

September 2023

Exclusions Policy

Introduction

The current DfE guidance to be followed in relation to exclusion from school was published in July 2022, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf.

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

This document provides an overview of the exclusion process. It should always be read alongside current The DfE Exclusion Guidance which should be followed in all cases. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension and Permanent Exclusion guidance July 2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf)

Principals, Local Governing Bodies, United Learning, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to exclude a pupil;
- whether to uphold an exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the governing body considers the exclusion again.

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

Exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the schools discipline policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools and academies have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/academy as part of a 'managed move'. The latter requires the consent of the parent/carer.

Any decision of a school or academy in relation to exclusion must be made in line with the principles of the Human Rights Act – that it is lawful, rational, reasonable, fair and proportionate.

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

SEND

The school should, in partnership with others (including, where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability. It is important to recognise that a formal diagnosis is not required to establish that a child has a disability if the school knew, or could reasonably have known, that the child had a disability. (see paragraphs 53-56, DfE Guidance for further information)

LAC and Previously LAC

Where a pupil has a social worker and they are at risk of suspension or permanent exclusion, the social worker, Designated Safeguarding Lead (DSL) and the pupil's parents should be informed to involve them as early as possible in relevant conversations. Where a LAC is likely to be subject to a suspension or permanent exclusion, the Designated Teacher should work with the VSH to consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Similar safeguards apply to previously LAC (see paragraphs 57-61, DfE Guidance for further information)

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

Please refer to the Permanent Exclusion Checklist for Heads / acting Heads¹ and specifically **Appendix 1: Additional Checklist when considering suspension or permanent exclusion for SEND pupils. The requirements given in Part 4 of the DfE Exclusion Guide must be followed in relation to those students.** Schools must ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Regular monitoring of exclusions by school leaders and governors is strongly recommended to help mitigate this risk. A data capture template to facilitate monitoring and analysis is provided in the Appendices (Appendix 8).

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

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

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

Who can exclude?

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

Exclusion from school

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

1. Suspensions

This is an exclusion for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full time education provision commences from the 6th day and must be organised by the excluding school. A pupil may not be excluded for more than 45 days in a school year. A pupil is entitled to return to school once the period of exclusion has ended.

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

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

2. Permanent Exclusion

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

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



(b)

allowing him/her to remain in the school seriously harms the learning or welfare of the pupil or others in the school;

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

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

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

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

3. Unofficial exclusions

Formal exclusion is the only legal method of preventing a pupil's attendance on disciplinary grounds. If a pupil is sent home for disciplinary reasons (including lunch times) for example, to "cool off" for the rest of the day and this is not recorded as a suspension: this is an informal or unofficial exclusion which is unlawful. regardless of whether they are done with the agreement of the parent².

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



1. Permanent exclusions

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

1. Decision by the Principal/Headteacher to exclude.
2. Consideration of the Principal/Headteacher's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee.
3. In the case of a permanent exclusion, and only if requested by the parent, consideration of the Principal/Headteacher's decision by an Independent Review Panel.

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

2. Suspension or Permanent Exclusion (PEX)

The DfE Guidance is very clear that PEXs must be carefully investigated and used as a last resort. It is inevitable in some cases that it is not possible to carry out a thorough investigation the same day as the incident. However, the guidance is equally clear that a suspension cannot be extended or "converted" into a further suspension or a PEX. The exception is where, in exceptional circumstances, usually where new evidence has come to light, a further suspension or PEX may be issued to begin immediately after the first suspension ends. Whilst using a 5-day FTE may allow for further consideration on the same facts (and thereby making the decision a more rational and considered one) it is unlikely that this would amount to "new evidence". As such, the distinctions between two different scenarios as set out below may be helpful:

Decision can be made immediately

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

Decision cannot be made immediately

- Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding voice of the child (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (a maximum of 5 school days is advised). However, it must be made clear to the child and parent that a further sanction, including a PEX, may follow once the investigation has been completed and all the facts are known. See Appendix 3 for suggested wording that can be added to parental letters to explain this.
- In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school

between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

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

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

3. Rescinding a PEx

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a PEx has been issued, that had it been known at the time would have led to a different decision. Should schools find themselves in this position, a PEx *can* be rescinded, providing it is done so within the 15 school days before the LGB is required to consider it. In such circumstances, Heads should ensure a letter is issued and placed in the student's file. Heads should notify parents, the LGB and the Local Authority without delay, and if relevant, the social worker and VSH. Heads should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made to the LGB on the number of exclusions which have been cancelled. This paragraph also applies to suspensions.

