



**THE CONSORTIUM**  
ACADEMY TRUST

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Shaping Positive Futures

# Exclusion Policy

The Consortium Academy Trust (TCAT)  
An Exempt Charity Limited by Guarantee  
Company Number 07665828

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*\*NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is the correct version. The linked policies can be found at [www.consortiumtrust.co.uk](http://www.consortiumtrust.co.uk)*

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## 1. Statement of intent

At the Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher, governing board and the Trust when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **"suspension"** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **"exclusion"** is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

## 2. Legal Framework

The policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

### 3. Roles and Responsibilities

The Trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded pupil where required.

The governing board is responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspensions and exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
  1. Make written representations to the panel.
  2. Attend the hearing and make oral representations to the panel.

### 3. Be represented.

- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The Headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g., if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC, and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.

- Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the governing board once per term of any exclusions in the Headteacher's report to governors.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged

#### **4. Grounds for suspension or exclusion**

The school will only suspend or exclude a pupil where it is necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobia, transphobic or ableist abuse

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the Headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

#### **5. The Headteacher's power to suspend and exclude**

Only the Headteacher has the power to suspend or exclude a pupil from the school and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The Headteacher can suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The Headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.

When sending a pupil home following any suspension or exclusion, the Headteacher will ensure that they always exercise their duty of care and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate, and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e., that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board. Where a suspension or exclusion is cancelled, the Headteacher will notify the pupil's parents, the governing board, the Trust, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The Headteacher will offer the pupil's parents the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term, to allow the governing board to have appropriate oversight.

The Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g., sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's pupil information system.

## **6. Factors to consider when suspending or excluding a pupil**

When considering the suspension or exclusion of a pupil, the Headteacher will:

- Allow the pupil the opportunity to present their case once evidence has been collected.
- Consider any contributing factors that are identified after a case of poor behaviour has occurred, e.g., if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including consulting with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their



behaviour, they will report this to the Headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

## **7. Preventative measures**

Before taking a final decision to exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### **Off-site direction**

The board of trustees may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The governing board and the Headteacher will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The governing board will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the governing board; the governing board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the governing board hold a review meeting, the governing board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The governing board will decide at each review meeting whether the arrangement will continue and for what period; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### **Managed moves**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Headteacher and governing board will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

### **8. Duty to inform parents**

Following the Headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The Headteacher will inform the parents in writing (or electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the Headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.

If the Headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

## **9. Duty to inform the governing board and LA**

The Headteacher will inform the governing board, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)
- Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the Headteacher will notify the governing board once per term.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the Headteacher will notify the pupil's 'home authority'.

## **10. Duty to inform social workers and the virtual school head (VSH)**

When a pupil has been suspended or excluded, the Headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place and will be invited to attend the meeting should they wish to do so.

## **11. Arranging education for suspended and excluded pupils**

For any suspensions of more than five school days, the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

The governing board will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The governing board is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the governing board will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who can request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

## **12. Considering suspensions and exclusions**

The governing board will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The governing board will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed-period and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the governing board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.

Where suspension or exclusion would result in a pupil missing a public examination, the governing board will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

In light of the above, the governing board will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the governing board will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion.

### **13. Reaching a decision**

After considering suspensions and exclusions, the governing board will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil should be officially reinstated, and whether the Headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing board will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e., that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

#### **14. Notification of considered suspensions and exclusions**

The governing board will notify the parents of the suspended or excluded pupil, the Headteacher, and the LA (exclusion only) of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That the exclusion is permanent.
- Of their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing board will also notify parents that, if they believe a suspension or exclusion has been issued because of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

#### **15. Removing excluded pupils from the school register**

The Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## **16. Independent review panel**

The Trust will review the governing board's decision not to reinstate an excluded pupil if the parents submit their application for this within the required time frame.

The Trust will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years
- A Headteacher or individual who has been a Headteacher within the last 5 years

Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

### **17. Appointing a SEND expert**

If requested by parents in their application for an independent review panel, the Trust will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the Trust will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the Trust to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert.

The Trust will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

### **18. The role of the SEND expert**

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert



will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

### **19. Appointing a clerk**

The Trust will decide appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the Trust will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

### **20. The role of the clerk**

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, Headteacher and governing board that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
  1. Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  2. Informed about who is attending the meeting, and what their roles are.

- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

## **21. The duties of the independent review panel**

The role of the panel is to review the governing board's decision not to reinstate an excluded pupil. In reviewing the decision, the panel 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 panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the governing board reconsiders reinstatement
- Quash the decision and direct that the governing board reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, governing board, Headteacher and Trust.

