



# SUSPENSION & EXCLUSION POLICY

September 2022-23

Passmores Academy

Part of the Passmores Co-operative Learning Community

## **Contents**

### Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Grounds for suspension or exclusion
4. The principal's power to suspend and exclude
5. Factors to consider when suspending or excluding a pupil
6. Preventative measures
7. Duty to inform parents
8. Duty to inform the local governing body and LA
9. Duty to inform social workers and the virtual school head (VSH)
10. Arranging education for suspended and excluded pupils
11. Considering suspensions and exclusions
12. Reaching a decision
13. Notification of considered suspensions and exclusions
14. Removing excluded pupils from the school register
15. The duties of the independent review panel
16. Reconsidering reinstatement following a review
17. Criminal investigations
18. Training requirements
19. Using data

Appendix A: Flowchart for reviewing the principal's suspension or exclusion decision

Appendix B: Model letter 1 – Exclusion for 1-5 days

Appendix C: Model letter 2 – Exclusion for 6-15 days

Appendix D: Model letter 3 – Exclusion for 16-45 days

Appendix E: Model letter 4 – Student Behavior Governors' Review Panel

Appendix F: Model letter 5 – Co-Principals' letter to parents notifying of permanent exclusion

Appendix G: Model letter 6 – Clerk's letter to parents notifying date of statutory Pupil Discipline Panel Meeting

Appendix H: Model letter 7 – Chair of Student Discipline Panel's decision letter to parents upholding a fixed term exclusion

Appendix I: Model letter 8 – Chair of Student Discipline Panel's decision letter to parents upholding a permanent exclusion

Appendix J: Decision maker for the Pupil Discipline Panel

Appendix K: Recommendation for fixed term exclusion

Appendix L: National standard list of reasons for exclusions

## Statement of intent

At Passmores Academy, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour for Learning 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 school has created this policy to clearly define the legal responsibilities of the principal, local governing body and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

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

An **"exclusion"** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour for Learning 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.

**This policy is based on the SchoolBus model published in July 2022. It was approved by the Passmores Local Governing Body on 27th September 2022 and will be reviewed at least annually, in line with new legislation.**

## Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour for Learning Policy
- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Safeguarding and Child Protection Policy

## Roles and responsibilities

The LA is responsible for:

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

The trust is responsible for:

- Setting up the membership of the suspension and exclusion review panel.
- Arranging for an independent review panel hearing to review the decision of the suspension and exclusion review panel not to reinstate a permanently excluded pupil where required.

The local governing body are responsible for:

- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is suspended.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a pupil missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- 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 excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- 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 or 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, the co-principal and the LA of its decision and the reasons for it, without delay. If the pupil has a social worker and/or virtual school head (looked-after children only), they will also be notified of the decision.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the suspensions and exclusions review panel.
- Using data to evaluate the school's practices regarding intervention, suspension and exclusion.

The clerk to the suspension and exclusion review panel is responsible for:

- Informing 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.
- Circulating 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 within the timeframe of the policy.

The principal is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced 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 and exclusions as sanctions, 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, those eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the local governing body, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents 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 is clear and easily understood.
- Notifying the local governing body, trustees and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the local governing body once per term of any suspensions and exclusions in the principal's report to governors.
- Organising suitable work for suspended pupils where alternative provision cannot be arranged.

## Grounds for suspension or exclusion

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour for Learning policy, have failed to be successful.

The following examples 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

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 principal will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

## The principal's power to suspend and exclude

Only the principal has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The 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 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 school's Behaviour for Learning policy.

When sending a pupil home following any suspension or exclusion, the principal will ensure that they exercise their duty of care at all times and will always inform the parents.

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 school's wider legal duties, including the ECHR. At all times, the 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.

The 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.

The principal may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the local governing body. Where a suspension or exclusion is cancelled, the principal will notify the pupil's parents, the local

governing body, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The principal will offer the pupil's parents the opportunity to meet with the principal to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The principal will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the local governing body once per term, to allow the local governing body to have appropriate oversight.

The principal will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The principal will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's pupil information system, SIMs.

## Factors to consider when suspending or excluding a pupil

When considering the suspension or exclusion of a pupil, the 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.

The principal will 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:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The principal will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the 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.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour for Learning policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the



Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The principal will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

## Preventative measures

Before taking a final decision to exclude, the 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.

