

'Inclusive Lincolnshire'

A strategy to build resilience across all schools to support all pupils, promote collective responsibility and reduce exclusion

**Lincolnshire County Council
Lincolnshire Learning Partnership**



LINCOLNSHIRE
**LEARNING
PARTNERSHIP**
LED BY SCHOOLS FOR SCHOOLS

December 2015

Status: Post LLPB v2.2

1. The Vision

Whilst recognising that there is no single solution to reducing the number of exclusions, this strategy outlines synergistic change across schools, the Local Authority and providers in order to achieve better outcomes for Lincolnshire schools and pupils. We need to change the way that we support pupils with challenging behaviour and shift away from specialist and statutory intervention to **earlier help and support**. We want to ensure that capacity and skills are aligned at all levels, and the thresholds between each level are clearly understood and implemented.

All pupils and schools in Lincolnshire are our collective responsibility where every pupil and school is known, valued and supported to achieve in all areas.

Key Priorities

- Schools, the Local Authority and other agencies to meet young people's behavioural needs in school wherever possible.
- Intervene early through high quality support in order to prevent further escalation of need and reduce exclusions
- Deliver a service which is integrated, and is responsive to pupil, family and school needs.
- Commission an outreach service which is able to support schools to provide for pupils with complex needs and challenging behaviour.
- Arrange swift and equitable reintegration into an appropriate setting.
- Improve and increase educational alternatives for young people aged 14-19 at risk of exclusion.
- Improve outcomes, including attainment, for young people with challenging behaviour.

2. The Context

Nationally, both permanent and fixed-period exclusions have been steadily declining in the last few years to around 0.06% of the pupil population in 2014. (See Appendix 1 for more detailed analysis of exclusion at a national and local level)

In contrast, Lincolnshire has seen an increase and remains a high excluding authority. Pupils in Lincolnshire are more likely to be excluded than in many other Local Authority (LA) areas and was ranked 135th out of 139 for permanent exclusions from all school types.

Primary:

- Lincolnshire was ranked joint last position out of 95 publishing LAs
- 40 LA areas had no primary exclusions
- The national rate of permanent exclusion is 2 per 10,000 pupils; in Lincolnshire it is 7 per 10,000 pupils

Secondary:

- Lincolnshire was ranked 110th out of 132 publishing LAs
- 6 LA area had no secondary exclusions
- The national rate of permanent exclusion is 13 per 10,000 pupils; in Lincolnshire it is 23 per 10,000 pupils

It is recognised by the Local Authority and all schools that the numbers of exclusions is rising and as a consequence more of the dedicated school grant (DSG) will have to be used to meet the needs of pupils excluded from Lincolnshire schools, reducing future funding for every school. At the same time, it is clear that schools do not have access to an appropriate behaviour outreach service that can help them meet the needs of pupils whose behaviour challenges them.

A working group of head teachers and LA officers was established in designing this strategy and recurrent funding of £1.3 million per annum was committed by the Schools Forum on behalf of all schools, to support its implementation.

The Lincolnshire Learning Partnership is the vehicle to support and strategically lead school to school collaboration across Lincolnshire. The Lincolnshire Learning Partnership Board (led by schools for schools) has contributed to the development of this strategy and will promote and monitor its implementation and success across the county.

3. **The 'Inclusive Lincolnshire' Strategy**

The 'Inclusive Lincolnshire' Strategy recognises and celebrates the fact that the vast majority of pupils in Lincolnshire have their social, emotional and behavioural needs met by the experts working within our school system and seeks to identify and share best practice for the benefit of all. It outlines a clear behaviour pathway with increased support for schools to build their resilience in supporting pupils with especially challenging behaviours and protecting our most vulnerable pupils from the damaging effects of exclusion.

Lincolnshire County Council is committed to the 'Inclusive Lincolnshire' strategy and has appointed a Service Manager for Inclusion to take a lead on this. The Pupil Reintegration Team has been remodelled and all schools will have access to a named behaviour specialist serving their locality area and supporting the development and implementation of the strategy. They will work with schools and become the guardian of a pupil's right to full time education, looking to accelerate the return of pupils back into mainstream provision.

There are already a range of services that are currently provided by the Council and other organisations (both locally and nationally) to support specific pupils and their needs.

Two new outreach services which started at the beginning of this academic year include: one for Physical Disabilities, provided by St Francis School. This service is responsible for responding to all Physical Disability Outreach queries, for pupils from Primary School age to the age of 18 years in the county of Lincolnshire.

The other outreach service is for Autism and Learning Difficulties which is provided by a consortium led by Gosberton House School. The service is responsible for responding to all autism, moderate and severe learning difficulties and social communication challenges which impact on cognitive development and learning potential for pupils from primary school age to the age of 18 years in the county of Lincolnshire.

Key elements of both services are:

- Working towards ensuring support is available for the pupils through direct intervention, legacy building, working with key stakeholders and support the pupil through key transitions.
- Building the resilience and skill set of the teaching staff in other schools across the cluster boundary.
- Providing a robust, integrated service which is part of a holistic package of support for pupils.

Lincolnshire County Council will seek to make these services and their parameters more visible to schools to enable ease of access at the point of need. Schools with excellent practice may also seek to offer their services to other schools through inclusion in the Local Offer¹ – how to do so can be found here: <http://www.lincolnshire.gov.uk/parents/support-and-aspiration/sen-and-d-reforms/the-local-offer/the-local-offer/121609.article> .

