



SUSPENSION AND PERMANENT EXCLUSIONS POLICY

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

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Policy Updates

Date	Page	Policy Updates
April 2024	5	1 - Legal Framework updated to reflect current legislation, guidance and applicable Trust policies
April 2024	6	2.3 - Bullet point added regarding remote access for panel hearings
April 2024	9	4.7-4.8 - Points added to clarify suspension and exclusion reinstatement meeting requirements and maximum number of school-days spent out of school
April 2024	10	7.2 - Bullet pointed list added to reflect the information the Headteacher/Principal is required to provide to parents/carers
April 2024	12	8.1 - Updated point regarding the school/academy's duty to inform the LA, local Governors and Central Services Team
January 2025	4	Introduction added in line with other Trust Policies
January 2025	6	1.2 - Legal framework updated

Introduction

Heartwood Learning Trust is an inclusive and collaborative Church of England multi-academy trust serving church, community and alternative provision schools. This policy is guided by our Christian ethos and the visions of our Trust and its schools/academies. We share a clear vision – to create schools where children and young people thrive, as we help them prepare to live life in all its fullness (John 10:10).

For us, a place to thrive means much more than a place simply to be comfortable. Instead, our aim is to develop schools and an educational offer which enable each pupil to flourish academically, practically, emotionally, socially and spiritually.

Statement of Intent

At Heartwood 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 Trust's **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/Principal**, Local Governing Committee (LGC) and Local Authority (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/academy, 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 pupils or staff in the school/academy.*

Our Trust Vision

To provide environments where children and young people can thrive.

Life in all its fullness - a place to thrive

Our ambition as a fully inclusive Trust of Church of England schools/academies, including an ecumenical Anglican/Methodist school and community schools/academies, is for all our learners to flourish and to thrive in all aspects of their academic and personal development on their personal spiritual journey; to experience “life in all its fullness”, through our Trust values of Respect, Teamwork and Kindness.

Our Trust vision is closely aligned to the Church of England Vision for Education, of ‘life in all its fullness’ at its heart, for the common good of the whole community. We wish as a Trust to;

- Educate for wisdom, knowledge and skills: enabling our learners to build confidence and delight in seeking wisdom and knowledge and developing talents in all areas of life.
- Educate for hope and aspiration: to enable renewal, to support our learners to cope wisely when things go wrong, opening horizons and guiding learners to achieve their academic and personal goals.
- Educate for community and living well together: a core focus on positive respectful relationships in our schools, working in partnership in our communities and flourishing together.
- Educate for dignity and respect: for all our learners to respect the value and preciousness of each person, treating each person as a unique individual of inherent worth.

Our Trust vision is also aligned to the York Diocesan Board of Education (YDBE) vision of seeking to build flourishing communities in schools/academies, parishes and homes. We are part of the wider family of Diocesan schools/academies, churches and communities in the Diocese of York and enjoy working collaboratively together to further enhance the academic and personal development of young people.

Our Trust Values

Respect, Teamwork, Kindness



A respectful and inclusive community, with a culture of thankfulness and appreciation, where we celebrate equality and diversity.



High quality teaching across all of our schools, in every learning session, without exception.



A broad and balanced educational offer which develops all pupils academically, practically, emotionally, socially and spiritually, leading to great outcomes.



Resilient, sustainable and ethical leadership at all levels of the organisation.

1. Legal Framework

- 1.1. 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 2023
 - The European Convention on Human Rights (ECHR)
- 1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
- DfE (2024) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
 - DfE (2024) 'Behaviour in Schools: Advice for Headteachers and School Staff'
 - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
 - DfE (2018) 'Mental health and behaviour in schools'
- 1.3. 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
 - Safeguarding and Child Protection Policy

2. Roles and Responsibilities

- 2.1. **The Chief Executive Officer (CEO) will be responsible for:**
- Reporting to the Trustees on any material concerns about operation of policy.
- 2.2. **The LA is responsible for:**
- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Children Looked After (CLA).
 - 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.

2.3. The Trust is responsible for:

- Establishing an Independent Appeals Panel of appropriate individuals to review the decision of the Local Governing Committee (LGC) representatives not to reinstate a permanently excluded pupil, where required.
- Arranging for the independent review panel hearing to be held via remote access where requested by parents/carers.
- 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 applicable 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 e.g. the Trust **Director of SEND**.