### **Off-site direction**

The local governing body may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The principal will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The principal will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the principal who will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the principal holds a review meeting, the principal will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The principal will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### **Managed moves**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the principal will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and

current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the PCLC Complaints Policy.

## Duty to inform parents

Following the principal's decision to suspend or exclude a pupil, they will immediately inform the parents, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The principal will inform the parents in writing (or electronically if written permission has been received from the parents 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 suspension and exclusions review panel, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the suspensions and exclusions review panel 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 school
- Relevant sources of free, impartial information

Where the pupil is of compulsory school age, the principal will inform the parents 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 are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the principal has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the principal is able to give less than 48 hours of notice, with parental consent.

If the principal has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

## Duty to inform the local governing body and LA

The principal will inform the local governing body, without delay, of the following:

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

For any suspensions and exclusions, other than those above, the principal will notify the local governing body once per term.

The principal will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the local governing body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the principal will notify the pupil's 'home authority'.

## Duty to inform social workers and the virtual school head (VSH)

When a pupil has been suspended or excluded, the principal will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the local governing body is taking place, and will be invited to attend the meeting should they wish to do so.

## Arranging education for suspended and excluded pupils

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

The principal will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The local governing body and principal are aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the principal will always attempt to arrange alternative provision before the sixth day.

Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the principal will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

## Considering suspensions and exclusions

The suspension and exclusion review panel will consider any representations made by parents regarding suspensions and exclusions.

Parents and, where requested, a friend or representative, the 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. 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.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The suspension and exclusion review panel will consider the reinstatement of a suspended or excluded pupil, where:

- The exclusion is permanent.
- The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents make representations, the suspension and exclusion review panel will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the suspension and exclusion review panel can consider reinstatement on their own.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents. There will be no deadline for this meeting to be arranged; however, it will be arranged within a reasonable amount of time. In the absence of any representations from the parents, the suspension and review panel can consider reinstatement on their own.

Where suspension or exclusion would result in a pupil missing a public examination, the suspension and exclusion review panel will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

In light of the above, the suspension and exclusion review panel will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the suspension and exclusion review panel will:

- Only discuss the suspension or exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion.

## Reaching a decision

After considering suspensions and exclusions, the suspension and exclusion review panel will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the suspension and exclusion review panel will still consider whether the pupil should be officially reinstated, and whether the principal's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The suspension and exclusion review panel 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.

To reach a decision, the suspension and exclusion review panel 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 principal's legal duties and any evidence that was presented to the local governing body 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.
- Inform the LA of the outcome.
- Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

## Notification of considered suspensions and exclusions

The suspension and exclusion review panel will notify the parents of the suspended or excluded pupil, the principal the LA, social worker and VSH (if applicable) of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the suspension and exclusion review panel decides not to reinstate the pupil, they will notify the parents:

- 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 have a right to require the local governing body to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- 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.

The suspension and exclusion review panel will also notify parents 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.

After any conclusion, the suspension and exclusion review panel will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## Removing excluded pupils from the school register

The principal will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the local governing body's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If an application for an independent panel review has been made within 15 school days, the principal will wait until the review has been determined, or abandoned, and until the suspension and exclusion review panel has completed any reconsideration that the independent review panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the 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.

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.

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.

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

## The duties of the independent review panel

The role of the panel is to review the suspension and exclusion review panel'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'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the local governing body reconsiders reinstatement
- Quash the decision and direct that the local governing body reconsiders reinstatement

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, local governing body, principal and LA.

## Reconsidering reinstatement following a review

Where the independent review panel instructs the suspension and exclusion review panel to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following an instruction to reconsider, the suspension and exclusion review panel does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel recommends that the local governing body should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the suspension and exclusion review panel does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the suspension and exclusion review panel offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the suspension and exclusion review panel will notify the parents, principal and LA of their reconsidered decision and the reasons for this.

## Criminal investigations

The 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.

Particular consideration will be given by the 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.

