BATH & WELLS
Multi Academy Trust
'That they may have life, life in all its fullness' John 10:10

Exclusions and Fixed-term Suspensions Policy

The Suspension or Permanent Exclusion of a Pupil from a Trust School

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1. Introduction

This policy covers the management and administration of exclusions across schools in the Bath and Wells Multi Academy Trust (The Trust). It is strongly recommended that this policy is read in conjunction with the School Behaviour Policy, Alternative Provision Procedure, the Trust's Equalities Policy and Equality Objective Plan and the guidance set out in the Department for Education Suspension and Permanent Exclusion guidance September 2023along with its companion document "Behaviour in schools 2022 ". Paper copies may be requested from the School Office.

The Trust strives to ensure that each of its schools present a safe and enjoyable place in which to learn, encompassing equality and diversity throughout the school community. It is expected that teachers, young people, children and parents/carers will work together with integrity, respect and in harmony in order to grow and maintain this culture.

Behaviour which breaches the requirements of the School Behaviour Policy will not be accepted and consequently there may, regretfully, be occasions when a pupil(s) must be excluded from their school. A pupil's behaviour outside of school can also be considered grounds for suspension or permanent exclusion.

The decision to suspend a pupil for a fixed period of time or to permanently exclude a pupil, will only be taken as a last resort and:

- In response to serious or persistent breaches of the school's Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the education or welfare of another pupil or pupils in the school.

The Headteacher is the only member of staff in a school who can decide to suspend or permanently exclude a pupil from the premises.

This policy has been written following the 2023 guidelines outlined in the Department for Education and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion 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

https://www.gov.uk/government/publications/school-exclusion

Please note: specific guidance for Head Teachers at the back of this document (Annex B).

The Department for Education's Guidance for parents is available at: School exclusions: guide for parents - GOV.UK (www.gov.uk)

2. Decision Making:

Before reaching a decision to suspend or permanently exclude, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour Policy and the Trust's Equality Policy;
- allow the pupil to give their version of events;
- check whether the incident may have been provoked for example, by bullying or other harassment in relation to a Protected Characteristic (as set out in the Equality Policy);
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying (even if not immediately prior to the incident) , suffered a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs, 'Children in Care' and previously Looked After Children;
- consider whether exclusion would be consistent with other decisions made in response to similar breaches of the behaviour policy, and if not, be clear about the mitigating circumstances which justify the different decision.
- consult others where appropriate **(whilst not using the pupil's name),** including the ADE, being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Local Governing Committee's Discipline Committee;
- keep a written record of the actions taken, including any interview with the pupil, discussion with parents/carers, and record on CPOMs. Witness statements must be dated and should be signed, wherever possible;
- establish the facts in relation to the suspension or exclusion, applying 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'
- ensure that the decision to exclude is made in line with the administrative law i.e. that it is:
  Lawful (with respect to the legislation relating directly to exclusions and the school's wider legal duties, including the European Convention of Human Rights);
  Rational;
  Reasonable;
  Fair; and
  Proportionate

No Trust school may use 'informal' or 'unofficial' suspensions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any suspension of a pupil must follow the formal process in order to be lawful.

The Headteacher is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are:

- During authorised absences, e.g. if the child is ill and has been kept at home or is attending a medical appointment; or
- During a formal exclusion when the responsibility goes to the parents/carers.

Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or member of staff at the school as an alternative to exclusion.

3. Alternatives to Exclusion

Our schools are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process (Local Authority Front Door to services), working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (SAFeH) and person centred planning approach;
- restorative justice processes;
- the use of the 'alternatives to suspension and exclusion checklist' and support from the Local Authority Pupil Referral Unit outreach where appropriate;
- Regulation and reflection space (where appropriate, in line with school's Behaviour Policy);
- Another sanction in school, in line with school behaviour policy – (this could include an internal isolation if part of your behaviour policy);
- Access to the Local Authority Behaviour panel (or similar), external agencies such as an Educational Psychologist and statutory SEND services (Please see SEND Key Contacts posters);
- A managed move (only where a pupil is at risk of permanent exclusion), in line with the locally -agreed protocol (contact Local Authority for their locally agreed protocols).

4. Suspension (Fixed Term Exclusion)

In this section "a Term" means a full term, ie Autumn, Spring or Summer.

Suspension may be used to provide a clear signal of what is unacceptable behaviour as part of a school's behaviour policy. The Headteacher may suspend a pupil for up to a maximum of 45 days in any one academic year. No suspension may be given for an unspecified period of time.

A suspension does not have to be for a continuous period and can be for parts of the school day.

The law does not allow for extending a Suspension or 'converting' a Suspension to a Permanent Exclusion. In exceptional cases, usually where more evidence has come to light indicating more serious breach of the Behaviour Policy, or indicating further breaches, a further Suspension or a Permanent Exclusion may be issued relating to the same incident. Before issuing a further Suspension or Permanent Exclusion the Headteacher should follow the same process set out above, ensuring that the Pupil and their Parents / Carers are given the opportunity to respond to the new evidence and taking into account the same questions and considerations.

