EXCLUSIONS POLICY

Date of Last Review - September 2025

Review Frequency – 1 Year

Review Date – September 2026

Person responsible for the Policy – Vice Principal Pastoral

Ratified by Governors – September 2025

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Introduction

This policy is designed to briefly outline United Learning's and schools' responsibility and approach to exclusions in line with the statutory framework as defined in the 'Exclusion from maintained schools, Academies and pupil referral units in England' (updated September 2017).

United Learning believes that exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school's discipline policy. During exclusions the Principal or nominated senior member of staff should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances and that exclusions should only be instigated when all other routes have been exhausted or when behaviour is in direct conflict of the individual school's behaviour policy.

Exclusions should only ever be issued by the Principal or Deputy Principal in their absence. All permanent exclusions should be confirmed with the relevant Education Director before issuing.

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

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

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

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

This policy provides an overview of the exclusion process. The school will adhere to current legislation, including the Equality Act 2010. The school is obliged to have regard to the DfE guidance on exclusions. We ensure that our policies and practices do not discriminate against pupils by **unfairly increasing their risk of exclusion**. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Principal and governing body comply with statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice when making a decision.

The exclusion policy relates to behaviour not only in school but also to behaviour out of school: e.g. travelling to and from school; on school trips; work experience placement etc.

Exclusion from school

There are two types of official exclusion:

1. Fixed term suspension

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

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

Please note we will always look to make 'reasonable adjustments' and take into account a student's SEN need or disability when making the decision to suspend (See Reasonable Adjustment Policy).

Repeated use of fixed-term suspension for children with an EHCP and potentially those on SEN Support (especially those undergoing statutory assessment and likely to get an EHCP) could indicate the support in place is not enough. We ensure the SENCO is involved as part of the I&I process if this is the case. This may involve advice from colleagues / specialists such as an educational psychologist, speech and language therapist, literacy specialist etc.

2. Permanent Exclusion

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

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

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

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

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

- The degree of severity of the offence;
- The likelihood of reoccurrence (including a consideration of the student's previous behavioural record – taking care to be clear what behavioural incidents the pupil is actually being excluded for);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying) harassment);
- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status (see above);

- Preventative measures to a school exclusion including an off-site direction or a managed move
- The school behaviour policy, special educational needs policy and equality law obligations.
- The pupil's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

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

3. Unofficial exclusions

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). ***"Informal or unofficial exclusions are unlawful"*** regardless of whether they are done with the agreement of parents or carers.

Stages of exclusions

Permanent exclusions

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

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

The initial decision on whether to exclude is for a Principal to take. As part of considering each permanent exclusion, the **Principal must consult with their Education Director at** United Learning (or delegated executive) **before** the decision is reached and the case presented to the Behaviour Committee.

Suspension or Permanent Exclusion

If enough evidence is available to warrant a permanent exclusion immediately, that sanction should be applied. However great care should be taken in issuing a permanent exclusion immediately and United Learning's procedure must also be followed as specified above.

In some cases, investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

In such a case, the Principal may issue fixed term exclusion for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place;
- to give opportunity for a reasoned decision.

In those exceptional cases, usually where significant further evidence emerges from further investigation, a further sanction may be appropriate, which must be issued to begin immediately after the first fixed term exclusion ends (i.e. the student must not return to school between the sanctions). This further sanction may be either further fixed term exclusion or a permanent exclusion. Conversely, the Principal may choose to withdraw an exclusion in the light of new evidence.

The letter informing of the initial fixed term exclusion should clearly state that the reason for the fixed term exclusion relates to the behaviour of the student, but also state if further investigation is needed that **"further investigation is still underway into the incident which may or may not result in a further sanction of further fixed or permanent exclusion".** Once the investigation is complete, a further letter should be sent containing one of the following;

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

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

- The degree of severity of the offence;
- The likelihood of re-occurrence;
- The student's previous behavioural record;
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment);
- Support provided;
- Take into account the school behaviour policy, special educational needs policy and equality law obligations.

