

Thomas Gray Primary

Suspension and Permanent Exclusion Policy



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1. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, 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 school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The governing board

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to Disciplinary Committee consisting of at least 3 governors.

The Disciplinary Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

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Within 14 days of receiving a request, the governing board will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

4.3 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The Governing Body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing body must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Governing Body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Governing Body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the

governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- A representative of the local authority

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Governing Body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Governing Board / Committee of the Governing Board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Governing Board / Committee of the Governing Board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Governing Board / Committee of the Governing Board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel

- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. Independent review

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governing Board / Committee of the Governing Board of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- 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
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the LA of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, 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 LA, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

7. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the Governing Board's / Committee of the Governing Board's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school.
- Daily contact in school with a designated professional

- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the pupil, parents and staff of potential external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

8.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

9. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by Helen Melia, Pastoral Officer. The Pastoral Officer will report back to the Head Teacher.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training

The LA must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: What has changed in this 2022 edition?

This guidance has been updated to reflect the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and can learn and thrive in a calm, safe, and supportive environment. This guidance provides schools and other bodies involved in this process with information so that they can continue to use suspensions and permanent exclusions appropriately. In addition, specific changes to the legislation governing the disciplinary school suspension and permanent exclusion process have been made and so changes have been made to the guidance to reflect this. Permanent exclusions will sometimes be necessary as a last resort to maintain this environment.

The following is a list of updates:

- Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VSH. Further information of other actions that should take place after an exclusion is cancelled is set out in paragraph 13.
- When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.
- When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- Guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings.
- Guidance on managed moves, what they are and how they should be used.
- Clarified guidance on the use of off-site direction5 as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.
- Guidance for governing boards to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used, when necessary, as a last resort.

Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- Promoting, among pupils, self-discipline, and proper regard for authority,
- Encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- Securing that the standard of behaviour of pupils is acceptable,
- Securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- Otherwise regulating the conduct of pupils. Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: [advice for schools – GOV.UK \(www.gov.uk\)](https://www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils. These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion.

For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory. The governing board must also comply with their statutory duties in relation to pupils with Special Educational Need (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings) using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.

Appendix 3: Model Letter 1 From the head teacher of a Primary, Secondary, Special school or PRU /Principal of an Academy/Free School notifying parent(s) of a suspension which takes the total suspensions to 5 school days or fewer in one term. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children's Social Care a copy of this letter needs to be sent to the Social Worker.**

Dear **Name of Parent/Carer**

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been suspended for this fixed period because **[state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[pupil's name]** during this suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

You should also be aware that if you think the suspension has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination. First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk) or the County Court in the case of other forms of discrimination.

[Delete as applicable if the pupil is not eligible for FSM] As **[Child's Name]** is entitled to free school meals you can request a packed lunch from school by contacting **[staff name and contact]**. Although the school is obliged to provide a meal, it's your responsibility to request and collect it.

You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss and plan how best your child's return to school can be managed, to enable a fresh start, and ensuring that previous behaviour should not be seen as an obstacle to future success. Suspension guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Sefton Information, Advice and Support Service for SEND. SEFTON SENDIASS. They can be contacted at seftonsendiass@sefton.gov.uk or 0151 934 3334,

There are several organisations that provide free information, support and advice to parents on exclusion matters:

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through:

<https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

Advice on the suspensions process can also be obtained from Mrs Tracy McKeating/ Mr Joe Farrell at Sefton Council. They can be contacted 0151 934 3359 or by email to welfare.officers@sefton.gov.uk

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

Yours sincerely,

[Name]

Head teacher/Principal

CC Tracy McKeating Service Manager School Support Service. welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 4: Model letter 2 From the head teacher of a Primary, Secondary, Special school or PRU/Principal of an Academy/Free School notifying parent(s) of a pupil's suspension which takes the total suspensions to more than 5 school days (up to and including 15 school days) in a term. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children's Social Care a copy of this letter must be sent to the Social Worker.**

Dear **Name Parent/Carer**

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

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been suspended for this fixed period because **[state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

[For pupils of compulsory school age]

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

[In all cases]

We will set work for **[pupil's name]** during the first five school days of the suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[For consecutive fixed-term suspensions of more than 5 days]

From the **[6th school day of the pupil's suspension [specify date] until the expiry of this suspension we, for Academies it would be the Academy/Academy Trust] - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date] [he/she]** should attend at **[give name and address of the alternative provider if not the home school/Academy]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider.**

Note- where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period suspension].

