

# Hope SENTAMU

## LEARNING TRUST

### SUSPENSION AND PERMANENT EXCLUSIONS POLICY

THIS POLICY APPLIES TO THE HOPE SENTAMU LEARNING TRUST BOARD, THE CENTRAL TEAM, ALL TRUST SCHOOLS/ACADEMIES. IT IS TO BE READ IN CONJUNCTION WITH THE TRUST'S BEHAVIOUR POLICY.

Document Management	
Updated Policy Approved	May 2023
Next Review Date	May 2024
Version	3.1
Approving Committee	Trust Board

## Contents

<b>Policy Updates</b>	<b>3</b>
<b>1. Statement of Intent</b>	<b>4</b>
<b>2. Legal Framework</b>	<b>4</b>
<b>3. Roles and Responsibilities</b>	<b>5</b>
<b>4. Grounds for Suspension or Exclusion</b>	<b>7</b>
<b>5. The Principal / Headteacher’s Power to Suspend and Exclude</b>	<b>8</b>
<b>6. Factors to Consider When Suspending or Excluding a Pupil</b>	<b>9</b>
<b>7. Preventative Measures</b>	<b>9</b>
<b>8. Duty to Inform Parents/Carers</b>	<b>9</b>
<b>9. Duty to Inform the LGC, LA &amp; Trust</b>	<b>10</b>
<b>10. Duty to Inform Social Workers</b>	<b>10</b>
<b>11. Arranging Education for Suspended and Excluded Pupils</b>	<b>10</b>
<b>12. Considering Suspensions and Exclusions</b>	<b>10</b>
<b>13. Reaching a Decision</b>	<b>11</b>
<b>14. Notification of Considered Suspensions and Exclusions</b>	<b>11</b>
<b>15. Removing Excluded Pupils from the School Register</b>	<b>12</b>
<b>16. Independent Review Panel</b>	<b>13</b>
<b>17. Appointing a Clerk</b>	<b>13</b>
<b>18. The Duties of the Independent Review Panel</b>	<b>13</b>
<b>19. Reconsidering Reinstatement Following a Review</b>	<b>13</b>
<b>20. Criminal Investigations</b>	<b>14</b>
<b>21. Training Requirements</b>	<b>14</b>
<b>22. Using Data</b>	<b>14</b>
<b>23. Monitoring and Review</b>	<b>15</b>
<b>Appendix A - Permanent Exclusion Pack Checklist</b>	<b>16</b>
<b>Appendix B - Template Suspension Letters</b>	<b>17</b>
<b>Letter One - Fixed Term Suspension (5 days or less)</b>	<b>17</b>
<b>Letter Two - Fixed Term Suspension (6 - 15 days)</b>	<b>19</b>
<b>Letter Three - Fixed term Suspension (15 days plus)</b>	<b>21</b>
<b>Letter Four - Meeting Invitation (Suspension of 15 days plus)</b>	<b>23</b>
<b>Letter Five - Permanent Exclusion</b>	<b>26</b>
<b>Letter Six - Notification of Permanent Exclusion Panel Meeting</b>	<b>28</b>
<b>Letter Seven - Reinstatement</b>	<b>31</b>

## Policy Updates

Date	Page	Policy Updates
Oct 2021	Whole Document	New policy
Dec 2022	Whole Document	Updates to terminology. Exclusion terminology changed to suspension
May 2023	5	3.3 - Update made to reflect the minimum number of Local Governing Committee members required to attend a suspension panel hearing (as opposed to a permanent exclusion panel hearing) in line with DfE guidance.