## **22. Reconsidering reinstatement following a review**

Where the independent review panel instructs the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the governing board does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel **recommends** that the governing board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing board will notify the parents, Headteacher, Trust and LA of their reconsidered decision and the reasons for this.

## **23. Criminal investigations**

The Headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## **24. Training requirements**

The Trust will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

## **25. Using data**

The Headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Determine whether there are any patterns of suspensions and exclusions across the school.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

**Appendix 1 -From Headteacher notifying parent /carer of a suspension of 5 school days or fewer in one term, and where a public examination is not missed.**

Dear **[Parent/carers 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]**.

**[for learners of compulsory school age]**

You have a duty 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 receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to:

HM Courts & Tribunals Service  
Special Educational Needs and Disability Tribunal  
1st Floor, Darlington Magistrates Court  
Parkgate  
Darlington  
DL1 1RU

Fax: 0870 739 4017 Email: [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) or telephone 01325 289350

**[This paragraph applies if the Headteacher chooses to hold a reintegration interview.]**

You **[and your child or learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a **suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed [not for parents of secondary aged learners]**. Failure to attend a reintegration interview will be a factor taken into account by a

magistrates' court if, on future application, they consider whether to impose a parenting order on you.

**You also have the right to see a copy of your child's school record.** Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley HU17 9BA for advice on the exclusion guidance

Telephone 01482 392182. [susan.pearce@eastriding.gov.uk](mailto:susan.pearce@eastriding.gov.uk) or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA for advice on the exclusion guidance.

Telephone 01482 613348 email [alyson.joyce@hullcc.gov.uk](mailto:alyson.joyce@hullcc.gov.uk)

You may also find it useful to contact the Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on suspension from school.

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](http://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 Information.

Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is; [sendiass@eastriding.gov.uk](mailto:sendiass@eastriding.gov.uk)

The statutory guidance on suspension can be accessed by following this link:- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

**[Child's Name]**'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely  
**[Name]**  
Headteacher

## **Appendix 2 -From Headteacher notifying parent(s) /carers of a learner of that learner's suspension of more than 5 school days (up to and including 15 school days) in a term**

Dear **[Parent/carers 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 **[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 my 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]**.

### **[for learners of compulsory school age - next 3 paragraphs]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if suspension is for fewer than 5 days]** of this suspension, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

### **[if the individual suspension is for more than 5 days]**

From the **[6th school day of the learner's suspension [specify date] until the expiry of his suspension we set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

**School** You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee/management committee must meet, if you request a meeting, is **[specify date – no later than the 50th school day after the date on which the discipline committee were notified of this suspension]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to:

HM Courts & Tribunals Service

Special Educational Needs and Disability Tribunal  
1st Floor, Darlington Magistrates Court  
Parkgate  
Darlington  
DL1 1RU

Fax: 0870 739 4017 Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk) or telephone 01325 289350

**(If a reintegration interview is going to be arranged)**

You **[and your child or learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor considered by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You have the right to see a copy of your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley HU17 9BA who can provide advice on the exclusion guidance

Telephone 01482 392182. [susan.pearce@eastriding.gov.uk](mailto:susan.pearce@eastriding.gov.uk) or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the exclusion guidance.

Telephone 01482 613348 email [alyson.joyce@hullcc.gov.uk](mailto:alyson.joyce@hullcc.gov.uk)

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on suspension from school.

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](http://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 Information.

Parents/carers of children with Special Educational needs and disability can contact, SENDIAS (Special Educational Needs and Disability Information Advice and Support Service)

on 01482 396469 who will be able to offer support and advice. Their email address is;  
[sendiass@eastriding.gov.uk](mailto:sendiass@eastriding.gov.uk)

The statutory guidance on suspension can be accessed by following this link:-  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

**[Child's Name]**'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely  
Headteacher



### **Appendix 3 - From Headteacher notifying parent /carer of a suspension of more than 15 school days in total in one term**

Dear **[Parent /carer 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 **[Child's Name]** 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]**.

#### **[for learners of compulsory school age – next 3 paragraphs]**

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of suspension or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

#### **[if the individual suspension is for more than 5 days]**

From the **[6th school day of the learner's suspension]** **[specify date]** until the expiry of his suspension we will provide suitable full-time education. [Set out the arrangements if known at the time of writing, e.g.] On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**.

As the length of the suspension is more than 15 school days in total in one term the governing body/management committee must meet to consider the suspension. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date on which the governing body/management committee can meet is **[date here – no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body/management committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to:

HM Courts & Tribunals Service  
Special Educational Needs and Disability Tribunal  
1st Floor, Darlington Magistrates Court

Parkgate  
Darlington  
DL1 1RU

Fax: 0870 739 4017 Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk) or telephone 01325 289350

**(If the Headteacher chooses to hold a reintegration interview)**

You **[and your child or name of learner]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You have the right to see a copy of your child's school record—Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [Child's Name]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley HU17 9BA who can provide guidance on the exclusion guidance.