If the suspension and exclusion review panel is required to consider the principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

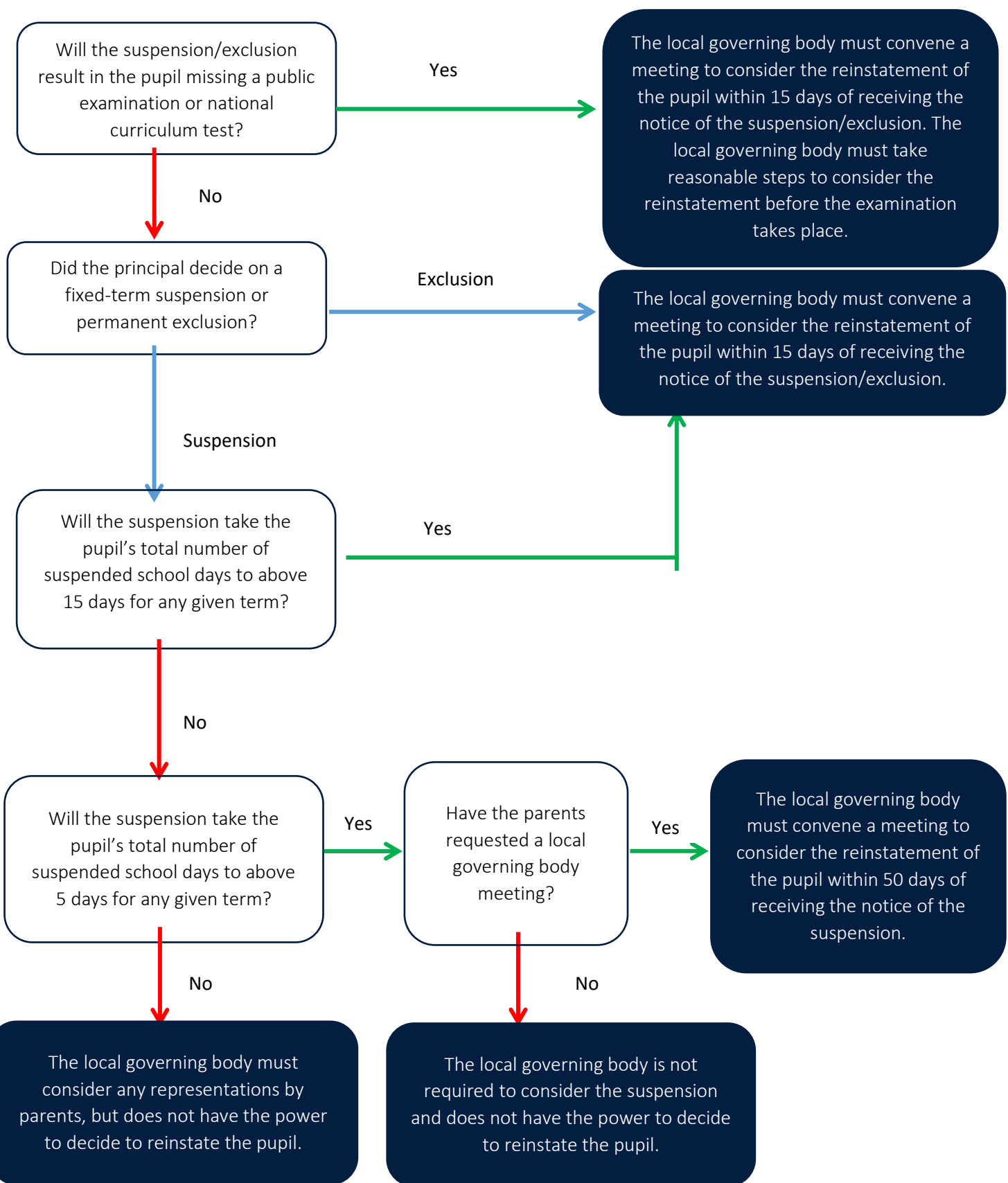
## Using data

The principal will ensure that all data regarding suspensions and exclusions is collected and provided to the local governing body on a **termly** basis. The local governing body 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.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Behaviour for Learning policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- 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.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.



## Appendix A: Flowchart for reviewing the principal's suspension or exclusion decision



## APPENDIX B

### Model Letter 1

**From the Co-Principals notifying parent of a fixed period exclusion of 5 days or fewer in one term, and where a public examination is not missed.**

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a period of **[number of days]** days. This means that he/she will not be allowed in school for this period. The suspension will start on **[date]** until the **[date]**. Your child should return to school 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 period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

Work will be set for **[child's name]** on Show My Homework in the normal way which must 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 the class teacher.

You have the right to make representations about this decision to the Governing Board. If you wish to make representations please contact Mrs Deb Bartram (Clerk to the Governing Body), by emailing [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. The governing board must consider any representations you wish to make but it cannot direct reinstatement and is not required to arrange a meeting with parents.