This policy has been approved by:			
Signed		Date	
	<i>Chief Executive Officer</i>		
Signed		Date	
	<i>Chair of Trust Board</i>		

## 1. Statement of Intent

At Hope Sentamu Learning Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the headteacher, LGC and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

***A "suspension" is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.***

***An "exclusion" is defined as the permanent removal of a pupil from the school, in response to a serious breach or 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 pupils or staff in the school.***

## 2. Legal Framework

- 2.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
  - Education Act 1996
  - Education Act 2002
  - Education and Inspections Act 2006
  - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
  - Equality Act 2010
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - The European Convention on Human Rights (ECHR)
  
- 2.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
  - DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
  - DfE (2022) 'Behaviour in Schools'
  - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
  - DfE (2018) 'Mental health and behaviour in schools'

- 2.3. This policy operates in conjunction with the following **Trust** policies:
- Behaviour Policy
  - Anti-bullying Policy
  - Special Educational Needs and Disabilities (SEND) Policy
  - Social, Emotional and Mental Health (SEMH) Policy
  - Child Protection and Safeguarding Policy
- 2.4. This policy operates in conjunction with the following academy/school policies:
- Behaviour Policy (Localised)
  - Pupil Code of Conduct

### **3. Roles and Responsibilities**

#### **3.1. The LA is responsible for:**

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked after Children (LAC).
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school/academy.
- Reviewing and reassessing pupils' needs in consultation with their parents/carers where they have an Education Health Care (EHC) plan and are excluded permanently, with a view to identifying a new placement.

#### **3.2. The Trust is responsible for:**

- Establishing an Independent Appeals Panel of appropriate individuals for the hearing to review the decision of the Local Governing Committee (LGC) representatives not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the Independent Appeals Panel consists of three or five members as appropriate.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents/carers, appointing a SEND expert to attend the panel eg the Trust Direct of SEND

#### **3.3. The LGC is responsible for:**

- In accordance with the Trust's Scheme of Delegation item D 23, the LGC is responsible for reviewing suspension decisions and considering reinstatement. A sub-committee of at least two Local Governing Committee members from any school within the Trust must be convened to conduct suspension Hearings. (These members can come from across the Trust)
- In accordance with the Trust's Scheme of Delegation item D 23, the LGC is responsible for reviewing permanent exclusion decisions and considering reinstatement. A sub-committee of at least three Local Governing Committee members from any school within the Trust must be convened to conduct permanent Exclusion Hearings. (These members can come from across the Trust)

- Considering parents'/carers' representations about suspensions and permanent exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or permanent exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school/academy premises to sit the public examination or test.
- Considering the reinstatement of a permanently excluded pupil.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the suspended or permanently excluded pupil, including the circumstances in which they were suspended / excluded, and have due regard to the interests of others at the school/academy.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension/ exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents/carers, the Headteacher/Principal and LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents/carers of where to apply for an Independent Review Panel.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school/academy admissions register, where appropriate.
- The Headteacher/Principal will arrange for a Clerk from the Governance Service to clerk the suspension / exclusion review. If the Governance Service is unable to provide a Clerk, an appropriate person should be asked to clerk the review, supported by the Governance Service. The Clerk to the exclusions review panel is responsible for:
  - Making reasonable efforts to inform the appropriate individuals that they are entitled to:
    - Make written representations to the panel.
    - Attend the hearing and make oral representations to the panel.
    - Be represented
  - Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
  - Giving all parties details of those attending and their role, once the position is clear.
  - Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

#### **3.4. The Principal / Headteacher is responsible for:**

- Providing information to the Secretary of State and Local Authority (LA) about any suspensions / exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age suspension on a fixed-term basis, from the sixth day.
- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions / exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension / exclusion.

- Complying with their statutory duties in relation to pupils with SEND when administering the suspension / exclusion process, as outlined in the Trust's Special Educational Needs and Disabilities (SEND) Policy.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions / exclusions as a sanction, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for free school meals (FSM), LAC and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds. Withdrawing any suspensions that have not been reviewed by the LGC representatives, where appropriate.
- Ensuring any decision to suspend / exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend / exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension.
- Making the decision to suspend / exclude based on the evidence available at the time, regardless of any Police investigation and/or criminal proceedings.
- Notifying a pupil's parents/carers without delay where the decision is taken to suspend the pupil, including the days on which the parents/carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents/carers is clear and easily understood.
- Notifying the LGC, Trust CEO and LA of their decision to suspend / exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the LGC once per term of any suspensions, exceeding 5 days, not already notified.
- Organising suitable work for suspended pupils where alternative provision cannot be arranged.
- If requested by parents/carers, appointing a SEND expert to attend the panel e.g. the SENCo.

