Gillingham School Dorset

United Learning Academies Exclusions and Suspensions Guidance

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United Learning Exclusions and Suspensions Guidance – Academies

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How to use this guidance

This guidance is designed to support schools in drafting their Exclusion policy in line with the statutory framework as outlined in the statutory guidance' Suspension and permanent exclusion guidance September 2023 (publishing.service.gov.uk) ("the DfE Exclusion Guidance"). A Behaviour Policy template, which includes a section on exclusions and a template appendix to detail reasonable adjustments has been provided for schools and can be found on United Learning's Hub Policy Portal here.

This guidance note should be read together with the Permanent Exclusion Checklist for Heads, United Learning's Behaviour, Rewards and Sanctions Guidance, Special Educational Needs and Disability (SEND) Policy and Equal Opportunities policy. All of which can be found in the Policies Index on United Hub.

All United Learning schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of graduated sanctions that can be applied.

This document provides an overview of the suspension and exclusion process. It should always be read alongside current the DfE Guidance which should be followed in all cases. However, neither the DfE, nor this Guidance should be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate

School Leaders, Local Governing Bodies (LGB)_, local authorities, United Learning, independent review panel members and clerks, SEND experts, social workers, and Virtual School heads must by law have regard to the DfE guidance when deciding in their respective roles one of:

- whether to suspend or permanently exclude a pupil;
- whether to decline to reinstate the pupil;
- whether to direct reinstatement of the pupil; or
- whether to recommend or direct that the LGB reconsiders reinstatement of the pupil.

In this guidance, references to 'exclusion' include both a suspension (fixed term suspension) and permanent exclusions. Where the policy is referring to a specific type of exclusion (i.e. suspension or permanent), the wording will make this clear.

United Learning's approach to exclusion

United Learning believes that exclusion can be an appropriate sanction. Typically, exclusions are the result of persistent breaches of the school's behaviour policy. In those cases, exclusions should only be instigated when all other routes have been exhausted and when behaviour is in direct conflict with the individual school's behaviour policy. Where exclusions are as a result of a serious one-off breach of the behaviour policy, schools will still need to show that the response is proportionate. This will involve justifying the sanction in all the circumstances of the case and demonstrating why a lesser sanction would not be appropriate. This is particularly important where a Permanent Exclusion is issued and/ or the pupil has SEN, including those with an EHC Plan or a disability, or if the pupil has a social worker, including looked-after children and previously looked-after children.

SEND

The school should, in partnership with others (including, where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability. It is important to recognise that a formal diagnosis is not required to establish that a child has a disability if the school knew, or could reasonably have known, that the child had a disability (see paragraphs 58-62, DfE Guidance for further information). Our Behaviour Policy Template on the Hub includes a template appendix schools can use to detail their graduated approach to providing reasonable adjustments.

LAC and Previously LAC

Where a pupil has a social worker and they are at risk of suspension or permanent exclusion, the social worker, Designated Safeguarding Lead (DSL) and the pupil's parents should be informed to involve them as early as possible in relevant conversations. Where a LAC is likely to be subject to a suspension or permanent exclusion, the Designated Teacher should work with the VSH to consider what additional assessment and support need to be put in place to help the school address the factors affecting the

child's behaviour and reduce the need for suspension or permanent exclusion. Similar safeguards apply to previously LAC (see paragraphs 58-62, DfE Guidance for further information).

Therefore, if pupils from the above groups are suspended or permanently excluded, evidence that the above steps have been implemented will need to be shown in order to justify the exclusion.

Please refer to the Permanent Exclusion Checklist for Heads / acting Heads[1] and specifically **Appendix 1: Additional Checklist when considering suspension or permanent exclusion for SEND pupils. The requirements given in Part 4 of the DfE Exclusion Guide must be followed in relation to those students**. Schools must ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Regular monitoring of exclusions and suspensions by school leaders and the LGB is strongly recommended to help mitigate this risk. A data capture template to facilitate monitoring and analysis is provided in the Appendices (Appendix 7).

During suspensions, the Principal/Headteacher (or designated member of school staff) should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil.

However permanent exclusion on the grounds of persistent breaches of the school's behaviour policy must only be used as a last resort when a range of other strategies have been tried and exhausted. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen on rare occasions.

Who can exclude?

The DfE Guidance makes clear that only the Headteacher of a school, or the acting Headteacher in their absence, can exclude a pupil (see page 11). Whilst leadership structures vary across United Learning schools, this requirement applies to all schools in the Group. Each school's own exclusion policy must make clear which leadership roles can carry out an exclusion, reflecting the leadership structure in the school and whether, for example, there is an Executive Principal and a Head of School, rather than a Principal per se. In this policy, the term 'Principal' is used when setting out the roles and responsibilities of the person performing the role of Headteacher in carrying out exclusions.

[1] Where the term Headteacher / Principal is used in this guidance, it also refers to acting Heads / Principals.

Exclusion from school

The decision to exclude a pupil must be lawful, reasonable, and fair. There are two types of official exclusion:

1. Suspensions

This is a suspension for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full-time education provision commences from the 6th day and must be organised by the excluding school. A pupil is entitled to return to school once the period of suspension has ended.

A pupil may not be excluded for more than **45 days** in a school year. Where this threshold has been met and there are further breaches of the school's behaviour policy that would warrant a suspension, the school cannot issue a FTS but could instead permanently exclude the child on the basis the 'persistent breaches' criteria has been met - see below (2b). Schools must ensure they have a reliable method for **tracking** the number of suspensions in an academic year, including from any previous schools.

A pupil may be suspended during **lunchtimes** for a **fixed number of days**. Each lunchtime suspension is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

Repeated use of suspension for children with an EHCP or disability (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

2. Permanent Exclusion

This is where the Principal/Headteacher's decision is that the pupil should not be allowed to return to the school. The decision should only be taken if:

(a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and

(b) allowing the pupil to remain in the school would seriously harm the learning or welfare of the pupil or others such as staff or pupils in the school;

In most cases, this will be after a wide range of alternative strategies having been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

Each case must be judged on the facts and the context taking into account:

- The degree of severity of the offence;

- The likelihood of reoccurrence (including a consideration of the student's previous behavioural record – taking care to be clear what behavioural incidents the pupil is actually being excluded for);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying) harassment);
- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status (see above);
- Preventative measures to a school exclusion including an off-site direction or a managed move
- The school behaviour policy, special educational needs policy and equality law obligations.
- The pupil's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

On considering a permanent exclusion, the Principal/Headteacher should immediately contact their relevant Regional Director before making their decision. Where that is not possible, the Principal should contact the Education Director to sense check their decision. If this is not possible, the Principal should issue the permanent exclusion which can be rescinded if necessary (but only before the Behaviour Committee reviews it). Consequently, the Principal should not issue a suspension whilst waiting to speak to their Regional Director if their view is that a permanent exclusion is the appropriate course of action. A suspension cannot be turned or "converted" into a permanent exclusion except in exceptional cases, usually where further evidence has come to light, where a permanent exclusion can be issued to begin immediately after the end of the suspension (see "Suspension or Permanent Exclusion?" below).

3. Unofficial exclusions

Formal exclusion is the only legal method of preventing a pupil's attendance on disciplinary grounds. If a pupil is sent home for disciplinary reasons (including lunch times) for example, to "cool off" for the rest of the day and this is not recorded as a suspension: this is an informal or unofficial exclusion which is unlawful, regardless of whether they are done with the agreement of the parent[2]. For further information regarding the use and application of part-time timetables please see the DFE Guidance para 30.