You have the right to request a meeting of the **[governing body/PRU's management committee/board of directors of the Academy Trust]** to whom you may make representations, where the decision to suspend can be reviewed. As the total suspensions now exceed 5 school days in one term the **[governing body/management committee/board of directors of the Academy Trust]** must meet if you request it to do so to consider reinstatement. The latest date by which the **[governing body/management committee/board of directors of the Academy Trust]** must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the governing body/management committee/board of directors were notified of this suspension]**.

If you do wish to make representations to the **[governing body/management committee/board of directors of the Academy Trust]** and wish to be accompanied by your child and friend or representative,

please contact **[name of contact] on/at [contact details — address, phone number, email]**, as soon as possible.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination. [First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk) or the County Court in the case of other forms of discrimination.

[Delete as applicable if the pupil is not eligible for FSM] As **[Child's Name]** is entitled to free school meals you can request a packed lunch from school by contacting **[staff name and contact]**. Although the school is obliged to provide a meal, it's your responsibility to request and collect it.

You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss and plan how best your child's return to school can be managed, to enable a fresh start, and ensuring that previous behaviour should not be seen as an obstacle to future success.

Suspension guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Sefton Information, Advice and Support Service for SEND. SEFTON SENDIASS. They can be contacted at seftonsendiass@sefton.gov.uk or 0151 934 3334,

There are several organisations that provide free information, support, and advice to parents on exclusion matters:

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

Advice on the suspensions process can also be obtained from Mrs Tracy McKeating/ Mr Joe Farrell at Sefton Council. They can be contacted 0151 934 3359 or by email to welfare.officers@sefton.gov.uk

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

Yours sincerely,

[Name]

Head teacher/Principal

CC

Tracy McKeating Service Manager School Support Service welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 5: Model letter 3 From the head teacher of a Primary, Secondary, Special school or PRU/ Principal of an Academy/Free School notifying parent of a suspension which takes the total suspensions in one term to more than 15 school days. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children’s Social Care a copy of this letter must be sent to the Social Worker.**

Dear **Name of Parent/Carer**

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[pupil’s name]** has not been taken lightly. **[Pupil’s name]** has been suspended for this fixed period because **[state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**

[For pupils of compulsory school age]

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

[In all cases]

We will set work for **[pupil’s name]** during the first five school days of the suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[For consecutive fixed-term suspensions of more than 5 days]

From the **[6th school day of the pupil’s suspension [specify date] until the expiry of this suspension we, for Academies it would be the Academy Trust]** - set out the arrangements for provision if known] will provide suitable full-time education. On **[date]** **[he/she]** should attend at **[give name and address of the alternative provider if not the home school/Academy]** at **[specify the time]** and report to **[staff member’s name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. Note- where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period suspension].**

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

You should also be aware that if you think the suspension has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination. [First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk) or the County Court in the case of other forms of discrimination.

[Delete as applicable if the pupil is not eligible for FSM] As **[Child's Name]** is entitled to free school meals you can request a packed lunch from school by contacting **[staff name and contact]**. Although the school is obliged to provide a meal, it's your responsibility to request and collect it.

You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss and plan how best your child's return to school can be managed, to enable a fresh start, and ensuring that previous behaviour should not be seen as an obstacle to future success.