4. Behaviour outside School

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

5. Police Involvement and Parallel Criminal Proceedings

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



Responsibilities of the Principal/Headteacher

Principals/Headteachers should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

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

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

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

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

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

Role of the LGB (Local Governing Body)

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

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

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



- If the pupil will be excluded for more than five but not more than 15 school days in the term, and only if the parent makes representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations the governing board can consider reinstatement on their own.
- The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded pupil within 15 school days of receiving notification of the exclusion if:
 - The exclusion is permanent; or
 - It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - It would result in a pupil missing a public examination or national curriculum test.

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

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

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

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

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date. However, the Behaviour Committee should not use this as a way of effectively imposing an alternative sanction, e.g. a FTE in place of a PEX. Future dates should be for purely practical purposes and be reasonable in all the circumstances.

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

There is a more detailed pack containing model letters, summary checklists and guidance on paperwork which is available on the [United Learning Hub](#) or by request from Lesley.dolben@unitedlearning.org.uk.

Role of the Clerk to the Behaviour Committee

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

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



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

The role of the Local Authority

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

Education of excluded pupils

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

The Local Authority is required to arrange full time educational provision for permanently excluded pupils from the sixth day of a permanent exclusion. Once a Principal/Headteacher has decided to permanently exclude a pupil, the Local Authority will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The pupil's name will be deleted from the school roll³ only if:

- (i) the pupil was permanently excluded; and
- (ii) 15 school days have passed since the parent was notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or
- (iii) the parent has stated in writing they will not be applying for an independent review panel.

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

Independent Review Panels

Each LGB must take responsibility for ensuring any Independent Review Panel is appropriately set up and trained. It is strongly recommended that LGBs either commission an external provider who offers this service⁴ or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive, and must meet strict timelines. Support and advice can be provided

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

⁴ A number of schools have used [Clerks Associates](#) for this and have found them very helpful.



by the Centre on IRPs and the use of external providers if required. Please contact [Lesley Dolben](#) or [Tracy Terry](#) for further information.

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

1. Notification of Governors' Decision

In cases where Governors consider either a permanent exclusion, or a suspension above 15 days' suspension for the term, or suspension between 6-15 days where the parent makes representations the Behaviour Committee, must notify parents (or the pupil if they are 18 years or over), the head teacher, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. The Behaviour Committee's decision letter to the parent must also give the last day for lodging a review (within 15 further school days⁵) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

2. The timing of the hearing

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

3. Composition of Independent Review Panels

Review panels must consist of 3 or 5 members.

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

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

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

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

- They are a member / director of the local authority / Academy Trust or governing body of the excluding school,
- are the Headteacher of the excluding school or anyone who has held this position in the last five years,

⁵ Or within 15 days of the final determination of a claim of discrimination in relation to the exclusion to the first tier Tribunal.



- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a Headteacher at another school),
 - have, or at any time have had, any connection with the local authority / Academy Trust; school; parent or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a Headteacher at another school) or
 - have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)
- 4. Request for a SEN Expert** (see section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance). If requested by the parent, the person convening the panel must appoint a SEN Expert to attend the independent review panel. The parent has a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

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

Conduct and role of the Independent Review Panel

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

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the [DFE Guidance on Exclusions](#).

2. The decision

An independent review panel can decide to:

- uphold the Behaviour Committee's decision;
- recommend that the Behaviour Committee reconsiders reinstatement; or
- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

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

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



3. Financial Penalties

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

4. After the Independent Review Panel

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

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

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

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

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

5. Reconvening a Behaviour Committee

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

6. Remedies after the Independent Review Panel

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

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

7. Claims of Discrimination in relation to exclusion

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



APPENDICES

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

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

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

- a serious breach of safety requirements likely to endanger other people or the pupil themself;
- Possession, use or supply (or the intended possession, use or supply) of:
 - Alcohol
 - Tobacco (including vapes and other liquid electronic smoking materials)
 - Illegal drugs (see Home Office controlled drugs list [here](#))
 - So-called "legal high" drugs including those which are edible (and whether they are technically legal or illegal) and/or anything pertaining to be a drug.