#### **4. Grounds for Suspension or Exclusion**

- 4.1. The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the Trust Behaviour Policy, have failed to be successful.
- 4.2. The following examples (but not limited to) of behaviour may warrant the decision to suspend or exclude a pupil:
  - Physical assault against a pupil
  - Physical assault against an adult
  - Verbal abuse or threatening behaviour against a pupil

- Verbal abuse or threatening behaviour against an adult
  - Use, or threat of use, of an offensive weapon or prohibited item
  - Bullying
  - Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- 4.3. Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

## **5. The Principal / Headteacher's Power to Suspend and Exclude**

- 5.1. Only the headteacher has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.
- 5.2. The headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the Trust's Behaviour Policy.
- 5.3. When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 5.4. Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the Trust's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.
- 5.5. The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 5.6. The headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the LGC. Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents/carers, the LGC, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The headteacher will offer the pupil's parents/carers the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.



- 5.7. The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the LGC once per term, to allow the LGC to have appropriate oversight.
- 5.8. All suspensions and exclusions will be formally recorded on the school's pupil information system.

## **6. Factors to Consider When Suspending or Excluding a Pupil**

- 6.1. When considering the suspension or exclusion of a pupil, the headteacher will:
- Allow the pupil the opportunity to present their case once evidence has been collected.
  - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
  - Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
  - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
  - LAC
  - Pupils eligible for FSM
  - Pupils with SEND
- 6.2. The headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

## **7. Preventative Measures**

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

## **8. Duty to Inform Parents/Carers**

- 8.1. Following the headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents/carers, in person or by telephone, supported by a letter, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

- 8.2. The headteacher will inform the parents/carers in writing (or electronically if written permission has been received from the parents/carers for notices to be sent this way).
- 8.3. Where the pupil is of compulsory school age, the headteacher will inform the parents/carers by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.

## **9. Duty to Inform the LGC, LA & Trust**

The headteacher will inform the LGC, Trust, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)

## **10. Duty to Inform Social Workers**

- 10.1. When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one.. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.
- 10.2. Social workers will also be informed when a meeting of the LGC is taking place, and will be invited to attend the meeting should they wish to do so.

## **11. Arranging Education for Suspended and Excluded Pupils**

For any suspensions of more than five school days, the LGC will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

## **12. Considering Suspensions and Exclusions**

- 12.1. The LGC will consider any representations made by parents/carers regarding suspensions and exclusions.
- 12.2. Parents/carers and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

## 13. Reaching a Decision

- 13.1. After considering suspensions and exclusions, the LGC will either:
  - Decline to reinstate the pupil.
  - Direct the reinstatement of the pupil immediately, or on a specified date.
- 13.2. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents/carers make clear they do not want their child reinstated, the LGC will still consider whether the pupil should be officially reinstated, and whether the headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 13.3. The LGC will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.
- 13.4. To reach a decision, the LGC will:
  - Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
  - Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
  - Ask all parties to withdraw from the meeting before concluding their decision.
  - Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the LGC in relation to the decision.
  - Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
  - Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

## 14. Notification of Considered Suspensions and Exclusions

- 14.1. The LGC will notify the parents/carers of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.
- 14.2. In the case of exclusion, where the LGC decides not to reinstate the pupil, they will notify the parents/carers:
  - That the exclusion is permanent.
  - Of their right for it to be reviewed by an independent review panel.
  - Of the date by which an application for review must be made.
  - Of the name and address of whom the review application should be submitted to.
  - That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
  - That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the LGC to ensure a SEND expert attends the review.

