

# Exclusions Policy

Holland Park School | 2026-27

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## Introduction

This policy outlines United Learning's and Holland Park School's responsibilities and approach to suspensions and permanent exclusions in line with the statutory framework set out in 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (Department for Education, July 2026).

Holland Park School recognises suspension and permanent exclusion as important behaviour management tools where they are warranted. Permanent exclusion will only be used as a last resort. The school will not operate a 'no exclusion' policy where doing so would expose students or staff to unreasonable risk; instead, it will seek to create a calm, safe and supportive environment in which exclusions are rarely necessary. A permanent exclusion may, however, be appropriate for a single serious breach where both statutory tests are met.

Only the Principal, or a member of staff formally acting as Principal in the Principal's absence, may suspend or permanently exclude a student. Where the Vice Principal is formally acting as Principal, they may exercise this power in that capacity. The Principal remains the sole decision-maker and any consultation with United Learning does not fetter that discretion. All permanent exclusions will be discussed with the relevant United Learning Director in accordance with Trust procedures before issue where practicable.

In this policy, the term 'exclusion' includes both suspension (an exclusion for a fixed period) and permanent exclusion. Where this policy refers to one type specifically, the wording will make this clear.

Principals, governing boards, academy trusts, local authorities, independent review panel members, SEN experts, social workers and Virtual School Heads must have regard to the statutory guidance where applicable when carrying out their functions in relation to suspensions and permanent exclusions.

- whether to exclude a student;
- whether to uphold an exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the governing body considers the exclusion again.

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 students, parents, and all school staff are aware of the standards of behaviour expected and the range of sanctions.

The behaviour policy for Holland Park School can be viewed on the school website.

This policy provides an overview of the exclusion process. The school will comply with current legislation and have regard to the DfE's July 2026 statutory guidance, the Equality Act 2010, the

Children and Families Act 2014, the Human Rights Act 1998, the SEND Code of Practice and relevant safeguarding guidance. Decisions must be lawful, reasonable, fair and proportionate, and the school will ensure that its policies and practices do not discriminate against students or unfairly increase their risk of exclusion.

The Principal and governing board will comply with statutory duties relating to SEND when administering the exclusion process, including the duty to make reasonable adjustments and to use best endeavours to secure appropriate special educational provision. Where a student with an EHC plan is at risk of suspension or permanent exclusion, the school will contact the local authority at an early stage and consider whether an early annual review is appropriate. For students with SEN but without an EHC plan, the school will review whether existing support remains appropriate and whether further assessment or specialist involvement is required. The policy applies to relevant behaviour both in and outside school, including travelling to and from school, school trips and work experience placements.

## Exclusion from school

The decision to suspend or permanently exclude a student must be lawful, reasonable, fair and proportionate. There are two types of disciplinary exclusion:

### Suspensions

A suspension is where a student is temporarily removed from school for a fixed period. A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. During the first five school days, where the student is not attending alternative provision, the school will take reasonable steps to set and mark work. For suspensions of more than five consecutive school days, suitable full-time education must begin no later than the sixth school day. Consecutive suspensions are treated cumulatively for this purpose. A student is entitled to return once the suspension has ended and their return cannot be made conditional on attendance at a reintegration meeting.

A suspension may be for part of a school day, including lunchtime. The full statutory suspension process, including notification to parents, applies. A lunchtime suspension is counted as half a school day when calculating whether governing board consideration is triggered. Arrangements will be made to provide a lunch where the student is entitled to Free School Meals.

Where suspensions are becoming a regular occurrence, the school will consider whether suspension alone is effective and whether additional strategies are required. Particular care will be taken for students with SEND, disabilities, EHC plans, social workers, or looked-after status. The SENCO, DSL, Designated Teacher, social worker and/or Virtual School Head will be involved as appropriate, with consideration given to reasonable adjustments, specialist advice, early review of provision and additional pastoral or multi-agency support.

### Permanent Exclusion

A permanent exclusion is where the Principal decides that a student should no longer be allowed to attend the school unless reinstated. The decision should only be taken where both of the following statutory tests are met:

1. the student has committed a serious breach or persistent breaches of the school's behaviour policy;

and

2. allowing the student to remain in school would seriously harm the education or welfare of the student or others, including staff or other students.