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

- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- very serious / extreme abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- very significant / extreme bullying and/or harassment including harassment on racial, sexual or homophobic (or any other Equality Act protected characteristic) grounds;
- extreme defiance of the properly exercised authority of the academy and its staff;



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

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for [specify period]. This means that he/she will not be allowed in school for this period. The suspension begins/began on [date] and ends on [date]. [Child's name] has been suspended for this period because [reason for exclusion NOTE: it is important to give as much detail and context to the suspension as possible – please use the governors' checklist at Appendix 5 to support this process].

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

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

We will set work for [name of child] to be completed on the days specified in the previous paragraph [detail the arrangements for this].

Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

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

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

Further guidance on the suspension process can be found at:



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<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

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

Yours sincerely

[name]

Principal/Headteacher

cc.

[in cases where the child has a social worker]:

[name of child's social worker], Social Worker, [name of Local Authority]

[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:

[name of VSH], VSH, [name of Local Authority]

[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

NB: The Local Authority must also be informed of the points listed in paragraphs 65-68 in the DfE Exclusion Guidance.



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

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for [period]. This means that [child's name] will not be allowed in school for this period. The suspension begins/began on [date] and ends on [date]. [Child's name] has been suspended for this period because [reason for exclusion NOTE: it is important to give as much detail and context to the suspension as possible – please use the governors' checklist at Appendix 5 to support this process].

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

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

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

From the 6th day of this suspension [specify date] until the expiry of the suspension, we will provide suitable full-time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

You have the right to request a meeting of the school's Behaviour Committee to whom you may make representations, and at which my decision to suspend [name of child] can be reviewed. As the period of this suspension means that there have been more than 5 school days of suspension in a term the Behaviour Committee must meet if you request it to do so. The latest date by which the Behaviour Committee can meet, if you request a meeting is [specify date — no later than the 50th school day after the date on which the Behaviour Committee were notified of this suspension]. In the absence of any representations from you the Behaviour Committee can, although it does not have to, consider reinstatement on its own. If you wish to make representations to the Behaviour Committee and wish to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details — address, phone number, e-mail], 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.

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

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

Further guidance on the suspension process can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

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

Yours sincerely

[name]

Principal/Headteacher

cc.

[in cases where the child has a social worker]:

[name of child's social worker], Social Worker, [name of Local Authority]

[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:

[name of VSH], VSH, [name of Local Authority]

[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

The Chair of the Local Governing Board

NB: The Local Authority must also be informed of the points listed in paragraphs 65-68 in the DfE Exclusion Guidance.



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

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for [period]. This means that [child's name] will not be allowed in school for this period. The suspension begins/began on [date] and ends on [date]. [Child's name] has been suspended for this period because [reason for exclusion. NOTE: it is important to give as much detail and context to the suspension as possible – please use the governors' checklist at Appendix 5 to support this process].

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

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

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

From the 6th day of this suspension [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

As the length of the suspension means that [] has been suspended for more than 15 school days in total in one term and / or [] will miss a public examination / national curriculum test, the governing body must meet to consider the suspension. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is [date here — no later than 15 school days from the date the governing body is notified of the exclusion]. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting.



Please 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.

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

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

Further guidance on the suspension process can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

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

Yours sincerely

[name]

Principal/Headteacher

cc.

[in cases where the child has a social worker]:

[name of child's social worker], Social Worker, [name of Local Authority]

[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:

[name of VSH], VSH, [name of Local Authority]

[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

The Chair of the Local Governing Board

NB: The Local Authority must also be informed of the points listed in paragraphs 65-68 in the DfE Exclusion Guidance.



From the Principal notifying parent of a permanent exclusion

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I regret to inform you of my decision to permanently exclude [child's name] with effect from [date]. This means that [child's name] will not be allowed back to this school pending a meeting of the Behaviour Committee.

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

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

The reasons I have come to this conclusion are as follows [it is important to: give as much detail and context to the exclusion as possible – please use the governors' checklist at Appendix 5 to support this process; and take further legal advice if necessary].

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

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

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations to the governing body if you wish and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the permanent exclusion in which case you may request an independent review panel to review their decision. The latest date on which the governing body can meet is [specify date – no later than 15 school days from the date the governing body is notified].

If you wish to make representations to the governing body and wish to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details – address, phone number, e-mail], as



soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

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

Further guidance on the exclusions process can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

Yours sincerely

[name]

Principal/Headteacher

cc.

