediately after the first suspension ends. Whilst using a 5-day FTE may allow for further consideration on the same facts (and thereby making the decision a more rational and considered one) it is unlikely that this would amount to "new evidence". As such, the distinctions between two different scenarios as set out below may be helpful:

Decision can be made immediately

- Where there is no doubt as to the facts of the incident and the Head has been able to hear the child's version of events and to take into account relevant considerations (including support provided, the child's SEND or LAC status if appropriate and any mitigating circumstances) then a PEx should be issued that day in line with the guidance above and statutory guidance. Heads should exercise caution in such circumstances.

Decision cannot be made immediately

- Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding voice of the child (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (a maximum of 5 school days is advised). However, it must be made clear to the child and parent that a further sanction, including a PEx, may follow once the investigation has been completed and all the facts are known. See Appendix 3 for suggested wording that can be added to parental letters to explain this.

- In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

Once the investigation is complete, a letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of another suspension to begin immediately after the first period ends; or
- notification of a permanent exclusion to be begin immediately after the end of the suspension.

3. Rescinding a PEx

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a PEx has been issued, that had it been known at the time would have led to a different decision. Should schools find themselves in this position, a PEx *can* be rescinded, providing it is done so within the 15 school days before the LGB is required to consider it. In such circumstances, Heads should ensure a letter is issued and placed in the student's file. Heads should notify parents, the LGB and the Local Authority without delay, and if relevant, the social worker and VSH. Heads should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made

to the LGB on the number of exclusions which have been cancelled. This paragraph also applies to suspensions.

4. Behaviour outside School

Subject to the requirements of this guidance, the Principal/Headteacher (or designated teacher in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

5. Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. The head teacher 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 head teacher will need to take a decision on the evidence available to them at the time. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education. Where the evidence is limited by a police investigation or criminal proceedings, the head teacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the head teacher to make. It is also critical that a school does not undermine the evidence gathering in a parallel police investigation: the school should consult with police before carrying out its own investigation.

Responsibilities of the Principal/Headteacher

Principals/Headteachers should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

When the Principal/Headteacher is out of School: the role of the acting Headteacher

The DfE Exclusion Guidance is clear that only the Headteacher, or the acting Headteacher, can exclude a pupil. If the exclusion is made by another person it risks being challenged on the grounds that it is unlawful (i.e. the decision was taken by someone who did not have the legal power to do so). The potential for schools to get this wrong is increasing with Headteachers more likely to work in more than one school (Executive Heads), work part time or work condensed hours, and attend off site meetings. The DfE Exclusion Guidance is clear that an acting Headteacher **can** carry out an exclusion in the scenario whereby the Head is not in school. It is essential that this person has been appointed to carry out the function of the Headteacher in their absence, and it does not follow that this is automatically the Deputy Head: it requires affirmative action rather than a default position.

Where Headteacher absences are short term, the necessary 'appointment' can be documented by way of a scheme of delegation which makes clear which post-holder (rather than named individual) assumes the acting Headteacher role and under what circumstances e.g. the Headteacher is off site for a specified period and cannot be contacted or will not return within a meaningful period of time. This should be cross-referenced in the relevant job description and contract of the post holder. As such, when the Headteacher is then absent in defined circumstances, the appointment of an acting Headteacher has automatically been triggered once it has been established that the circumstances apply and without any further action.

For longer term absences, e.g. where there is no Headteacher in post or for long periods or foreseeable absence which may not be covered in the scheme of delegation, the school should look at a more formal appointment to cover the specific situation. Again, this should be formally documented.

All schools must be clear on how the position of acting Headteacher is appointed so as to avoid challenge on the grounds of illegality to any exclusion decisions made in the Headteacher's absence.

Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and the LGB must consider any representations about an exclusion made by the parent of the excluded pupil. The LGB usually delegates some or all of its functions in respect of exclusions to a committee. Any such committee must consist of at least three governors, who are independent and have had no direct involvement with the case; such a committee may be called the Behaviour Committee.

The LGB's role is to review exclusions, either on parental request or because required to do so by law and the following different requirements apply to different types of exclusion. It is essential that LGBs receive regular training on reviewing exclusions. This can be provided by the Centre – please contact Lesley.Dolben@unitedlearning.org.uk for further information.

- In the case of a suspension which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by the parent.

- If the pupil will be excluded for more than five but not more than 15 school days in the term, and only if the parent makes representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations the governing board can consider reinstatement on their own.

- The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded pupil within 15 school days of receiving notification of the exclusion if:

    - The exclusion is permanent; or

    - It is a fixed-term 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.

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal/Headteacher. It cannot extend a suspension nor substitute it with a permanent exclusion.

The Behaviour Committee must inform the parent, Principal/Headteacher and the Local Authority of their decision, in writing without delay, preferably within 2-3 school days, stating their reasons. Where

the pupil resides in a different Local Authority to the one in which the school is based, they must also inform the pupil's 'home' authority.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date. However, the Behaviour Committee should not use this as a way of effectively imposing an alternative sanction, e.g. a FTE in place of a PEX. Future dates should be for purely practical purposes and be reasonable in all the circumstances.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to the parent. Model letters are contained in the appendices.

There is a more detailed pack containing model letters, summary checklists and guidance on paperwork which is available on the United Learning Hub or by request from Lesley.dolben@unitedlearning.org.uk.