- Of the role of the SEND expert that will attend the review.
  - That they are required to make it clear if they wish for a SEND expert to attend the review.
  - That they may appoint someone at their own expense to make representations to the panel.
- 14.3. The LGC will also notify parents/carers that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.
- 14.4. After any conclusion, the LGC will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## **15. Removing Excluded Pupils from the School Register**

- 15.1. The Principal / Headteacher will remove pupils from the school register if:
- 15 school days have passed since the parents/carers were notified of the LGC's decision not to reinstate the pupil and no application for an independent panel review has been received.
  - The parents/carers have stated in writing that they will not be applying for an independent panel review following an exclusion.
- 15.2. If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the LGC has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.
- 15.3. If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:
- All the particulars which were entered in the register.
  - The address of any parent with whom the pupil normally resides.
  - The grounds upon which the pupil's name is to be removed from the register.
- 15.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.
- 15.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.
- 15.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
- Code B: Education off-site
  - Code D: Dual registration
  - Code E: Absent and not attending alternative provision

## **16. Independent Review Panel**

- 16.1. The Trust Board will review the LGC representative's decision not to reinstate a permanently excluded pupil if the parents/carers submit their application for this within the required time frame.
- 16.2. The Trust Board is responsible for establishing an Independent Review Panel. The Trust Board will constitute an Independent Review Panel of three or five members that represent the following categories:
  - A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
  - A current or former school governor who has served for at least 12 consecutive months in the last 5 years.
  - A Headteacher/Principal or individual who has been a Headteacher/Principal within the last 5 years.
- 16.3. Parents/carers are required to submit their applications within:
  - 15 school days of the LGC representatives' notification of their decision.
  - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

## **17. Appointing a Clerk**

The trust will appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

## **18. The Duties of the Independent Review Panel**

- 18.1. The role of the panel is to review the LGC's decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.
- 18.2. Following the review, the panel will do one of the following:
  - Uphold the decision
  - Recommend that the LGC reconsiders reinstatement
  - Quash the decision and direct that the LGC reconsiders reinstatement
- 18.3. The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, LGC and headteacher.

## **19. Reconsidering Reinstatement Following a Review**

Where the independent review panel instructs the LGC to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an instruction to reconsider, the LGC does not offer to reinstate the pupil, then the school will be required to make a payment directly to the LA area in which the school is located.

## **20. Criminal Investigations**

- 20.1. The Principal / Headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 20.2. Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 20.3. If the LGC is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## **21. Training Requirements**

- 21.1. The Trust will ensure that at least one independent review panel member has received training within the two years prior to the date of the review. Training will cover:
  - The requirements of the legislation, regulations and statutory guidance LGC suspensions and exclusions.
  - The need for the panel to observe procedural fairness and the rules of natural justice.
  - The role of the chair of a review panel.
  - The role of the clerk to a review panel.
  - The duties of headteachers, LGCs and the panel under the Equality Act 2010.
  - The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.
- 21.2. Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

## **22. Using Data**

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the LGC on a regular basis. The LGC will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Determine whether there are any patterns of suspensions and exclusions.
- Consider the effectiveness and consistency in implementing the Behaviour Policy.

- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.

## **23. Monitoring and Review**

This policy will be reviewed annually by the Trust.

## Appendix A - Permanent Exclusion Pack Checklist

When considering a Permanent exclusion for a pupil in your school/academy, the following information should be gathered and presented as follows:

### Section 1: Information about the Suspension

1. Copy of the letter to parents/carers/carers informing them of the permanent exclusion
2. Headteacher/Principal statement
  - This should include any background or overview of behaviours and support that the school/academy have put in place for the pupil.
3. Chronology of events

### Section 2: Background Information

1. Record of any previous Fixed-Term suspensions
2. Letters to the parents/carers/carers regarding the previous Fixed-Term suspensions
3. Reintegration meeting minutes from the previous Fixed-Term suspensions issued
4. Record of attendance
5. Academic Reports
6. Behaviour reports

### Section 3: Evidence relating to the permanent exclusion

1. Witness statements
2. Student voice/account of the event

### Section 4: Evidence related to support offered

1. Support strategies and interventions log where applicable
2. Pastoral support plan/student passport where applicable

### Section 5: Any other additional information that needs to be considered



## Appendix B - Template Suspension Letters

### Letter One - Fixed Term Suspension (5 days or less)

*To be used for a fixed term suspension, of 5 days or fewer in one term, and where a public examination is not missed. If the pupil's total excluded days for the term exceeds 5 days, please use Letter 2.*

Dear **[Parent's/Carers Name]**

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been excluded for this fixed period because **[reason for suspension]**.