[2] The term 'parent' throughout also means parents (plural) and carers.

Stages of exclusions

1. Permanent exclusions

The permanent exclusion process falls into **three stages**:

1. Decision by the Principal/Headteacher to exclude.

2. Consideration of the Principal/Headteacher's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee.

3. In the case of a permanent exclusion, and only if requested by the parent, consideration of the Principal/Headteacher's decision by an Independent Review Panel.

The initial decision on whether to exclude is for the Principal/Headteacher to take. As part of considering a permanent exclusion, as stated above, the **Principal/Headteacher is expected to sense check their decision with the relevant Regional Director/ National Director at** United Learning ***before*** making their decision.

2. Suspension or Permanent Exclusion ("PEx")?

The DfE Guidance is very clear that PExs /suspensions are decisions of last resort. These decisions can only be made in response to pupil behaviour and therefore all incidents which could lead to such a decision must be carefully investigated. It is inevitable in some cases that it is not possible to carry out a thorough investigation the same day as the incident. However, the guidance is equally clear that a suspension cannot be extended or "converted" into a further suspension or a PEx. The exception is where, in exceptional circumstances, usually where new evidence has come to light, a further suspension or PEx may be issued to begin immediately after the first suspension ends. Whilst using a 5-day FTS may allow for further consideration on the same facts (and thereby making the decision a more rational and considered one) it is unlikely that this would amount to "new evidence". As such, the distinctions between two different scenarios as set out below may be helpful:

Decision can be made immediately

- Where there is no doubt as to the facts of the incident and the Head has been able to hear the child's version of events and to take into account relevant considerations (including support provided, the child's SEND or LAC status if appropriate and any mitigating circumstances) then a PEx should be issued that day in line with the guidance above and statutory guidance. Heads should exercise caution in such circumstances.

Decision cannot be made immediately

- Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding voice of the child (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (a maximum of 5 school days is advised). However, it must be made clear to the child and parent that a further sanction, including a

PEx, may follow once the investigation has been completed and all the facts are known. See Appendix 3 for suggested wording that can be added to parental letters to explain this.

- In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

Once the investigation is complete, a letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of another suspension to begin immediately after the first period ends; or
- notification of a permanent exclusion to be begin immediately after the end of the suspension.

3. Cancelling a suspension or PEx

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a suspension or PEx has been issued, that had it been known at the time would have led to a different decision.

Should schools find themselves in this position, a suspension or PEx *can* be cancelled or rescinded, providing it is done so before the LGB has considered it. This means that a suspension or PEx cannot be cancelled during a LGB hearing. Where a decision to cancel is taken, Heads should ensure a letter is issued and placed in the student's file. Heads should notify parents, the LGB and the Local Authority without delay, and if relevant, the social worker and VSH. The notification must also provide the reason for the cancellation.

Heads should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made to the LGB on the number of exclusions which have been cancelled. **NB** A PEx cannot be cancelled if the pupil has already been excluded for more than 45 School days in a school year, or if they will have been so by the time the cancellation takes effect. Further details are set out in paras 13 and 14 of the DfE guidance.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

4. Behaviour outside School

Subject to the requirements of this guidance, the Principal/Headteacher (or designated teacher in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

5. Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. The Headteacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and/ or any criminal proceedings may be brought. In such circumstances, the head teacher will need to take a decision on the evidence available to them at the time. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make. It is also critical that a school does not undermine the evidence gathering in a parallel police investigation: the school should consult with police before carrying out its own investigation.

6. Reintegration Meetings

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension. A reintegration strategy should be in place in all schools which offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning. Where possible this meeting should include the pupil's parents. Further information and advice on reintegration meetings is set out in the DfE Guidance paras 27-31.

7. Part-time Timetables

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time education, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must treat absence as authorised.

Responsibilities of the Principal/Headteacher

Principals/Headteachers should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage. The Guidance sets out clearly the Headteacher's 'Duty to Inform' and who must be informed of a suspension or exclusion and at what point. Please note that local authorities must be informed of all suspensions/exclusions.

When the Principal/Headteacher is out of School: the role of the acting Headteacher

The DfE Exclusion Guidance is clear that only the Headteacher, or the acting Headteacher, can exclude a pupil. If the exclusion is made by another person, it risks being challenged on the grounds that it is unlawful (i.e. the decision was taken by someone who did not have the legal power to do so). The potential for schools to get this wrong is increasing with Headteachers more likely to work in more than one school (Executive Heads), work part time or work condensed hours, and attend off site meetings. The DfE Exclusion Guidance is clear that an acting Headteacher **can** carry out an exclusion in the scenario whereby the Head is not in school. It is essential that this person has been appointed to carry out the function of the Headteacher in their absence, and it does not follow that this is automatically the Deputy Head: it requires affirmative action rather than a default position.

Where Headteacher absences are short term, the necessary 'appointment' can be documented by way of a scheme of delegation which makes clear which post-holder (rather than named individual) assumes the acting Headteacher role and under what circumstances e.g. the Headteacher is off site for a specified period and cannot be contacted or will not return within a meaningful period of time. This should be cross-referenced in the relevant job description and contract of the post holder. As such, when the Headteacher is then absent in defined circumstances, the appointment of an acting Headteacher has automatically been triggered once it has been established that the circumstances apply and without any further action.

For longer term absences, e.g. where there is no Headteacher in post or for long periods or foreseeable absence which may not be covered in the scheme of delegation, the school should look at a more formal appointment to cover the specific situation. Again, this should be formally documented.

All schools must be clear on how the position of acting Headteacher is appointed so as to avoid challenge on the grounds of illegality to any exclusion decisions made in the Headteacher's absence.

Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and the LGB must consider any representations about an exclusion made by the parent of the excluded pupil. The LGB usually delegates some or all of its functions in respect of exclusions to a committee. Any such committee must consist of at least three governors, who are impartial and have had no direct involvement with the case; such a committee may be called the Behaviour Committee. A Terms of Reference for the Behaviour Committee is provided at appendix 7.

The LGB's role is to review exclusions, either on parental request or because required to do so by law and the following different requirements apply to different types of exclusion. It is essential that LGBs receive regular training on reviewing exclusions. This can be provided by the Centre – please contact Susan.Breckell@unitedlearning.org.uk for further information.

- In the case of a suspension which does not bring the pupil's total number of days of exclusion to more than five in a term, the LGB must consider any representations made by the parent.

- If the pupil will be excluded for more than five but not more than 15 school days in the term, and only if the parent makes representations, the LGB must consider within 50 school days of

receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations the LGB can consider reinstatement on their own.

- The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of a suspended pupil within 15 school days of receiving notification of the exclusion if:

    - The exclusion is permanent; or
    - It is a fixed-term suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
    - It would result in a pupil missing a public examination or national curriculum test.

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The following parties must be allowed to make representations to or share information with the Behaviour Committee: parents (and, where requested, a representative or friend); the pupil if they are 18 years or older; the Headteacher; the child's social worker if the pupil has one; and the VSH if the child is LAC.

The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal/Headteacher. It cannot extend a suspension nor substitute it with a permanent exclusion.

The Behaviour Committee must inform the parent, Principal/Headteacher, the Local Authority, the social worker or VSH of their decision, in writing without delay, preferably within 2-3 school days, stating their reasons. Where the pupil resides in a different Local Authority to the one in which the school is based, they must also inform the pupil's 'home' authority.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date. The Behaviour Committee is not allowed to impose an alternative sanction.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to the parent. Model letters are contained in the appendices.