[in cases where the child has a social worker]:

[name of child's social worker], Social Worker, [name of Local Authority]

[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:

[name of VSH], VSH, [name of Local Authority]

[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

The Chair of the Local Governing Board

NB: The Local Authority must also be informed of the points listed in paragraphs 65-68 in the DfE Exclusion Guidance.



From the Principal notifying parent of a permanent exclusion after a suspension has been issued whilst further investigation takes place.

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

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

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

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

The reasons I have come to this conclusion are as follows [it is important to: give as much detail and context to the exclusion as possible and – please use the governors' checklist at Appendix 5 to support this process; and take further legal advice if necessary. You should reference that additional evidence / information has come to light during the investigation which means that a PEX is now the only appropriate course of action. You must on no account say that the original FTE has been 'turned into' a PEX – rather a further sanction has been applied as outlined in previous correspondence. [reference accordingly].

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

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

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations to the governing body if you wish and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to



uphold the exclusion in which case you may request an independent review panel to review their decision. The latest date on which the governing body can meet is [specify date — no later than 15 school days from the date the governing body is notified].

If you wish to make representations to the governing body and wish to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

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

Further guidance on the exclusions process can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

Yours sincerely

[name]

Principal/Headteacher

cc.

[in cases where the child has a social worker]:

[name of child's social worker], Social Worker, [name of Local Authority]

[NB – the social worker must be also informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so]

[in cases where the child is a LAC]:

[name of VSH], VSH, [name of Local Authority]

[NB – the VSH must be informed when any governing board meeting is taking place and be informed that they can attend the meeting should they wish to do so.

The Chair of the Local Governing Board

NB: The Local Authority must also be informed of the points listed in paragraphs 65-68 in the DfE Exclusion Guidance.



Appendix 2 Model Letter 6

Letter from the Clerk upholding a permanent exclusion

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [Parents name],

DECISION: Permanent Exclusion Upheld

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

The reasons for the governing body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at with reference to the governors' checklist, including details of the relevant evidence considered].**

You have the right to request an Independent Review Panel to reconsider the exclusion. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to **[insert contact details for Clerk] by [specify the latest date — no later than 15 school days from the date the letter is posted, allowing 2 school days for receipt of letter (if posted) or not if hand delivered].** If you have not lodged a request for an Independent Review Panel by **[repeat latest date]**, your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three or five member panel will comprise one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The Independent Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may then adjourn a hearing until a later date.

The Independent Review Panel can make one of three decisions: they may uphold the governing body's decision; they may recommend the governing body reconsiders their decision; or they can quash the decision and direct that the governing body reconsiders reinstatement. However, the Independent Review Panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. The SEN expert provides impartial specialist advice to the panel in how SEN might be relevant to the permanent exclusion. There is no cost to you if a SEN expert is



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appointed. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal.

www.justice.gov.uk/tribunals/send/appeals

Further guidance on the exclusions process can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

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

The arrangements currently being made for **[pupil's name]**'s education will continue. The LA / LGB [delete as appropriate] convened panel will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

[name]

Clerk to the Governing body



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

Appendix 2 includes a number of template letters schools can use when issuing exclusions. These have been prepared with the help of Stone King. As the number templates illustrate, there are variations in what needs to be covered depending on a range of factors such as whether it is a suspension or PEx, how many suspensions have been issued already, and so forth.

In a scenario whereby the Principal knows that further investigation will be necessary, the paragraph/s below can be inserted into the relevant letter from the suite of letters in Appendix 2.

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

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



Appendix 4: Formal Investigation Proforma

Formal Investigation Proforma

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

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

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

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

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

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

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



Summary of Investigation Findings

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Considerations and Possible Mitigation

--

1. Is the student Looked After (LAC), Previously Looked After (P-LAC), a ‘Child in Need’ or ‘Previously Child in Need’. If so, how may this have affected the incident, with reasons and links to appropriate guidance:

2. Where the child has a social worker: Have they, the DSL and parents been informed once it is likely they are at risk of suspension or permanent exclusion? If not, why not? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed. Otherwise, consider the outcomes from these conversations.

Looked After Child (“LAC”)

--

3. Consider the additional assessment and support put in place to address the factors affecting the child’s behaviour and to reduce the need for suspension and permanent exclusion, following the DT and VSH’s involvement. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.