In many cases a permanent exclusion will follow a range of support and alternative strategies that have not secured improvement. However, the statutory guidance permits permanent exclusion for a single serious breach where the two tests above are met. Examples of misconduct that may amount to a serious breach are set out in Appendix 1. Each case will be considered individually and no category of behaviour will remove the Principal's duty to consider the particular facts, context, mitigation, legal duties and the proportionality of permanent exclusion.

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

- The degree of severity of the offence;
- The likelihood of recurrence (including a consideration of the student's previous behavioural record taking care to be clear what behavioural incidents the student is actually being excluded for);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying or harassment);
- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status;
- Preventative measures considered, including whether an off-site direction or managed move would be appropriate and in the student's best interests;
- The school behaviour policy, special educational needs policy and equality law obligations.
- The student's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

The Principal will establish the facts on the balance of probabilities and will inform the student, where appropriate, how their views have been taken into account. Where a student has a social worker and is at risk of suspension or permanent exclusion, the social worker, DSL and parents should be involved as early as possible. Where a looked-after child is at risk of suspension or permanent exclusion, the Designated Teacher will contact the Virtual School Head as soon as possible and seek advice on additional support, including the effectiveness of the Personal Education Plan.

When considering permanent exclusion, the Principal will follow United Learning's internal consultation arrangements, including discussion with the relevant Regional or Education Director where practicable. The Principal remains the sole statutory decision-maker. A suspension cannot be extended or 'converted' into a permanent exclusion. However, in exceptional cases where significant further evidence comes to light after a suspension has been imposed, a separate further suspension or permanent exclusion may be issued to begin immediately after the first suspension ends, provided the later decision relates to the behaviour as then understood and is lawful, fair and proportionate.

## Unofficial exclusions

Formal suspension or permanent exclusion is the only lawful method of preventing a student's attendance on disciplinary grounds. Sending a student home to 'cool off', placing a student on a part-

time timetable for behavioural reasons, or otherwise preventing attendance for disciplinary reasons without following the formal suspension process is unlawful, even where a parent agrees. Any disciplinary removal from school, including for part of a day, must be formally recorded as a suspension.

## Separation of students for safeguarding purposes

In rare circumstances, a student may be temporarily forbidden from attending the school premises for safeguarding reasons, for example where an allegation of harm by one student against another makes physical separation essential and this cannot practicably be achieved while both remain on site. This is not a disciplinary suspension and must not be used to avoid the statutory exclusion process. The DSL or a Deputy DSL will take a lead role in the decision, with support from children's social care, police or other agencies where required. Parents will be informed of the reason, the governing board will be notified without delay and the arrangement will be kept under regular review.

## Reintegration

The school will support students to reintegrate successfully following a suspension, cancelled permanent exclusion, off-site direction or period of separation for safeguarding purposes. A reintegration strategy will normally be communicated at a meeting before or at the beginning of the student's return and will provide a fresh start, clarify behaviour expectations, rebuild engagement with learning and identify appropriate pastoral or academic support. Where possible parents will be involved. A student must not be prevented from returning because a parent is unable or unwilling to attend a reintegration meeting. The strategy will be reviewed and adapted where necessary.

## Off-site direction

Off-site direction is a temporary placement at another mainstream school or alternative provision used to improve future behaviour; it must not be used as a punishment for past misconduct. It should normally follow unsuccessful or inappropriate in-school interventions or outreach and must be based on the student's individual needs, including SEND and health needs. The objectives, proposed duration, curriculum, support and reintegration plan will be defined in advance, and relevant safeguarding, attainment and risk information will be shared with the receiving setting before the placement begins.

- Parents (or a student aged 18 or over), and the local authority where the student has an EHC plan, will be notified in writing as soon as practicable after the direction is made and no later than two school days before it begins. The statutory notice will include the placement address, reporting arrangements, duration, reasons and objectives, and session times.
- The governing board will keep the placement under review at intervals appropriate to the student's needs. A parent, student aged 18 or over, or the local authority where there is an EHC plan may request a review meeting; subject to the statutory exception where a review has taken place within the preceding ten weeks, the request will be met as soon as reasonably practicable.
- Written invitations to review meetings will be issued at least six days in advance and will allow the relevant parties to attend or submit written views. The governing board will notify the parent in writing of its decision, reasons and any continued duration no later than six days after the review meeting.