Rescinding a PEx

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

Principal's Decision

The decision to exclude will be made after a review of the evidence available and will be on the balance of probabilities - i.e. is it more probable than not that the accused acted as alleged – and in response to a serious or persistent breaches of the school's behaviour policy and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Behaviour outside School

An academy has the right to make decisions about behaviour taking place on trips, outings, sporting fixtures, or travel/movement in the vicinity of the academy. Subject to the requirements of this policy, the Principal (or designated teacher in charge) may exclude students even if the circumstances giving rise to exclusion occur when the student is out of school. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term exclusion should be used.

Responsibilities of the Principal

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

The DFE guidance is clear that only the Principal, or the acting Principal, can exclude a pupil. When the Principal is not available then the 'Acting' Principal in the Academy will be the Vice Principal.

Role of the LGB (Local Governing Body)

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

The LGB's role is to review exclusions. The LGB can either uphold an exclusion, or direct reinstatement immediately or by a particular date. The LGB cannot extend a fixed term exclusion nor substituted it with a permanent exclusion. The Behaviour committee must also follow annex A of the exclusion guidance from DfE. (https://www.gov.uk/government/publications/school-exclusion)

Governing Body's decision

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

The Behaviour Committee must inform the parent, Principal and the LA of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they must also inform the pupil's 'home' LA.

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

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date.

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

Role of the Clerk to the Behaviour Committee

Background

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

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

The role of United Learning

The LA does not have a decision-making role in the exclusion process for any school. The Charity Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with their Education Director United Learning (or delegated executive) before a decision is reached and the case presented to the Behaviour Committee.

It is the Behaviour Committee which has the duty to review the Principal's decision to exclude.

Education of excluded pupils

The LA is required to arrange full time educational provision for permanently excluded pupils from the 6th day of a permanent exclusion. Once a Principal has decided to permanently exclude a pupil, the LA will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the school governors). The pupil's name will be deleted from the school roll only if:

- the pupil was permanently excluded; and
- 15 school days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion; or
- the parents have stated in writing they will not be applying for an independent review panel.

It will be the responsibility of the LA to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority. Note that the Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the excluded pupil, and/or the pupil if over 18

Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 school days) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

The timing of the hearing

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

Composition of independent review panels

Review Panels must consist of 3 or 5 members.
A five member panel must be constituted with two members from each of the categories of school governors and head teachers.

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

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

- They are a member / director of the local authority / Academy Trust or governing body of the excluding school
- are the head teacher of the excluding school or anyone who has held this position in the last five years
- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a head teacher at another school)
- have, or at any time have had, any connection with the local authority / Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially (though an individual must not be taken to have such a connection simply because they are a head teacher at another school)
- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)

Request for a SEN Expert

(see Section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance**)**

If requested by the parents, the person convening the panel must appoint a SEN Expert to attend the independent review panel. This request must happen when the request for an Independent review panel is made.

Parents have a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

Conduct and role of the independent review panel

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

Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on exclusions.

The decision

An independent review panel can decide to:

- uphold the exclusion decision;
- recommend that the governing body reconsiders their decision; or
- quash the decision and direct that the governing body considers the exclusion again.

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

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

Financial Penalties

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

Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the governing body reconsider the exclusion, the governing body must meet to reconsider within 10 school days of notification.
Where a governing body has reconsidered an exclusion decision it must inform the relevant person, the Principal and the LA of its reconsidered decision and the reasons for it without delay.

After the independent review panel

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

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

If the independent review panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the pupil is of compulsory school age, it is for the LA in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education. If the pupil lives outside the area of the LA, the Clerk should make sure that the home LA is also informed immediately of the position.

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

Remedies after the independent review panel

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

Judicial review

Decisions of both governing bodies and independent review panels can be subject to judicial review.

Claims of Discrimination in relation to exclusion

Parents can also apply to the First-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion, these are:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the academy premises or during academy organised activities;
- removal or damage of academy property;
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- abuse of the academy's computer system and of the internet;

- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- wilful defiance of the properly exercised authority of the academy and its staff;
- bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principles or ethos.

Appendix 2 Model letter one

*From the Principal notifying parent of a fixed term exclusion of **5 school days or fewer** in one term, and where a public examination is not missed*

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [child's name] has been suspended 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 exclusion on [specify dates] unless there is reasonable justification for this.

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

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

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

Whilst the governing body 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.

