

Dream Big, Work Hard, Be Kind



Suspension and Permanent Exclusion Policy

Date Approved

**Next Review
Autumn Term 2025**

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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

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](#).

(September 2022)

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
- DfE Behaviour in Schools Guidance (September 2022)
- DfE Special Educational Needs and Disability Code of Practice (2015)
- 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](#)

This policy complies with our funding agreement and articles of association.

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 Body of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

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.

Roles and Responsibilities

The Head Teacher

Deciding whether to suspend or exclude

Only the Head Teacher, or acting Head Teacher, 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Body and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Body to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Head Teacher 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 Head Teacher 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 Body

The Head Teacher will, without delay, notify the Governing Body 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 Head Teacher will notify the Governing Body 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Head Teacher 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 Body 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 considered.

Cancelling suspensions and permanent exclusions

The Head Teacher 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 Body. Where there is a cancellation:

- The parents, Governing Body 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 Head Teacher to discuss the cancellation
- As referred to above, the Head Teacher will report to the Governing Body 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 Head Teacher 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 Head Teacher 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.

The Governing Body

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to an 'Exclusion Committee of the Governing Body consisting of at least 3 governors.

The Exclusion 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.

Within 14 days of receiving a request, the Governing Body will provide the secretary of state and the Local Authority with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Governing Body 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 Body will challenge and evaluate the data on the school's use of suspension, exclusion, offsite direction to alternative provision and managed moves.

The Governing Body 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

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 fulltime education to begin from the first day of the exclusion.

Considering the reinstatement of a pupil

The Exclusion (governing body) Committee 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 Exclusion committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Head Teacher 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 exclusion committee will consider and decide on the reinstatement of a suspended pupil. If the parents do not make representations, the board is not required to meet and it cannot direct the Head Teacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the exclusion committee 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 Body (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 Body and allowed to make representations or share information:

- Parents 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 Head Teacher
- 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 Body 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 Exclusion Committee 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, they will consider:

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

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 committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents
- The Head Teacher
- 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 committee 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 Body’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 Local Authority 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

Independent review

If parents apply for an independent review within the legal timeframe, the Local Authority will arrange for an independent panel to review the decision of the Governing Body 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 exclusion committee 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 Head Teacher 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 Head Teachers during this time
- Head Teachers or individuals who have been a Head Teacher within the last 5 years

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

- Are a member of the local authority.
- Are the Head Teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of school, or the Governing Body, of the excluding school
- Have, or at any time have had, any connection with the school, Governing Body, 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 Head Teacher 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 Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body'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 Body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Governing Body 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 Body 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 Body 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 Body does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the Governing Body to place on the pupil's educational record

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 Exclusion Committee'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 Body 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.

Returning from a suspension

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:

- Depending on the length of the suspension, the school will maintain regular contact with the family.
- A 'Return to school' meeting with parents and a member of the school's senior leadership team on the first morning back.
- The pupil will undergo a 5-day monitoring period to ensure reintegration and completion of restorative work.
- There will be regular reviews and monitoring of the behaviour and the pupil's reintegration back into the school day.
- If necessary, the school SENCO/behavior Lead will look at provision and timetabling to endeavour to manage a smooth transition back into school.

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.

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.

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 half term by the Behaviour Lead. They will report back to the Head Teacher and governors

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. This policy will be reviewed by the Head Teacher every two years. At every review, the policy will be shared with and approved by the governing body.

Links with other policies

This exclusions policy is linked to our:

