



Policy 'owned' by: Governors' School Improvement, Monitoring, Curriculum and Ethos Committee (SIMCE)
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Next Review: Autumn 2026

'Learn to love and love to learn; in God's love each one will shine'.

St. Andrew's Church of England (VC) Primary School Exclusions Policy

Our School Vision is led by the example of St Andrew; "Come, follow me," Jesus said, "and I will send you out to fish for people." (**Matthew 4: 19**)

Learn to Love- As Jesus showed Andrew how to be the very best of men, so we guide and support our children to become the best that they can be. We teach our children to care and have respect for themselves and others, physically, morally and culturally. Our curriculum is built around the fish symbol to show that the love of God and Jesus is at the very heart of all that we do.

Love to learn- Just as Jesus immediately saw the character and depth of Andrew at that first meeting on the shores of the Sea of Galilee calling him to be his disciple, so we see and encourage the strengths and interests of all our children. We help them become lifelong learners, encouraging and developing their sense of enquiry and aspiration.

In God's love each one will shine- Following Jesus' command; "Come, follow me," Jesus said, "and I will send you out to fish for people." (**Matthew 4: 19**) St Andrew brought people to meet, to love and to learn from Jesus. In a similar way we help our children to follow Christian values, to receive the love of God, and to shine that love to others in His grace.

1. Purpose and Aims

Our vision is realised through this policy by affirming and valuing every member of our school community. The purpose of this policy is to clarify the procedures when excluding a child from school and to ensure that the exclusion processes are applied fairly and consistently.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#). (Updated 2024) and should be read and followed in conjunction with this guidance.

The DfE has published a companion piece to the exclusion guidance called "*Behaviour in Schools*" July 2022. This may be found at [Behaviour in schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Hertfordshire County Council have an Exclusion Guidance Supplement, issued in August 2024, which gives all the details of procedures that must be followed when an exclusion occurs.

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; and
- 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.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Linked School Policies

Please read the following in conjunction with the following School Policies:

- Child Protection and Safeguarding Policies
- Online Safety Policy
- Behaviour Policy
- Anti-Bullying Policy
- Policy for Looked After Children
- Children Missing from Education

- The SEN policy and procedures.
- Home-School Agreement

5. Preliminary Steps: Responding to poor behaviour

In most cases exclusion, especially permanent exclusion, will be the last resort after a range of measures have been tried to improve a pupil's behaviour, all without lasting success.

- Staff at St Andrews School place great emphasis on the social and emotional well-being of children and are committed to a therapeutic approach to learning, in line with the STEPS approach that has been adopted within Hertfordshire. All staff have been STEPS trained and the principles of STEPS are embedded within our school culture. We do, however, recognise that all children are unique individuals and that the same approach will not be effective for all children. Care is taken to support each child with positive strategies that are be-spoke and appropriate to their needs. Where necessary, strategies such as Roots and Fruits assessments, anxiety mapping, and Risk Reduction Plans are put into place to support our children
- The school also uses HCC's Emotional Wellbeing and Behaviour Strategy which is designed to protect, champion and safeguard the entitlement of those children who are at risk of being out of education and may be found in the Hertfordshire Grid for Learning at the following website address [hertfordshire-emotional-wellbeing-and-behaviour-strategy-2020-2023-v2 \(thegrid.org.uk\)](https://thegrid.org.uk/hertfordshire-emotional-wellbeing-and-behaviour-strategy-2020-2023-v2)
- For behaviour which is not respectful, safe or is preventing the learning, either of the individual or the learning of other pupils, we employ a number of consequences. We employ these consequence appropriately to each individual situation and child. The school may not necessarily follow these steps in a sequential manner depending upon the nature of the incident(s). We may also seek outside specialist support to help deal with behavioural issues at any point if the school feels it is appropriate to do so (e.g Attendance Improvement Officers, Educational Psychologists, Behaviour Support Team, Family Support Worker, Advisory Teachers, Social services and Health Services where appropriate, HFL, and St Albans Diocese Education Department).
- Our Behaviour and Anti-Bullying Policy clearly outline the consequences we take, which are intended to support and guide the pupil to help them develop more pro-social behaviours.
- At this stage the child is receiving a great deal of support, however this should not interfere with the school's decision to exclude a child if the child's behaviour is unacceptable.
- All evidence relating to a possible exclusion is recorded objectively and dated as appropriate. The school records any incident of unacceptable behaviour through CPOMS. Parents are informed as soon as possible of any behavioural incidents involving their child. Every effort is made to ensure that positive resolutions are agreed, reducing the risk of further incidents or exclusion
- Where a pupil is at risk of exclusion and has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, the headteacher will inform and consult with the social worker, the Designated Safeguarding Lead (DSL) and the parents (**DfE 59**). Additionally, where a child in care is likely to be subject to an exclusion, the designated teacher will contact and work with the Virtual School as soon as possible and also engage with the child's foster carer(s) or children's home workers, as appropriate (**DfE 60**).
- The school may also consider putting a Pastoral Support Plan (PSP) in place for pupils deemed to be at risk of exclusion. This specifies the range of strategies and support measures to be implemented to address the particular behaviours of concern.