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

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

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

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

You also have the right to see a copy of [name of child]'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 [name of 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.

Further guidance on the exclusions process can be found at:

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

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

• [where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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

Yours sincerely

[name]

Principal

Appendix 3 Model letter two

*From the Principal notifying parent of a fixed term exclusion of **more than 5 and up to and including 15** school days in total in one term, or where a public examination would be missed*

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on [specify dates] unless there is reasonable justification for this.

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

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

You have the right to request a meeting of the school's Behaviour Committee to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the Behaviour Committee must meet if you request it to do so. The latest date by which the

Behaviour Committee can meet, if you request a meeting is [specify date — no later than the 15th school day after the date on which the Behaviour Committee were notified of this suspension].

If you wish to make representations to the Behaviour Committee, and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Suspended pupils should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding. You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal:

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

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

You also have the right to see a copy of [name of child]'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 [name of 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.

Further guidance on the exclusions process can be found at:

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

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

• [where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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

Yours sincerely

[name]

Principal

Appendix 4 Model letter three

*From the Principal notifying parent of a fixed term exclusion of **more than 15 school days in total** in one term*

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [child's name] has been suspended 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 days of this suspension, that is on [specify dates] unless there is reasonable justification for this.

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

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

As the length of the suspension means that [ ] has been suspended for more than 15 school days in total in one term the governing body must meet to consider the suspension. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is [date here — no later than 15 school days from the date the governing body is notified]. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether

you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

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

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

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

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

You also have the right to see a copy of [name of child]'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 [name of 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.

Further guidance on the exclusions process can be found at:

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

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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

Yours sincerely

[name]

Principal

Appendix 5 Model Letter four

*From the Principal notifying parent of a **permanent exclusion***

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

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

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded permanently because [reason for exclusion — serious breach (one off incident) or persistent breaches of the school's behaviour policy - also include any other relevant previous history here].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

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

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

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

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

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

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

You also have the right to see a copy of [name of child]'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 [name of 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.

Further guidance on the exclusions process can be found at:

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

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

Yours sincerely

[name]

Principal

Appendix 6 Model Letter five

Letter from the Clerk upholding a permanent exclusion

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [Parents name],

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

The reasons for the governing body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at].**

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

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

In determining your request for reconsideration the Independent Review Panel can make one of three decisions: they may uphold your child's exclusion; they may recommend the governing body reconsiders their decision or quash the decision and direct that the governing body considers the exclusion again. However, the independent review panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

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

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

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

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

Further guidance on the exclusions process can be found at:

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

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the governing body], links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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

Yours sincerely

[name]

Clerk to the Governing body

Appendix 7 Governor checklist

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the relevant Education Director at the end of the process. All Secondary and All-through Academies should inform Dame Sally Coates and all primary academies should inform Darran Lee.

	Pupil Name:	**Date of Meeting:**
1	Telephone call to parent/visit from parent on (date): Letter of notification using model text sent on (date): Copied and sent to Behaviour Committee on (date):	
2	Date of Behaviour Committee Meeting: Within 15 school days from Principal's letter, for permanent and fixed term exclusions of more than 15 school days (or total more than 15 school days in a term) **OR** Within 50 school days from Principal's letter, for fixed term exclusions of less than 15 school days **Yes/No**	
3	All written statements/evidence circulated in advance of this meeting (at least 5 school days before) **Yes/No**	
4	Procedure for the meeting and confirmation circulated in advance of the meeting	

	Yes/No
5	All relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social Care; academic progress **Yes/No**

6	Where it is a permanent exclusion decision that it:
	
	• meets the conditions in which permanent exclusion is appropriate:
	  ○ allowing him/her to remain in the academy seriously harms the learning or welfare of another student or students in the school
	  ○ allowing him/her to remain in the academy seriously harms the welfare of an adult or adults in the school
	  ○ his or her behaviour seriously undermines the ethos of the academy
	  ○ the student's behaviour is judged to be misconduct or is cumulative persistent misconduct to justify permanent exclusion
	• is consistent with other similar incidents (where appropriate)
	