2.4. The Local Governing Committee (LGC) is responsible for:

- In accordance with the Trust's Scheme of Delegation, 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/academy 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, 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 an 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.

2.5. **The Headteacher/Principal is responsible for:**

- Implementation of the policy in the school/academy, with oversight from the **CEO**.
- 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 suspended 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), CLA 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, **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 SENDCo.
- Arranging 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. Grounds for Suspension or Exclusion

- 3.1. The school/academy 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.
- 3.2. 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
- 3.3. 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/Principal** will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

4. The Headteacher/Principal's Power to Suspend and Exclude

- 4.1. Only the **Headteacher/Principal** has the power to suspend or exclude a pupil from the school/academy, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.
- 4.2. The **Headteacher/Principal** 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/Principal** 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**.
- 4.3. When sending a pupil home following any suspension or exclusion, the **Headteacher/Principal** will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 4.4. 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/Principal** 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.
- 4.5. The **Headteacher/Principal** 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.
- 4.6. The **Headteacher/Principal** may withdraw 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 withdrawn, the **Headteacher/Principal** 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/Principal** will offer the pupil's parents/carers the opportunity to meet with the **Headteacher/Principal** to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.
- 4.7. When a suspension or exclusion is cancelled, the LGC's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- 4.8. Any days spent out of the school/academy as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school-days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

- 4.9. The **Headteacher/Principal** 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.
- 4.10. All suspensions and exclusions will be formally recorded on the school/academy's pupil information system.

5. Factors to Consider When Suspending or Excluding a Pupil

- 5.1. When considering the suspension or exclusion of a pupil, the **Headteacher/Principal** 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
 - Consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:
 - Whether the pupil is CLA
 - Pupils eligible for FSM
 - Pupils with SEND and whether reasonable adjustments could be made or have been made
 - Certain ethnic groups
- 5.2. The **Headteacher/Principal** will consider avoiding excluding CLA, 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/Principal**, 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 Trust's **Social, Emotional and Mental Health (SEMH) Policy**.

6. Preventative Measures

- 6.1. Before taking a final decision to exclude, the **Headteacher/Principal** 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.

7. Duty to Inform Parents/Carers

- 7.1. Following the **Headteacher/Principal'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.
- 7.2. The **Headteacher/Principal** 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), of the following:
- The reasons for the suspension or exclusion
 - The length of the suspension or permanency of the exclusion
 - Their right to raise any representations about the suspension or exclusion to the LGC, including how the pupil will be involved in this and how the representations will be made
 - Their right to make a request to hold the meeting via remote access, where necessary
 - Their right to attend a meeting where there is a legal requirement for the LGC to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
 - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to the school/academy
 - Any relevant sources of free, impartial information which may assist the pupil or their family during the period of suspension or exclusion
- 7.3. Where the pupil is of compulsory school age, the **Headteacher/Principal** 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.

8. Duty to Inform the LGC, LA & Trust

- 8.1. The **Headteacher/Principal** will inform the Local Authority, LGC and the **CEO** without delay, of the following:
- Any permanent exclusion
 - Any suspension which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
 - Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

9. Duty to Inform Social Workers

- 9.1. When a pupil has been suspended or excluded, the **Headteacher/Principal** 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.
- 9.2. 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.

10. Arranging Education for Suspended and Excluded Pupils

- 10.1. The school/academy will arrange alternative provision in accordance with the Exclusions Code. With this in mind, the school/academy will arrange suitable full-time education for the pupil which will begin no later than the sixth day of suspension.
- 10.2. 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.

11. Considering Suspensions and Exclusions

- 11.1. The LGC will consider any representations made by parents/carers regarding suspensions and exclusions.
- 11.2. Parents/carers and, where requested, a friend or representative, the **Headteacher/Principal**, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.
- 11.3. 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. Parents/carers will be able to request that the meeting is held via remote access.

12. Reaching a Decision

- 12.1. 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
- 12.2. 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/Principal's** decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 12.3. 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.
- 12.4. 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/Principal'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

12.5. This can be delegated to a sub-committee of at least 3 LGC members from across the Trust. This may be delegated to the Chair of the LGC where permitted by the Exclusions Code.

13. Notification of Considered Suspensions and Exclusions

13.1. The LGC will notify the parents/carers of the suspended or excluded pupil, the **Headteacher/Principal**, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

13.2. 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

13.3. 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.

13.4. 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.