The 'Inclusive Lincolnshire' strategy is dependent on the commitment of all schools and the local authority to do all we can to protect pupils from the damaging effects of school exclusions. Consistent expectations must be transparent so that schools, the LA and locality panels can challenge and support one another. The 'Lincolnshire Ladder of Behavioural Intervention' (LLBI) has been developed with schools for schools and outlines what schools, using good practice expectations, can do for themselves to meet the needs of pupils whose behaviour is challenging. It includes reference to the services schools can access, and more specialist provision is available to meet those pupils with the most challenging needs

Behaviour Outreach Support Service (BOSS)

Working on behalf of schools, the LA will commission a new Behaviour Outreach Support Service that will operate on two levels for all schools, in addition to running a whole school restorative practice programme with 20 schools. The service will be encouraged to offer enhanced traded packages of support to schools, or clusters of schools, who decide that this is a strategic priority for them.

Targeted Outreach Support

Accessible to all schools facilitated for individuals or small groups in the school setting and is focussed on pupils at risk of exclusion. This will involve bespoke interventions which increase capacity within the school setting and facilitate progress with individual pupils.

Schools should, at this point, consider the possibility of a managed-move as a means to avoid a permanent exclusion. Managed moves are a three-way agreement between the parent/pupil and the current and potential school. The outreach service will support schools to formalise a trial agreement where the pupil remains on the roll of the current school (as a dual registered – main registration) and as a subsidiary registration at the potential school. The current school is responsible for the transport arrangements of the pupil during the trial

¹ Lincolnshire's Local Offer: <http://search3.openobjects.com/kb5/lincs/fsd/localoffer.page?familychannel=2>
v2.2

period. Transport costs will be met by the LA once the trial has ended successfully and all three parties are in agreement.

(In order to protect capacity at this level of the service, schools will need to demonstrate that they have deployed the best practice strategies of school-led interventions)

Escalating Need – Intensive Intervention

A small minority of pupils will need more support than can be provided in the mainstream provision. The 'Inclusive Lincolnshire' strategy offers schools access to flexible, bespoke pre-exclusion placements in specialist behaviour provision. These will be time-limited interventions with pupils at the point of permanent exclusion. These placements will be flexible and pupils will remain on the role of their home school throughout the intensive intervention. This level of the strategy will be led by the Local Authority.

(In order to protect capacity at this level of the service, schools will need to have accessed the targeted outreach support. As an interim measure a single, central decision-making panel will be created to gate-keep the access to services beyond the support of BOSS - targeted outreach support but in time this decision making will be delegated to locality panels, led by head teachers)

In Lincolnshire, our pupil referral units are referred to as The Lincolnshire Teaching and Learning and Centre (LTLC). Provision across these four sites was judged to require special measures by Ofsted in February 2015. As a key strategic provision in Lincolnshire, it is essential that, through the 'Inclusive Lincolnshire' strategy, LTLC becomes the specialist centre delivering skilled interventions which enable the majority of pupils to return to mainstream school and their local community. By working in partnership with local primary and secondary schools, the LTLC will provide alternative flexible education pathways.

Pupils will receive specialist intervention to enable them to make a fresh start in education. This will involve understanding individual's pupil needs and establishing a provision which can take account of their difficulties or barriers to learning. The aim will be to offer all pupils the opportunity to become confident learners within a supportive environment. Using a restorative philosophy, the LTLC will work to improve the self-esteem of pupils, allowing them to take responsibility for their behaviour and instill pride in their successes. The vast majority of pupils will access a period of support before going back to their mainstream school with a minority moving on to a more suitable school placement.

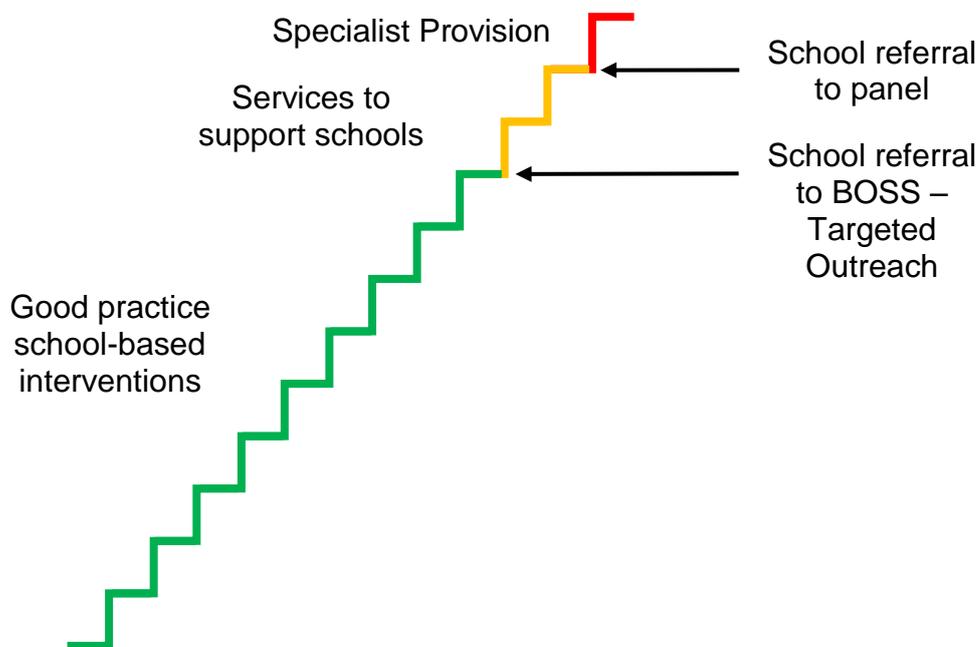
When pupils are ready to reintegrate to mainstream education, they will have a passport that provides a comprehensive overview of the progress the pupil has made and the strategies that have been proved successful in the pupil managing their behaviour. Schools, the LA, the behaviour outreach service and LTLC will work in collaboration to establish a shared successful supported plan for integration.