Role of the Clerk to the Behaviour Committee

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing body or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the pupil or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

It is strongly advised that all Clerks receive regular training on their role in the exclusions process. This can be provided by the Centre – please contact Lesley.Dolben@unitedlearning.org.uk for further information.

The role of the Local Authority

The Local Authority does not have a decision-making role in the exclusion process for any United Learning school. A representative from the LA can however attend the Behaviour Committee or the Independent Review Panel if requested by the parent. They can only make representations if invited to do so by the Chair of the respective bodies.

Education of excluded pupils

The school's obligation is to ensure education continues while the pupil is on roll. In all cases of exclusion, work should be set from day one and marked. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered. During a suspension, the school's legal duties to pupils with disabilities and SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Where a pupil is given a suspension of six school days or longer, the school must arrange full time educational provision from and including the sixth day of exclusion.

The Local Authority is required to arrange full time educational provision for permanently excluded pupils from the sixth day of a permanent exclusion. Once a Principal/Headteacher has decided to permanently exclude a pupil, the Local Authority will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The pupil's name will be deleted from the school roll[3] only if:

(i) the pupil was permanently excluded; and

(ii) 15 school days have passed since the parent was notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or

(iii) the parent has stated in writing they will not be applying for an independent review panel.

It is the responsibility of the Local Authority to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for ensuring any Independent Review Panel is appropriately set up and trained. It is strongly recommended that LGBs either commission an external provider who offers this service[4] or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive, and must meet strict timelines. Support and advice can be provided by the Centre on IRPs and the use of external providers if required. Please contact Lesley Dolben for further information.

Note that the independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent of the excluded pupil, and/or the pupil if over 18.

1. Notification of Governors' Decision

In cases where Governors consider either a permanent exclusion, or a suspension above 15 days' suspension for the term, or suspension between 6-15 days where the parent makes representations the Behaviour Committee, must notify parents (or the pupil if they are 18 years or over), the head teacher, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. The Behaviour Committee's decision letter to the parent must also give the last day for lodging a review (within 15 further school days[5]) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

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[3] The date on which the pupil is taken off roll must be either the date on which the 15-day period elapses or the date on which written notification from the parent(s) is received. The date on which the Behaviour Committee notified the parent(s) of its decision to uphold the permanent exclusion may not be used retrospectively as the date on which the pupil is removed from the roll. This ensures that there is clear documentary evidence of the requirement to keep a pupil on roll in compliance with the Exclusions Guidance.

[4] A number of schools have used Clerks Associates for this and have found them very helpful.

[5] Or within 15 days of the final determination of a claim of discrimination in relation to the exclusion to the first tier Tribunal.

2. The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, only if strictly necessary, the panel may then decide to adjourn the hearing to a later date.

3. Composition of Independent Review Panels

Review panels must consist of 3 or 5 members.

A five member panel must be constituted with two members from each of the categories of school governors and Headteachers.

- 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.

- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time.

- Headteachers or individuals who have been a Headteacher within the last five years.

All panel members, including the clerk, must have received training within the two years prior to the date of the review. The DFE statutory guidance details what this training must have covered (page 33).

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

- They are a member / director of the local authority / Academy Trust or governing body of the excluding school,

- are the Headteacher of the excluding school or anyone who has held this position in the last five years,

- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a Headteacher at another school),

- have, or at any time have had, any connection with the local authority / Academy Trust; school; parent or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially (though an individual must not be taken to have such a connection simply because they are a Headteacher at another school) or

- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)

4. **Request for a SEN Expert** (see section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance). If requested by the parent, the person convening the panel must appoint a SEN Expert to attend the independent review panel. The parent has a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

It is strongly advised that the independent review panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures and law for all parties.

Conduct and role of the Independent Review Panel

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on Exclusions.

2. The decision

An independent review panel can decide to:

- uphold the Behaviour Committee's decision;
- recommend that the Behaviour Committee reconsiders reinstatement; or
- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of one or more of the principles applicable on an application for judicial review, which are illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs the LGB to reconsider its decision it has the power to order that a readjustment of the academy budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

4. After the Independent Review Panel

The independent review panel's decision is binding on the parent, the LGB and the Principal. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

The summary of the findings from the IRP must be given due consideration by Governors.

If the panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority (who should in turn inform, where a pupil has one, the social worker and VSH). If the pupil lives outside the area of the Local Authority, the Clerk should make sure that the home Authority is also informed immediately of the position. If the pupil is of compulsory school age, it is for the Local Authority in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the permanent exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home Local Authority about arrangements for their child's continuing education. The Principal should remove the pupil's name from the school roll the day after the conclusion of the independent review panel.

5. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the LGB reconsider the exclusion, the LGB must meet to reconsider within 10 school days of notification. This can be the same panel, if all members are available. The DfE Exclusion Guidance gives specific advice (paras 240-250) as to what the further meeting of the LGB should involve and the requirement that the LGB must have "strong justification" for continuing to support the exclusion. Where the LGB has reconsidered an exclusion decision it must inform the relevant person, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

6. Remedies after the Independent Review Panel

A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

Decisions of both governing bodies and independent review panels can be subject to judicial review. If this occurs, immediate legal advice must be sought.

7. Claims of Discrimination in relation to exclusion

A parent can also apply to the First-tier Tribunal (SEND) on grounds of disability discrimination. In addition, they may bring a claim on other discriminatory grounds in the County Court under the Equality Act 2010. The First-tier Tribunal has a wide range of potential remedies it could order, if it finds discrimination has occurred, including reinstatement if appropriate.