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

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

[School/PRU]

You have the right to make representations about this decision to the LGC (LGC)/LGC representatives. If you wish to make representations please contact **[Name of Contact – your Clerk to the Governor/Clerk of the Pupil Discipline Committee]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the LGC (LGC)/LGC representatives has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

[North Yorkshire Schools]

You should also be aware that if you think the suspension relates to discrimination (under the Equality Act 2010) you can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which First-tier discrimination claims should be sent is the First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate Darlington, DL1 1RU <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact

the school/academy to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of **[Pupil's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Pupil's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you:

- a link to this statutory guidance on suspensions – September 2017 (<https://www.gov.uk/government/publications/school-suspension>);
- a link to sources of impartial advice for parents/carers such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- **[where considered relevant by the headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Yours sincerely

[Name]

**Headteacher/Principal**

## Letter Two - Fixed Term Suspension (6 - 15 days)

*To be used for a fixed-term suspension of more than 5 schools days in one term, or where cumulative days excluded in the term are between 6 and 15 days in total. If the total days excluded in the terms totals more than 15 days please use Letter 3.*

Dear **[Parent's/carer's name]**

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been excluded for this fixed period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if suspension is for fewer than 5 days]** of this suspension, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

**[if the individual suspension is for more than 5 days – NB this includes if 2 suspensions run consecutively and total more than 5 days]**

From the 6th school day of the pupil's suspension **[specify date]** until the expiry of his/her suspension we **[For PRUs the local authority] – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter – this must be 48 hours before commencement].**

You have the right to request a meeting of the school's/academy's LGC (LGC)/LGC representatives to whom you may make representations. The LGC (LGC)/LGC representatives will consider the reinstatement of your child. As the period of this suspension is more than 5 school days in a term the LGC (LGC)/LGC representatives must meet if

you request it to do so. The latest date by which the LGC (LGC)/LGC representatives must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the LGC (LGC)/LGC representatives were notified of this suspension]**. If you wish to make representations to the LGC (LGC)/LGC representatives, and wish to be accompanied by a friend or

representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. 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/academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting. Representation can also be made in writing.

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you:-

- a link to this statutory guidance on suspensions – September 2017 (<https://www.gov.uk/government/publications/school-suspension>);
- a link to sources of impartial advice for parents/carers such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- **[where considered relevant by the head teacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

**[Name]**

Headteacher/Principal

### Letter Three - Fixed term Suspension (15 days plus)

To be used for a fixed-term suspension of more than 15 school days (or cumulative days of totalling more than 15 days in total in one term).

Dear [Parent's/carer's Name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude [Pupil's Name] has not been taken lightly. [Pupil's Name] has been excluded for this fixed period because [reason for suspension].

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

We will set work for [Pupil's Name] during the [first five school days or specify dates] of his/her suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual suspension is for more than 5 days - NB this includes if 2 suspensions run consecutively and total more than 5 days]

From the [6th school day of the pupil's suspension] [specify date] until the expiry of his suspension we will provide suitable full-time education. [Set out the arrangements if known at the time of writing, e.g.] On [date] he should attend [give name and address of the alternative provider] at [specify the time — this may not be identical to the start time of the home school] and report to [staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter].