Permanent Exclusion

The provision at the intensive intervention level will be provided to all pupils who are permanently excluded from mainstream provision, following a comprehensive assessment of need. However, locality panels, led by headteachers will evaluate the intervention provided and alternatives considered by the school through the exclusion documentation and supporting evidence. A reintegration charge will be levied against those schools that do not engage with meeting the needs of pupils either through following good practice or

accessing services available to them: those schools that do will not be fined. It is anticipated that, in line with other authorities, this could be in the region of £25k per exclusion.

Pictorially this concept can be represented by the following graphic, where the majority of pupil's needs are met by schools, with a small number requiring external support and an even smaller number requiring specialist provision:



'Inclusive Lincolnshire' Contract

An alliance between all schools, the local authority, a commissioned outreach service and the LTLC will be established to allow this strategy to have the impact needed across our county. Commitment to this alliance is outlined below and all members need to challenge one another to deliver on this.

- I. All schools commit to identifying and meeting the needs of pupils demonstrating challenging behaviour at the earliest opportunity. Individual behaviour policies and local offers will reflect this commitment.
- II. The Lincolnshire Ladder of Behaviour Intervention, designed by schools, seeks to ensure that current best practice becomes common practice amongst Lincolnshire schools. A commitment to this will reduce the variation of interventions delivered between schools and will help to generate a consistent 'red-line' for exclusion.
- III. The Behaviour Outreach Support Service will support schools to meet the identified needs of pupils that exhibit challenging behaviour at the thresholds outlined in this strategy and through a more detailed specification.
- IV. Schools will work creatively, with the range of options available to them, to design an appropriate curriculum for all pupils. This may include Key Stage 4 alternative

provision and schools should commit to growing provision in their area to meet their pupil's needs. No pupil will be excluded because of a lack of appropriate curriculum.

- V. The LA will establish and update a directory of services available to support schools to meet the needs of all pupils through its Local Offer.
- VI. A reintegration charge will be introduced to be levied against those schools that do not engage with meeting the needs of pupils either through following good practice or accessing services available to them: those schools that do will not be fined. It is anticipated that, in line with other authorities, this could be in the region of £25k per exclusion.
- VII. Schools will commit to a 24 hour information turn-around on pre-excluded and excluded pupils to partners involved in supporting the pupil, to allow an effective provision to be made.
- VIII. Schools will consider the possibility of a managed-move with their colleagues as a means to avoid a permanent exclusion.

4. **Impact**

The 'Inclusive Lincolnshire' strategy is underpinned by a clear set of performance indicators to enable the measurement of impact and progress. The Service Manager for Inclusion will report on progress against these indicators to the Lincolnshire Learning Partnership Board and the Schools' Forum.

- The reduction in the number of permanent exclusions
- Children and Young People reporting positive experiences of Behaviour Support
- Schools and services are certain about respective roles and pathways to access support
- Early intervention services are co-ordinated and delivered in the most effective way to prevent an escalation in need
- School based practitioners have been supported to develop their practice and skill base in relation to supporting vulnerable learners