14. Removing Excluded Pupils from the School Register

14.1. The **Headteacher/Principal** 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

- 14.2. If an application for an independent panel review has been made within 15 school days, the **Headteacher/Principal** 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.
- 14.3. If a pupil's name is to be removed from the register, the **Headteacher/Principal** 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
- 14.4. 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.
- 14.5. 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.
- 14.6. 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

15. Independent Review Panel

- 15.1. 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.
- 15.2. 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
- 15.3. In line with the exclusions statutory guidance, 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

16. Appointing a Clerk

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

17. The Duties of the Independent Review Panel

- 17.1. 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'.
- 17.2. 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
- 17.3. 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/Principal**.

18. Reconsidering Reinstatement Following a Review

- 18.1. 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.
- 18.2. The school/academy is aware that if, following an instruction to reconsider, the LGC does not offer to reinstate the pupil, then the school/academy will be required to make a payment directly to the LA area in which the school/academy is located.

19. Criminal Investigations

- 19.1. The **Headteacher/Principal** 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.
- 19.2. Particular consideration will be given by the **Headteacher/Principal** 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.
- 19.3. If the LGC is required to consider the **Headteacher/Principal's** decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

20. Training Requirements

- 20.1. 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 Headteacher/Principal, 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
- 20.2. Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

21. Using Data

- 21.1. The **Headteacher/Principal** 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

22. Monitoring and Review

- 22.1. This policy will be reviewed **annually** by a Trust **Executive Principal** and approved by the **Distinctiveness and Personal Development (DPD) Committee**.
- 22.2. The next scheduled review date can be found on the cover page of this document.

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 **[Parents/Carers' Name(s)]**

I am writing to inform you of my decision to suspend **[Pupil's Name]** for a fixed period of **[specify period in days]**. The suspension begins on **[date]** and ends on **[date]**. This means that **[Pupil's Name]** will not be allowed in school during this period. **[Pupil's Name]** will be permitted to return to the school/academy on **[date]**.

I understand that this suspension may be upsetting for you and your family, however I can assure you that the decision to suspend **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been suspended for this fixed period because of the following reason(s):

- **[reason for suspension]**

As your child is of compulsory school age, you must ensure that your child is not present in a public place during school hours for the first five days of their suspension on **[specify dates]** unless there is reasonable justification for this. 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 - in such cases, you will be expected to provide reasonable justification for this.

The school/academy will ensure that appropriate arrangements are in place to ensure that your child's education is not disrupted. We will set work for **[Pupil's Name]** to be completed during their suspension period. Please ensure this work is completed and returned to us without delay so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child. **[NB – if you are making alternative provision arrangements from day 1 (i.e. for Children Looked After (CLA)) 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].**

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

You **[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 this 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 may wish to contact your local Children and Families: Early Help Team at **[York City Council/Hull City Council/North Yorkshire Council]** LA (on **[insert telephone number]** or via email to **[insert email address for access to early help]**), who can provide advice.

I have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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 return to 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 school 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 [Parents/Carers' Name(s)]

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

I understand that this suspension may be upsetting for you and your family, however I can assure you that the decision to suspend [Pupil's Name] has not been taken lightly. [Pupil's Name] has been suspended for this fixed period because of the following reason(s):

- [reason for suspension]

As your child is of compulsory school age, you must ensure that your child is not present in a public place during school hours for the first five days of their suspension on [specify dates] unless there is reasonable justification for this. 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 - in such cases, you will be expected to provide reasonable justification for this.

The school/academy will ensure that appropriate arrangements are in place to ensure that your child's education is not disrupted. As the suspension is longer than six days, for the first five days, we will set work for [Pupil's Name] to be completed during their suspension period. Please ensure this work is completed and returned to us without delay so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child.

After this period, [Pupil's Name] will be provided with alternative provision at a different setting, commencing on the sixth school day of [Pupil's Name]'s suspension on [specify date] until the expiry of their suspension on [specify date]. Details of the alternative provision setting can be found below. **[Set out the arrangements if known at time of writing, if not known, clarify that arrangements for suitable full time education will be provided shortly via a further letter].**

- [Insert name of alternative provision setting] will provide suitable full time education for [Pupil's Name]
- On [date], [Pupil's Name] should attend [name and address of the alternative provider if not the home school] at [time] and report to [name].
- [If applicable — include information about transport arrangements from home to the alternative provider]

[NB – if you are making alternative provision arrangements from day 1 (i.e. for Children Looked After (CLA)) 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].