- However, if approaches towards behaviour management have been exhausted then exclusion may need to be considered as a last resort.

6. The headteacher's powers to use exclusion and suspension

- A pupil may only be excluded on disciplinary grounds (**DfE 20**). It would be unlawful to exclude a pupil simply because they have Special Educational Needs (SEN) or a disability that the school feels it is unable to meet, or for a reason such as poor academic attainment. Truancy is also generally not regarded as a reason for exclusion as it would be perverse to prevent a child from attending school for not attending school.
- Exclusion would also be an inappropriate and potentially unlawful response to
 - minor breaches of the school's behaviour policy such as failure to complete homework or bringing in dinner money;
 - pregnancy
 - the behaviour of a child's parent, e.g. their failure to attend a reintegration meeting following a suspension
- Only the headteacher can exclude a child (**DfE 1**). The headteacher may not delegate the power to exclude. However, the power to exclude may pass in a maintained school to a person designated as an acting headteacher in the headteacher's absence or pending the appointment of a headteacher. This person may or may not be the deputy headteacher but must be someone appointed to the role of acting headteacher. The governing board may wish to consider specifying the role of acting headteacher with the accompanying power to exclude in the job description of the member of staff they wish to designate as such. In an academy, the 'principal' includes 'acting principal' by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- The headteacher will take account of their legal duty of care when sending a pupil home following an exclusion (**DfE 3**). If a parent does not comply with an exclusion, for example by sending the excluded child to school or by refusing to collect the child from school, the headteacher must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful the school will consider whether to contact the Inclusion Team for advice. In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental co-operation the school may consider applying for a parenting order.
- A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.
- When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than

that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

- The headteacher should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance
- The headteacher should use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are **examples** of the types of circumstances that may warrant a suspension or permanent exclusion;
 - 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 prohibited by a school's behaviour policy
 - Bullying
 - Racist abuse
 - Abuse against sexual orientation or gender reassignment
 - Abuse relating to disability
- A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered. Children who are entitled to free school meals will be provided with sandwiches if this is the wish of the parents

7. Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

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

For any permanent exclusion, the headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

8. Cancelling exclusions

The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

9. Process

9.1 Informing parents

Whenever the headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. This would usually be in person or by telephone.

They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- That for the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- The school will provide appropriate work for the child to undertake during the period of exclusion. This must be brought into the school on the day of re-integration.
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- Parents will be informed of the date and time of the re-integration meeting and it will be requested for parents/carers to be present.

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

It is important that during a suspension, pupils still receive their education. The school will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

The school will use exemplar letters provided by HCC

These letters are available on the Hertfordshire Grid for Learning via the following link:

[Exclusions - Hertfordshire Grid for Learning \(thegrid.org.uk\)](https://thegrid.org.uk)

9.2: Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion;
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

9.3: Informing the local authority (LA)

The Local Authority must be informed without delay of any school exclusions ([DfE 81](#)). For a looked-after child, the Local Authority that maintains the child should also be informed, if this is not Hertfordshire. For a permanent exclusion, if the pupil lives outside the Local Authority area in which the school is located, the headteacher must also notify the pupil's 'home' Authority ([DfE 84 and 85](#)). – see HCC guidance about method to inform LA

9.4: Informing social workers and Virtual School Heads about an exclusion

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker if the pupil has one and the Virtual School Head (VSH) if the child is in care ([DfE 77 to 79](#)).

