

How to review suspensions and exclusions

Example agenda for an Exclusion Review Panel

1. BACKGROUND

C is seven years old and is in Year 2. C has a diagnosis of ADHD. His difficulties relate to social interaction and understanding social norms. C has an Education, Health and Care Plan and is funded for 18 hours 1:1 support per week.

2. FACTS

C is permanently excluded for a serious breach of the school's behaviour policy following an incident where C allegedly threw a school chair at a staff member who suffered injury to her right arm.

An exclusion review panel was scheduled within 15 days of C's mother receiving the letter permanently excluding C.

C's mother requested a SEN expert to attend the exclusion review panel in order for them to provide their opinion on what adjustments the school ought to have made in order to meet C's needs.

At the review panel the representative argued that the headteacher's decision to permanently exclude the pupil amounted to unlawful discrimination contrary to sections 15, 20 and 21 of the Equality Act 2010.

They said the exclusion amounted to unfavourable treatment because the exclusion was a reaction to behaviour that directly arose in consequence of C's disability and the school had failed to make reasonable adjustments for C's disability that could have prevented situations escalating, namely:

- the school should have made contact with, or kept informed, outside agencies, which could offer practical assistance e.g. The Child and Adolescent Mental Health Service; the Parent Partnership Network or an occupational therapist
- the school should have given C the opportunity to withdraw from the point of conflict
- the school should have taken a visual approach to discipline e.g. engaging a visual emotions scale, which C could use when distressed to let staff know how he is feeling and what he needs.

The SEN expert also said the permanent exclusion was not proportionate, with there being a host of alternative measures that could have been implemented i.e. the school could have arranged for a multi-agency meeting.

3. DECISION

Based on the information provided by the SEN expert that the headteacher had not fulfilled his legal duties under the Equality Act 2010 therefore the exclusion was not lawful, reasonable and fair, the exclusion review panel came to the decision to direct the immediate reinstatement of the pupil.