Suspension guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Sefton Information, Advice and Support Service for SEND. SEFTON SENDIASS. They can be contacted at seftonsendiass@sefton.gov.uk or 0151 934 3334,

There are several organisations that provide free information, support, and advice to parents on exclusion matters:

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

Advice on the suspensions process can also be obtained from Mrs Tracy McKeating/ Mr Joe Farrell at Sefton Council. They can be contacted 0151 934 3359 or by email to welfare.officers@sefton.gov.uk

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

Yours sincerely,

[Name]
Head teacher/Principal

CC

Tracy McKeating Service Manager Schools Support Service welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 6: Model Letter 4 From the head teacher of a Primary, Secondary or Special school /Principal of an Academy/Free School notifying the parent(s) of the pupil's permanent exclusion. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children's Social Care a copy of this letter needs to be sent to the Social Worker.**

Dear **Name Parent/Carer**

I regret to inform you of my decision to permanently exclude **[pupil's name]** with effect from **[date]**. This means that **[pupil's name]** will not be allowed in this school unless **[he/she]** is reinstated by the **[governing body/Trustees directors of the Academy Trust]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded because **[state reason for the exclusion. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

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

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[Set out arrangements for the work within the five day duty at home, this may be different if supervised education is being provided earlier than the sixth day, or if the issuing of exclusion is following a period of suspension as this will count within the schools' duty as a continuous number of days and school will be required to ensure full-time appropriate education over five days until the LA 6th day duty from the pex decision]**. From the sixth school day of the decision on permanent exclusion onwards — i.e., from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by further communication or letter.]**

[Where pupil lives in a local authority other than the excluding school's local authority] I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the **[governing body/trustees board of directors of the Academy Trust]** must meet to consider it. At the meeting you may make representations, your **[son/daughter]** can also attend the meeting if you wish and you can ask them to reinstate your child in school. In light of its consideration, the **[governing body/PRU/trustees/board of directors of the Academy Trust]** can either direct reinstatement immediately or on a particular date or decline to reinstate your child, in which case you may make an application against their decision to an Independent Review Panel. The latest date by which the **[governing body/trustees /board of directors of the Academy Trust]** must meet is **[specify the date — must be on or before the 15th school day after the date on which the governing body/trustees / board of directors of the Academy Trust was notified of the exclusion]**.

If you wish to make representations to the **[governing body/trustees/board of directors of the Academy Trust]** and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to

make representations or not, be notified by the **[governing body/PRU management committee/board of directors of the Academy Trust]** of the time, date and location of the meeting.

If your child wishes to make any written and/or oral representation, can you please let us know. **(If looked after by Sefton please insert in the letter) Mary Palin the Virtual School Head teacher will be invited to attend. If looked after by another Local Authority, please add details) (Name of child social worker) will be invited to attend)**

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

You should also be aware that if you think the suspension/Exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination. [First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk) or the County Court in the case of other forms of discrimination. You may raise this issue with the **governing body/ trustees board of directors of the Academy Trust**

[Delete as applicable if the pupil is not eligible for FSM] As **[Child's Name]** is entitled to free school meals you can request a packed lunch from school by contacting **[staff name and contact]**. Although the school is obliged to provide a meal, it's your responsibility to request and collect it.

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. (Please note that there may be a charge for photocopying.)

Exclusions guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>.

You may also find it useful to contact Sefton Information, Advice and Support Service for SEND. SEFTON SENDIASS. They can be contacted at seftonsendiass@sefton.gov.uk or 0151 934 3334,

There are several organisations that provide free information, support, and advice to parents on exclusion matters:

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

The National Autistic Society (Schools Exclusion Service (England) can be contacted on 0808 800 4002 or through: <https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

Advice on the suspensions process can also be obtained from Mrs Tracy McKeating/ Mr Joe Farrell at Sefton Council. They can be contacted 0151 934 3359 or by email to welfare.officers@sefton.gov.uk

Yours sincerely,

[Name]