It is important that during a Suspension pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a Suspension. 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 a pupil with a disability or SEN during this period.

Procedures for review and appeal of suspensions

Suspensions of up to 5 days in a Term.

In this Section, a "Term" means a full term, ie Autumn Term, Spring Term or Summer Term.

A Suspension which does not bring the pupil's total number of days of suspension to more than five in a term will not usually be reviewed by the Local Governing Committee Disciplinary Committee unless a written request is submitted by a parent/carer within 50 school days of receiving the notice of the Suspension. If such a request is received, the Disciplinary Committee will review the Suspension but cannot direct reinstatement, because of this the parents and others eg. social worker, virtual school head are not invited to attend

Suspensions of more than 5 days but not more than 15 days in a Term.

If a pupil is suspended for more than five days (but not more than 15) in a single Term , the Local Governing Committee Disciplinary Committee will review the suspension if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the Suspension. In such cases the Committee *may* direct the reinstatement of the pupil.

Suspensions of more than 15 days in a Term.

If a pupil is suspended for 15 days or more in one Term, the school's Disciplinary Committee will meet to consider the reinstatement of a pupil as soon as reasonably practical and in any event within 15 school days of the suspension.

Suspensions during Public Exams.

If, as a result of a suspension, the pupil will miss a public examination or National Curriculum test, the Disciplinary Committee will meet to consider the suspension before the date of the examination or test. If it is not possible for the Disciplinary Committee to meet, the Chair of the Local Governing Committee may consider the exclusion independently and decide whether or not to reinstate the pupil.

Cancellation of Suspension by Headteacher

A Headteacher may cancel an exclusion as long as the decision has not been considered by the Disciplinary Comitteee (or Chair of the Local Governing Committee in the case of a public examination). In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion

If this occurs, parents, the Local Governing Committee and the local authority should be notified immediately by the Headteacher, and if relevant, the social worker and VSH (see paragraph 13 of DfE statutory guidance about the actions that should take place after an exclusion has been cancelled).

Review Flowchart

A summary of the suspension and exclusion process and the Local Governing Committee's duties to review exclusion decisions is shown in the flowchart, Appendix A.

Pupils approaching 45 day limit

Where a pupil has received multiple suspensions or is approaching the legal limit of 45 days the Headteacher will consider whether suspension is providing an effective sanction.

Suspension of a Child in Care

When suspending a pupil who is, or was previously, looked after by Local Authority ("a Child in Care"), the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed immediately, contacting the pupil's social worker and Virtual School Headteacher (VSH).

5. Permanent exclusions

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO/Director of Education and Local Authority statutory services, to permanently exclude a pupil for a first or one-off incident. Such circumstances might include peer on peer abuse so serious that it amounts to criminal behaviour (or would do were the child old enough to have criminal responsibility) and were the child

to return to school the other child or children involved could not reasonably be expected to feel safe.

A Headteacher should, as far as possible, avoid excluding permanently any pupil with an Education and Health Care Plan ("EHCP") or a 'Looked After Pupil'. Before making the decision to permanently exclude a pupil who is a 'Looked After Pupil", the Headteacher must discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a pupil permanently they will inform the Local Authority immediately. If the pupil lives outside the Local Authority area in which the school is located the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

Review of Permanent Exclusion

Following permanent exclusion, the Disciplinary Committee is required to review the Headteacher's decision. This review is to be carried out within 15 school days of the exclusion.

The school must provide the Disciplinary Panel (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer, Director of Education and an invited Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously. This meeting will be Chaired by one of the panel of three governors.

From day six of a permanent exclusion the Local Authority becomes responsible for the pupil's education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

Following any permanent exclusion, 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. (Paragraph 8 of DfE guidance provides further guidance on utilising online pathways and the potential significance of SEND law)

6. Process for notification of a suspension of more than five consecutive days

A Headteacher must, without delay, notify the Local Governing Committee and the Local Authority of:

- a permanent exclusion (including where a suspension is made permanent)
- suspensions which would result in the pupil being suspended for more than five school days (or more than ten lunchtimes) in a term
- suspensions which would result in the pupil missing a public examination or national curriculum test

7. Procedures for review and appeal of permanent exclusions

The Local Governing Committee Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Headteacher;
- An invited representative of the Local Authority

During the meeting, the Disciplinary Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The Disciplinary Committee, when establishing the facts in relation to the exclusion, 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'. In light of their consideration, the Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

The Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing. The Independent Review Panel is only used to appeal permanent decisions, and cannot be pursued to appeal suspensions.

If parents/carers apply for an Independent Review Panel within the legal time frame, the Local Governing Committee/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Disciplinary Committee not to reinstate a permanently excluded pupil. Further information on the IRP process is available in: Suspension and Permanent Exclusion guidance.