You have the right to make representations about this decision to the Local Governing Committee (LGC). If you wish to make representations please contact [Name of Contact – Clerk to the LGC] on/at [contact details —

address, phone number, email], as soon as possible. You have the right to request a meeting of the school/academy's Local Governing Committee (LGC) to whom you may make representations. The LGC will consider the reinstatement of your child. As the period of this suspension is more than 5 school days in a term the LGC must meet if you request it to do so. The latest date by which the LGC must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the LGC were notified of this suspension]**. If you wish to make representations to the LGC, and wish to be accompanied by a friend or representative, please contact **[Name of Contact – Clerk to the LGC]** 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 **[Name of Contact – Clerk to the LGC]** 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 this 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 may wish to contact your local Children and Families: Early Help Team at **[York City Council/Hull City Council/North Yorkshire Council]** LA (on **[insert telephone number]** or via email to **[insert email address for access to early help]**), who can provide advice.

I have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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 return to 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 [Parents/Carers' Name(s)]

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

I understand that this suspension may be upsetting for you and your family, however I can assure you that the decision to suspend [Pupil's Name] has not been taken lightly. [Pupil's Name] has been suspended for this fixed period because of the following reason(s):

- [reason for suspension]

As your child is of compulsory school age, you must ensure that your child is not present in a public place during school hours for the first five days of their suspension on [specify dates] unless there is reasonable justification for this. 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 - in such cases, you will be expected to provide reasonable justification for this.

The school/academy will ensure that appropriate arrangements are in place to ensure that your child's education is not disrupted. As the suspension is longer than six days, for the first five days, we will set work for [Pupil's Name] to be completed during their suspension period. Please ensure this work is completed and returned to us without delay so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child.

After this period, [Pupil's Name] will be provided with alternative provision at a different setting, commencing on the sixth school day of [Pupil's Name]'s suspension on [specify date] until the expiry of their suspension on [specify date]. Details of the alternative provision setting can be found below. **[Set out the arrangements if known at time of writing, if not known, clarify that arrangements for suitable full time education will be provided shortly via a further letter].**

- [Insert name of alternative provision setting] will provide suitable full time education for [Pupil's Name]
- On [date], [Pupil's Name] should attend [name and address of the alternative provider if not the home school] at [time] and report to [name].
- [If applicable — include information about transport arrangements from home to the alternative provider]

[NB – if you are making alternative provision arrangements from day 1 (i.e. for Children Looked After (CLA)) 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].

As the length of the suspension is more than 15 school days in total in one term, the Local Governing Committee (LGC) must meet to review the suspension. The latest date on which the LGC can meet is [date - no later than 15 school days from the date the LGC body is notified of the suspension]. The LGC will consider the reinstatement of

your child. At the review meeting you may make representations to the LGC if you wish to do so. **[Name of Contact – Clerk to the LGC]** will notify you of the date and time in advance of the meeting.

If you wish to make representations to the LGC, and wish to be accompanied by a friend or representative, please contact **[Name of Contact – Clerk to the LGC]** 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 **[Name of Contact – Clerk to the LGC]** 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 this 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 may wish to contact your local Children and Families: Early Help Team at **[York City Council/Hull City Council/North Yorkshire Council]** LA (on **[insert telephone number]** or via email to **[insert email address for access to early help]**), who can provide advice.

I have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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 return to 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 **[Parents/Carers' Name(s)]**

Further to **[name of Headteacher/Principal]**'s letter dated **[date]** and our subsequent telephone conversation, I am writing to confirm that the Local Governing Committee (LGC) of **[school/academy]** will meet on **[date]** at **[time]** at **[school/academy]** to consider the suspension of **[Pupil's Name]**.

The duty of the LGC is to consider the suspension and decide whether to reinstate **[Pupil's Name]** (meaning they would be permitted to return to school) or whether to decline reinstatement (meaning the fixed term suspension would remain in place).

It is anticipated that the following people will be present at the meeting: **[Insert names of the LGC, representatives and the Headteacher/Principal]**. **[Name]** will also join the meeting where necessary **(if witnesses are being called)**.

The LGC will consider carefully all the circumstances of the suspension, including any letter that you may 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 LGC, I would be grateful to receive your letter by **[date]** so that I can send copies to the appropriate persons. Similarly, I will send you a copy of the reports sent to the LGC.