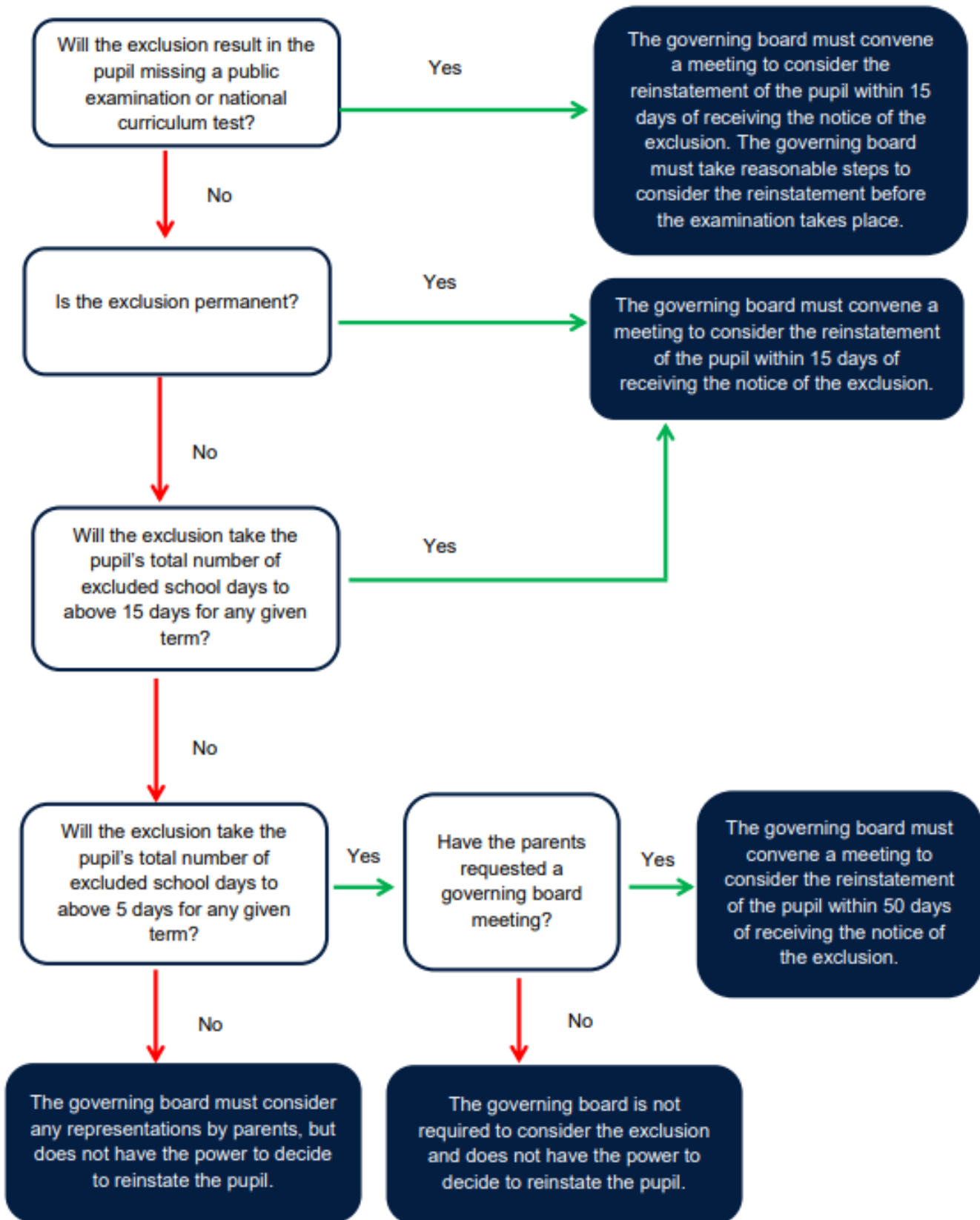
- Behaviour policy
- SEN policy and information report

The Local Authority 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.