Any governor review of a suspension or exclusion decision (eg.Disciplinary Committee) and/or an IRP meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease. In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations. Further information about remote meetings is available in Part 11 of the Suspension and Permanent Exclusion guidance September 2023 (publishing.service.gov.uk)

8. "Managed Move"

A managed move may be arranged where a pupil is at risk of permanent exclusion and should be considered as an alternative to a permanent exclusion. Under the Fair Access Protocol, the Local Authority will identify another school able to accept the Pupil who will then attend that school for an agreed period of time.

In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

For a managed move to take place there needs to be agreement between the School, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the pupil will attend the new school for a fixed period as a direction off-site to ensure that the new school would be suitable for them. We will share relevant information with the new school and check that they have an integration strategy. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

9. "Off Rolling"

Off-rolling is the practice of removing a pupil from the school roll without a formal, permanent exclusion or managed move. Off-rolling includes encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school but may not be in the best interests of the pupil. All Headteachers and governors and governors must follow policy robustly, with the best interests of the child at the heart of all we do. We do not tolerate "off rolling", which is unlawful. The threat of exclusion must never be used to influence parents/carers to remove their child from the school.

A "managed move", strictly in accordance with the Local Authority's policy and procedure, is the only acceptable alternative to permanent exclusion which may be encouraged by the school.

10. Equality and Exclusions

The Trust and all of our schools has a duty to monitor the impact of our policies and procedures on those with Protected Characteristics listed in the Equalities Act. All schools within the Trust should review, at least annually, whether any group with a Protected Characteristic is disproportionately affected by exclusion (suspension or permanent), including "managed moves", and consider what positive action might be taken to address that imbalance.

LA contacts for suspensions and exclusion notification

Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded. If a pupil has an EHCP, before any decision to exclude is taken, the Headteacher should contact the Local Authority SEND team to discuss and call a Team Around the Child meeting.

North Somerset

For Primary aged pupils: Liz.gilmour@n-somerset.co.uk and copy in Jaida.aldred@n-somerset.gov.uk
Team Manager, Inclusion and Post 16 Participation