There is a more detailed pack containing model letters, summary checklists and guidance on paperwork which is available request from Susan.Breckell@unitedlearning.org.uk.

Remote hearings

LGB / Behaviour Committee hearings and IRPs can only be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents,

provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. Please refer to paragraphs 242-253 in the DfE Exclusions Guidance.

Role of the Clerk to the Behaviour Committee

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the LGB or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the pupil or been involved in any of the incidents involved in the case and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

It is strongly advised that all Clerks receive regular training on their role in the exclusions process. This can be provided by the Centre – please contact Susan.Breckell@unitedlearning.org.uk for further information.

The role of the Local Authority

The Local Authority does not have a decision-making role in the exclusion process for any United Learning school. A representative from the LA can however attend the Behaviour Committee or the Independent Review Panel if requested by the parent. They can only make representations if invited to do so by the Chair of the respective bodies.

Education of excluded pupils

The school's obligation is to ensure education continues while the pupil is on roll. In all cases of exclusion, work should be set from day one and marked. Any appropriate referrals to support services (e.g., children services if there are potential safeguarding concerns) or notifying key workers (such as a pupil's social worker) should also be considered. During a suspension, the school's legal duties to pupils with disabilities and SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Where a pupil is given a suspension of six school days or longer, the school must arrange full-time educational provision from and including the sixth day of exclusion.

The Local Authority is required to arrange full-time educational provision for permanently excluded pupils from the sixth day of a permanent exclusion. Once a Principal/Headteacher has decided to permanently exclude a pupil, the Local Authority will arrange to assess the pupil's needs and how to

meet them (even though the exclusion might still be overturned by the Behaviour Committee). The pupil's name will be deleted from the school roll[3] only if:

(i) the pupil was permanently excluded; and

(ii) 15 school days have passed since the parent was notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or

(iii) the parent has stated in writing they will not be applying for an independent review panel.

It is the responsibility of the Local Authority to offer an alternative school place.

Registration of excluded or suspended pupils[4]

The school should use the E code from day 1 of any exclusion or suspension.

From day 6 the following code should be used: **Code K**: Attending education provision arranged by the local authority. This is the code to use when the pupil is attending a place, other than the school or any other school at which they are a registered pupil, for educational provision arranged by a local authority.

A pupil attending provision arranged by the school rather than the local authority must be recorded using **Codes P or B instead**. Schools must also record the nature of the provision.

In the case of suspended pupils, **Code B** could be used to indicate attending **unregistered** alternative provision arranged by the school

Independent Review Panels

It is the school's responsibility to ensure that the any Independent Review Panel comprises the appropriate membership, using the Clerk to the LGB for support as required. It is strongly recommended that schools either commission an external provider who can arrange an Independent Review Panel[5] or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive and must meet strict timelines. Support and advice can be provided by the Centre on IRPs and the use of external providers if

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[3] The date on which the pupil is taken off roll must be either the date on which the 15-day period elapses or the date on which written notification from the parent(s) is received. The date on which the Behaviour Committee notified the parent(s) of its decision to uphold the permanent exclusion may not be used retrospectively as the date on which the pupil is removed from the roll. This ensures that there is clear documentary evidence of the requirement to keep a pupil on roll in compliance with the Exclusions Guidance.

4 Please refer to DFE statutory guidance 'Working Together to improve school attendance, August 2024'DFE Working Together to Improve School Attendance , August 2024

[5] A number of schools have used Clerks Associates and Rutland Clerking although others available.

required. Please contact Susan Breckellr Tracy Terry for further information. Please review Part Nine of the DFE Guidance for further guidance on IRPs.

Note that the independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent of the excluded pupil, and/or the pupil if over 18.

1. **Notification of Local Governing Body's Decision**

In cases where the LGB or Behaviour Committee consider either a permanent exclusion, or a suspension above 15 days' suspension for the term, or suspension between 6-15 days where the parent makes representations the Behaviour Committee, must notify parents (or the pupil if they are 18 years or over), the Headteacher, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. The Behaviour Committee's decision letter to the parent must also give the last day for lodging a review (within 15 further school days[6]) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

2. **The timing of the hearing**

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, only if strictly necessary, the panel may then decide to adjourn the hearing to a later date.

3. **Composition of Independent Review Panels**

Review panels must consist of 3 or 5 members.

A five-member panel must be constituted with two members from each of the categories of school governors and Headteachers.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the last five years.

All panel members, including the clerk, must have received training within the two years prior to the date of the review. The DFE statutory guidance details what this training must have covered (page 33).

A person may not serve as a member of a review panel if:

- They are a member / director of the local authority / Academy Trust or the LGB of the excluding school,

[6] Or within 15 days of the final determination of a claim of discrimination in relation to the exclusion to the first tier Tribunal.

- are the Headteacher of the excluding school or anyone who has held this position in the last five years,

- are an employee of the local authority / Academy Trust, or the LGB of the excluding school (unless they are employed as a Headteacher at another school),

- have, or at any time have had, any connection with the local authority / Academy Trust; school; parent or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially (though an individual must not be taken to have such a connection simply because they are a Headteacher at another school) or

- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)

Request for a SEN Expert (see paras 189-198 of the DfE Guidance). If requested by the parent, the person convening the panel must appoint a SEN Expert to attend the independent review panel. The parent has a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

It is strongly advised that the independent review panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures and law for all parties.

Conduct and role of the Independent Review Panel

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in Part 10 of the DFE Guidance on Exclusions.

2. The decision

An independent review panel can decide to:

- uphold the Behaviour Committee's decision;

- recommend that the Behaviour Committee reconsiders reinstatement; or

- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record, and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of one or more of the principles applicable on an application for judicial review, which are illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs the LGB to reconsider its decision it has the power to order that a readjustment of the academy budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

4. After the Independent Review Panel

The independent review panel's decision is binding on the parent, the LGB and the Principal. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

The summary of the findings from the IRP must be given due consideration by governors.

If the panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority (who should in turn inform, where a pupil has one, the social worker and VSH). If the pupil lives outside the area of the Local Authority, the Clerk should make sure that the home Authority is also informed immediately of the position. If the pupil is of compulsory school age, it is for the Local Authority in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the permanent exclusion is upheld, the Clerk should also advise the parent to contact the appropriate person at the home Local Authority about arrangements for their child's continuing education. The Principal should remove the pupil's name from the school roll the day after the conclusion of the independent review panel.

Please note the IRP can be held remotely providing certain requirements are met. These are set out in Part 11 of the DfE Guidance.

5. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the LGB reconsider the exclusion, the LGB must meet to reconsider within 10 school days of notification. This can be the same panel, if all members are available. The panel must pay due regard to the recommendations including reasons given by the IRP to direct reconsideration. The DfE Exclusion Guidance gives specific advice (paras 240-250) as to what the further meeting of the LGB should involve and the requirement that the LGB must have "strong justification" for continuing to support the exclusion. Where the LGB has reconsidered an exclusion decision it must inform the relevant person, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

6. Remedies after the Independent Review Panel

A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

Decisions of both LGBs and independent review panels can be subject to judicial review. If this occurs, immediate legal advice must be sought.