	Yes/No

6	Evidence and use of procedures are satisfactory in relation to:
	• The investigation conducted
	• Firm evidence collected to support decision to exclude
	• Pupil has been given the opportunity to give his/her version of events
	• Provocation/harassment has been taken into account, if appropriate
	• The school's SEND policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice
	• Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been tried.
	• There is evidence of other interventions that have been tried including, where appropriate:
	  ○ alternative or enhanced curriculum
	  ○ mediation
	  ○ education welfare involvement
	  ○ family support
	  ○ mentor support for the pupil
	• No more strategies are available that the school could reasonably be expected to initiate
	• Requirements of discrimination (under the Equality Act 2010) have been considered
	• Parent has been given adequate time to make representations
	• All parties to the meeting know how this decision will be communicated
	• Satisfactory arrangements in place for pupil to continue their education during exclusion period

	Yes/No If no, what concerns exist:
7	**To be completed after the Behaviour Committee meeting** Parent, Principal and Local Authority notified of decision on (date): Letter regarding decision sent out on (date): **Signed (Clerk to the Behaviour Committee):** Date: **A copy of this checklist should be <u>sent to the Regional Director</u> at the conclusion of the process.**

Appendix 8: Formal Investigation Proforma

Formal Investigation Proforma

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

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

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

Students Involved (insert extra rows as required)

	Student Name	Statement Taken By	Statement Taken On
Student A:			
Student B:			
Student C:			
Student D:			
Student E:			

Voice of the Child

Date of VOC:		**Present at Meeting:**	

Staff Involved (insert extra rows as required)

	Staff Name	Statement Submitted By	Statement Submitted On
Staff A:			
Staff B:			
Staff C:			

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

Summary of Investigation Findings

Considerations and Possible Mitigation
1. Is the student Looked After (LAC), Previously Looked After (P-LAC), a 'Child in Need' or 'Previously Child in Need'. If so, how may this have affected the incident, with reasons and links to appropriate guidance:
2. Where the child has a social worker: Have they, the DSL and parents been informed once it is likely they are at risk of suspension or permanent exclusion? If not, why not? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed. Otherwise, consider the outcomes from these conversations.
Looked After Child ("LAC")

3. **Consider the additional assessment and support put in place to address the factors affecting the child's behaviour and to reduce the need for suspension and permanent exclusion, following the DT and VSH's involvement. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.**
4. **Consider their Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. Have concerns about the child's behaviour been accurately recorded and appropriate support put in place to improve their behaviour and reduce the likelihood of exclusion? If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.**
Previously LAC
5. **Consider the school's engagement with the child's parents and the Designated Teacher, and, if relevant, any advice sought from the VSH on strategies to support the pupil. If this has not been done, consider why not as this may make it harder to justify a sanction that would otherwise be imposed.**
Pupils with SEND
6. **How may their SEND have affected the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:**
7. **How has the school engaged proactively with parents in supporting the behaviour of pupils with additional needs:**
8. **How has the school worked in partnership with others (including the Local Authority where relevant) to consider what additional support or alternative placement may be required. How has the suitability of provision of the pupil's SEN or disability been assessed? How does the school's actions in this regard factor in to the current situation?**
9. **Where the pupil has an EHC plan, has the school contacted the LA at an early stage and considered requesting an early annual review prior to deciding to suspend or permanently exclude? How does the school's actions in this regard factor in to the current situation?**
10. **Where the pupil has SEN but no EHC plan, has the school (with external specialists as appropriate) reviewed the current support arrangements to ensure they are appropriate and if any changes may be required. Have all appropriate requests for an EHCP assessment or a review of the pupil's current support package been made?**
11. **Is the SEND likely to be considered a disability under the terms of the Equality Act, 2010? If so, how may this have linked to the incident, with reasons and links to appropriate guidance. Has reasonable adjustment been applied, if appropriate:**
Other factors

12. Are there other contributory factors such as recent bereavement, bullying or mental health issues that need to be considered?
13. If so, what support has already been provided for these issues?
14. Experts, agencies and other partners who have been consulted (e.g. Local Authority, SENDCO, Police etc.), including dates:
15. Have alternatives to possible PEX been considered? Please list these, along with measures taken, by whom, with dates (e.g. MM, straight transfer, AP):

Recommendation, with rationale

Appendix 6 – Monitoring Template

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

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

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