B&NES
Caroline_Dalton@BATHNES.GOV.UK Alternative Learning Manager

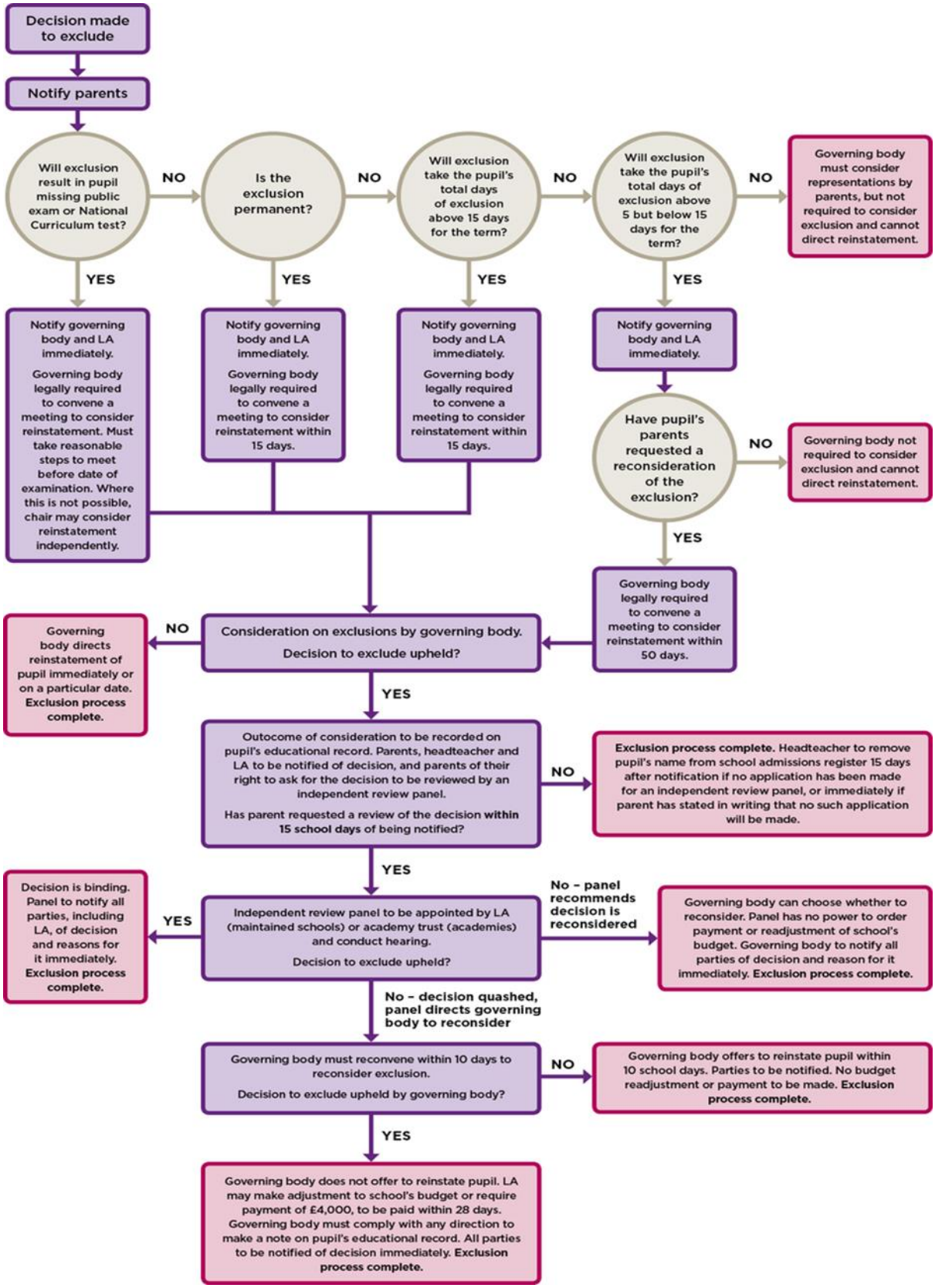
Somerset

Gemma Thorne – Sedgemoor – gthorne@somerset.gov.uk
Gemma Thorne – Mendip – gemma.thorne@mendip.gov.uk
Faith Davis – Taunton & West – fdavis@somerset.gov.uk
Sharon Clarke – South Somerset – slclarke@somerset.gov.uk

If a child has an EHCP, please also contact: Gemma Reeves gemma.reeves@somerset.gov.uk

Appendix A – Suspension/Exclusion Flowchart

Before making a decision to suspend or exclude, the Headteacher should work through the checklist – Appendix B



Appendix B – Headteacher's Suspension/Exclusion Checklist

As a Trust family, we want to ensure we have taken all necessary steps to avoid exclusion. This checklist is a helpful tool for Headteachers in their decision making. Remember: SEND pupils who have an EHCP should not be excluded and you should seek advice from the 0-25 SEND team before making any decision to exclude.	Yes	No
On the balance of probabilities, did the pupil do it? ➢ Pupil witness statements gathered and recorded on CPOMS ensuring the voice of the child and family are accurately recorded. ➢ Staff/relevant adult witness statements. Recorded and stored on CPOMS. ➢ Do statements corroborate? ➢ Based on the balance of probabilities, summarise in the view of the school, the incident. In the view of the school, which aspect of the school's behaviour policy has been contravened?		
Does the incident represent a serious breach of the school behaviour policy in a series of persistent breaches of the behaviour policy? ➢ Does a decision to issue a suspension or permanent exclusion meet a two-part test? 1) There has been a serious breach or persistent breaches of the schools behaviour policy And 2) Allowing the pupil to remain in school would seriously harm the education or welfare of others in the school Could appropriate alternative provision or new interventions be put in place to avoid suspension or permanent exclusion?		
Does the pupil's presence seriously harm the education/welfare of the pupil or others in the school community? ➢ Does the pupil have a contextual risk assessment? Were the correct school procedures followed by staff at the time of the incident?		
Is suspension or exclusion the appropriate response? Factors to Consider ➢ Decision to suspend/exclude not taken in the heat of the moment ➢ A thorough investigation has been carried out ➢ Evidence has been considered in the light of policies and discrimination (including the Equalities Act) ➢ The pupil's views have been encouraged, heard and recorded ➢ Mitigating circumstances and provocation (bullying etc.) have been considered Appropriate wider consultation has been considered		
Has there been involvement from outside agencies, which could include specialist teachers (SEND) or Behaviour/Inclusion Service or an Educational Psychologist? ➢ Does the pupil have a behaviour support plan? ➢ What the support outlined available at the time of the incident? ➢ What processes and support are already in place, i.e. Thrive, ELSA, Boxall, Talkabout, Zones of Regulation (attach support plan) If no support plan in place, consider using one prior issuing an exclusion.		
Has a pastoral support programme been tried? ➢ Has the pupil experienced ACES? What is the current state of the pupil's health and wellbeing?		
Is there evidence of the graduated response and Assess Plan Do Review being implemented? Is there enough evidence to request an EHC needs assessment?		
Has this case been bought to an LA Behaviour/Inclusion panel?		
Is there an Early Help strategy/SAFeH/Front door LA partnership process in place?		
Have alternatives to exclusion been considered?		
➢ **Special Considerations**		
Does this pupil have an Education Health Care Plan [EHCP] (statement of special educational needs)?		

Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded and special consideration should be taken if there is a risk of a suspension. The following steps should be taken: If so: ➢ Have you contacted the special needs officer? ➢ Has an emergency annual review been called?		
Is this pupil currently a child in the care of the Local Authority (Looked After Child), or has been previously? If so: ➢ Have you contacted the Head of the Virtual School and Social Worker?		
Is this pupil subject to Child Protection procedures or a Child In Need? If so: Have you spoken to the Social Worker?		
Have any relevant protected characteristics of sex, race, disability, religion or belief, sexual orientation been fully considered?		
Once a decision on suspension/exclusion has been made: ➢ Has work been provided to the child for days 1-5 or has Alternative Provision been arranged? ➢ Have relevant stakeholders been notified as appropriate eg. parents, governors, LA, social worker, virtual school head		