7. Claims of Discrimination in relation to exclusion

A parent can also apply to the First-tier Tribunal (SEND) on grounds of disability discrimination. In addition, they may bring a claim on other discriminatory grounds in the County Court under the Equality Act 2010. The First-tier Tribunal has a wide range of potential remedies it could order, if it finds discrimination has occurred, including reinstatement if appropriate.

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to a serious breach or persistent breaches of the school's behaviour policy and, in all but the most extreme one-off incidents, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion. These include (but are not restricted to) the follow categories:

- a serious breach of safety requirements likely to endanger other people or the pupil themself;

- Possession, use or supply (or the intended possession, use or supply) of:

    - Alcohol
    - Tobacco (including vapes and other liquid electronic smoking materials)
    - Illegal drugs (see Home Office controlled drugs list here)
    - So-called "legal high" drugs including those which are edible (and whether they are technically legal or illegal) and/or anything pertaining to be a drug.

NOTE: this should be cross-referenced with the school's Substance Misuse Policy for greater clarity. For example, consideration needs to be given to the context of any offences and whether supportive as well as punitive measures need to be used. If in any doubt, the focus should be on the behaviour and the intended outcome of the behaviour. For example, if the behaviour is designed to control, manipulate, frighten or intimidate other children, whether or not it is an illegal or legal drug should not be the overriding factor: it is the behaviour that should drive the sanction.

- stealing from the academy, employees of the academy, or from students;

- intentional damage to property;

- very serious / extreme abuse of the academy's computer system and of the internet;

- sexual misconduct, abuse or assault;

- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the academy;

- carrying an offensive weapon (defined as any item made or adapted for causing injury);

- very significant / extreme bullying and/or harassment including harassment on racial, sexual or homophobic (or any other Equality Act protected characteristic) grounds;

- extreme defiance of the properly exercised authority of the academy and its staff;

Appendix 2 Model letter 1

Model letter 1 - ***From the Principal/headteacher, notifying parent of a suspension which brings the total school days of exclusion to not more than 5 in one term, and where a public examination is not missed***

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,

I am writing to inform you of my decision to suspend **[child's name]** for **[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]. [Child's name]** has been suspended for this period because **[reason for exclusion NOTE: it is important to give as much detail and context to the suspension as possible.]**

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.

You have a duty 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. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

We will set work for **[name of child]** to be completed on the days specified above **[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 local governing body. 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 local governing body has no power to direct reinstatement and is not required to arrange a meeting with you, it must consider any representations you make.

[Excluded pupils should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

You and your child are requested to attend a reintegration interview with me on **[date]** at **[time]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Further guidance on the suspension process can be found at:
https://www.gov.uk/government/publications/school-exclusion

[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]

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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network]. [name of child]**'s suspension expires on **[date]** and we expect **[name of child]** to be back in school on **[date]** at **[time]**.
You and your child are requested to attend a reintegration interview with me on **[date]** at **[time]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Yours sincerely

[name]
Principal/Headteacher

cc.
[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any LGB meeting is taking place and be informed that they can attend the meeting should they wish to do so]
[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any LGB meeting is taking place and be informed that they can attend the meeting should they wish to do so.
[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model letter 2

Model Letter 2 - ***From the Principal/headteacher notifying parent of a suspension which brings the school days the pupil has been suspended for, to more than 5 and up to and including 15 school days in total in one term where a public examination is not missed.***

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,

I am writing to inform you of my decision to suspend **[child's name]** for **[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]**. **[Child's name]** has been suspended for this period because **[reason for exclusion NOTE: it is important to give as much detail and context to the suspension as possible. [** Please use the checklists appendix 5 and 6 to support this process].**]**

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.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on **[specify dates]** unless there is reasonable justification for this. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

[We will set work for **[name of child]** to be completed during the first 5 days of this suspension **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.]

Where the latest suspension to which this letter refers is itself for 6 days or more include the following:

From the 6th day of this suspension **[specify date]** until the expiry of the suspension, we will provide suitable full-time education. On **[date]** he/she should attend at **[name and address of alternative provider if not home school]** at **[time]** and report to **[staff member's name]**. **[Note: include the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant].**

[NOTE: Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, 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. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.]

You have the right to make representations to the school's local governing body who must then meet to consider whether your child should be reinstated. The latest date by which the governors can meet is **[specify date — no**

later than the 50th school day after the date on which the governors were notified of this suspension]. In the absence of any representations from you the governors are not required to meet and cannot direct the reinstatement of your child.
If you wish to make representations to the governors, you may be accompanied by a friend or representative. You also have a right to request that the meeting is held via remote access. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting and/ or if it would be helpful for you to have an interpreter present at the meeting. Please contact **[name of contact**] on/at [**contact details — address, phone number, e-mail]**, about this as soon as possible.

Please consider the following if considering a request that the meeting is held remotely: the technology that will be used; whether you or the excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting; if you or the excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, you should not request a remote meeting for a governing board.

[Suspended pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

Further guidance on the suspension process can be found at:
https://www.gov.uk/government/publications/school-exclusion

[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]
Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network]. [name of child]**'s suspension expires on **[date]** and we expect **[name of child]** to be back in school on **[date]** at **[time]**.

You and your child are requested to attend a reintegration interview with me on **[date]** at **[time]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Yours sincerely

[name]
Principal/Headteacher

cc.
The Chair of the Local Governing Body

[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]
[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.
[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model letter 3

Model letter 3 - *From the Principal/headteacher notifying parent of a suspension which brings the school days suspended to more than 15 school days in total in one term OR where a public examination/ national curriculum test is missed*.

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,
I am writing to inform you of my decision to suspend **[child's name]** for **[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]**. **[Child's name]** has been suspended for this period because **[reason for exclusion. NOTE: it is important to give as much detail and context to the suspension as possible [**Please use the checklists at appendix 5 and 6 to support this process].**]].**

I realise that this exclusion may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on [specify dates] unless there is reasonable justification for this. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

We will set work for **[name of child]** to be completed during the first 5 days of this suspension **[detail the arrangements for this].** Please ensure that work set by the school is completed and returned to us promptly for marking.

Where the latest suspension to which this letter refers is itself for 6 days or more include the following:
From the 6th day of this suspension **[specify date]** until the expiry of the exclusion, we will provide suitable full-time education. On **[date]** he/she should attend at **[name and address of alternative provider if not home school]** at **[time]** and report to **[staff member's name]**. **[Note: include the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant].**

[NOTE: Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, 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. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.]

As the length of the suspension means that **[name of pupil]** has been suspended for more than 15 school days in total in one term and / or **[name of pupil]** will miss a public examination/national curriculum test, the governing body must meet to consider their reinstatement. At the meeting you may make representations to the local governing body if you wish and you may be accompanied by a friend or representative. You also have a right to request that the meeting is held via remote access. Please advise if you have a disability or special needs which

would affect your ability to attend or take part in a meeting and/ or if it would be helpful for you to have an interpreter present at the meeting. Please contact **[name of contact**] on/at [**contact details — address, phone number, e-mail]**, about this as soon as possible.

Please consider the following if considering a request that the meeting is held remotely: the technology that will be used; whether you or the excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting; if you or the excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, you should not request a remote meeting for a governing board.

You will, whether you choose to make representations or not, be notified by the clerk to the local governing body of the time, date and location of the meeting.