As the length of the suspension is more than 15 school days in total in one term the LGC (LGC)/LGC representatives must meet. The LGC (LGC)/LGC representatives will consider the reinstatement of your child. At the review meeting you may make representations to the LGC (LGC)/LGC representatives if you wish, either written or verbal representation. The latest date on which the LGC (LGC)/LGC representatives can meet is [date here — no later than 15 school days from the date the LGC body is notified]. If you wish to make representations to the LGC (LGC)/LGC representatives and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, email], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the LGC (LGC)/LGC representatives of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see and have a copy of **[Pupil's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Pupil's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you:

- a link to this statutory guidance on suspensions – September 2017 (<https://www.gov.uk/government/publications/school-suspension>);
- a link to sources of impartial advice for parents/carers such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- **[where considered relevant by the head teacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Yours sincerely

[Name]

**Headteacher/Principal**

#### Letter Four - Meeting Invitation (Suspension of 15 days plus)

*Letter from the Clerk inviting parents/carers to a LGC/LGC representatives meeting. For suspensions of 15 days or more (or less when a parent/carer requests a meeting).*

Dear **Parent/carer's name**

Further to **name of Headteacher/Principal's** letter dated **date** and our subsequent telephone conversation, I am writing to confirm that the LGC (LGC)/LGC representatives of this school/academy will meet on **date** at **time** in the **location** at **school** to consider the suspension of your **son/daughter, name**.

The duty of the Committee is to consider the suspension and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the fixed term suspension would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the LGC /LGC representatives and the Headteacher/Principal, **name**. **name** will also join the meeting when necessary (**if witnesses being called**). An officer of the Local Authority has also been invited to attend. **[NB: LA rep will only attend permanent exclusion meetings and, for Academies, this will be by invitation of the parents/carers or school]**

The Committee will consider carefully all the circumstances of the suspension, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the Committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the LA and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **he/she** is entitled to bring a friend. Alternatively, **he/she** may wish to communicate **his/her** views by other means i.e. a letter or statement of the incident.

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governors why you think **name** should return to school and to ask the Headteacher/Principal and the LA representative questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and me, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within five working days of the meeting.

During our telephone conversation, you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above (extension **xxx**), by email: **email address** or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible. Could you also please advise me if you have a disability or special needs which would affect your ability to attend

or take part in a meeting at the school/academy. Also, could you please inform me if it would be helpful if you had an interpreter at the meeting.

For your information the following sources of advice are available to you:

- Early Help Team, at North Yorkshire/City of York/Hull City Council (**delete as appropriate**)
- a link to this statutory guidance on suspensions – September 2017 (<https://www.gov.uk/government/publications/school-suspension>);
- a link to sources of impartial advice for parents/carers such as the Coram Children’s Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- **[where considered relevant by the head teacher]**, links to local services, such as), SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours sincerely

**Clerk to the LGC**

To: Clerk to Governors, **school**

**Name of student, DOB, Year**

Meeting of LGC /LGC representatives to be held on **date at time to** review the Principal’s decision to exclude **name** from school

I/we wish/do not wish\* to attend the meeting to consider the reinstatement of my child into school. I/we will/will not be\* accompanied by a friend and/or representative (if applicable)

My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable) I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Educational Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:



.....

.....

\* please delete as applicable

Signed: .....

## Letter Five - Permanent Exclusion

### *Letter from the Headteacher/Principal notifying a Permanent Exclusion*

Dear [Parent's/Carers Name]

I regret to inform you of my decision to exclude **name of pupil** permanently from

This means that **name of pupil** will not be allowed back to the academy pending a meeting of the Discipline Panel of the LGC. Alternative arrangements for **name of pupil** education will be made. In the first instance we will set work for **name of pupil** and would ask you to ensure this work is completed and returned to school for marking. A representative from the Local Authority will be in touch in relation to work provision from day 6 of this exclusion.

I am required by law to inform you that **name of pupil** is not permitted to be present in a public place during the hours of **Time to Time**. Any parent/carer who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

I realise that this exclusion will be upsetting for you and your family, but the decision to exclude **name of pupil** has not been taken lightly. **Name of pupil** has been excluded permanently for **reason for exclusion**. As a result of this we have decided to permanently exclude them/her/him from **School / Academy**.

