

Sefton Council



Suspensions and Exclusions September 2023



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CHANGES IN EXCLUSION GUIDANCE 2023

The DfE Exclusions guidance for September 2023 has been updated to add to the changes put in place in September 2022. The key additional changes are outlined below.

Please note:

The following is a summary to support understanding of the new guidance but is not a full overview, therefore it is essential that all Headteachers, Governors and school staff familiarise themselves with the full DfE guidance. **Please ensure the Governing board is made aware of this guidance.**

The regulations as amended, and this guidance apply to exclusions that occur on or after 1 September 2023. The previous guidance applies to exclusions that occurred before this date. With exception around offering parents remote meeting option as outlined below.

1) Headteacher's ability to cancel an exclusion before the governing board has met to consider whether the pupil should be reinstated.

Part three: P.13 para.13:

- The Headteacher **must** notify parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification **must** also provide the reason for the cancellation.
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to reconsider.
- The pupil **must** be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum 45 school days permitted in any school year (see paragraph 6).

P.14 para.14:

- A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 days in a school year or if they will have been so by the time the cancellation takes effect.

2) Guidance on Social workers and VSHs remote access to meetings:

Part five: P.30 para 80:

- Social workers and VSHs, must be allowed to join a governing board meeting or IRP via the use of remote access, regardless of the format chosen, as long as the governing board (for a governing board meeting) or arranging authority (for a review panel meeting) are satisfied they will be able to participate effectively, they can hear and be heard (and see and be seen if participating by video) throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent. Further information can be found in paragraph 251.

3) Requests for remote access meetings for governing board meetings and IRPs

Governing board reinstatement meetings and IRPs can now 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.

Part eleven: p66 - 69

- Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person, unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.
- If there are technological or internet issues during remote meeting which cannot be resolved, a face-to-face meeting must be arranged.



- Governing boards, arranging authorities and panel members must confirm all participants have access to technology which allows them to hear and speak in meeting, and to see and be seen.
- Governing board **must** assess whether a meeting can be held fairly and transparently via remote access. Guidance on this in text and in Annex A.
- Where an exclusion began before 1 September 2023 and the governing board meeting has not yet been held, the headteacher must notify parents on September 1st or as soon afterwards, that they may ask the governing board to hold the meeting via remote access. Guidance on this para 254 – 257.

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](https://www.gov.uk/government/consultations/advice-for-schools)

(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.

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.



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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.palin@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



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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) 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,

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[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
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[Social Worker if applicable]

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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 \(www.gov.uk\)](#) or the County Court in the case of other forms of discrimination.



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[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.

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[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

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[Social Worker if applicable]

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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)**



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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) 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.palin@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



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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 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.palin@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



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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.



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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) 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:

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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.palin@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



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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.palin@sefton.gov.uk

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



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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.palin@sefton.gov.uk

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



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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.palin@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



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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



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Flowchart



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]