[in cases where a public exam or national curriculum test will <u>not</u> be missed, insert:] The latest date on which the local governing body can meet is [insert a date no later than 15 school days from the date the local governing body is notified of the exclusion]

OR
[in cases where a public exam or national curriculum test <u>will</u> be missed, insert:]
As the suspension will result in your child missing a public examination or national curriculum test the governors will, as far as is reasonably practicable, consider and decide on the suspension before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the [insert role of person who holds a role equivalent to the chair of governors in a maintained school], may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

[Suspended pupils should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

Further guidance on the suspension process can be found at:
https://www.gov.uk/government/publications/school-exclusion
[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]
Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].**

[name of child]'s suspension expires on **[date]** and we expect **[name of child]** to be back in school on **[date]** at **[time]**.
You and your child are requested to attend a reintegration interview with me on **[date]** at **[time]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Yours sincerely

[name]
Principal/Headteacher

cc.
The Chair of the Local Governing Body

[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]
[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.
[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model Letter 4

Model letter 4 - *From the Principal/headteacher notifying parent of a permanent exclusion*

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,

I regret to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This permanent exclusion follows the full investigation conducted as referenced in my letter of **[date]**. This means that **[child's name]** will not be allowed back to this school pending a meeting of the local governing body.

I realise that this exclusion 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 permanently because:

- of **[a serious breach]** / **[persistent breaches]** of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The reasons I have come to this conclusion are as follows: **[it is important to: give as much detail and context to the exclusion as possible. Please use the checklists at appendix 5 and 6 to support this process, taking any further legal advice if necessary].**
[demonstrate how the relevant facts (where they are in dispute or are unclear) have been determined on the Balance of probabilities, i.e. that something is more likely than not to have occurred.]
[demonstrate how you have taken the Permanently Excluded pupil's views into account and consider these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.]
[Whilst an exclusion may still be an appropriate sanction, you need to show how you've considered any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.]
[demonstrate how the decision was lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties including Equality Act duties not to discriminate on grounds of disability as well as other protected characteristics).]
[demonstrate how the decision was reasonable]
[demonstrate how the decision was fair]; and
[demonstrate how the decision was proportionate]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

Alternative arrangements for **[child's name]** education to continue will be made. For the first five days of this exclusion, we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards **[specify date]** the Local Authority in which you reside will provide suitable full-time education. I have also today informed the Local Authority of your child's exclusion, and they will be in touch with you about arrangements for his/her education from the 6th school day of exclusion. You can contact them on **[insert telephone number and name]**.

As this is a permanent exclusion the local governing body must meet to consider it. At the meeting you may make representations to the local governing body if you wish and you may be accompanied by a friend or representative. You also have a right to request that the meeting is held via remote access. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting and/ or if it would be helpful for you to have an interpreter present at the meeting. Please contact **[name of contact**] on/at [**contact details — address, phone number, e-mail]**, about this as soon as possible.

Please consider the following if considering a request that the meeting is held remotely: the technology that will be used; whether you or the excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting; if you or the excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, you should not request a remote meeting for a local governing body.

The local governing body have 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 request an independent review panel to review their decision.

You will, whether you choose to make representations or not, be notified by the clerk to the local governing body of the time, date and location of the meeting.

[in cases where a public exam or national curriculum test will <u>not</u> be missed, insert:] The latest date on which the local governing body can meet is [insert a date no later than 15 school days from the date the local governing body is notified of the exclusion]

OR
[in cases where a public exam or national curriculum test <u>will</u> be missed, insert:]
As the suspension will result in your child missing a public examination or national curriculum test the governors will, as far as is reasonably practicable, consider and decide on the suspension before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the LGB Chair may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

[Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]

Impartial advice for parents can be found at the Coram Children's Legal Centre: http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.
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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].**

Yours sincerely

[name]
Principal/Headteacher

cc.

The Chair of the Local Governing Body

[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model Letter 5

Model letter 5 - *From the Principal/headteacher notifying parent of a permanent exclusion after a suspension has been issued whilst further investigation takes place*.

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,

I regret to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This permanent exclusion follows the full investigation conducted as referenced in my letter of **[date]**. This means that **[child's name]** will not be allowed back to this school pending a meeting of the local governing body.

I realise that this exclusion 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 permanently because:

- of **[a serious breach]** / **[persistent breaches]** of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The reasons I have come to this conclusion are as follows: **[it is important to: give as much detail and context to the exclusion as possible taking any further legal advice if necessary.**
[demonstrate how the relevant facts (where they are in dispute or are unclear) have been determined on the Balance of probabilities, i.e. that something is more likely than not to have occurred.]
[demonstrate how you have taken the Permanently Excluded pupil's views into account and consider these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.]
[Whilst an exclusion may still be an appropriate sanction, you need to show how you've considered any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.]
[demonstrate how the decision was lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties including Equality Act duties not to discriminate on grounds of disability as well as other protected characteristics).]
[demonstrate how the decision was reasonable]
[demonstrate how the decision was fair]; and
[demonstrate how the decision was proportionate]
[You should reference that additional evidence/ information has come to light during the investigation which means that a Permanent Exclusion is now the only appropriate course of action. You must on no account say that the original suspension has been 'turned into' a PEX – rather a further sanction has been applied as outlined in the previous suspension letter (see suggested paragraphs below)].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

Alternative arrangements for **[child's name]** education to continue will be made. For the first five days of this exclusion, we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards **[specify date]** the Local Authority in which you reside will provide suitable full-time education. I have also today informed the Local Authority of your child's exclusion, and they will be in touch with you about arrangements for his/her education from the 6th school day of exclusion. You can contact them on **[insert telephone number and name]**.

As this is a permanent exclusion the local governing body must meet to consider it. At the meeting you may make representations to the local governing body if you wish and you may be accompanied by a friend or representative. You also have a right to request that the meeting is held via remote access. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting and/ or if it would be helpful for you to have an interpreter present at the meeting. Please contact **[name of contact**] on/at [**contact details — address, phone number, e-mail]**, about this as soon as possible.

Please consider the following if considering a request that the meeting is held remotely: the technology that will be used; whether you or the excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting; if you or the excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, you should not request a remote meeting for a local governing body.

The local 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 request an independent review panel to review their decision.

[in cases where a public exam or national curriculum test will <u>not</u> be missed, insert:] The latest date on which the local governing body can meet is [insert a date no later than 15 school days from the date the local governing body is notified of the exclusion]

OR

[in cases where a public exam or national curriculum test <u>will</u> be missed, insert:]
As the suspension will result in your child missing a public examination or national curriculum test the governors will, as far as is reasonably practicable, consider and decide on the suspension before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the Chair of the LGB may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

[Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion
[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].**

Yours sincerely

[name]
Principal/Headteacher

cc.

The Chair of the Local Governing Body

[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]
[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.
[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model Letter 6

Model letter 6 - Letter from the Clerk *to Governors* upholding a permanent exclusion

Date:

Name
Address

Pupil Name: **[Full name of pupil]**
D.O.B: **[Date of birth]**
Year Group:

Dear **[Parents' names]**,

DECISION: Permanent Exclusion Upheld

The meeting of the local governing body at **[school]** on **[date]** considered the decision by [Principal] to permanently exclude your son/daughter **[**name of pupil**]**. The local governing body, after carefully considering the representations made and all the available evidence, have decided to uphold [name of pupil]'s permanent exclusion.

The reasons for the local governing body's decision are as follows: [give the reasons **for the decision in sufficient detail to enable all parties to understand why the decision was made**, including details of the relevant evidence considered].