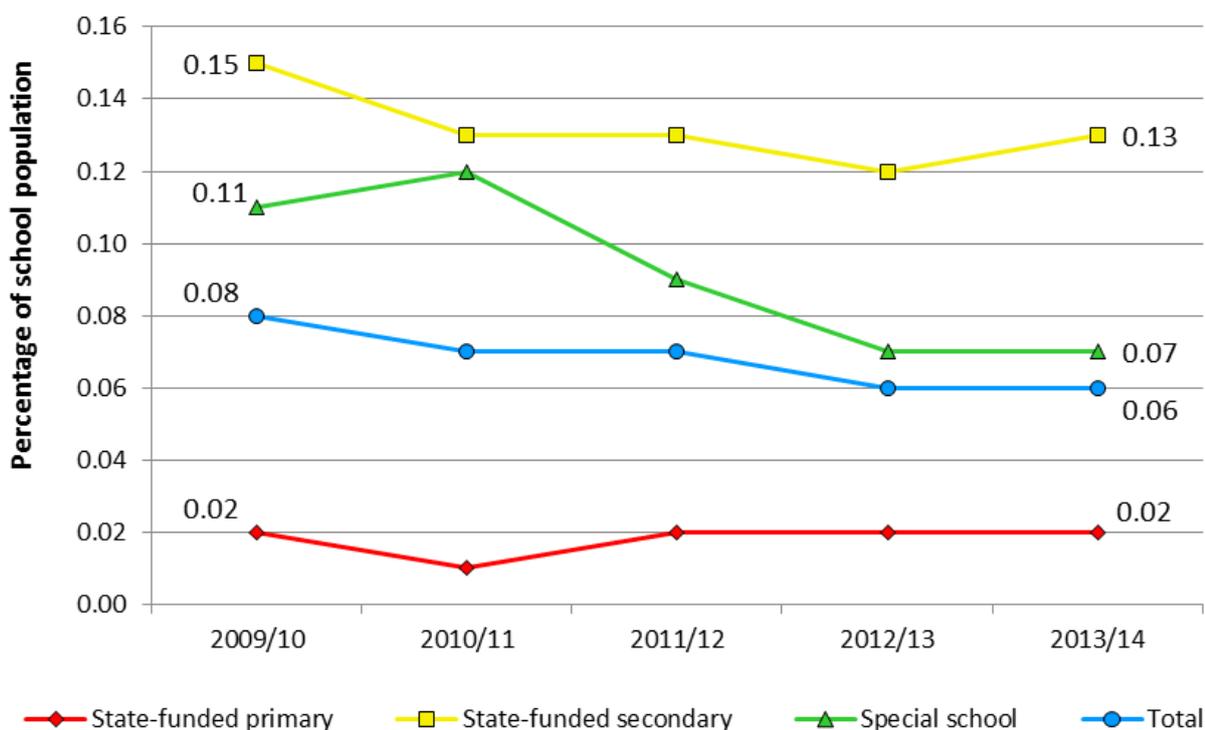
Appendix 1 Detailed Data Analysis²

The National Picture

Exclusions, both permanent and fixed-period, have been steadily declining in the last few years, but there were still 4,950 pupils permanently excluded in 2013/14 which represents 0.06% of the pupil population; for fixed-period there were 269,480 instances which is 3.50% of the pupil population.

Permanent exclusions:

The chart below shows the historical trend in the rate of permanent exclusions by school type.



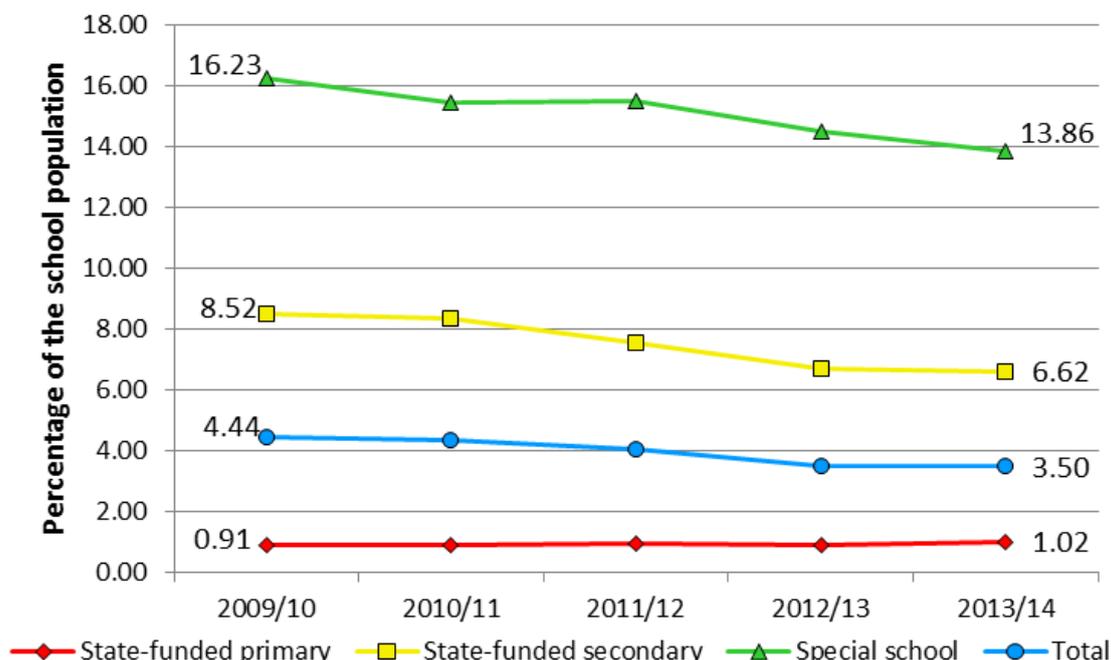
- Secondary school exclusions increased in 2013/14 having previously been on a downward trajectory
- Primary schools exclusions have remained the same since 2011/12 but have largely been consistent since 2009/10
- Special school exclusions have reduced by a third since 2009/10
- Boys are three times more likely to be permanently excluded than girls
- Girls are unlikely to be excluded from primary school but more likely to be excluded in years 9 and 10
- Boys are permanently excluded at all statutory ages but more likely to be excluded at secondary school peaking in years 9 and 10

²

https://www.gov.uk/government/statistics?keywords=exclusions&topics%5B%5D=all&departments%5B%5D=department-for-education&from_date=&to_date=&commit=Refresh+results