As this is a permanent exclusion the Discipline Panel of the LGC will meet to consider the exclusion. At the review meeting you may make representations to the Committee if you wish to do so and ask them to reinstate **name of pupil**. It is strongly advised that you and **name of pupil** attend the meeting to allow you to describe any extenuating circumstances which may account for this behaviour. The LGC Committee has the power to reinstate **name of pupil** immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may have the decision reviewed by an Independent Review Panel. If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact the PA to Principal, **Name of PA** on **Telephone Number** or email **email address**, as soon as possible.

**Name** may also be involved in this meeting to speak on his behalf if it is appropriate, taking into account his age and level of understanding. You will, whether you choose to make representations or not, be notified by the PA to the Principal of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements can be made for you to attend the meeting at school. Also, please inform me if it would be useful for you to have an interpreter present at the meeting.

If you believe that the exclusion relates to a disability that **name of pupil** has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the Special Educational Needs and Disability Tribunal. If you believe the exclusion occurred as a result of any other form of discrimination, you can make a claim to the county court. If you wish to claim discrimination, this must be lodged within six months of the date in which the discrimination is alleged to have occurred. Information on disability discrimination and other forms of discrimination claims are available on the HM courts and tribunal service website (<http://www.justice.gov.uk/tribunals/send>).

Making a claim would not affect your right to make representations to the LGC Committee.

You have the right to see **name of pupil** academy record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of this.

Further guidance can be obtained from the exclusions guidance published by the Department for Education (<https://www.gov.uk/government/publications/school-exclusion>).

You can also obtain impartial advice from a number of sources including:

- a link to this statutory guidance on exclusions – September 2017 (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to sources of impartial advice for parents/carers such as the Coram Children’s Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- [where considered relevant by the head teacher], links to local services, such as), SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Yours sincerely,

[Name]

**Headteacher/Principal**

## Letter Six - Notification of Permanent Exclusion Panel Meeting

### *Letter from the Clerk for a permanent exclusion*

Dear **Parent/carer's name**,

Further to the Headteacher/Principal's letter dated **date** and our subsequent telephone conversation, I am writing to confirm that the LGC (LGC)/LGC representatives of this school will meet on **date** at **time** in the **location** at **school** to consider the suspension of your **son/daughter, name**.

The duty of the Committee is to consider the suspension and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the permanent exclusion would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the LGC (LGC)/LGC representatives and the Headteacher/Principal, **name**. **Name**, will also join the meeting when necessary (**if witnesses are being called**). An officer of the Local Authority may also be invited. (**NB: LA representative will only attend Permanent exclusion meetings and, for academies this will be by invitation of the parents/carers/carers or the school**).

The Committee will consider carefully all the circumstances of the suspension, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the Local Authority and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **name** is entitled to bring a friend. Alternatively, **name** may wish to communicate their views by other means.

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governors why you think **name** should return to school and to ask the Headteacher/Principal questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and myself, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within one day of the meeting.

During our telephone conversation, you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above, by email (**email address**) or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible. Could you also please advise me if you have a disability or special needs which would affect your ability to attend or take part in the meeting at the school/academy. Also, could you please inform me if it would be helpful if you had an interpreter at the meeting.

For your information the following sources of advice are available to you:

- Early Help Team, at North Yorkshire/City of York/Hull City Council (**delete as appropriate**)
- a link to this statutory guidance on suspensions – September 2017 (<https://www.gov.uk/government/publications/school-suspension>);
- a link to sources of impartial advice for parents/carers such as the Coram Children’s Legal Centre (www.childrenslegalcentre.com), or ACE Education (http://www.ace-ed.org.uk) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- **[where considered relevant by the head teacher]**, links to local services, such as), SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk), or Independent Parental Special Education Advice (http://www.ipsea.org.uk/).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours sincerely

**Clerk to the LGC**

To: Clerk to Governors, **school**

**Name of student, DOB, Year**

Meeting of LGC (LGC)/LGC representatives to be held on **date** at **time** to review the Headteacher/Principal’s decision to exclude **name** from school/academy

I/we wish/do not wish\* to attend the meeting to review my child's suspension.

I/we will/will not be\* accompanied by a friend and/or representative (if applicable) My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable) I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:

.....  
.....  
.....  
.....

\* please delete as applicable

Signed: .....