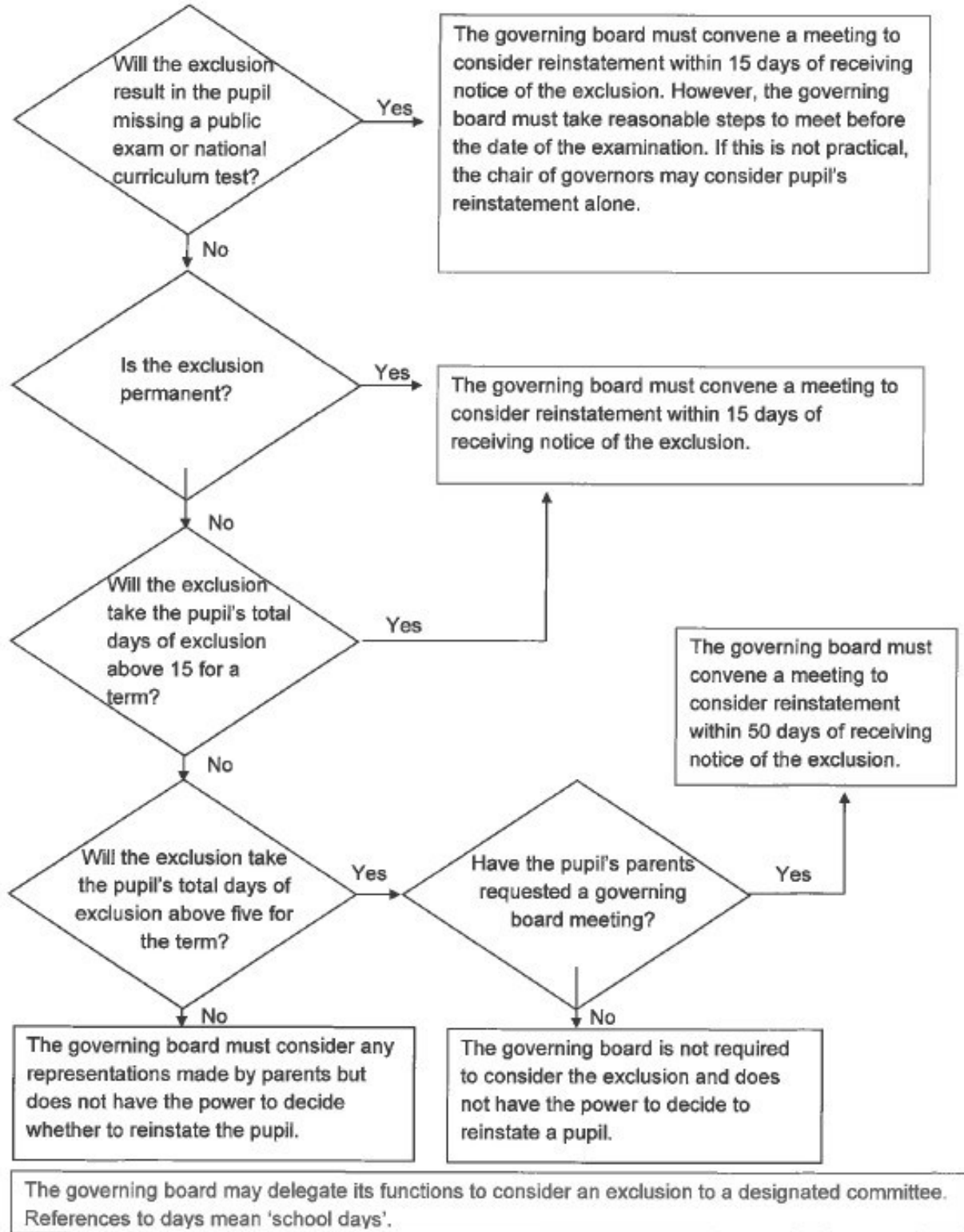
Training must have covered:

- 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 Head Teachers, Governing Bodies 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

Reviewing the Headteacher's Exclusion Decision



Annex A – A summary of the governing board's duties to review the head teacher's exclusion decision



Annex B – A non-statutory guide for head teachers

Exclusion process for head teachers, academy principals and teachers in charge of pupil referral units

This non-statutory document should be read alongside the statutory guidance. This document is meant to help schools through the process and ensure that they have sufficient procedures in place.

Glossary

The term '**must**' refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, '**parents**' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term '**governing board**' includes the governing body of a maintained school, management committee of a PRU and the academy trust of an academy.

Early Intervention

You³⁹ **must** establish a behaviour policy and **should** have processes for identifying and supporting pupils' additional needs.

Things to consider

- Does the school behaviour policy clearly set out behaviour expectations and sanctions and reflect the requirements of the Equality Act 2010?
- Are governors/staff (including sixth form staff in school sixth forms) clear about their roles and when to escalate issues/involve parents?
- Is the behaviour policy understood by pupils and parents?
- Are sanctions monitored to identify any inconsistency or potential discrimination (e.g. Special Educational Needs and Disability (SEND) or ethnicity)?
- Are systems in place to identify pupils showing persistent poor behaviour and if there are any underlying causes?

³⁹ At a maintained school or PRU, the head teacher must determine the behaviour policy in accordance with principles set out by the governing board. An academy trust must have a behaviour policy but it is up to the academy trust to decide who is responsible for drawing up the policy.

Further sources of information

Departmental advice on setting the behaviour policy

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

What maintained schools must publish online <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

What academies, free schools and colleges must publish online

<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>

You should have a system in place to ensure you are aware of any pupil showing persistent poor behaviour or not responding to low level sanctions.