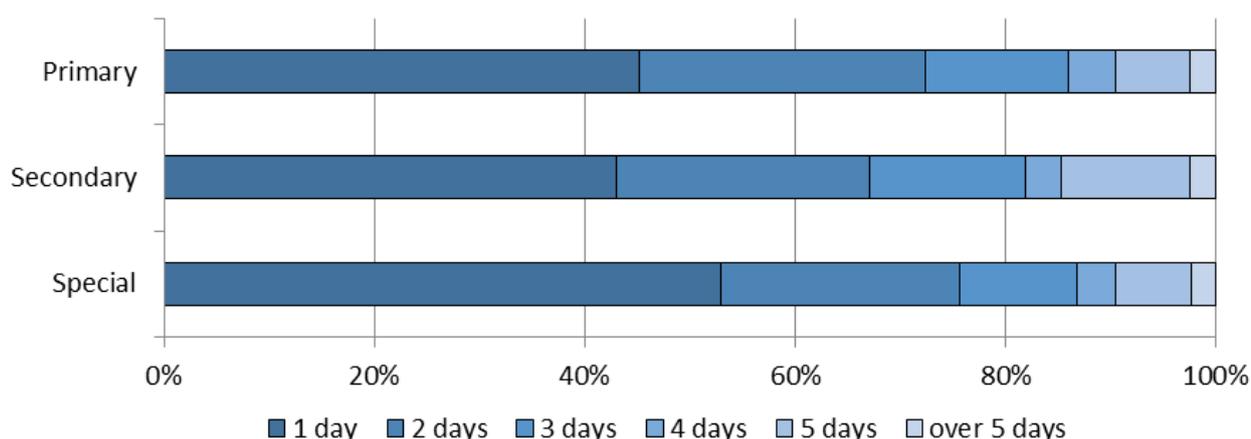
- Year 10 is the highest excluding year group
- Pupils with special educational needs (SEN) but without a statement/education, health and care plan (EHCP) are 8.3 times more likely to be permanently excluded
- Pupils with SEN and with a statement/EHCP are 5 times more likely to be permanently excluded
- Pupils of black (1.7x) and mixed (1.6x) ethnic group are more likely to be permanently excluded
- Pupils eligible for a free school meal (FSM) are 3 times more likely to be permanently excluded
- There is a direct relationship between the increase in severity of deprivation and an increase in permanent exclusions
- In primary schools the top three reasons for permanent exclusion are persistent disruptive behaviour (32%), physical assault against an adult (28%) and physical assault against a pupil (17%)
- In secondary schools the top three reasons for permanent exclusion are persistent disruptive behaviour (33%), other (18%) and physical assault against a pupil (14%) – the fourth would be drug and alcohol related (10%)
- In special schools the top three reasons for permanent exclusion are physical assault against an adult (32%) persistent disruptive behaviour (26%), and other (15%) – the fourth would be physical assault against a pupil (12%)
- In 2013/14 there were 400 reviews lodged for an independent review panel/appeal decision of which 93% were heard/determined resulting in 6% of pupils being offered reinstatement
- Academy schools are nearly 4 times as likely to have an appeal against a permanent exclusion lodged with them than a maintained school
- Primary academies have a higher permanent exclusion rate (0.03%) than maintained schools (0.02%) but secondary academies have a lower exclusion rate (0.12%) compared to maintained schools (0.13%)
- Converter academies have the same rate of primary exclusion as maintained schools (0.02%) but converter secondary academies have a lower rate of permanent exclusion (0.09%) compared to maintained secondary schools (0.13%)
- Sponsored academies have much higher rates of permanent exclusion in both primary (0.06%) and secondary (0.23%) academies; these rates remain consistently higher for each and every academic year after sponsorship
- Secondary free schools have a permanent exclusion rate double that of the maintained sector

Fixed-period (FP) exclusions:



- Secondary and special school FP exclusions have been declining since 2009/10
- Primary school FP exclusions in 2013/14 showed a 16% increase from the previous year; prior to that it has been relatively static
- Boys are three times more likely to have a FP exclusion than girls
- Boys and girls receive FP exclusions at all statutory ages but more likely to at secondary school peaking in years 8, 9 and 10
- Year 10 is the highest FP excluding year group
- Pupils with special educational needs (SEN) but without a statement/education, health and care plan (EHCP) are 3 times more likely to be receive a FP exclusion
- Pupils with SEN and with a statement/EHCP and 4 times more likely to receive a FP exclusion
- Pupils of black (1.2x) and mixed (1.3x) ethnic group are more likely to receive a FP exclusion
- Pupils eligible for a FSM are 2.5 times more likely to receive a FP exclusion
- There is a direct relationship between the increase in severity of deprivation and an increase in FP exclusions

Length of fixed period exclusions, 2013/14 academic year



- 44% of all FP exclusions lasted for a single day with the average number of days being 2.0 (primary) and 2.2 days (secondary) per FP exclusion;
- In primary schools the top three reasons for FP exclusion are persistent disruptive behaviour (27%), physical assault against an adult (26%) and physical assault against a pupil (23%)
- In secondary schools the top three reasons for FP exclusion are persistent disruptive behaviour (25%), verbal abuse/threatening behaviour against an adult (20%) and other (19%) - the fourth would be physical assault against a pupil (18%)
- In special schools the top three reasons for FP exclusion are physical assault against an adult (25%) persistent disruptive behaviour (21%), and physical assault against a pupil (16%)
- Primary academies have a higher FP exclusion rate (1.51%) than maintained schools (0.96%) but secondary academies have the same FP exclusion rate (6.62%) compared to maintained schools
- Primary converter academies (0.80%) have a lower rate of FP exclusion than maintained schools (0.96%) as do converter secondary academies (4.90%) compared to maintained secondary schools (6.62%)
- Sponsored academies have much higher rates of permanent exclusion in both primary (3.52%) and secondary (12.31%) academies; these rates remain consistently higher for each and every academic year after sponsorship with the exception of the primary academies in year 3 of their sponsorship
- Free schools have lower FP exclusion rate for both primary (0.33%) and secondary (6.59%) when compared to that of the maintained sector

Lincolnshire's Current Position

A note of warning: analysing the national population by sub-groups is possible because the number of pupils within the subgroups is meaningful. When attempting the same level of analysis within the Lincolnshire population many of the sub-groups will be too few in number to draw meaningful conclusions.