- 4. Consider their Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. Have concerns about the child's behaviour been accurately recorded and appropriate support put in place to improve their behaviour and reduce the likelihood of exclusion? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.**

Previously LAC

- 5. Consider the school's engagement with the child's parents and the Designated Teacher, and, if relevant, any advice sought from the VSH on strategies to support the pupil. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.**

Pupils with SEND

- 6. How may their SEND have affected the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:**
- 7. How has the school engaged proactively with parents in supporting the behaviour of pupils with additional needs:**
- 8. How has the school worked in partnership with others (including the Local Authority where relevant) to consider what additional support or alternative placement may be required. How has the suitability of provision of the pupil's SEN or disability been assessed? How does the school's actions in this regard factor in to the current situation?**
- 9. Where the pupil has an EHC plan, has the school contacted the LA at an early stage and considered requesting an early annual review prior to deciding to suspend or permanently exclude? How does the school's actions in this regard factor in to the current situation?**
- 10. Where the pupil has SEN but no EHC plan, has the school (with external specialists as appropriate) reviewed the current support arrangements to ensure they are appropriate and if any changes may be required. Have all appropriate requests for an EHCP assessment or a review of the pupil's current support package been made?**
- 11. Is the SEND likely to be considered a disability under the terms of the Equality Act, 2010? If so, how may this have linked to the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:**

Other factors

- 12. Are there other contributory factors such as recent bereavement, bullying or mental health issues that need to be considered?**



13. If so, what support has already been provided for these issues?

14. Experts, agencies and other partners who have been consulted (e.g. Local Authority, SENDCO, Police etc.), including dates:

15. Have alternatives to possible PEX been considered? Please list these, along with measures taken, by whom, with dates (e.g. MM, straight transfer, AP):

Recommendation, with rationale



Appendix 5: Governor checklist

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

Pupil Name:	Date of Meeting:
1	Telephone call to parent/visit from parent on (date): Letter of notification using model text sent on (date): Copied and sent to Behaviour Committee on (date):
2	Date of Behaviour Committee Meeting: Within 15 school days from Principal/Headteacher's letter, for permanent exclusions and suspensions of more than 15 school days (or total more than 15 school days in a term), or it would result in the pupil missing a public examination or national curriculum test OR Within 50 school days from Principal/Headteacher's letter, for suspensions of less than 15 school days in a term) <i>if</i> the parents make representations. Yes/No
3	All written statements/evidence circulated in advance of this meeting (at least 5 school days before) Yes/No
4	Procedure for the meeting and confirmation circulated in advance of the meeting Yes/No
5	All relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social Care; whether disabled and, if so, reasonable adjustments made; academic progress Yes/No
6	Where it is a permanent exclusion decision that it: <ul style="list-style-type: none"> • meets the legal conditions in which permanent exclusion is appropriate: <ul style="list-style-type: none"> ○ in response to a serious breach or persistent breaches of the school's behaviour policy; and ○ allowing him/her to remain in the academy would seriously harm the education or welfare of the pupil or others in the school Yes/No



<p>7</p>	<p>Evidence and use of procedures are satisfactory in relation to:</p> <ul style="list-style-type: none">• The investigation conducted• Firm evidence collected to support decision to exclude• Pupil has been given the opportunity to give his/her version of events• Provocation/harassment has been taken into account, if appropriate• The school's SEND, behaviour and equality policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice• Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been implemented fully.• There is evidence of all relevant interventions having been made for this specific pupil, including, where appropriate:<ul style="list-style-type: none">○ alternative or enhanced curriculum○ mediation○ education welfare involvement○ family support○ mentor support for the pupil• Specifically, equality requirements under the Equality Act 2010 have been considered (disability, race, religion, sexual orientation, gender reassignment, pregnancy or maternity) and any reasonable adjustments required have been made, whether as part of the pupil planning and interventions above or otherwise.• Parent has been given adequate time to make representations• All parties to the meeting know how this decision will be communicated• Satisfactory arrangements in place for pupil to continue their education during exclusion period <p>Yes/No</p> <p>If no, what concerns exist:</p>
<p>7</p>	<p>To be completed after the Behaviour Committee meeting</p> <p>Parent, Principal and Local Authority (and where relevant the pupil's social worker and/or VSH) notified of decision on (date):</p> <p>Letter regarding decision sent out on (date):</p> <p>Signed (Clerk to the Behaviour Committee):</p> <p>Date:</p> <p>A copy of this checklist should be sent to the relevant Director at the conclusion of the process.</p>



Appendix 6 – Monitoring Template

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

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

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