Things to consider

- Are underlying factors (for example SEND, family issues or bullying) or specific triggers (for example the time of day or specific lessons) affecting behaviour? Are staff working with the pupil aware of any behavioural trigger points, relevant issues and the ways in which they should be managed?
- Are staff aware of mechanisms for escalation and referral routes to access external support?
- Have I ensured that this pupil's parents are aware of their behaviour issues?
- Should I request an special educational needs (SEN) assessment, a multi-agency assessment or external support (e.g. counsellors or alternative provision)?
- Did I consider if the pupil was a looked after child? (e.g. did I engage with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head?)
- Is the use and effectiveness of any support and sanctions properly recorded and regularly reviewed?

Further sources of information

Guidance on the use of alternative provision

<https://www.gov.uk/government/publications/alternative-provision>

You should have a clear process in place for exclusion.

Things to consider

Are there clear processes and templates in place to:

- monitor the 45 day exclusion rule, including exclusions received from other schools?
- manage serious behavioural incidents when I am not available?

- avoid wherever possible the permanent exclusion of those with Education, Health and Care plans or Statements of SEN and looked after children.
- inform the parents, governing board and local authority (depending on length of exclusion), clearly setting out all reasons for the exclusion?
- give up-to-date links to sources of impartial advice for parents?
- reintegrate excluded pupils after a fixed period exclusion and support pupils' future behaviour?
- arrange, at short notice, suitable full-time alternative education for pupils receiving exclusions over five days?

Further sources of information

Information on school discipline and exclusions issued by the Department for Education
<https://www.gov.uk/school-discipline-exclusions/exclusions>

Coram Children's Legal Centre

http://www.childrenslegalcentre.com/index.php?page=school_exclusions

ACE Education also run a limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on their website: <http://www.ace-ed.org.uk/>

National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via schoolexclusions@nas.org.uk

Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

You should ask the governing board whether it has a clear process in place for considering reinstatement following an exclusion.

Things to consider

- Do governors have an understanding of the exclusion process to enable a review within deadlines?
- Would governors benefit from additional training, including on the Equality Act 2010?
- Is there a clear and timely system in place to enable parents to make representations?
- Are there up-to-date templates for notifying parents of the decision and explaining next steps?

Taking the decision

You must take the decision whether to exclude (you cannot delegate this).

Things to consider

- Have I investigated specific incidents with all parties in a sensitive and fair way?
- Did I consider factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account?
- Is exclusion the most appropriate and reasonable sanction, and consistent with the school's behaviour policy?
- Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?
- Is relevant evidence properly recorded/retained/documentated? (e.g. summaries of interviews, past behaviour, sanctions and support provided.)

You must inform parents of the exclusion.

Things to consider

- Has the school spoken to the parents to ensure they fully understand the type/scale of the incident?
- Have I provided sufficient details in the exclusion notice letter on the reasons for the exclusion?
- Does the notice contain all the required information as set out in section 4 of the statutory exclusion guidance?
- Have I informed parents whether their child will be able to sit any national curriculum test(s) or public examination(s) occurring during the exclusion?
- When several fixed-period exclusions have been issued in a term, have I informed parents of their right of representation to the governing board?

Further sources of information

Letter templates might be available from the local authority.

If the exclusion is permanent or takes the pupil's total school days of exclusion over five in a term or prevents them from taking a public examination or national curriculum test, you must inform the

governing board and local authority of the duration of the exclusion, or that it is permanent, and the reasons for it.

Things to consider

- Have I informed the governing board about whether they must consider reinstatement and, if so, to what timescale?
- Have I made clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations?
- If a permanently excluded pupil lives in a different local authority area, has that authority been informed?

You should ask the chair of the governing board whether there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of fixed-period exclusion.

Things to consider

- Is there a process in place for the governing board to assure itself that the education provided is suitable and full-time?
- Has the provision been quality assured and have previous placements been evaluated?
- Is the education supervised? (Pupils doing unsupervised school work at home is not acceptable.)
- Is there a process in place to monitor the pupil's attendance and behaviour at the provision?
- Is the correct attendance code being used?

Further sources of information

Alternative provision guidance <https://www.gov.uk/government/publications/alternative-provision>

School attendance guidance <https://www.gov.uk/government/publications/school-attendance>

Governing board consideration of an exclusion decision

You should ask the chair of the governing board whether there are clear processes in place for considering exclusions.