The following 6 charts show the historical trend of Lincolnshire vs that of the national picture for each school type for both permanent and fixed-period exclusions. Only the following sub-groups within the Lincolnshire population: gender, SEN with or without a statement/EHCP and pupils with or without a FSM, will be sufficiently large to draw meaningful conclusions.

Permanent Exclusions

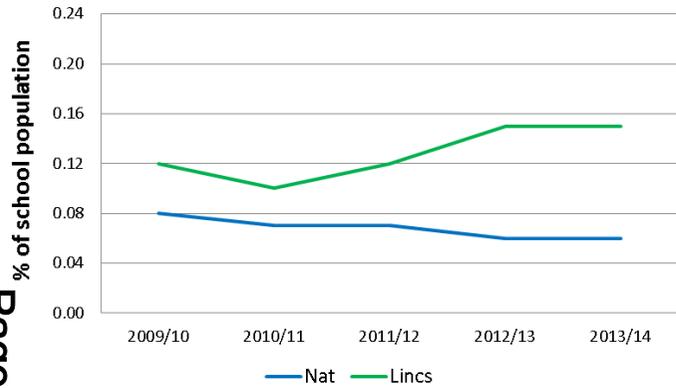
- From the first row of charts (on page 15) it can be seen that permanent exclusions are falling nationally but in Lincolnshire they are increasing: Lincolnshire remains a high excluding authority
- Boys in Lincolnshire are 4x (nationally 3x) more likely to be excluded than girls
- Girls are unlikely to be excluded from primary school (same as seen nationally) but more likely to be excluded in year 9 and year 11 (nationally = Y9 and Y10)
- Year 10 and early year 11 are the highest excluding year groups (nationally year 10)
- Pupils with special educational needs (SEN) but without a statement/education, health and care plan (EHCP) are 2.1x (nationally 8.3x) more likely to be permanently excluded
- Pupils with SEN and with a statement/EHCP are 2.8x LESS likely to be permanently excluded: this is a complete reversal of the national profile
- Pupils eligible for a FSM are NO MORE likely to be permanently excluded: this is true for all school phases
- In Lincolnshire primary schools the top three reasons for permanent exclusion are the same as that nationally: persistent disruptive behaviour, physical assault against an adult and physical assault against a pupil
- In Lincolnshire secondary schools the top three reasons for permanent exclusion are persistent disruptive behaviour, drug and alcohol related and other – with the fourth being physical assault on a pupil (nationally the order is persistent disruptive behaviour, other and physical assault against a pupil – the fourth would be drug and alcohol related)

Fixed-period Exclusions

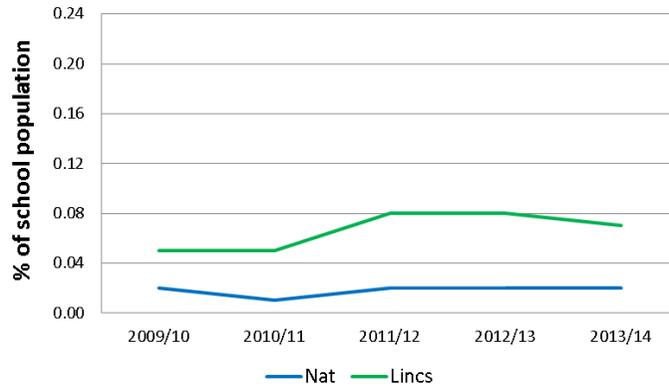
- Fixed-period exclusions have remained high in primary schools but in 2013/14 their rate fell to be only just above the national average
- Fixed-period exclusions in secondary schools have remained low and relatively stable although the reducing national rate means that the gap is getting smaller
- Lincolnshire boys are three times more likely (same as nationally) to have a FP exclusion than girls
- Lincolnshire boys and girls receive FP exclusions at all statutory ages but more likely to at secondary school peaking in years 8, 9, 10 and 11 (nationally just 8, 9 and 10)
- In Lincolnshire Year 11 (nationally Y10) is the highest FP excluding year group

- Lincolnshire primary pupils with special educational needs (SEN) but without a statement/education, health and care plan (EHCP) are 3.9 times more likely to be receive a FP exclusion, whereas there is no difference with Lincolnshire secondary aged pupils (nationally all pupils are 3x more likely)
- Lincolnshire primary pupils with SEN and with a statement/EHCP and 0.4 times LESS likely to receive a FP exclusion and secondary pupils 7x LESS likely
- Pupils eligible for a FSM are 2.5 times LESS likely to receive a FP exclusion
- In Lincolnshire primary schools the top three reasons for FP exclusion are the same as those nationally: persistent disruptive behaviour, physical assault against a pupil and physical assault against an adult
- In Lincolnshire secondary schools the top three reasons for FP exclusion are other, verbal abuse/threatening behaviour against an adult and persistent disruptive behaviour (nationally the order is persistent disruptive behaviour, verbal abuse/threatening behaviour against an adult and other - the fourth would be physical assault against a pupil)