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

10. Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)

- If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.
- Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to [Keeping Children Safe in Education](#)
- Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.
- Section 5 of [Keeping Children Safe in Education](#) sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in [Keeping Children Safe in Education](#).

11. Reintegration after a suspension or off-site direction

- The School will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction
- The school will design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.
- The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school.
- During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
- Where necessary, the schools will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.
- A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.
- The school can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:
 - Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
 - Daily contact with a designated pastoral professional in-school;
 - Use of a report card with personalised targets leading to personalised rewards;
 - Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
 - Planned pastoral interventions;
 - Mentoring by a trusted adult or a local mentoring charity;
 - Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
 - Informing the pupil, parents and staff of potential external support.

12. The responsibilities of the governing board in relation to exclusions

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. They also have a duty to challenge and evaluate what their school's data is telling them about exclusions from the school and pupil movement more generally (DfE 108 to 111). These duties include

- monitoring the characteristics of pupils who have been suspended or permanently excluded to determine whether certain groups of pupils are being treated more harshly than others, perhaps as a result of unconscious bias and taking steps to address any issues which arise. This forms part of the board's Public Sector Equality Duty (PSED);
- monitoring and challenging data around off-site directions and managed moves checking to see if there are any patterns emerge, e.g. if high numbers of children with SEND are moving the board may wish the school to review its SEND support. The board may also wish to satisfy itself that any cost implications arising from off-site directions are being carefully considered and that the school is getting good value for money in terms of outcomes;
- ensuring that the placements of pupils directed to off-site education are being reviewed at appropriate times, that the procedures are being properly followed and checking to see that the interventions are achieving their objectives and that the pupils are benefitting from them;
- ensuring that there are no unofficial or informal exclusions taking place and that where children have been removed from roll that this has been done lawfully and that there is no off-rolling going on (DfE 18 to 22);
- monitoring whether there are any children are on part-time timetables and if so, whether there is a valid reason where these are happening and that the proper procedures are being followed (DfE 30);
- considering the circumstances in which exclusions have been cancelled/withdrawn to ensure that there is no improper practice e.g. parents being put under pressure to accept their child's removal from roll by a means other than by permanent exclusion so they don't have that on their school record, which could be considered as an example of off-rolling (DfE 13);
- monitoring effectiveness and consistency in the school's implementation of its behaviour policy;
- checking to see that the correct absence codes are being recorded in the school's registers;
- monitoring instances of where pupils receive repeat suspensions;
- checking to see that appropriate off-site provision is being made for pupils who receive more than five days of suspension in any given term;
- making sure that appropriate interventions are being put in place to support pupils at risk of suspension or permanent exclusion;
- checking any variations in the rolling average of permanent exclusions to understand why this is happening and to ensure that they are only used when necessary; and
- the timings of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.

13. Reviewing decisions to exclude and considering reinstatement

Parents have the right to make representations to the governing board about the exclusion of their child. If they do so, the governing board has a duty to consider these representations. However, the requirements on a governing board to do so depend on a number of factors. These are illustrated in the diagram in Appendix 1 (See Below) (DfE 97 to 107 and page 39).

Where a governing board is legally required to meet to consider the reinstatement of an excluded child they should

- not discuss the exclusion with any party outside the meeting;

- ask for written evidence in advance of the meeting including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record. Schools usually supply this information in the form of an exclusion report which should, where possible, be circulated along with a list of those who will be present, to all parties at least five school days in advance of the meeting. Guidance for headteachers as to what to include in such a report is provided in HCC guidance.
- allow parents to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent);
- invite the pupil's social worker if they have one and, if the child is in care, the VSH, to attend;
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example, where a parent or a pupil has a disability with mobility or communication that has an impact on their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend and participate in the meeting, (e.g. by providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed their views by other means if attending the meeting is not possible ([DfE 112](#)).

Where a governing board meets to consider the reinstatement of an excluded pupil this function is delegated to a subcommittee called the **Governors' Discipline Committee (GDC)**.