## Managed moves

A managed move is a voluntary, planned and permanent transfer to another mainstream school. It must be agreed by all relevant parties, including the parent and the admission authority of the receiving school, and should only take place where it is in the student's best interests. The law does not provide for a 'trial managed move' or 'trial admission'; where a temporary placement is required to improve behaviour, an off-site direction should be used instead. A student must not be permanently excluded because a parent or student refuses to agree to a managed move.

Where a student has an EHC plan, the local authority must be contacted before any managed move and the statutory process for amending the plan must be followed where a move is agreed. Where a student has a social worker, the social worker and DSL should be involved as soon as a managed move is contemplated; for a looked-after child, the Virtual School Head must also be involved. Relevant educational, safeguarding and risk information must be shared with the receiving school in advance.

## Stages of Permanent Exclusion

The permanent exclusion process falls into three stages:

1. Decision by the Principal to exclude.
2. Consideration of the Principal'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's decision by an Independent Review Panel.

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

## Suspension or Permanent Exclusion

If enough evidence is available to warrant a permanent exclusion immediately, that sanction should be applied. However great care should be taken in issuing a permanent exclusion immediately and United Learning's procedure must also be followed as specified above. In some cases, investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

There are two scenarios that may exist:

### Decision can be made immediately

Where the material facts are sufficiently established and the Principal has heard and considered the student's account, the student's views and all relevant considerations - including SEND, disability, looked-after status, safeguarding, support provided and mitigation - a permanent exclusion may be issued without first imposing a suspension. The Principal must apply the civil standard of proof: on the balance of probabilities, it must be more likely than not that the relevant facts occurred.

### Decision cannot be made immediately

Where the necessary facts cannot yet be established, a full and fair investigation should take place. If the behaviour established on the evidence then available independently warrants a suspension, a

short suspension may be imposed for that behaviour. A suspension must not be imposed simply to allow time to investigate or to await a police outcome. If significant additional evidence later emerges, a separate further sanction may be considered in accordance with the statutory guidance.

Where significant additional evidence emerges and the behaviour is more serious than was reasonably understood when the first suspension was imposed, a further suspension or permanent exclusion may be issued to begin immediately after the first suspension ends. The sanctions must not overlap and the school will ensure that it is not imposing a second sanction merely for the same behaviour on the same evidence.

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

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

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

- the degree of severity of the offence;
- the likelihood of recurrence;
- the student's previous behavioural record;
- contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment);
- support provided;
- the Holland Park School behaviour for learning policy

## Cancelling an Exclusion

The Principal may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, provided the governing board has not yet met to consider whether the student should be reinstated. The decision to cancel must be based on the circumstances of the individual case. A permanent exclusion cannot be cancelled where the student has already been excluded for more than 45 school days in the academic year, or would have been by the time the cancellation took effect.

Where an exclusion is cancelled, the Principal will notify the parent, governing board and local authority without delay, giving the reason for cancellation, and will also notify the student's social worker and Virtual School Head where applicable. Parents will be offered an opportunity to meet the Principal without delay to discuss the circumstances. The student must be allowed to return to school without delay. Any days already spent out of school under the exclusion will still count towards the statutory maximum of 45 school days in the academic year. The governing board's duty to consider reinstatement ceases once the exclusion has been lawfully cancelled.



## Behaviour outside School

Subject to the statutory guidance, the Principal may suspend or permanently exclude a student for behaviour outside school where this is permitted by the school's behaviour policy. This may include behaviour on the journey to and from school, on school trips or work experience, or other conduct that is relevant to maintaining good behaviour, safety or discipline in the school. Only the Principal, or a person formally acting as Principal, may exercise the power to suspend or permanently exclude.

## Police Involvement and Parallel Criminal Proceedings

A school exclusion process and a police investigation or criminal proceedings may run in parallel. The Principal does not need to postpone a decision solely because a police investigation is underway or criminal proceedings may follow, and will make a decision on the evidence reasonably available at the time using the balance of probabilities. Where access to evidence is limited by a police investigation, the Principal will consider what additional steps are needed to ensure the process remains fair. A suspension will not be extended merely to await the outcome of a police investigation. Where the governing board is required to consider reinstatement, it must do so within the statutory framework on the evidence available and cannot postpone its meeting solely because criminal proceedings are ongoing.