You have the right to request an Independent Review Panel ("IRP") to reconsider the exclusion. If you wish to do so, please notify the clerk [to the LGB or clerk to the Behaviour Committee]. You must set out the reasons for your request in writing and send this request to [insert contact details for Clerk] **to be received by** [specify the latest date — no later than 15 school days from receipt of **the** letter if **it is** hand delivered **or emailed (or add an additional 2 calendar days if the letter is posted first class)].**

If you have not lodged a request for an Independent Review Panel by [repeat latest date], your right will lapse.

At the meeting please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the IRP and you may bring a friend to support you. You also have a right to request that the meeting is held via remote access. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting and/ or if it would be helpful for you to have an interpreter present at the meeting. Please contact **[name of contact**] on/at [**contact details — address, phone number, e-mail]**, about this as soon as possible.

Please consider the following if considering a request that the meeting is held remotely: the technology that will be used; whether you or the excluded pupil (if they are over 18 years old) have an appropriate space free from other distractions to enable them to participate fully with a remote access meeting; if you or the excluded pupil (if they are over 18 years old) have limited access to the Internet, intermittent service or slower speed internet, you should not request a remote meeting for a local governing board.

An IRP will review the governors' decision to uphold the Permanent Exclusion. The IRP will comprise one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The IRP will rehear 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 then adjourn a hearing until a later date.

The IRP can make one of three decisions: they may uphold the local governing body's decision; they may recommend the local governing body reconsiders their decision; or they can quash the decision and direct that the local governing body reconsiders reinstatement. However, the IRP cannot direct your child be reinstated at the school.
You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. The SEN expert provides impartial specialist advice to the panel in how SEN might be relevant to the permanent exclusion. There is no cost to you if a SEN expert is appointed. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

[Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should outline specifically that the pupil may be involved in making representations and how they may be involved in doing so. If this is not relevant or appropriate you should state, why e.g. the pupil's age and understanding preclude this]

You should also be aware that if you think the exclusion relates to a disability your child has, and you think discrimination on the grounds of disability has occurred, you have the right to make a claim to the First-tier Tribunal. www.justice.gov.uk/tribunals/send/appeals. You may make a claim in the County Court if you believe discrimination on other grounds has taken place.

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

[Note: Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network]

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.
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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 from Monday to Wednesday, 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.

Helpful information can also be provided **[where considered relevant by the Headteacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].**

The arrangements currently being made for [pupil's name]'s education will continue.

Yours sincerely

[name]
Clerk to the Governing body
Cc,
The Chair of the Local Governing Body

[in cases where the child has a social worker]:
[name of child's social worker], Social Worker, [name of Local Authority]
[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:
[name of VSH], VSH, [name of Local Authority]
[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

[NB: The Local Authority must also be informed of the points listed in paragraphs 83-85 in the DfE Exclusion Guidance.]
[where different, the local authority which maintains the pupil's EHCP]

Appendix 2 Model Letter 7

Model letter 7 - Letter from the Clerk to Governors inviting parents/carers to attend a meeting of the Behaviour Committee

Date:

Name
Address

Pupil Name: [Full name of pupil]
D.O.B: [Date of birth]
Year Group:

Dear [Parents' names],

I refer to the letter from xx, Principal/Headteacher, dated xxx concerning xx's exclusion/suspension from school.

The Local Governing Body (LGB) Behaviour Committee must meet to review [a permanent exclusion/a suspension which brings the school days to more than 15 school days in total in one term/a suspension which will cause a student to miss a public examination/national curriculum test] in order to consider reinstatement.

The meeting to review xx's exclusion/suspension will be held at the [School/remotely (at the parents' request)] on xx [date] at xx [time].

As notified in the Principal/Headteacher you may make representations if you wish and you may be accompanied by a friend or representative. Xx (excluded child) will also be welcome to attend.

If you intend to submit a written report, please send it to be received no later than xxxx date. This will enable me to circulate it to all parties in advance of the meeting, together with relevant information from the Principal/Headteacher, which I will be sending to you at the same time. Please send your report to me via email at xxx.

Please also let me know by return email who will be attending the meeting.

Yours sincerely

XXX
Clerk to the Behaviour Committee

Cc: The Chair of the Local Governing Body

Appendix 3 Suggested Paragraph for cases where a further investigation is required that may result in a further sanction (which may or may not be a PEX)

The above template letters can be used when issuing suspensions and permanent exclusions. These have been prepared with the help of Stone King. As the number templates illustrate, there are variations in what needs to be covered depending on a range of factors such as whether it is a suspension or permanent exclusion, how many suspensions have been issued already, and so forth.

In a scenario where the Principal/headteacher knows that further investigation will be necessary the paragraph/s below can be inserted into the relevant letter from the suite of letters above.

I realise that this may well be upsetting for you and your family, but the decision to suspend **[student name]** has not been taken lightly. At this stage, I have not been able to carry out a full and thorough investigation and have issued this suspension exclusion based on the incident as I currently understand it, according to the facts and evidence available to me at the time. However, I do need to advise you that a full and thorough investigation will be taking place and once that has concluded it may be necessary to deploy a further sanction, *if that investigation reveals your child has committed further or more serious behaviour than was initially understood to have occurred* which *justifies either* include a further suspension or a permanent exclusion.

[If you have not managed to secure the child's voice, include the following sentence]. I am very keen to ensure that **[student name]** is able to share with me **[his / her]** account of the incident but so far **[he / she]** has not been able to do so **[explain why if appropriate].** I would be grateful if you could encourage **[student name]** to do so by **[include information on how the child should do that].**

Appendix 4 Formal Investigation Proforma

Formal Investigation Proforma

Note: if multiple students are at risk of serious sanction, a separate investigation report must be completed for each student, outlining their specific role in events.

Name of Student:	
Name of Investigative Officer:	
Date/s of Alleged Incident/s:	
Date Report Submitted:	

Brief Overview of Allegation, which policy/s it contravenes and how

Students Involved (insert extra rows as required)			
	Student Name	**Statement Taken By**	**Statement Taken On**
Student A:			
Student B:			
Student C:			
Student D:			
Student E:			

Voice of the Child			
Date of VOC:		**Present at Meeting:**	

Staff Involved (insert extra rows as required)			
	Staff Name	Statement Submitted By	Statement Submitted On
Staff A:			
Staff B:			
Staff C:			

Chronology of Investigation (insert extra rows as required)	
Date	**Event**

Summary of Investigation Findings

Considerations and Possible Mitigation
Is the student Looked After (LAC), Previously Looked After (P-LAC), a 'Child in Need' or 'Previously Child in Need'. If so, how may this have affected the incident, with reasons and links to appropriate guidance:
Where the child has a social worker: Have they, the DSL and parents been informed once it is likely they are at risk of suspension or permanent exclusion? If not, why not? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed. Otherwise, consider the outcomes from these conversations.
Looked After Child ("LAC")
Consider the additional assessment and support put in place to address the factors affecting the child's behaviour and to reduce the need for suspension and permanent exclusion, following the DT and VSH's involvement. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.
Consider their Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. Have concerns about the child's behaviour been accurately recorded and appropriate support put in place to improve their behaviour and reduce the likelihood of exclusion? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.
Previously LAC

Consider the school's engagement with the child's parents and the Designated Teacher, and, if relevant, any advice sought from the VSH on strategies to support the pupil. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.
Pupils with SEND
How may their SEND have affected the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:
How has the school engaged proactively with parents in supporting the behaviour of pupils with additional needs:
How has the school worked in partnership with others (including the Local Authority where relevant) to consider what additional support or alternative placement may be required. How has the suitability of provision of the pupil's SEN or disability been assessed? How does the school's actions in this regard factor into the current situation?
Where the pupil has an EHC plan, has the school contacted the LA at an early stage and considered requesting an early annual review prior to deciding to suspend or permanently exclude? How does the school's actions in this regard factor into the current situation?
Where the pupil has SEN but no EHC plan, has the school (with external specialists as appropriate) reviewed the current support arrangements to ensure they are appropriate and if any changes may be required. Have all appropriate requests for an EHCP assessment or a review of the pupil's current support package been made?
Is the SEND likely to be considered a disability under the terms of the Equality Act, 2010? If so, how may this have linked to the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:
Other factors
Are there other contributory factors such as recent bereavement, bullying or mental health issues that need to be considered?
If so, what support has already been provided for these issues?