Appendix C – Reintegration Checklist following an exclusion

This checklist supports school leaders in planning for and effective reintegration of a pupil following an exclusion.	Yes	No
Have you held a meeting with the parent/carer and pupil on **the first day that the pupil returns** to school to discuss: • Listened to the voice of the child and parent/carer in what will support them moving forwards? • Shared the school's expectations and school behaviour policy? • Discussed any reasonable adjustments that might be made? • Fed back the outcome of this meeting to any staff involved in working with the child? Have you recorded the details of this meeting on CPOMS with any relevant actions you will take as a result of the meeting?		
Have you identified a key adult as a point of contact for the child and family?		
Are there reasonable adjustments required as part of the support needed for the child's reintegration? Has this been well planned for with all adults who will be involved with the child?		
Has the child's work (that was completed during the exclusion) been reviewed with feedback given to the child?		
If the child is on a child protection plan or child in need plan, have you contacted the social worker to ensure they are informed of the reintegration plan?		
If the child is looked after, or has been previously, have you contacted the Head of Virtual School to ensure they are informed of the reintegration plan?		
Does the child need a positive behaviour plan?		
Does the child need a positive handling plan?		
Does the child require a risk assessment to be put in place, to keep them safe?		

Appendix D – Suspension and Permanent Exclusions Guidelines and Administrative Process (linked to letters below)

SUSPENSION up to and including 5 days in one term (can be cumulative) **Model Letter 1**	**SUSPENSION** adding up to more than 5 days and up to 15 days in one term (can be cumulative) **Model Letter 2**	**SUSPENSION** adding up to **MORE THAN** 15 days in one term and no more than 45 days in school year (can be cumulative) **Model Letter 3**	**PERMANENT** **Model Letter 4**
1. Immediately inform parents/carers of type and length of suspension and reasons for suspension. If a pupil has a social worker or is looked after, the Headteacher must inform social worker and VSH immediately. 2. Inform parents/carers of right to make representations to Gov. Body **(model letter 1).** 3. Inform LA and record on Scholarpack. Record the details of the incident on CPOMS. 4. Make arrangements for setting and marking work. 5. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not compulsory but good	1. Immediately inform parents/carers of type and length of suspension and reasons for suspension. If a pupil has a social worker or is looked after, the Headteacher must inform social worker and VSH immediately. 2. Inform parents/carers of right to make representations to Gov. Body **(model letter 2).** 3. Inform Gov. Body to arrange meetings between 6th and 50th schools days following suspension, if parent has requested a meeting. 4. Inform LA and record suspension on Scholarpack. within one school day. 5. Make arrangements for setting and marking work for the first 5 days. 6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not compulsory but good practice). 7. Ensure all required documentation is made available to Gov. Body, Parent and LA when required. 8. Comply with Gov. Body's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve.	1. Immediately inform parents/carers of type and length of suspension, and reasons for suspension. If a pupil has a social worker or is looked after, the Headteacher must inform social worker and VSH immediately. 2. Inform parents/carers of right to make representations to Gov. Body **(model letter 3).** 3. Inform Gov. Body to arrange meeting on or before 15th school day – statutory meeting. 4. Inform LA responsible officer for suspensions via email. 5. Make arrangements for setting and marking work for the first 5 days. 6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not compulsory but good practice). 7. Ensure all required documentation is made available to Gov. Body, parent/carer and LA. 8. Comply with Gov. Body's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve. 9. Start/Continue a SAFeH and engage with external agencies as a preventative approach and parents/carers as a preventative approach to develop an action plan. Ensure	1. Immediately inform parents/carers of type of exclusion and reasons for exclusion. If a pupil has a social worker or is looked after, the Headteacher must inform social worker and VSH immediately. 2. Inform parents/carers of right to make representations to Local Governing Committee **(Model letter 4).** 3. Inform Local Governing Committee to **arrange meeting** on or before 15th school days. 4. Inform LA responsible officer for exclusions via email and phone to inform LA of the permanent exclusion and that information has been send securely. 5. Complete a referral to PRU, send securely and ensure information has been received by telephone. 6. Make arrangements for setting and marking work for the first 5 days (If fixed term made permanent start counting again from the date the exclusion is made permanent). 7. Ensure all required documentation made available (5 school days before the hearing) to Local Governing

practice). 6. Maintain school suspensions database in order to monitor an aggregate of suspension days. 7. Report suspensions termly to Gov Body via the HT report.	9. Start/Continue a SAFeH and engage with external agencies and parents/carers as a preventative approach to develop an action plan. Ensure parents/carers & pupil's views are included in action plans and reviews (not compulsory but good practice). **For all suspensions over 5 days** • Arrange suitable full time education from the 6th day • Inform parents/carers of arrangements for education during the suspension	parents/carers & pupil's views are included in action plans and reviews (not compulsory but good practice). **For all suspensions over 5 days** • Arrange suitable full time education from the 6th day (this is the school's responsibility) • Inform parents/carers of arrangements for education during the suspension	Committee, parent/carer, Director of Ed. and invited LA rep, using secure communication. 8. Comply with LCG's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve. **(model letter 5)** 9. Maintain the pupil on the school roll until the parental right to ask for the decision to be reviewed (para. 79 - 82) is exhausted.