Head teacher/Principal

CC

Tracy McKeating Service Manager Schools Support Service welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School
mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 7: Model letter 5 From clerk to the governing body /trustees /board of directors of an Academy Trust/Free School) advising parent(s) (after speaking to them) to confirm the date and time of the meeting to consider the suspension or permanent exclusion of a pupil. **Please note – everyone with parental responsibility for the child should be invited to make representations at the hearing, even if the child does not live with them. If the child is looked after the virtual school should be sent a copy of this letter and invited to the meeting. If the child is open to Children’s Social Care a copy of this letter needs to be sent to the Social Worker and they should be invited to the meeting. (If for any reason there may be an issue with contacting both parents, for example, domestic abuse, please contact Tracy McKeating)**

Dear **Name of Parent/Carer**

With reference to the decision by the head teacher to **[permanently exclude/suspend]** your **[son/daughter]** we would like to confirm the arrangement for you and **[pupil’s name]** to attend a meeting of the **[governing body/trustees /board of directors of the Academy Trust]** at **[address of venue]** to consider the **[permanent exclusion/suspension]**. This has been arranged for **[date]** at **[time]**.

At this meeting the **[governing body/trustees /board of directors of the Academy Trust]** will consider whether to reinstate **[Name of Pupil]** following the headteacher’s decision suspend/exclude (name of child)

Please contact us on **[telephone number and email if available]** if this is no longer a convenient date and time to re-arrange a suitable time for you to attend a meeting.

A copy of the information that will be presented by the school will be sent to you at least five school days prior to the meeting.

You may wish to submit information for the **[governing body/trustees /board of directors of the Academy Trust]** to consider. The information you wish to present will need to be sent to the clerk of the governing body at least five school days prior to the meeting. Any information you submit will be sent to the governing body and head teacher/Principal.

Please note that if you introduce any new documents at the meeting which have not been circulated in advance, the meeting may be adjourned to a later date. It is now a requirement from September 2022 that **[Name of child]** social worker **[Mary Palin, Virtual Head teacher]** has been invited to the meeting

Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform me if it would be helpful for you to have an interpreter present at the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the **[governing body/trustees /board of directors of the Academy Trust]**

Please If you have any queries in relation to the arrangements or the documentation, please do not hesitate to contact me. **[please provide contact details]**

Yours sincerely

[Name]

Clerk to the **[governing body/trustee/board of directors of the Academy Trust]**

CC

Tracy McKeating Service Manager Schools Support Service welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School
mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 8: Model Letter 6 Outcome letter from the clerk to the governing body (trustees/board of directors of an Academy/Free School) to parent(s) where the panel have declined to reinstate a permanently excluded pupil. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children's Social Care a copy of this letter must be sent to the Social Worker.**

Dear **Name of Parent/Carer**

The meeting of the **[governing body/management committee/board of directors of the Academy Trust]** at **[school/PRU/Academy]** on **[date]** considered the decision by **[head teacher/teacher in charge/charge/Principle of Academy]** to permanently exclude your **[son/daughter] [name of pupil]**. The **[governing body/management committee/board of directors of the Academy Trust]**, after carefully considering the representations made and all the available evidence, has decided not to reinstate **[name of pupil]**.

The reasons for the Governing Body/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at to enable all parties to understand why the decision was made.] Please refer to any school policies and procedures referred to by the governors in reaching their decision.**

You have the right to apply for a review against this decision to an Independent Review Panel. If you would like to request a review, please notify **Ian Barton, Clerk to the Review Panel on 0151 934 2788**. You must set out the reasons for requesting a review in writing together with any written evidence, and also include if appropriate details of how the pupil's special education needs are considered relevant to the exclusion. this notice of appeal needs to be sent to **Ian Barton, Sefton Council, Ground Floor, Trinity Wing, Town Hall, Trinity Road, Bootle, L20 7AE**. by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not requested a review by **[repeat latest date]**, you will lose your right to a review.