The LGC would also like **[Pupil's name]** to attend to speak and answer questions at the meeting if you are in agreement with this; **[Pupil's name]** is entitled to bring a friend for support. Alternatively, **[Pupil's name]** may wish to communicate **his/her/their** 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 **[Pupil's name]** should return to school and to ask any questions.

When you and the **Headteacher/Principal** have finished making any representations, the Chair will ask everyone, apart from the Governors and myself, to withdraw from the meeting whilst the LGC arrives at its decision.

You will be updated of the outcome of the meeting as soon as possible and in writing 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 on **[telephone number]**, by email to **[email address]** or, alternatively, please complete and return the reply slip at the bottom of this letter.

If you wish to be accompanied by a friend or representative, please let me know 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 me if it would be helpful if you had an interpreter present at the meeting.

I have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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.

Yours sincerely

[Name]

Clerk to the LGC

To: Clerk to the LGC, **[name of the school/academy]**

Name of Pupil, DOB, Year Group

Meeting of LGC to be held on **[date]** at **[time]** to review the Headteacher/Principal's decision to suspend **[Pupils name]** from **[name of the school/academy]**

- I / we wish / do not wish* to attend the meeting to consider the reinstatement of my / our 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.

*delete/circle as appropriate

If you have a Disability or Special Educational Need, please contact the Clerk to the LGC or detail below arrangements which may assist you to attend the meeting, as applicable:

.....
.....

Name of Parent/Carer(s):

.....
.....

Signed:

.....
.....

Letter Five - Permanent Exclusion

Letter from the Headteacher/Principal notifying a Permanent Exclusion

Dear [Parents/Carers' Name(s)]

I am writing to inform you of my decision to exclude [Pupil's Name] from [name of the school/academy] on a permanent basis. This means that [Pupil's Name] will not be allowed to return to school pending a meeting of the Disciplinary Panel of the LGC.

I understand that this exclusion may be upsetting for you and your family, however I can assure you that the decision to permanently exclude [Pupil's Name] has not been taken lightly. [Pupil's Name] has been excluded permanently because of the following reason(s):

- [reason for exclusion]

As your child is of compulsory school age, you must ensure that your child is not present in a public place from [specify date] until [specify date] unless there is reasonable justification for this. 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 - in such cases, you will be expected to provide reasonable justification for this.

The school/academy will ensure that appropriate arrangements are in place to ensure that your child's education is not disrupted. For the first five days of your child's exclusion, we will set work for [Pupil's Name] to be completed. Please ensure this work is completed and returned to us without delay so that it can be marked, and feedback can be provided. Teachers will set a deadline for each piece of work when the tasks are sent to your child. A representative from the Local Authority will be in touch in relation to educational provision from the sixth day of this exclusion.

As this is a permanent exclusion the Disciplinary Panel of the LGC will meet to consider the exclusion. At the review meeting you may make representations to the LGC if you wish to do so and ask them to reinstate [Pupil's Name]. It is strongly advised that you and [Pupil's Name] attend the meeting to allow you to describe any extenuating circumstances which may account for this behaviour. The LGC has the power to reinstate [Pupil's Name] 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 LGC and wish to be accompanied by a friend or representative, please contact the PA to the Headteacher/Principal, [Insert Name of PA] on [Telephone Number] or email [email address], as soon as possible.

[Pupil's Name] may also be involved in this meeting to speak on his/her/their behalf if it is appropriate, taking into account his/her/their age and level of understanding. You will, whether you choose to make representations or not, be notified by the PA to the Headteacher/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. 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 [Pupil's Name] 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.

I have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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 **[Parents/Carers' Name(s)]**

Further to **[name of Headteacher/Principal]**'s letter dated **[date]** and our subsequent telephone conversation, I am writing to confirm that the Local Governing Committee (LGC) of **[school/academy]** will meet on **[date]** at **[time]** at **[school/academy]** to consider the permanent exclusion of **[Pupil's Name]**.

The duty of the LGC is to consider the permanent exclusion and decide whether to reinstate **[Pupil's Name]** (meaning they would be permitted to return to school) or whether to decline reinstatement (meaning the permanent exclusion would remain in place).

It is anticipated that the following people will be present at the meeting: **[Insert names of the LGC, representatives and the Headteacher/Principal]**. **[Name]** will also join the meeting where necessary **(if witnesses are being called)**. An officer of the Local Authority has also been invited to attend.