## Responsibilities of the Principal

The Principal will follow the procedures set out in the DfE's July 2026 statutory guidance to ensure that decisions are lawful, reasonable, fair and procedurally robust. The Principal will establish the facts on the balance of probabilities, consider the student's views and any relevant contributing factors, and have regard to safeguarding, SEND, equality and other legal duties before deciding whether suspension or permanent exclusion is appropriate.

Only the Principal, or a person formally appointed to act as Principal in the Principal's absence, may suspend or permanently exclude a student on disciplinary grounds. Where the Vice Principal is formally acting as Principal, they may exercise the power in that capacity.

## Notification following an exclusion

Whenever the Principal suspends or permanently excludes a student, parents (or the excluded student if aged 18 or over) must be notified without delay of the period and reason(s). Written notification must also explain the right to make representations to the governing board, how the student may be involved, and the right to request that any governing board meeting is held via remote access. The local authority must be notified without delay of every suspension and permanent exclusion, regardless of length. Where the student has a social worker, the social worker must also be notified without delay; where the student is looked after, the Virtual School Head must be notified without delay. The governing board must be notified without delay of every permanent exclusion, any exclusion taking the student's total above five school days (or ten lunchtimes) in a term, and any exclusion causing the student to miss a public examination or national curriculum test.

## 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

student. 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.

Where a meeting is legally required, the governing board will seek written evidence in advance and, where possible, circulate the evidence and list of attendees to all parties at least five school days before the meeting. Parents may be accompanied by a friend or representative. The student's social worker, where there is one, and the Virtual School Head for a looked-after child must be invited. Reasonable adjustments will be made where required and the student will be enabled and encouraged to participate, taking account of their age and understanding. Parents have the right to request remote access in accordance with the statutory guidance; face-to-face meetings should otherwise be encouraged.

The governing board will routinely scrutinise data on suspensions, permanent exclusions, off-site directions, removals from roll and arrangements used to keep students apart for safeguarding purposes. It will consider patterns by pupil characteristic, repeat suspensions, the effectiveness of interventions and the quality and review of off-site provision, and will challenge leaders to ensure pupil movement is lawful, necessary and in students' best interests.

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. In the case of a suspension which does not bring the student'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 a suspension would take the student's total number of days of suspension above five but not above 15 school days in a term, the governing board must consider and decide on reinstatement within 50 school days of receiving notice if the parent makes representations. If the parent does not make representations, the governing board is not required to meet and does not have the power to direct reinstatement.

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

- The exclusion is permanent; or
- It is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term; or
- It would result in a student missing a public examination or national curriculum test.

The Behaviour Committee can either decline to reinstate the student or direct reinstatement immediately or on a particular date. It cannot extend a suspension, substitute a suspension with a permanent exclusion, or impose an alternative sanction.

Where legally required to consider reinstatement, the Behaviour Committee must notify the parent, Principal and, where relevant, the local authority, the student's social worker and/or Virtual School Head of its decision and reasons in writing and without delay. Where the student lives in a different local authority area, the home authority must also be informed.

A note of the Behaviour Committee's views on the exclusion should be placed on the student'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 student 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 suspension in place of a permanent exclusion. Future dates should be for purely practical purposes and be reasonable in all the circumstances.

## 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 student 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.

## 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 students

The school will take reasonable steps to ensure education continues during exclusion. Work will be set and marked during the first five school days where the student is not attending alternative provision. For a suspension of more than five consecutive school days, the governing board must arrange suitable full-time education for a student of compulsory school age to begin no later than the sixth school day. Consecutive suspensions are cumulative for this purpose. The school's duties to students with SEND and disabilities continue during suspension. For a looked-after child or a child with a social worker, the school and local authority should work together to seek alternative provision from the first day where practicable.

For a permanent exclusion, the student's home local authority must arrange suitable full-time education to begin from the sixth school day after the first day of the permanent exclusion. Where the student has an EHC plan, the local authority may need to review the plan or reassess needs to identify a new placement. The student's name will remain on the school admission register until the statutory conditions for removal are met.