You have the right to require the Local Authority/Academy Trust to appoint a Special Education Needs (SEN) expert to attend the review at no cost to you, regardless of whether the school recognises that your child has SEN. The role of the SEN expert is to provide impartial advice to the Panel based on the evidence presented to it and on how any SEN might be relevant to the exclusion. S/he will advise the Panel on whether the school's policies which relate to SEN, or the application of these policies in relation to **(name of pupil)** were legal, reasonable and fair. Where the school does not recognise that **(name of pupil)** has SEN, the SEN expert will advise the Panel on whether s/he believes the school has acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that **(name of pupil)** may potentially have, and any contribution that this could have made to the circumstances of **(name of pupil)'s** exclusion. If you request a Review of this decision, please make it clear if you wish for a SEN expert to be appointed and attend the review hearing.

If you do not make an application for a review **by [repeat latest date]** you will lose your right to a review. Any application made outside of this legal time frame will be rejected.

Please advise if you have a disability or special needs which might affect your ability to attend the review. Also, please inform **[name of the clerk to the review panel]** if you need an interpreter present at the review.

The review will be carried out by an Independent Review Panel. The panel will consist of three-members which will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently retired, experienced governor/ management committee members and one lay member who will be the Chairperson. **[Use the following if there is a possibility that a five-member panel may sit: A five-member panel will comprise two serving, or recently retired (within the last 5 years), head teachers,**

two serving, or recently serving, experienced governors / management committee members and one lay member who will be the chair.]

The Independent Review Panel will review the governing body's decision not to reinstate (name) following permanent exclusion and 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 for a review is made. In exceptional circumstances Panels may adjourn the hearing until a later date.

The Independent Review Panel can make one of three decisions: it may uphold the Governing Board's decision; recommend that the Governing Board reconsiders reinstatement; or quash the decision and direct that the Governing Board reconsiders reinstatement.

You should also be aware that if you think the suspension/Exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination. [First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk) or the County Court in the case of other forms of discrimination. You may raise this issue with the **governing body/ trustees board of directors of the Academy Trust**

[Delete as applicable if the pupil is not eligible for FSM] As **[Child's Name]** is entitled to free school meals you can request a packed lunch from school by contacting **[staff name and contact]**. Although the school is obliged to provide a meal, it's your responsibility to request and collect it.

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. (Please note that there may be a charge for photocopying.)

Exclusions guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>.

You may also find it useful to contact Sefton Information, Advice and Support Service for SEND. SEFTON SENDIASS. They can be contacted at seftonsendiass@sefton.gov.uk or 0151 934 3334,

There are several organisations that provide free information, support, and advice to parents on exclusion matters:

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

Advice on the suspensions/Exclusions process can also be obtained from Mrs Tracy McKeating/ Mr Joe Farrell at Sefton Council. They can be contacted 0151 934 3359 or by email to welfare.officers@sefton.gov.uk

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

Yours sincerely

[Name]

Clerk to the **[governing body/ Academy Trust]**

CC Tracy McKeating Service Manager Schools Support Service. Welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 9: Model Letter 7 Outcome letter from the clerk to the governing body (trustees/board of directors of an Academy/Free School) to parent(s) where the panel have made the decision to reinstate a permanently excluded pupil. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children's Social Care a copy of this letter must be sent to the social worker.**

Dear **Name Parent/Carer**

I am writing to confirm the outcome of the meeting on the **[date]** of the Governing Board/management committee to consider reinstating **[child's name]** following the Head teacher's decision to suspend **him/her** from school on **[date]**

The Governing Body discussed the report prepared by the Head teacher which outlined the reasons for the decision to suspend and also provided details of the help and support provided to **[pupil name]** to support them and address any underlying needs **[and prevent further suspensions]**. The Governing Body also considered your representations **[and those of the virtual school or social worker if applicable]** **[detail points made]**.

Having discussed the circumstances of the suspension in light of information provided at the meeting, the Governors concluded that it was appropriate to reinstate **[child's name]** and for school to continue with the strategies which have already been identified **[and/or add in any further recommendations]**.

Please contact the Head teacher **[or designated staff and insert contact details]** to arrange a meeting to discuss **[name]** reintegration back to school and to make any suggestions for strategies to support **[pupil name]** behaviour and progress at school.