Experts, agencies and other partners who have been consulted (e.g. Local Authority, SENDCO, Police etc.), including dates:
Have alternatives to possible PEX been considered? Please list these, along with measures taken, by whom, with dates (e.g. MM, straight transfer, AP):

Recommendation, with rationale

Appendix 5 Permanent Exclusion Checklist for Heads

Have you explained full details of the incident or ongoing incidents to your RD?	Yes / No / n/a
If ongoing incidents, is RD aware of the student concerned?	Yes / No / n/a
If a one-off incident has caused the possible PEX, has the behaviour of member of staff / other student involved, been considered?	Yes / No / n/a
Have you as Principal, met with the student personally? (Voice of the Child)	Yes / No / n/a
Have governors met with the parent / carer / pupil before permanent exclusion to ensure any further support is being provided by the school?	Yes / No / n/a
Have you called your RD to outline the situation?	Yes / No / n/a
Is the student in any of the following groups – PP, SEN, EAL, CP, LAC and have the circumstances been considered?	Yes / No / n/a
If the student has SEND, has reasonable adjustment been applied throughout, according to your reasonable adjustment policy?	Yes / No / n/a
If the student has SEND, has your SENDCO been consulted about the behaviour and have they provided a statement about whether the behaviour is linked to the SEND?	Yes / No / n/a
Has the student had any history of poor mental health, bereavement or bullying?	Yes / No / n/a
Are the parents supportive of the school and have you as Principal, met with them?	Yes / No / n/a
Have you sent the RD the behaviour record with any other exclusions?	Yes / No / n/a
Did appropriate and timely reconciliations happen for any incidents being considered?	Yes / No / n/a
Have appropriate interventions (mentoring / support programmes) been provided and engaged with?	Yes / No / n/a
Is a managed move possible? How many schools have been contacted? Is there a cluster managed move that may be possible?	Yes / No / n/a
Have you exhausted all possible alternatives for this student?	Yes / No / n/a
Is the student's behaviour affecting the education of others?	Yes / No / n/a
Are governors supportive of this possible PEX and are they aware of the governor checklist?	Yes / No / n/a
How many FTS and PEX has the school done since September, not including this one?	

Any other comment
Date submitted to RD:

Appendix 6 Checklist for Local Governing Bodies

This should be used in the LGB / Behaviour Committee to ensure proper process has been followed, and a completed checklist should be sent to the relevant Director at the end of the process. A Behaviour Committee must comprise of at least three governors independent of the case.

Pupil Name:	**Date of Meeting:**
1	Telephone call to parent/visit from parent on (date): Letter of notification using model text sent on (date): Copied and sent to Behaviour Committee on (date):
2	Date of Behaviour Committee Meeting: Within 15 school days from Principal/Headteacher's letter, for permanent exclusions and suspensions of more than 15 school days (or total more than 15 school days in a term), or it would result in the pupil missing a public examination or national curriculum test **OR** Within 50 school days from Principal/Headteacher's letter, for suspensions of less than 15 school days in a term) *if* the parents make representations. **Yes/No**
3	All written statements/evidence circulated in advance of this meeting (at least 5 school days before) **Yes/No**
4	Procedure for the meeting and confirmation circulated in advance of the meeting **Yes/No**
5	All relevant information provided on pupil, including SEN Status; Care status if looked after or active case for Social Care; whether disabled and, if so, reasonable adjustments made (in line with the school's graduated approach); academic progress **Yes/No**
6	Where it is a permanent exclusion decision that it: meets the legal conditions in which permanent exclusion is appropriate: in response to a serious breach or persistent breaches of the school's behaviour policy; **and** allowing him/her to remain in the academy would seriously harm the education or welfare of the pupil or others in the school **Yes/No**

7	Evidence and use of procedures are satisfactory in relation to: • The investigation conducted • Firm evidence collected to support decision to exclude • Pupil has been given the opportunity to give his/her version of events • Provocation/harassment has been taken into account, if appropriate • The school's SEND, behaviour and equality policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice • Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been implemented fully. • There is evidence of all relevant interventions having been made for this specific pupil, including, where appropriate: • alternative or enhanced curriculum • mediation • education welfare involvement • family support • mentor support for the pupil • Specifically, equality requirements under the Equality Act 2010 have been considered (disability, race, religion, sexual orientation, gender reassignment, pregnancy or maternity) and any reasonably adjustments required have been made, whether as part of the pupil planning and interventions above or otherwise. • Parent has been given adequate time to make representations • All parties to the meeting know how this decision will be communicated • Satisfactory arrangements in place for pupil to continue their education during exclusion period **Yes/No** If no, what concerns exist:
7	To be completed after the Behaviour Committee meeting Parent, Principal and Local Authority (and where relevant the pupil's social worker and/or VSH) notified of decision on (date): Letter regarding decision sent out on (date): **Signed (Clerk to the Behaviour Committee):** Date: *A copy of this checklist should be sent to the relevant Director at the conclusion of the process.*

Appendix 7 Monitoring Template

Schools should regularly (termly) monitor their exclusions to ensure inclusivity and transparency. Regular data capture and review should be used by school leaders to inform any changes to their policy and or practice of exclusions and behaviour management more broadly.

The table below is an example of a template which could be used for one term and would be a useful basis for reporting on Exclusions at Termly-meetings with Regional Directors.

	YEAR GROUP						
	7	8	9	10	11	12	13
Total students							
% EHCP							
% SEN Support							
No. of incidents of FTS							
% of incidents w/EHCP							
% of incidents w/SEN Support							
(FTS = fixed-term suspension)							
No. of children receiving FTSs							
% w/EHCP							
% w/SEN Support							
No of days of FTS							
No. of Level 1 FTSs							
No. of Level 2 FTSs							
No. of children being PX							
% of PXs w/EHCP							
% of PXs w/SEN Support							
(PX = permanent exclusion)							
Students left during [period]							
% w/EHCP							
% w/SEN Support							

Appendix 8 Terms of Reference for the Behaviour Committee

Terms of reference: Behaviour Committee

The LGB behaviour committee is a standing committee which provides a pool from which a behaviour panel can be convened. The committee is comprised of members of the governing bodies of:

- Academy A*
- Academy B*
- Academy C*
- Academy D (where there is a SIB in place this should be stated) *

Membership:

- **Three governor members** drawn in the first instance from the LGB of the excluding school. If a panel cannot be convened governors will be drawn from the agreed LGB Governor pool as noted above.
- **One of whom** should normally be a member of the LGB/SIB at the school where the exclusion was made.
- No governor will be appointed to act where the governor has a prior connection to the student or involvement in the exclusion.
- No staff governor will be appointed to this panel.
- All members of this panel must have received the appropriate training to review exclusions.