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 under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Board.

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

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time.  
[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

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

Yours sincerely

**Mr V Goddard**  
**Co-Principal**

Form:

Date:

**Ms N Christie**  
**Co-Principal**

## APPENDIX C

### Model Letter 2

**From the Principals notifying parent of a fixed period exclusion of more than 5 days (up to and including 15 school days) in a term.**

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for a period of [number of days] days. This means that he/she will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school 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 period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child's name] during the [first 5 or specify other number as appropriate] school days of his/her suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6<sup>th</sup> school day of the pupil's suspension [specify date] until the expiry of his/her suspension we will provide suitable full-time education. [Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]

On [date] he/she should attend [give name and address of alternative provider] at [specify the time] and report to [staff members name].

As the period of suspension is more than 5 school days in a term, you have the right to make representations to the School's Governing Board and request that my decision be reviewed. The latest date by which the Governing Board must meet is [specify date – no later than the 50<sup>th</sup> school day after the date on which the Governing Board were notified of this exclusion]. If you wish to make representations please contact Mrs Deb Bartram (Clerk to the Governing Body), by emailing [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) 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 at the meeting.

The Governing Board must consider reinstatement where possible. If the pupil has returned to school before the Governing Board meet, they must still place a copy of their findings on the pupil's school record.

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 under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School's Governing Board.

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time.  
[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

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

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

Yours sincerely

**Mr V Goddard**  
**Co-Principal**

**Ms N Christie**  
**Co-Principal**

Form:

Date:

## APPENDIX D

### Model letter 3

#### **From the Principals notifying parent of a fixed period exclusion of more than 15 school days in one term.**

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a period of **[number of days]** days. This means that he/she will not be allowed in school for this period. The exclusion will start on **[date]** until the **[date]**. Your child should return to school 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 period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for **[child's name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6<sup>th</sup> school day of the pupil's suspension **[specify date]** until the expiry of his/her suspension we will provide suitable full-time education. **[Set out alternative provision arrangements; if not ascertainable, it must be provided in a subsequent notice no later than 48 hours before the provision is due to start]**

On **[date]** he/she should attend **[give name and address of alternative provider]** at **[specify the time]** and report to **[staff members name]**.

As the period of this suspension is more than 15 school days in one term the school's Governing Board must meet to consider the exclusion. The latest date by which the Governing Board must meet is **[specify date – no later than the 15 school days from the date which the Governing Board were notified of this suspension]**.

At the hearing you have the right to make representations to the Governing Board. If you wish to make representations and wish to be accompanied by a representative or friend, please contact **[name of contact]** on/at **[contact details – address, phone number, email]** as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Governing Board of the time, date, and location of this 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. Please inform **[contact]** if it would be helpful for you to have an interpreter at the meeting.

The Governing Board must consider reinstatement where possible. If the pupil has returned to school before the Governing Board meet, they must still place a copy of their findings on the pupil's school record.

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 under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

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

You may find it useful to contact the following services who will be able to offer you free and impartial advice:

The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

SEN Information Advice & Support Services Network (formerly known as the local parent partnership) on 01245 204338 <https://www.essexsendiass.co.uk/>

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

Yours sincerely

**Mr V Goddard**  
**Co-Principal**

**Ms N Christie**  
**Co-Principal**

Form:

Date:

## APPENDIX E

### Model letter 4

From the Co-Principal notifying parent of a Student Behaviour Governors' Review Panel

Dear [PARENT NAME],

Governor Panel Meeting - [DATE AND TIME]

Following the fixed term exclusion issued to **(student's name)** on **(date of exclusion)**, you and **(student)** are now required to attend a Governor Panel meeting at Passmores Academy on **(date and time)**. There will a chance for you to review the information you will be given regarding **(student's name)** behaviour and attendance records, before meeting with the panel at approximately **(time)**.

We strongly recommend that you attend this meeting to discuss how best the return to school for **(student)** can be managed. Failure to attend this meeting could result in a lengthy delay in **(student)** reintegration to school and further disruption to **his/her** school education.