Governors reviewing a headteacher's decision to exclude a child should be demonstrably impartial. This means that each panel member should not have had any prior involvement in the case e.g. by being party to the original decision, or know the excluded pupil or their family, or have a vested interest in the outcome.

HCC strongly recommends that any governor sitting on a GDC panel should have received adequate training to carry out their duty within the last two years ([DfE 88](#)). Given the need to also ensure that every governor is impartial as described above, governing boards are recommended to ensure that they get as many of their governors trained in exclusions as they can so they then have the widest pool of people to draw upon to form a panel should the need arise.

14. Exclusion hearings

The following parties must attend a GDC hearing:

- the governors on the panel. There should be at least three governors on the panel. HCC recommends that where there are more than three panellists it is helpful to have an odd number of governors as a majority decision may then be reached without the need to resort to a Chair's casting vote.
- a clerk. HCC recommends that governing boards secure the services of a clerk who fully understands and has experience of the exclusion process so that they may offer support and guidance as necessary.
- the headteacher, to explain why the decision to exclude has been taken

The following parties may attend a GDC hearing:

- the parents and the excluded pupil, if the parents wish that the child attends. If the excluded pupil is over 18 years of age they may represent themselves and do not have to be represented by their parents.
- representatives and supporters. Both the parents and the headteacher may bring a supporter or representative. It is at the panel's discretion as to whether either party may bring additional supporters or representatives. HCC advises panels to be permissive wherever possible.

- the excluded pupil's social worker if they have one and the VSH in the case of a child in care.
- The Local Authority's Inclusion Team will typically submit questions to the clerk in advance of a GDC requesting that they be asked at the hearing and that the responses received be sent back.

The Local Authority will maintain a position of neutrality and not "push" for any particular outcome. However, the Local Authority may indicate where there is a lack of clarity, or where the statutory guidance appears not to have been followed.

The proceedings of the GDC will follow the outline provided by HCC guidelines.

15. Considering the evidence and reaching a decision

When establishing the facts in relation to an exclusion the governing board must apply the civil standard of proof, i.e. 'the balance on probabilities' (is it more likely than not that the excluded pupil has done what they are alleged to have done) rather than the criminal standard of 'beyond reasonable doubt' ([DfE 117](#)). In light of its consideration, the governing board may either:

- decline to reinstate the pupil; or
- direct the pupil's reinstatement, either immediately or by a particular date ([DfE 118](#))

These are the only two options open to the governors. They may not, for example, replace a head teacher's decision to permanently exclude a pupil with a suspension because they feel the headteacher acted too harshly. They may also not attach conditions to a reinstatement.

If the governing board decides against the reinstatement of a pupil who has been permanently excluded the parent(s) (or the excluded pupil if over 18 years of age) can request that the governors' decision is reviewed by an Independent Review Panel (IRP) ([DfE 120](#)).

In reaching a decision as to whether a pupil should be reinstated or not, the governing board

- must consider both the interests and circumstances of the excluded pupil and that of other pupils, staff and the school community ([DfE 114](#)); and
- should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair ([DfE 124](#)).

16. The governing board's duty to notify its decision

Where legally required to consider reinstating a suspended or permanently excluded pupil, the governing board must notify the parent or the pupil if they are 18 years or over, the headteacher and, where relevant, the Local Authority, the pupil's social worker and/or the VSH of its decision, and the reasons for it, without delay. Where the pupil resides in a different Local Authority area the governing board must also inform the pupil's 'home' Local Authority ([DfE 131](#)).

Details of what must be included in the governing board's letter are given in the DfE's statutory guidance ([DfE 132 to 140](#)).

Appendix 1

<i>Questions to consider before taking a decision to exclude a child</i>	
What is the pupil alleged to have done?	
Has a thorough investigation been carried out?	
Has the pupil been allowed and encouraged to give their version of events?	
Does the evidence suggest that it is more likely than not that the pupil has done what they are alleged to have done?	
Does the alleged behaviour constitute a serious breach of the school's behaviour policy?	
What does the behaviour policy say about the consequences of such behaviour?	
How has the child's behaviour affected the education and welfare of other members of the school community?	
How has the child's behaviour affected their own education and welfare?	

Appendix 2

A summary of the governing board's duties to consider reinstatement