Chair

The panel will agree a chair for the review meeting.
The chair is authorised to review the minutes and letter of outcome on behalf of the panel prior to this being sent to the parent/carer.

Clerk

The Panel must appoint a clerk.
This individual should be sufficiently trained to support exclusions: to provide advice and support to the panel on points of statutory guidance in relation to exclusions.

Delegated Authorities

1. **The Panel** is delegated the authority to carry out the LGB/SIB responsibilities to **review all permanent exclusions** and **consider reinstatement** of a permanently excluded pupil within **15 school days** of receiving notice of an exclusion from the Headteacher.

2. The authority to **review and consider the reinstatement** of a suspended pupil **within 15 school days** where:
   - It is a suspension which would bring the pupil's **total** number of school days out of school to more than 15 in a term.
   - It would result in the pupil missing a public examination or national curriculum test. As far as possible this should be done before the date of the examination or national curriculum test.

3. The authority to hear the representations of parents, on request, within **50 school days** where**:**

- A suspension means that a pupil would be excluded for more than five but not more than 15 school days in a term.

In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

4. The panel will consider any representations made by or on behalf of:
   - the parents or the pupil if they are over 18 years old.
   - the headteacher.
   - the pupil's social worker if the pupil has one.
   - if the pupil is looked-after the VSH.

5. In reaching a decision on whether a pupil should be reinstated, the panel will consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the panel in relation to the decision to exclude.

7. The Panel will ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes will be made available to all parties on request, and the record of discussion should state clearly how the decisions have been reached, which the clerk should be present for.

8. In cases where the governing board upholds the decision of the school it should note the outcome of its consideration on the pupil's educational record.

9. In cases where the governing board considers parents' representations but does not reinstate the pupil, it is empowered to consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

10. If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the panel must still meet to consider whether the pupil should or would have been officially allowed back into the school.

11. The panel will reconvene where an Independent Review Panel recommends or directs that the governing body reconsiders its decision. Such a meeting will be held **within 10 school days** of the governing body receiving notification of the IRP decision.

12. The panel will pay due regard to any changes to the statutory requirements, as advised by United Learning.

Limits to powers:

- The panel cannot increase the severity of suspension by extending it or converting a suspension to an exclusion.
- The panel can either **uphold the exclusion** or **overturn the decision to exclude and direct the student's reinstatement** immediately or by a particular date.
- In the case of a suspension, the panel cannot direct reinstatement but can place a copy of their findings on the pupil's record.
- If a suspension has already expired, a copy of the panel's findings can be placed on the student's record.
- The panel is not permitted to make recommendation to a school resulting from the review of a decision to suspend or exclude a student.
- The panel must agree to meet during term time only but is permitted to arrange timings to facilitate attendance – including where necessary evening meetings.
- The panel must observe the regulation to meet face-to-face at the school [iii] or mutually convenient site, unless the parent requests a virtual hearing or exceptional circumstances dictate that a virtual hearing is necessary.

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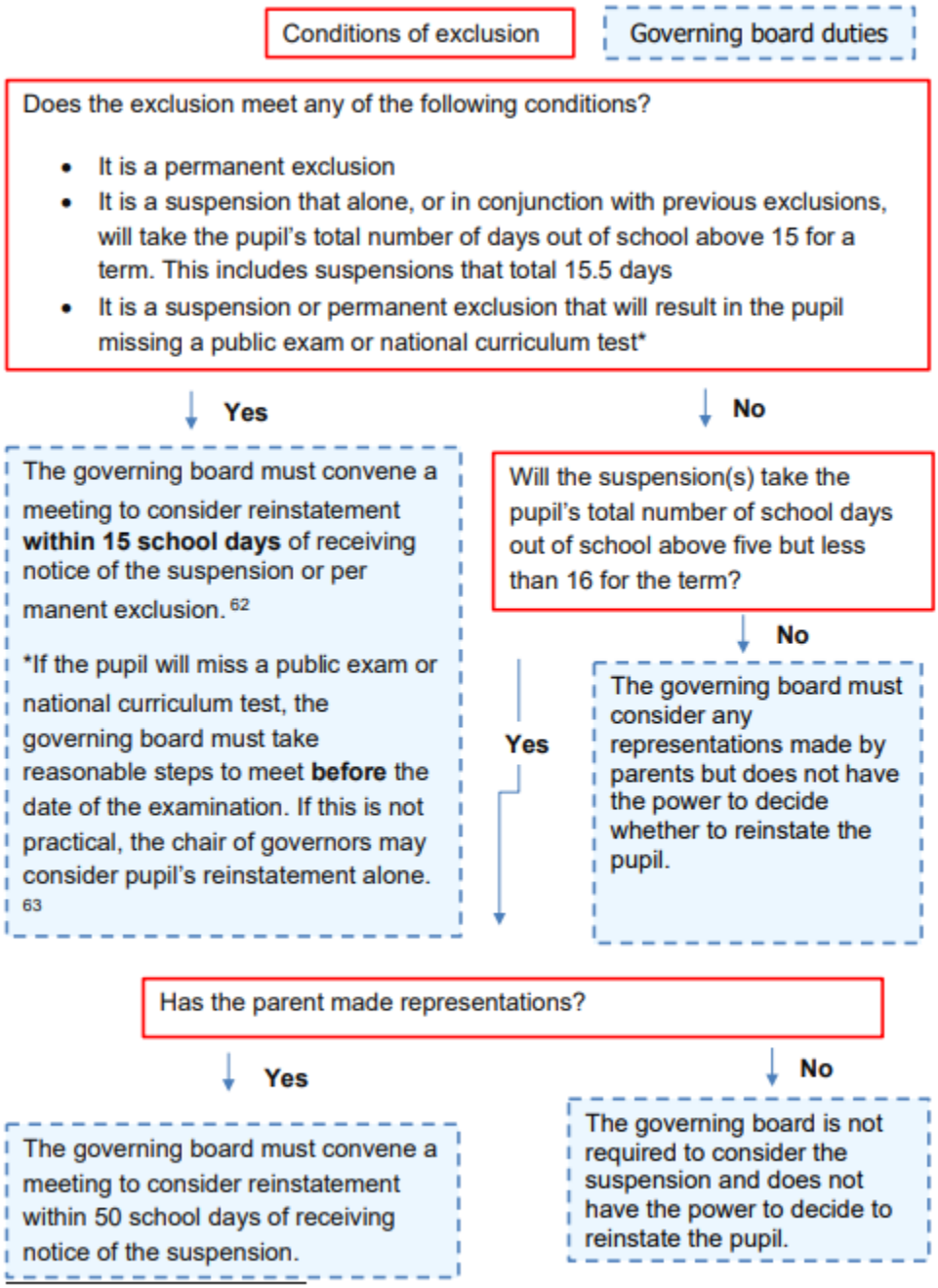
* These schools are usually selected from the school's cluster, where in existence and is not limited to four. This can be extended more widely to regions with the agreement of the relevant chairs.

i 'The school' means the school which issued the exclusion.
ii Exceptional circumstances are loosely defined in the DFE statutory guidance on exclusions, 2023.

A summary of the governing board's duties to consider reinstatement[61]



[61] Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[62] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[63] The ability for a chair to review in the case of public exams refers only to maintained schools.