- Letters may need to be translated into other languages where the parents/carers first language is not English.
- For all suspensions and exclusions – if the child loses the opportunity to take a public examination or National Curriculum Test the Local Governing Committee MUST be informed.
- Lunchtime suspension counts as half day.
- A child in the care of the LA (or in voluntary care), or has previously been in the care of the LA, should not be excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full –time provision from Day 1.
- At all stages of the process, schools should consider the range of interventions available to meet the behavioural needs of the pupil e.g. SAFeH. Inclusion/Behaviour Support, EP.
- Excluded pupils should be enabled and encouraged to participate at all stages of the suspension or exclusion process, taking into account their age and understanding.
- Pupils aged 18 or over have the right to represent themselves instead of parent/carer.
- Any decision to exclude must be made in line with the principals of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate.
- Governors should not interpret a parent's/carer's acceptance of full-time education off-site as signalling agreement with the Headteacher's decision to exclude.

Academies – a parent may invite an LA rep to attend a meeting of the Academy's Local Governing Committee as an observer and they can only make representations with the Local Governing Committee's consent.

Model letters and procedures

Model letters are below for the key stages of a suspension and exclusion process. A full toolkit of templates for the review panel and decision letters is available at: Trust Governance Information - Exclusions. Including:

- letter for Alternative Provision

- letter cancelling a suspensions

- letter directing a pupil to be educated off-site

- letter offering a managed move

-template Headteachers report to LGC Disciplinary Committee reviewing a suspension or exclusions decision

-letters for Clerks to parents to organise LGC Disciplinary Committee review

-letters for Clerks to report the outcomes of review decisions

-checklist for governors when reviewing suspension and exclusion decisions

-script for the Chair

-letter for Clerks to parents to organise IRP

-letters for Clerks to report the outcome of an IRP

Model letter 1 – Suspension (up to 5 days/lunchtime exclusion)

From the headteacher of a school notifying a parent of:

- **a single fixed period suspension of 5 school days or fewer and where a public examination is not missed**
- **a fixed period suspension which does not take the total of fixed period suspension to more than 5 in one term;**
- **a lunchtime suspension**

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear **[Parent/Carer's Name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[reason for suspension]**.

[If relevant confirm that the pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension]

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid a suspension, and what adjustment (if any) has been made to this suspension.]

You have the right to make representations about this decision to the Local Governing Committee. **[Child's Name]** may also be involved in making representations **[Explain how this may happen]**. If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**. Whilst the Local Governing Committee has no power to direct reinstatement and is not required to arrange a meeting with you, they must meet to consider any representations you make and may place a note of their findings on your child's educational record.

[For pupils of compulsory school age only]
You are legally required to ensure that your child is not present in a public place in school hours during this suspension on [**specify dates**] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for **[Child's Name]** to be completed during the period of his/her suspension. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[If alternative provision is being arranged during an exclusion of 5 days or less the letter should provide details – when/where it will take place and who to report to on the first day.]**

You should also be aware that if you think the suspension relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (http://www.justice.gov.uk/tribunals/send/appeals) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on suspension: https://www.gov.uk/government/publications/school-exclusion
- School exclusions: guide for parents - GOV.UK (www.gov.uk)
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. We will hold a reintegration meeting on [**detail the arrangements for the pupil's return to school]**.

Yours sincerely

[Name]
Headteacher

Model Letter 2 – Fixed term Suspension (6-15 days in one term)

From Headteacher notifying parent of a single fixed period suspension of between 6 and 15 days in length or one which would take the total of suspensions in one term to more than 5 and up to and including 15 school days

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear **[Parent/Carer's Name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period/number of days]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date].**

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[specify reasons for suspension]**.

[If relevant confirm that the pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension]

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid a suspension, and what adjustment (if any) has been made to this suspension.]

If requested to do so by parents, the Local Governing Committee must consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if a pupil would be suspended from school for more than five school days, but not more than 15, in a single term. **[insert date here — no later than 15 school days from the date the Local Governing Committee is notified]**.

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]** You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent.

If you wish to request the Local Governing Committee meet to consider this suspension please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The Local Governing Committee will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 50 school days from receiving notice of the suspension. The Local Governing Committee will

circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only]
You are legally required to ensure that your child is not present in a public place in school hours during this suspension on [**specify dates**] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]
We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[Detail the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period suspension of more than five school days, the Local Governing Committee must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the suspension onwards — i.e. from **[specify the date]** until the expiry of the suspension **[INSERT NAME OF ALTERNATIVE PROVISION]** (School must arrange this and meet costs) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter** *(without delay and no later than 48 hours before the provision is due to start)* - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the suspension; 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; and any information required by the pupil to identify the person he / she should report to on the first day.

You should also be aware that if you think the suspension relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (http://www.justice.gov.uk/tribunals/send/appeals) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on suspension: https://www.gov.uk/government/publications/school-exclusion
- School exclusions: guide for parents - GOV.UK (www.gov.uk)

- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).

- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. We will hold a reintegration meeting on [**detail the arrangements for the pupil's return to school]**.
Yours sincerely
[Name]
Headteacher

Model Letter 3 – Fixed term suspension (16 days or more in one term)
From Headteacher notifying parent of a fixed period suspension of more than 15 school days in total in one term (or which brings the pupil's total number of days of suspension to more than 15 in one term). (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

Dear **[Parent/Carer's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period/number of days]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date].**

[If relevant confirm that the pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension]

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid a suspension, and what adjustment (if any) has been made to this suspension.]

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

The Local Governing Committee must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the suspension if it is a fixed period suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term. The latest date on which the Local Governing Committee can meet is **[insert date here — no later than 15 school days from the date the Local Governing Committee is notified]**.

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]** You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent. [insert name of pupil]'s social worker and virtual school head will be invited to attend.

If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The Local Governing Committee will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 15 school days from receiving notice of the suspension. The Local Governing Committee will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date

and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only]
You are legally required to ensure that your child is not present in a public place in school hours during this suspension on [**specify dates**] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]
We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[Detail the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period suspension of more than five school days, the Local Governing Committee must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the suspension onwards — i.e. from **[specify the date]** until the expiry of the suspension **[INSERT NAME OF ALTERNATIVE PROVISION]** (School must arrange this and meet costs) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter** *(without delay and no later than 48 hours before the provision is due to start)* - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the suspension; 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; and any information required by the pupil to identify the person he / she should report to on the first day.

You should also be aware that if you think the suspension relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (http://www.justice.gov.uk/tribunals/send/appeals) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on suspension: https://www.gov.uk/government/publications/school-exclusion
- School exclusions: guide for parents - GOV.UK (www.gov.uk)
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).**

[Child's Name]'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. We will hold a reintegration meeting on [**detail the arrangements for the pupil's return to school]**.

Yours sincerely
[Name]
Headteacher

Model Letter 4 – Permanent Exclusion
From the Headteacher of a school notifying the parent(s) of a pupil's permanent exclusion. (Parts 4 - 6 DfE guidance 2017)

Dear **[Parent/Carer's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date].** This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the Local Governing Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because [r**easons for the exclusion — include any other relevant previous history]**.

As this is a permanent exclusion the Local Governing Committee has a legal requirement to consider the exclusion.

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid permanent exclusion.]

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]** You may invite a representative of the local authority to attend a meeting of an Academy's Local Governing Committee as an observer; that representative may only make representations with the Local Governing Committee's consent.

If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The Local Governing Committee will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting. The latest date by which the [governing board/discipline committee] must meet is [date – 15 school days after receiving notice of exclusion]. [[name of pupil]'s [social worker][Virtual School Head] will be invited to attend

[For pupils of compulsory school age only]
You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on [**specify dates**] unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]
Alternative arrangements for **[Child's Name]**'s education to continue will be made.

For the first five school days of the exclusion we will set work for **[Child's Name]** to be completed during the period of his/her exclusion. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. (Please add details here of Pupil Referral Unit) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known state that the arrangements will be notified by a further letter** *(without delay and no later than 48 hours before the provision is due to start)* - e.g. the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; 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; and any information required by the pupil to identify the person he / she should report to on the first day.] I have forwarded your details to the Pupil Referral Unit and they will be in touch shortly. They can be contacted on (Add phone number here)

[Where pupil lives in a local authority other than the excluding school's local authority - For pupils of compulsory school age only]
For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (http://www.justice.gov.uk/tribunals/send/appeals) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion
- School exclusions: guide for parents - GOV.UK (www.gov.uk)
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/.

- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).
- **[Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).]**

Yours sincerely

[Name]
Headteacher

Model Letter 5 - From the governors of a school notifying a parent of its decision not to reinstate a pupil – Permanent exclusions
From the Local Governing Committee of a school notifying a parent of its decision not to reinstate a pupil (i.e. to uphold the head's decision to permanently exclude the pupil). (Part 6 DfE guidance 2017)

(Please forward a copy of this letter to the LA)

Dear **[Parent/Carer's Name]**

The meeting of theDiscipline Committee at **[Name of school]** on **[date]** considered the decision by **[Head's Name]** to permanently exclude your **[son/daughter Name]**. The Committee, after carefully considering the representations made and all the available evidence, has decided to uphold the permanent exclusion of **[Name of Pupil]**.

The reasons for the Committee's decision are **[Insert reasons in sufficient detail to enable all parties to understand why the decision was made]**.

The role of the Committee/governors set out in the Department of Education exclusions statutory guidance. The governors had to look at the circumstances of the exclusion, **[name]**'s interests and those of the school community and determine whether the headteacher's decision was lawful, reasonable and procedurally fair.

