

How to review suspensions and exclusions

The basis for decisions

When considering the evidence, the panel must be satisfied that the headteacher has demonstrated that:

1. their decision to exclude the pupil was in response to a serious breach, or persistent breaches, of the school's behaviour policy

and

2. allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Both tests must be met in order for a permanent exclusion to be legal

In addition, the panel must

1. be satisfied that the exclusion was a last resort

and

2. be confident from the evidence that the correct procedures have been followed throughout the process, the policies have been applied fairly and the school has fulfilled its duties in relation to the Equality Act 2010

and

3. be satisfied that the exclusion was lawful, reasonable and procedurally fair, taking account of the headteacher's legal duties and any evidence that was presented to the panel.