Yours sincerely

[Name]

Clerk to the **[governing body/trustee/board of directors of the Academy Trust]**

CC Tracy McKeating Service Manager Schools Support Service. Welfare.officers@sefton.gov.uk
[Social Worker if applicable]

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School
mary.plain@sefton.gov.uk

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 10: Model Letter 8 – From the head teacher at a School/Academy/Free School notifying the parent(s) of the cancellation of a suspension or permanent exclusion. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children’s Social Care a copy of this letter needs to be sent to the Social Worker.**

Dear **Name Parent/Carer,**

Further to my letter of **[date of letter giving notification of exclusion/suspension]** I am writing to advise you that I am cancelling my earlier decision to **[exclude suspend [child’s name] for a period between [insert dates of start and end of suspension / permanently exclude [child’s name] from the school].**

I have cancelled this **[exclusion/suspension]** for the following reason(s):

[insert reasons]

If you would like the opportunity to meet with me to discuss the circumstances that led to the suspension/exclusion being cancelled, please contact **[insert contact details].**

As we notified the local authority of the permanent exclusion, a copy of this letter has been sent to Tracy McKeating, Service Manager School Support Service **[Include the details of the home authority if the pupil living in a different local authority]** to inform them that the permanent exclusion has been cancelled.

My decision to exclude suspend/permanently has not been considered by the **[governing body/trustee/board of directors of the Academy Trust]**

I will report to the **[governing body/trustee/board of directors of the Academy Trust]** that I have withdrawn my decision and that the suspension /permanent exclusion has been cancelled. (NAME) can return to school immediately /on (date).

Yours sincerely,

[Name]

Head Teacher/Principal
CC Tracy McKeating Service Manager Schools Support Service.
Welfare.officers@sefton.gov.uk

[Social Worker if applicable]

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School
mary.plain@sefton.gov.uk

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 11: Model letter 9 From clerk to the governing body trustees/board of directors of an Academy Trust/Free School) advising parent(s) of the outcome after a reconsideration of the reinstatement of the pupil following an Independent Review Panel. **If the child is looked after the Virtual School must be sent a copy of this letter. If the child is open to Children’s Social Care a copy of this letter must be sent to the Social Worker.**

Dear **Name Parent/Carer**

The **[governing body/management committee/board of directors of Academy Trust]** have reconsidered the decision to reinstate **[pupil’s name]** after being requested to do so by the Independent Review Panel. After careful considerations the panel have decided **[not to reinstate/to reinstate] [pupil’s name]. [If reinstatement please advise date to be reinstated]**

The reasons for the **[governing body/management committee/ board of directors of the Academy Trust]** decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at. The governing body/trustees/board of directors of the Academy Trust’s decision should demonstrate how they have addressed the concerns raised by the Independent Review Panel, as it may face challenge legally if it refuses to reinstate the pupil without strong justification].**

[Only required if reinstated by governing body/management committee/board of directors of Academy Trust]

You and **[pupil’s name]** are invited to attend a reintegration meeting with **[Staff member’s name]** on **[date] and [time]**

Yours sincerely,

Name

Clerk to the **[governing body/trustees board of directors of the Academy Trust]**

CC

Tracy McKeating Service Manager School Support Service welfare.officers@sefton.gov.uk

For Sefton Looked After Children send a copy of the letter to Mary Palin, Head teacher at the Virtual School mary.plain@sefton.gov.uk

[Social Worker if applicable]

For Looked After Children from other areas send a copy of the letter to the relevant Virtual School

Appendix 12: Witness statement

Name of witness (print):

Year group/role:

School/other:

Use this space to write in your own words what you saw.