Things to consider

- Am I confident that the parents are aware of their right to a consideration by the governing board?
- Has the governing board been appropriately involved?
- Has the governing board taken steps to find a convenient date that the parent, the local authority representative (if relevant) and I can attend, within the legal time limits?
- Where practicable, has the governing board given thought as to how to involve the pupil in the consideration process?
- Have all the relevant documents been collected, anonymised if required, and provided to all parties?

Where applicable, the governing board must consider whether the pupil should be reinstated and inform parents of the outcome of its consideration.

Things to consider

- Have I presented all of the details of the case and the full rationale for the exclusion?
- Does the governing board have all of the relevant information that I have?

Independent review panel

The local authority or academy trust **must** arrange an independent review panel if requested by the parents within the time limit.

Things to consider

- Do I need to make written representations and/or attend the meeting to make oral representations?

When applicable, the governing board **must** reconsider the exclusion within ten school days of being given notice of the independent review panel decision.

Things to consider

- Is the governing board aware of any order made by the independent review panel following a direction (not a recommendation) to reconsider, and if this has been made, that unless within 10 school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil, the school will pay £4,000 to the local authority within 28 days?

The governing board **must** inform the head teacher, parents and local authority of its reconsideration decision.

Things to consider

- If the pupil is reinstated, how should I ensure the pupil's effective reintegration?
- If relevant, is the governing board aware that it must place a note on the pupil's record?

Post-exclusion action

When removing a pupil from the school roll, you **should** remind the governing board that they **must** ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended.

If applicable, you **should** check that the pupil's name has been removed from the school roll at the appropriate time.

Things to consider

- Have I ensured that the common transfer file is transferred within 15 school days of the pupil ceasing to be registered at the school?

Further sources of information

Attendance Guidance and Education (Pupil Registration) (England) Regulations 2006 as amended <https://www.gov.uk/government/publications/school-attendance>

School to School service: how to transfer information

<https://www.gov.uk/guidance/school-to-school-service-how-to-transfer-information>

Special educational needs and disability code of practice: 0-25 years

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Children Missing Education statutory guidance

<https://www.gov.uk/government/publications/children-missing-education>

APPENDIX: LETTER TEMPLATE – LONG SUSPENSION / EXCLUSION

Long suspension / Exclusion letter template

Use this if 1 of the following applies:

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

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to **suspend/exclude [insert pupil's name]** from our school for **[number of days]/permanently**.
This is because **[insert reason]**.

The Governing Body must consider reinstating your child at school

Our school's Governing Body must consider reinstating your child at our school within 15 school days of being told about their **suspension/permanent exclusion**.

If it would result in a pupil missing a public examination or National Curriculum test, add the following sentence:

The Governing Body must, if reasonably practicable, do this before the date of your child's examination or National Curriculum test.

You have the right to let the Governing Body know what your views are on the **suspension/permanent exclusion** and to tell them any other information which you think is relevant. This is called 'making a representation'. The board has a duty to consider any representation you make.

You can do this by contacting **[insert contact details of your Governing Body – for example, an email or postal address]** and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

We will invite you to a meeting with the **Governing Body/[insert name of relevant subcommittee (if your board has delegated this)]** and the Head Teacher **maintained schools and pupil referral units (PRUs) insert:** and representative of the local authority.

You have the right to:

Attend the meeting yourself

Bring a friend

Arrange (at your own expense) to be represented at the meeting

Your child can be involved in this process if you both wish. **[Insert details about how they can do this, such as by writing to the board and/or attending the meeting].**

Setting work

We will set work for your child during their **suspension/exclusion** and prior to **the start of their alternative provision/return to school**. **[Specify how they can access it – for example, that it will be given to them before they leave school on the day of the suspension/permanent exclusion, or available online, etc.]**

If you have any questions about this process, please get in touch with **[insert the staff member they should contact, and the relevant contact details]**.

Your duty as a parent

For pupils of compulsory school age, insert: You have a duty to make sure that your child is not present in any public place during school hours for the first 5 school days of the exclusion, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,

APPENDIX: LETTER TEMPLATE – SUSPENSION (5 – 15 SCHOOL DAYS)

More than 5 but not more than 15 school days suspension letter template

Use this if it's a suspension and the pupil would be suspended for **more than 5 but not more than 15 school days in a term**.

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to suspend [insert pupil's name] from our school for [insert period of suspension].

This is because [insert reason].

You can ask the Governing Body to consider reinstating your child at school

You have the right to ask the Governing Body to consider reinstating your child at the school. You can do this by [insert contact details of your Governing Body – for example, an email or postal address].