The LGC will consider carefully all the circumstances of the permanent exclusion, including any letter that you may 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 LGC, I would be grateful to receive your letter by **[date]** so that I can send copies to the appropriate persons. Similarly, I will send you a copy of the reports sent to the LGC.

The LGC would also like **[Pupil's name]** to attend to speak and answer questions at the meeting if you are in agreement with this; **[Pupil's name]** is entitled to bring a friend for support. Alternatively, **[Pupil's name]** may wish to communicate **his/her/their** 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 **[Pupil's name]** should return to school and to ask any questions.

When you and the **Headteacher/Principal** have finished making any representations, the Chair will ask everyone, apart from the Governors and myself, to withdraw from the meeting whilst the LGC arrives at its decision.

You will be updated of the outcome of the meeting as soon as possible and in writing within one working 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 on **[telephone number]**, by email to **[email address]** or, alternatively, please complete and return the reply slip at the bottom of this letter.

If you wish to be accompanied by a friend or representative, please let me know 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 me if it would be helpful if you had an interpreter present at the meeting.

I have included below some details of further information which may be of use, and details of where to contact to

access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The 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.

Yours sincerely

[Name]

Clerk to the LGC

To: Clerk to the LGC, **[name of the school/academy]**

Name of Pupil, DOB, Year Group

Meeting of LGC to be held on **[date]** at **[time]** to review the Headteacher/Principal's decision to permanently exclude **[Pupils name]** from **[name of the school/academy]**

- I / we wish / do not wish* to attend the meeting to consider the reinstatement of my / our 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.

*delete/circle as appropriate

If you have a Disability or Special Educational Need, please contact the Clerk to the LGC or detail below arrangements which may assist you to attend the meeting, as applicable:

.....
.....

Name _____ of _____ Parent/Carer(s):
.....
.....

Signed: _____
.....

Letter Seven - Reinstatement

Letter from the Clerk informing parents/carers (Reinstatement)

Dear **[Parents/Carers' Name(s)]**

As you know, the Local Governing Committee (LGC) of **[school/academy]** met on **[date]** to consider the permanent exclusion of your child. At the meeting the LGC resolved to reinstate **[Pupil's name]**.

The reasons for the decision to reinstate **[Pupil's name]** were as follows:

- **Include reasons for reinstatement**

Pupil's Name should return to **[school/academy]** on **[date]** and report to **[Name]**.

The LGC expects that **[Pupil's name]** will carry out the undertakings given to them about their future behaviour and trust that you will support the school/academy's efforts to educate **[Pupil's name]**.

Yours sincerely

[Name]

Clerk to the LGC

Letter Eight

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

Dear **[Parents/Carers' Name(s)]**

The meeting of the LGC at **[school/academy]** on **[date]** considered the decision by the **Headteacher/Principal** to permanently exclude your child, **[Pupil's name]**. The LGC have carefully considered the representations made and all the available evidence, and have decided to decline the request to reinstate **[Pupil's name]** to **[school/academy]**.

The reasons for this decision are in line with the Department for Education Guidance paragraph 16; that the permanent exclusion was given:

- 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/academy.

[please give the reasons in as much detail as possible, explaining how the LGC arrived at this decision].

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** **[Name of Contact – Clerk to the LGC]**.

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, **[Name of Contact – Clerk to the LGC]** on/at **[contact details — address, phone number, email]** 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 **[specify the latest date — the 15th school day after receipt of this letter]** 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/Principal, 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 (DfE) 'Guidance suspension from maintained schools, academies and pupil referral units in England' (September 2017), you have the right to require the local authority/school/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 have included below some details of further information which may be of use, and details of where to contact to access free, impartial advice:

- Statutory guidance on suspensions and exclusions:
(<https://www.gov.uk/government/publications/school-exclusion>)
- Impartial advice for parents/carers can be found here:
 - Coram Children's Legal Centre (www.childrenslegalcentre.com)
 - Special Educational Needs Information Advice and Support Service (SENDIASS)
(<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme>)
 - The National Autistic Society (NAS) School suspension Service (England)
(schoolsuspensions@nas.org.uk)
 - The Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The arrangements currently being made for **[Pupil's Name]**'s education will continue.

Yours sincerely

[Name]

Clerk to the LGC