## Letter Seven - Reinstatement

### *Letter from the Clerk informing parents/carers (Reinstatement)*

Dear **Parent's/carer's Name**

As you know, the LGC (LGC)/LGC representatives met on **date** to consider the permanent exclusion of your son/daughter. At the meeting the Governors resolved to reinstate **Pupil's Name**.

The Governors decided that                      The reasons for the decision were as follows:-

**Pupil's Name** should return to school on **date** and report to **Name**.

The Governors expect that **Pupil's Name** will carry out the undertakings given to them about their future behaviour and trust that you will support the school's efforts to educate your **son/daughter**.

Yours sincerely

**Clerk to the LGC**

## Letter Eight

### *Letter from the Clerk informing parents/carers (Upholding Permanent Exclusion)*

Dear **Parent's/carer's name**

The meeting of the LGC (LGC)/LGC representatives at **school** on **date** considered the decision by the **Headteacher/Principal** to permanently exclude your son/daughter **name of pupil**. The LGC (LGC)/LGC representatives, after carefully considering the representations made and all the available evidence, has decided to decline the request to reinstate **name of pupil's** to the school.

The reasons for the LGC (LGC)/LGC representative's decision are in line with the Department for Education Guidance paragraph 16; that the suspension was taken:

- in response to a serious breach or persistent breaches of the Trust'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.

[please give the reasons in as much detail as possible, explaining how they were arrived at.]

You have the right to have this decision reviewed by the Independent Review Panel. If you wish to have the decision reviewed, please notify **The Appeals Clerk : include local arrangements here**.

#### **(NB – Academies may choose to appoint their own Independent Review Panel)**

You must set out the reasons for your review in writing including, if you feel it is appropriate, any reference to how **(pupil's name)** special needs are considered to be relevant to the suspension and send this notice for Review to the Appeals Clerk, **(include contact details for local Appeals Clerk)** by no later than **(specify the latest date – the 15th school day after receipt of this letter)**. If you have not lodged your request to have the decision to be reviewed by **(repeat latest date)** you will lose your right to have the decision reviewed. Please advise the Appeals Clerk if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **the Appeals Clerk** if it would be helpful for you to have an interpreter present at the hearing.

The review will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years), headteacher, one serving, or recently serving, experienced governor/management committee members and one lay member who will be the Chairman. The 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 application for review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Under the Department for Education guidance suspension from maintained schools, Academies and pupil referral units in England – September 2017 you have the right to require the local authority/Academy to appoint an SEN expert to attend the review at no cost to you.

- *The SEN expert's role is analogous to an expert witness, providing impartial specialist advice to the panel on*



*how SEN might be relevant to the suspension. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.*

- *The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were lawful, reasonable and procedurally fair (in line with the guidance to panels in paragraph 159). If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's suspension.*
- *Where the school does not recognise a pupil as having SEN, the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's suspension.*
- *The SEN expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.*

If you wish the Local Authority/academy to appoint an SEN expert could you **please make this clearly in your application for a review.**

You may also, at your own expense, appoint someone to make written and/or oral representations to the panel on your behalf and you may also bring a friend to the review.

In addition to the right to apply for an Independent Review Panel, if you believe that the suspension has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability). **(Include details of local service)**

Any such claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

I would advise you of the following sources of advice:

- your local Children and Families: Early Help Team **(The School's contact in the Children and Families: Early Help Team)** at **(LA name)** LA on/at **(contact details - address, phone number, email)**, who can provide advice.
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' September 2022 (<https://www.gov.uk/government/publications/school-suspension#full-publication-update-history>);
- a link to sources of impartial advice for parents/carers such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School suspension Service (England) (0808 800 4002 or [schoolsuspensions@nas.org.uk](mailto:schoolsuspensions@nas.org.uk)), or Independent Parental Special Education Advice

(<http://www.ipsea.org.uk/>).

The arrangements currently being made for **(pupil's name)**'s education will continue. **(Specify details here)**.

Yours sincerely

[Name]

**Clerk to the LGC /LGC representative**