Signed

Date:

If you have written this statement (word for word as the witness described the events) on behalf of a witness, sign below

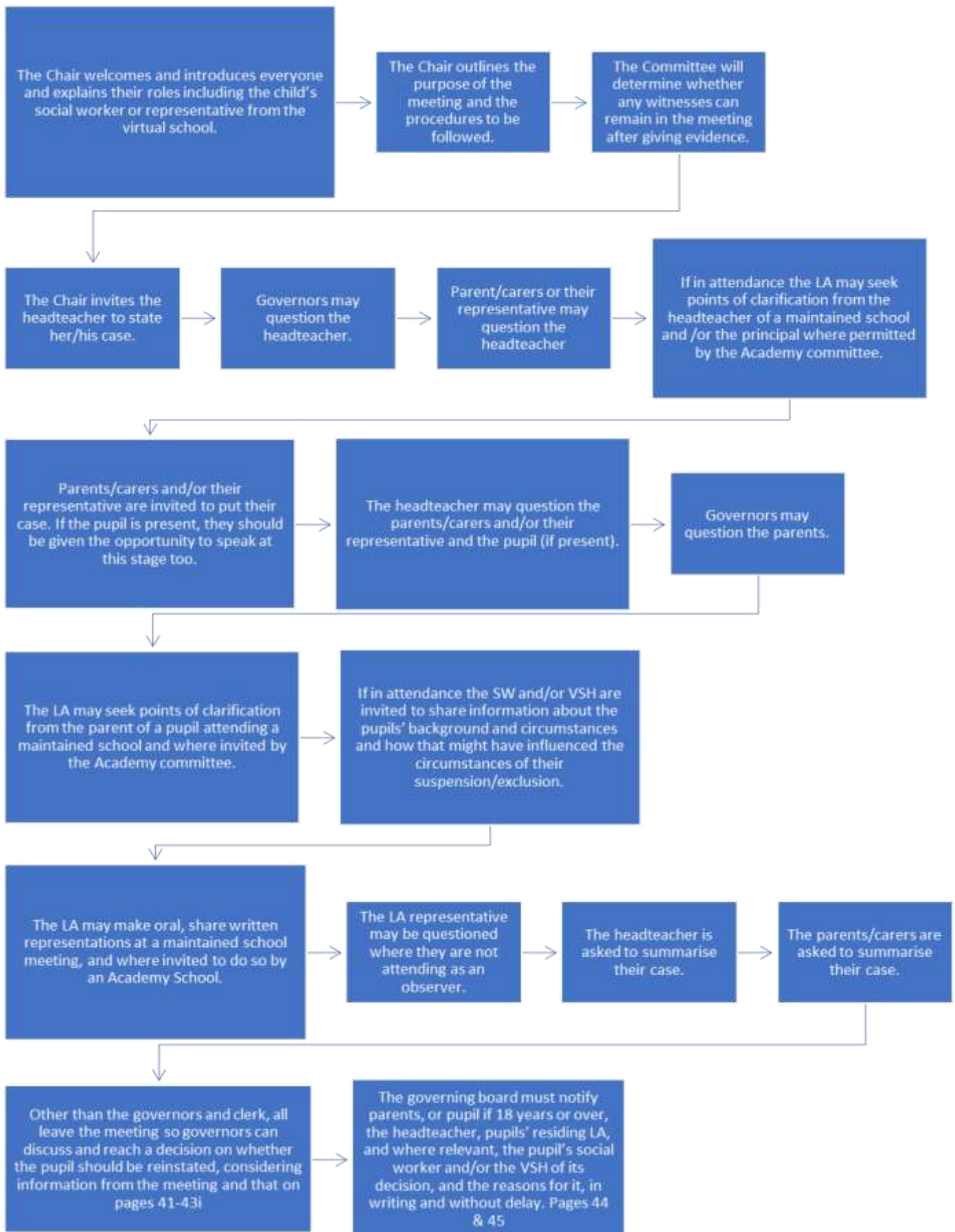
Signed:

Date:

Printed name:

Flowchart

Appendix 13: Flowchart



Appendix 14: Guidance to schools on marking attendance registers following a permanent exclusion

Whilst at permanently excluded pupil's name remains on the school's admissions register, the pupils should be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate attendance code such as Code D [Dual registered] at another educational establishment or code B [off site educational activity if the provision is an approved educational activity that does not involve the pupil being registered at any other school] should be used. Where pupils are not attending alternative provision, they should be marked absent using code E [para 145]