If you request this, the board must hold a meeting to consider reinstating your child within 50 school days of being told about their suspension.

If you don't request a meeting, the Governing Body does not have to consider reinstating your child, but may choose to do so anyway.

You can let the Governing Body know your views

You have the right to let the board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'.

You can do this by getting in touch with the board, which you can do by [insert contact details of your Governing Body – for example, an email or postal address] and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

We will then invite you to a meeting with the Governing Body/[insert name of relevant subcommittee (if your board has delegated this)] and the Head Teacher [insert name of relevant schools and pupil referral units (PRUs) insert: and a representative of the local authority.

You have the right to:

Attend the meeting yourself

Arrange (at your own expense) to be represented at the meeting

Bring a friend

Your child can be involved in this process if you both wish. [Insert details about how they can do this, such as by writing to the board and/or attending the meeting].

Setting work

We will set work for your child during their suspension period and prior to the start of their alternative provision/their return to school. [Specify how they can access it – for example, that it will be given to them before they leave school on the day of the suspension, or available online, etc.].

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details].

Your duty as a parent

For pupils of compulsory school age, insert: You have a duty to make sure that your child is not present in any public place during school hours for the first 5 school days of the suspension period, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,

APPENDIX: LETTER TEMPLATE – SUSPENSION (LESS THAN 5 DAYS)

Less than 5 school days suspension letter template

Use this if it's a suspension and the pupil would be excluded for **5 or fewer school days in a term**.

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to suspend [insert pupil's name] from our school for [insert period of suspension].

This is because [insert reason].

You can let the Governing Body know your views

You have the right to let the board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'.

The board has a duty to consider any representation you make. However, it can't direct our school to reinstate your child, and isn't required to meet with you.

You can make a representation by getting in touch with our Governing Body, which you can do by [insert contact details of your Governing Body – for example, an email or postal address] and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

Setting work

We will set work for your child during their suspension period and prior to the start of their alternative provision/their return to school. [Specify how they can access it – for example, that it will be given to them before they leave school on the day of the suspension, or available online, etc.]

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details.]

Your duty as a parent

You have a duty to make sure that your child is not present in any public place during school hours during this suspension period, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,

APPENDIX: LETTER TEMPLATE – INFORMATION FOR PARENTS (EXCLUSION)

Template letter to give parents additional information by the end of the first day of the exclusion

Dear [insert parent/carer's name],

Further to my notice about your child's [suspension/permanent exclusion], I'm writing to provide you with some more information.

Please remember that, by law, you must make sure your child is not present in a public place during school hours without reasonable justification from [insert dates – this should be the first 5 school days of the suspension/exclusion, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier].

If you fail to do this, you may be:

- Given a fixed-penalty notice
- Prosecuted

If alternative provision is being arranged, add:

We/the local authority will be arranging alternative provision of full-time education for your child, starting from [insert date, which must be no later than the 6th school day of the suspension/permanent exclusion]

It will take place at [insert address], starting and finishing at [insert times, including the times of morning and afternoon sessions where relevant].

On their first day at this provision, your child should report to [insert name of person they should report to, including information to help them identify this person on their first day].

For suspensions where the pupil will return to school, add:

We would like to invite you and [pupil name] to a meeting at the end of this period to discuss [their] return to class. We will use this opportunity to explain how the school will support your child to reintegrate into school and work together to agree a behavior plan going forward. [Insert details of this meeting, including the time and place, or details of how the parent should get in touch to arrange the meeting].

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details].

Thank you for your co-operation.

Warm regards,

APPENDIX: LETTER TEMPLATE – INFORMATION FOR PARENTS (CANCELLATION)

Template letter to notify parents/carers of cancellation of suspension or exclusion

Dear [insert parent/carer's name],

We're pleased to let you know that we have made the decision to cancel [insert pupil's name]'s suspension from our school.

The reason for this decision is [insert reason here].

If the suspension or exclusion has already begun, add:

We would like to welcome [insert pupil's name] back promptly, and we will then begin the process of reintegration to help them settle in.

Continue the letter:

I would like to invite you to meet with me to discuss the circumstances that led to the [suspension/permanent exclusion] being cancelled.

Please get in touch with [insert the staff member they should contact, and the relevant contact details] if you have any questions about the cancellation, and to arrange the meeting with me.

Thank you for your co-operation.

Warm regards,