- the student was permanently excluded; and
- 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
- 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.

When a permanently excluded student transfers to another school or college, the DSL will ensure that the child protection file is transferred separately from the main student file as soon as possible and within five days for an in-year transfer, using secure transit and obtaining confirmation of receipt. Relevant safeguarding and SEND staff at the receiving setting will be made aware as required. The Common Transfer File will be sent within the statutory timescale once the student has been removed from the admission register and registered at the new school.

## Independent Review Panels

For an academy, United Learning as the academy trust is the arranging authority responsible for ensuring that an Independent Review Panel (IRP) is properly constituted, independent and appropriately trained when a valid application is made. An IRP is available only following a permanent exclusion where the governing board has decided not to reinstate the student and the parent, or the student if aged 18 or over, requests a review within the statutory timescale.

## Notification of Governors' Decision

Where the Behaviour Committee is legally required to consider reinstatement, it must notify the parent (or the student if aged 18 or over), the Principal and, where relevant, the local authority, social worker and/or Virtual School Head of its decision and reasons in writing and without delay. Where it declines to reinstate a permanently excluded student, the decision letter must explain the right to request an IRP within 15 school days, where and how to apply, the right to request remote access, the right to request a SEN expert regardless of whether SEN is identified, the role of the SEN expert, the right to make representations and relevant sources of free and impartial advice.

## 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.

## 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 IRP members must have received the training required by the statutory guidance within the two years before the date of the review. The clerk should be well versed in the statutory guidance and able to provide independent advice on procedure and law.

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 student; 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 a headteacher at another school) or
- have not had the required training within the last two years, as required by the current DfE statutory guidance.

#### Request for a SEN Expert

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 student. The panel must take account of the circumstances of the excluded student and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

#### Reaching a decision

The panel will consider the matters set out in the current DfE statutory guidance, including whether the governing board's decision was lawful, reasonable and procedurally fair and whether the principles applicable to judicial review are engaged.

#### 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 student'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.

### Financial Readjustment / Payment

Where an IRP quashes the governing board's decision and directs reconsideration, the panel should order a financial readjustment/payment unless the circumstances set out in the statutory guidance justify otherwise. Unless the governing board decides within ten school days of receiving notice of the panel's decision to reinstate the student, the adjustment/payment is £4,000 and is additional to funding that would normally follow a permanently excluded student. For an academy, the academy trust must make the equivalent payment to the local authority in whose area the academy is located. No financial readjustment/payment can be ordered where the IRP has only recommended reconsideration. If the governing board offers reinstatement within the required timescale but the parent declines the offer, no adjustment/payment can be made.

### 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. If the student 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 student is of compulsory school age, it is for the Local Authority in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education.

Where the permanent exclusion is upheld, the Clerk should also advise the parent to contact the home Local Authority about continuing education. The student's name must not be removed from the admission register until the statutory conditions are met. If a valid IRP application is made, the school must wait until the review has been determined or abandoned and any directed or recommended reconsideration has been completed before removal from roll.

### 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. 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.

### 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.

### 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.

## Appendices

### Appendix 1 - Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusion is an exceptionally serious sanction and will only be used where both statutory tests are met: there has been a serious breach or persistent breaches of the Holland Park School Behaviour Policy and allowing the student to remain in school would seriously harm the education or welfare of the student or others. The examples below identify conduct which may amount to a serious breach. They do not create automatic permanent exclusions: the Principal will consider each case individually, including the facts established on the balance of probabilities, context, mitigation, support, SEND, equality and safeguarding duties, and whether permanent exclusion is proportionate.

Single incidents which may amount to a serious breach include, but are not limited to, the following categories:

- a serious breach of safety requirements likely to endanger other people or the student themselves
- possession, use, supply or attempted supply of illegal drugs; possession or use of alcohol may also constitute a serious breach depending on the circumstances;
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- very serious / extreme abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another student, member of staff or worker in the academy;
- possession, use or threatened use of an offensive weapon, or an article made, adapted or intended for use as a weapon, as defined in the school's Behaviour Policy;
- very significant / extreme bullying and/or harassment including harassment on racial, sexual or homophobic (or any other Equality Act protected characteristic) grounds;
- extreme defiance of the properly exercised authority of the academy and its staff.