Telephone 01482 392182- option 2. [susan.pearce@eastriding.gov.uk](mailto:susan.pearce@eastriding.gov.uk) or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

Telephone 01482 613348 email [alyson.joyce@hullcc.gov.uk](mailto:alyson.joyce@hullcc.gov.uk)

You may also find it useful to contact Children's Legal Centre 0845 345 4345  
<http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on suspension from school.

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](http://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 Information.

Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is; [sendiass@eastriding.gov.uk](mailto:sendiass@eastriding.gov.uk)

The statutory guidance on suspension can be accessed by following this link:-

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

**[Name of Child]**'s suspension expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Headteacher

#### **Appendix 4 - From the Headteacher of a primary, secondary or special school notifying the parent(s)/carers of that learner's permanent exclusion**

Dear **[Parent /carer 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 governing body/the discipline 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 **[reasons for the exclusion – include any other relevant previous history]**.

**[For learners of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

**[For learners of compulsory school age]**

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]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards – i.e. from **[specify the date]** the local authority will provide suitable full-time education. **If not known say that the arrangements will be notified shortly by a further letter.**

**[For learners of compulsory school age]**

**[Where learner lives in a local authority other than the excluding school's local authority]** 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]**.

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in school. The governing body has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Review Panel. The latest date by which the governing body must meet is **[specify the date – the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body 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. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

**If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing body.**

You have the right to see a copy of (**Child's name**) school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of this. I will be happy to supply you with a copy if you request it.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley HU17 9BA who can provide advice on the exclusion guidance.

Telephone 01482 392182 [susan.pearce@eastriding.gov.uk](mailto:susan.pearce@eastriding.gov.uk) or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the exclusion guidance.

Telephone 01482 613348 email [alyson.joyce@hullcc.gov.uk](mailto:alyson.joyce@hullcc.gov.uk)

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

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](http://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 Information.

Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is [sendiass@eastriding.gov.uk](mailto:sendiass@eastriding.gov.uk)

The statutory guidance on exclusion can be accessed by following this link [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

Yours sincerely

**[Name]**  
Headteacher

**From the governors of a primary, secondary or special school notifying the parent(s) /carers of the decision to uphold a learner's permanent exclusion**

Dear **[Parent/carers name]**

The meeting of the governing body at **[school]** on **[date]** considered the decision by **[Headteacher/teacher in charge]** to permanently exclude your son/daughter **[name of learner]**. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of learner]**'s exclusion.

**Set out the reasons in sufficient detail to enable all parties to understand why the decision was made**

You have the right to appeal against this decision. If you wish to do so, you should advise the school or the Local Authority, in writing, by **(date – 15 school days after the day on which notice in writing was given of the governing body's decision. Where the notice is sent by first class post it is treated as being given on the second working day after it was posted)**. Your notice of appeal should state the grounds on which it is made. Although you may wish to take a few days to consider whether you wish to appeal, I should stress that your right to appeal does expire at the end of the 15<sup>th</sup> school day.

The Clerk must notify the Director of Governance to arrange an Independent Review Panel no later than the 15<sup>th</sup> school day after the day on which the appeal was lodged.

Whether or not a school recognises that a learner has special educational needs (SEN) all parents/carers have the right to request an 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 legal duties when excluding (name). Parents/carers will not incur any costs if they request that the Local Authority appoints and SEN expert to attend the review.

Please make it clear if you would like an SEN expert appointed to attend the review.

Parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel. They may also bring a friend to the review.

If there is an allegation of discrimination (under the Equality Act 2010) in relation to this exclusion, parents/carers can make a claim to the First-tier Tribunal or a County Court (for other forms of discrimination). A claim of discrimination should be made within 6 months of the date on which discrimination is alleged to have taken place.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley HU17 9BA who can provide advice on the exclusion guidance

Telephone 01482 392182 [susan.pearce@eastriding.gov.uk](mailto:susan.pearce@eastriding.gov.uk) or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

Telephone 01482 613348 email [alyson.joyce@hullcc.gov.uk](mailto:alyson.joyce@hullcc.gov.uk)

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm

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Advice on making a claim of discrimination to the First-tier Tribunal can be found by following this link:-

<http://www.justice.gov.uk/tribunals/send/appeals>

Yours sincerely

**[Name]**



THE CONSORTIUM  
ACADEMY TRUST

Shaping Positive Futures

## HEADTEACHER'S PERMANENT EXCLUSION REPORT

### Cumulative Suspension/One Off Incident\*

*\*delete as appropriate*

**School:**

**Date of preparation:**

**Date of exclusion:**

### PART ONE – LEARNER DETAILS

<b>Name:</b>		<b>DOB:</b>	
<b>Year Group:</b>		<b>Gender:</b>	
<b>Race/Ethnicity:</b>		<b>Disadvantaged</b>	
<b>Looked After:</b>			
<b>Disability/Medical Conditions:</b>		N/A	

Details of Special Educational Needs - copy of the Statement of Special Educational Needs can be attached.