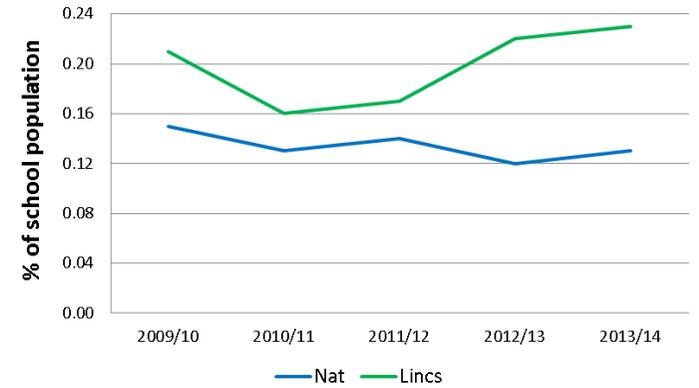
Permanent Exclusions - All Schools



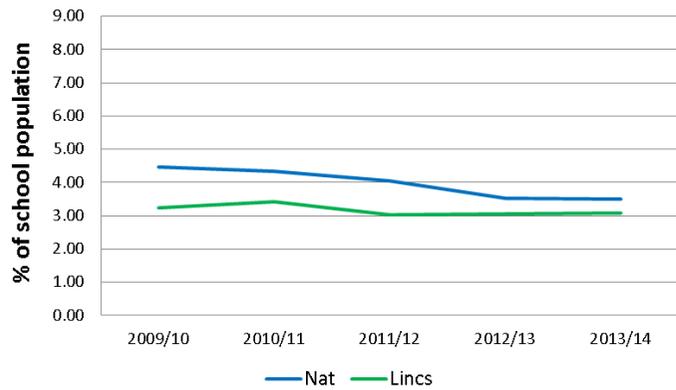
Permanent Exclusions - Primary



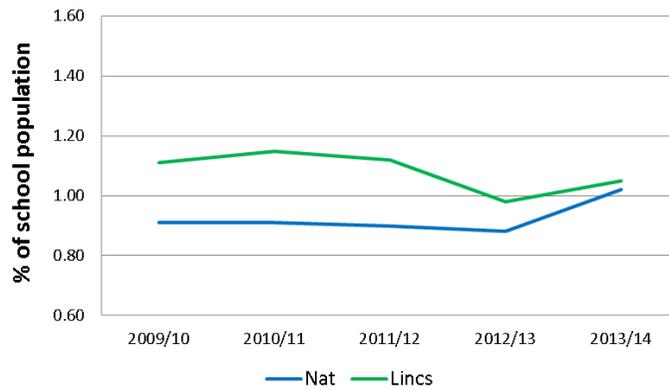
Permanent Exclusions - Secondary



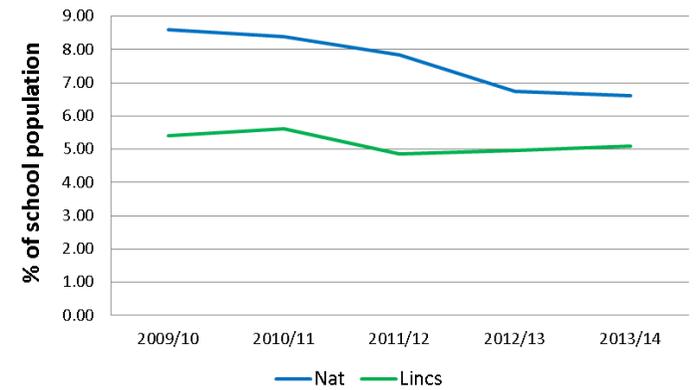
Fixed-Period Exclusions - All Schools



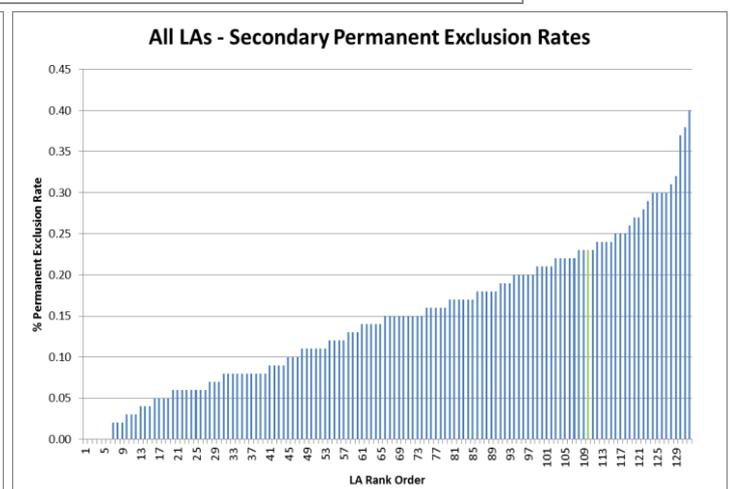
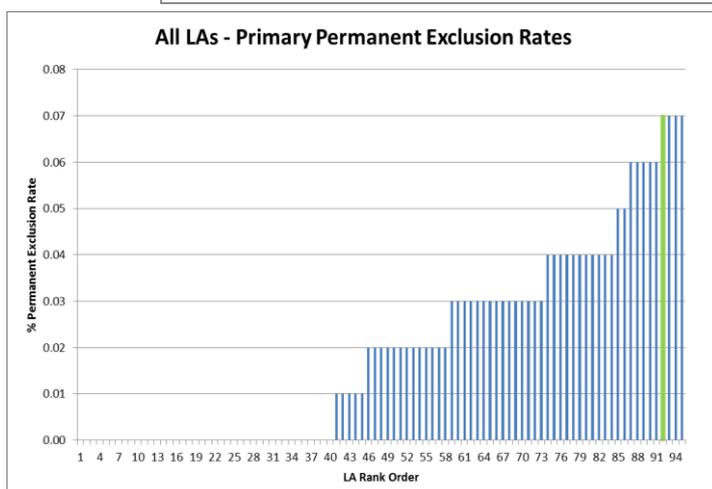
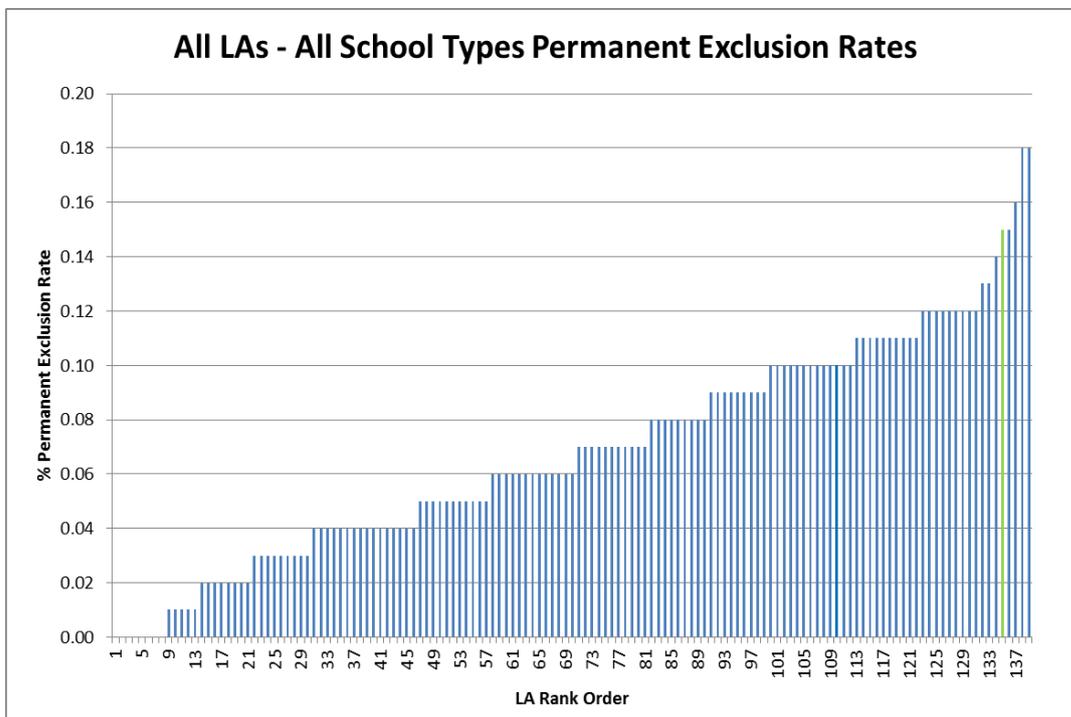
Fixed-Period Exclusions - Primary



Fixed-Period Exclusions - Secondary



Pupils in Lincolnshire are more likely to be excluded than in many other Local Authority (LA) areas. The chart below shows that for those LAs that have publishable data³, Lincolnshire was ranked 135th out of 139 for permanent exclusions from all school types.



Primary:

- Lincolnshire was ranked joint last position out of 95 publishing LAs
- 40 LA areas had no primary exclusions
- The national rate of permanent exclusion is 2 per 10,000 pupils; in Lincolnshire it is 7 per 10,000 pupils

Secondary:

- Lincolnshire was ranked 110th out of 132 publishing LAs
- 6 LA area had no secondary exclusions
- The national rate of permanent exclusion is 13 per 10,000 pupils; in Lincolnshire it is 23 per 10,000 pupils

³ Where there are low numbers of exclusions, typically 10 or less, the data is suppressed from publication to prevent the potential identify of individuals.

The following table summarises Lincolnshire's key statistics on fixed-period exclusions compared to nationally published figures:

School Type	Rank position	% FP Exclusions		% 1 or more FP Exclusions		Ave No of Exclusions per Excluded Pupil		Average Days Lost per Excluded Pupil	
		Lincs	Nat	Lincs	Nat	Lincs	Nat	Lincs	Nat
Primary	98/151	1.05	1.02	0.59	0.49	1.78	2.08	3.71	4.08
Secondary	37/150	5.10	6.62	3.03	3.64	1.68	1.82	4.28	4.23
Special	61/150	11.32	13.86	Data suppressed – numbers too small					
All Schools	64/152	3.09	3.50	1.80	1.86	1.72	1.89	4.27	4.23

Key points from the table:

- Lincolnshire primary schools are more likely to use fixed-period exclusions, they are less likely to use a fixed-period exclusion with a pupil that has previously had one and the number of days excluded is lower, meaning less learning days lost.
- Lincolnshire secondary schools are less likely to use fixed-period exclusions, they are less likely to use a fixed-period exclusion with a pupil that has had one previously but they are more likely to exclude for more days, meaning more learning days lost

Appendix 2: The Legal Framework for Pupil Exclusions

The principal legislation guiding pupil exclusions 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; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

An interpretation of the above legislation can be found in the following statutory guidance: ['Exclusions from maintained schools, Academies and pupil referral units in England'](#) (February 2015). The key points from the guide are as follows:

- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, 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 in the school.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.
- All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.
- Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

- An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review; it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.
- Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.