The reasons for the Committee's decision are as follows:

Was the decision to exclude the pupil lawful?
[Give full reasons for the decision. Under lawfulness we would expect the following to be covered:

- *Did the headteacher take the decision?*
- *Were there persistent breaches or a serious breach of the school's behaviour policy?*
- *Is there sufficient evidence on the balance of probabilities that the behaviour occurred?*
- *Would serious harm result to the pupil themself or to others if the pupil were to be reinstated?*
- *If the behaviour occurred outside of school time, was it reasonable for the school to sanction for this?*
- *Were relevant school policies followed?*
- *Have SEN been identified — if so, did the school follow the SEND Code of Practice and use its best endeavours to provide support? Has the school's SEN policy been followed? What support was provided to the pupil?*
- *Does the pupil have a disability? If so, have reasonable adjustments been made? Was it a proportionate decision?*
- *If the permanent exclusion was issued immediately after a suspension, were there exceptional circumstances to justify a new decision to exclude being made (e.g. further evidence or some other reason)?*

Was the exclusion reasonable?
[Give reasons as to why it was a reasonable decision. Under reasonableness we would expect the following to be covered:

- *Was this a decision that was within the reasonable range of responses for a headteacher to take?*
- *Was the behaviour policy followed, particularly in respect of support and interventions?*

- *Were all relevant considerations taken into account by the headteacher before they made their decision? If not and they had been considered, might it have resulted in a different decision?*
- *Were irrelevant elements considered by the headteacher (e.g. behaviour of parents, inability to meet child's needs)?*
- *Was it a proportionate decision? (Was it a decision of last resort? Were alternatives considered?)*

Were there any procedural flaws?

[We would expect the following to be covered under procedural fairness:

- *Were the relevant letters sent without delay?*
- *Was the statutory guidance followed? If not, why not and what impact did this have?*
- *Was a proper investigation undertaken?*

Make sure that the reasons cover the specific points, if any, that have been made by the parent(s). It may be that the parental representations focus on specific points that the governors will need to pay particular attention to].

……

You have the right to ask for this decision to be reviewed by an independent review panel. If you wish to make an application for a review of the Local Governing Committee's decision you will need to do so no later than **[day and date] –** *i.e. 15 school days plus 2 school days from the date of the letter when posted by 1st class post; 'Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail'.**]***. If you make an application for a review after this date it will be rejected by the local authority. If you have not lodged a review by **[repeat date],** you will lose your right to a review

The application should be made to: enquiries@bwmat.org

Please inform us if you have a disability or special needs which would affect your ability to attend the hearing or if it would be helpful for you to have an interpreter present at the hearing.

The role of the independent review panel is to review the Local Governing Committee's decision not to reinstate a permanently excluded pupil. A three-member panel will comprise: one serving or recently retired (within the last five years) headteacher; one serving (or recently serving) experienced governor; and one lay member, who will be the chair. The panel can decide to:

- Uphold the exclusion decision
- Recommend that the Local Governing Committee reconsiders their decision; or
- Quash the decision and direct that the Local Governing Committee considers the exclusion again

Any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion and they should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion. You have the right to require the Local Authority to appoint a SEN expert to attend the review regardless of whether your child has recognised special education needs; the costs of which shall be met by the school. The role of the SEN expert is to provide impartial advice to the independent review panel on how special

educational needs might be relevant to the exclusion. You must make it clear in your application for a review whether you wish for a SEN expert to be appointed.

You may, at your own expense, appoint someone to make written and/or oral representations to the independent review panel. You may also bring a friend to the review. **[[name of pupil]'s [social worker][Virtual School Head]** will also be invited to the IRP hearing].

The review panel will re-hear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the governing body reconsiders its decision to exclude your child; or they may quash the governing body's decision and direct that the governing body considers the exclusion again. If the review panel either recommends or directs that the governing body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.
In addition to your right to apply for an independent review panel, if you believe that the exclusion has occurred as result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. A claim of discrimination should be lodged within six months of the date on which the alleged discrimination took place e.g. the day on which **[Name of Pupil]** was excluded.

The following sources of free and impartial information will allow you to make an informed decision on whether and how to seek a review of the Local Governing Committee's decision:

- Department for Education guidance - Exclusion from maintained schools, academies and pupil referral units in England https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools__academies_and_pupil_referral_units_guidance.pdf
- Guidance on making a claim of discrimination to the First-tier tribunal – http://www.justice.gov.uk/tribunals/send/appeals
- School exclusions: guide for parents - GOV.UK (www.gov.uk)
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on http://www.childrenslegalcentre.com/. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help

get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

- SEN Information Advice & Support Services Network (formerly known as the local parent partnership).
- [Also include where considered relevant by Local Governing Committee – contact details for Traveller Education Services (EMTAS) or Supportive Parents for SEN pupils]

The Committee recognise that you will be disappointed by their decision. The Committee sincerely believe that this is in the best long-term interests of **[name]** and wish you and **[name]** all the best in the future.

If you do not intend to make an application for a review of this decision you may confirm this in writing to me, but please note, once the Local Governing Committee has received your decision **not** to apply for a review the head teacher will remove your child's name from the school register.

Yours sincerely
[Name]
Chair/Clerk to the Local Governing Committee