*If appropriate, brief outline of learner's identified special needs including, if relevant, stage of the code of practice (SEND) and date:*



Brief description of how these identified needs are being met

Involvement of Other Agencies/Services - specify the contact person, date and nature of involvement

Agency	Contact Person	Dates	Support

**Student Services Leader Statement/Class Teacher/Intervening Staff Member**

**Any mitigating factors to be taken into consideration** - was the incident provoked for example by bullying, or racial or sexual harassment

### Actions taken to engage parents /carers

--

### Educational Achievement

*\*the learners last Summary Report can be included as an appendix*

Subject	Current attainment level	Comments e.g. Strengths/Needs

### Learner's Positive Personal Qualities and Achievements

--

**Attendance/Punctuality** - should relate to the last full academic year and the current one so far.

*\*Attach SIMS printout where available*

Year	Possible:	Actual:	Lates

## PART TWO – EXCLUSION DETAILS

### Headteacher's Statement (\*supported by relevant investigatory information)

#### Reasons for exclusion as contained in the letter to parents /carers

**All supporting and relevant documentation arising from the investigation are contained within this evidence pack.**

*The evidence of the Headteacher is to ensure that the reason for exclusion is evidenced against the civil standard of proof, required on the balance of probability*

- Attach all supporting and relevant documentation arising from the investigation e.g. reports, statements from witnesses , teachers, learners and excluded learner's statement, photographs relevant to this incident or any appropriate physical evidence. All statements must be redacted
- Supporting evidence and documentation should be provided for all parties to consider.
- Original witness statements should be retained, but can be kept anonymous within the Headteacher's report. *(If retyped, the witness statements must be in the witness's own words and not a summary of what was said.)*
- Details of the events leading to the exclusion and summary of the event

**Learner behaviour and attitude** - this information should be pertinent to the exclusion and related to incidents since admission to the School

Previous Relevant Suspension (if any)				
Suspensions for behaviour that is similar to the behaviour leading to this exclusion.				
Date	Type	Reason	No. of days	Year

*\*Where this exclusion is for a serious one off isolated incident there will be no previous behavioural history or support is to be considered, unless this is relevant to establishing the facts*

**Please send this report with the following attachments** - where appropriate

- **Behaviour Policy** - Governors need to consider whether there has been a serious breach of the School policy
- Individual Educational Plan – if applicable
- Pastoral Support Plan – if applicable
- SEND Statement – if applicable
- Record of letters to parents/carers
- Witness Statements (redacted)
- Learner Statement regarding incident leading to Permanent Exclusion

This information pack must be sent to the following groups at least five days prior to the Permanent Exclusion Hearing

- Parent/carer\*
- Governors' Discipline Committee Members

\*It is the responsibility of the parent/carer to provide copies of documentation to their representative where appropriate

## Appendix 7 – Letter of Rescission

Dear [Parent/carer]

Rescinding of Permanent Exclusion of **Name** – D.O.B **DD.MM.YYYY**

As you are aware I decided to permanently exclude **First name** with effect from date of exclusion. My decision was subject to a review by the Governing Board. The Governing Board has yet to meet to review that decision and consider reinstatement. Therefore, I am able to rescind my decision.

Whilst I considered permanent exclusion to be the appropriate response at the time of my original decision, an alternative to permanent exclusion has been agreed. Therefore, in light of your co-operation I consider it appropriate to rescind my decision to permanently exclude **Name**.

You and **Name** will be invited to a meeting in order to develop a reintegration plan.

Accordingly, I confirm rescission of the permanent exclusion with effect from **DD.MM.YYYY** [which should be the date of the letter; or the date that the alternative plan can be implemented or the date that the learner has been admitted back to school or an alternative school in the case of a managed move]

As there is no longer a permanent exclusion decision requiring a review, the Governing Board meeting will not take place to consider re-instatement of **Name**.

Yours sincerely

Headteacher

Copies: Chair of the Governing Body, Clerk to the Governing Body, Local Authority Exclusions Officer, File