You may find it useful to contact The Coram Children's Legal Centre on 01206 714650 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours sincerely

**Mr V Goddard**  
**Co-Principal**

**Miss N. Christie**  
**Co-Principal**

Form: **[FORM GROUP (Year GROUP)]**

Date: **[DATE OF EXCLUSION AND NUMBER OF DAYS]**



## APPENDIX F

### Model Letter 5

#### **From Principals notifying parent of student's permanent exclusion.**

Dear [PARENT'S NAME],

I am writing to inform you of my decision to permanently exclude [STUDENT'S NAME] with effect from [DATE OF EXCLUSION]. This means that [HE/SHE] will not be allowed in this school unless [HE/SHE] she is reinstated by the school's Governing Body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [STUDENT'S NAME] has not been taken lightly. [STUDENT'S NAME] has been excluded because [INSERT REASON].

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

Alternative arrangements for [STUDENT'S NAME] education to continue will be made. For the first five school days of the exclusion, work can be accessed online using this link [Passmores Academy - Working from Home](#) and we would ask you to ensure that work is completed as per [STUDENT'S NAME] current timetable. From the sixth school day of the exclusion onwards i.e. from [DATE OF EXCLUSION], the Local Authority will provide suitable full-time education.

I have also informed the Education Access Team at Essex Local Authority of your child's exclusion and they will be in touch with you about arrangements for [HIS/HER] education from the sixth school day of exclusion. You can contact them on 03330 131150.

As this is a permanent exclusion the school's Governing Body must meet to consider the exclusion. At the hearing you may make representations to the Governing Body. The Governing Body can either reinstate your child immediately or on a particular date, or decline reinstatement. If the reinstatement is declined, you have the right to request an independent review. The latest date by which the Governing Body must meet is **[specify date – no later than 15 school days from the date which the Governing Body were notified of the exclusion]**. If you do wish to make representations and wish to be accompanied by a friend or representative, please contact Mrs D. Bartram on (01279) 770872 or email [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. You will be notified by Mrs Bartram of the time, date and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to take part in a meeting at the school. Also please inform Mrs. Bartram if it would be helpful for you to have an interpreter at the meeting.

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 under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You may wish to contact Education Access at Essex County Council - 03330 131157 or 03330 131150.

You may find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Yours sincerely

**Mr V Goddard**  
**Co-Principal**

**Miss N. Christie**  
**Co-Principal**

Form: **[FORM GROUP (Year GROUP)]**

Date: **[DATE OF PERMANENT EXCLUSION]**

## APPENDIX G

### Model letter 6

**From the Clerk notifying parents of date of statutory Governors' Student Discipline Panel meeting.**

Dear **[Parent's Name]**

I am writing to let you know that the Governors' Student Discipline Panel of this school will meet on **[date]** to consider the exclusion of **[Student's Name]** and to invite you to attend.

Its duty is to consider the exclusion and decide whether it should be confirmed (that is remain in place) or whether your **[son/daughter]** should be reinstated (that is, may return to school). An officer of the Local Authority may elect to be present at the meeting.

The Governors will consider carefully all the circumstances of the exclusion, including any letter you send to them, and statements you make at the meeting, as well as the report from the Principal. If you would like to write to the Governors please ensure I receive your letter as soon as possible so that I can send copies to the members of the Panel and to the Principal. Similarly, I will send you a copy of the Principal's report to the Panel.

The Governors would also like **[Student's Name]** to attend and to speak and answer questions at the meeting if you are in agreement with this.

At the meeting, the Panel Chair will explain how it will proceed, and you will have the opportunity to tell the Governors why you think **[Student's name]** should return to school and to ask the Principal questions.

When you and the Principal have completed what you want to say, the Panel Chair will ask you, the Principal and the Local Authority Officer (if present) to withdraw whilst the Governors arrive at their decision.

If you wish to be accompanied by a friend or representative could you please let me know as soon as possible. Please also 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, and also if it would be helpful for you to have an interpreter at the meeting.

You will be given the decision as soon as possible and in writing by the Panel Chair within one day of the meeting.

In the meantime, if you have any questions, please feel free to contact by email on [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) or by phone (01279) 770872

Yours sincerely,

Mrs Deb Bartram - Clerk to the Governing Body

## **APPENDIX H**

### **Model letter 7**

**From the Student Discipline Panel Chair notifying parents of decision of the Panel to uphold a fixed term exclusion.**

Dear **[PARENT'S NAME]**,

Thank you for attending the Pupil Discipline Panel hearing on the **[DATE]**, and for presenting your case to us for consideration.

Our role was to act as independent adjudicators, to consider the evidence presented by both parties, and to make a determination on this matter. Primarily, we are looking for evidence that the school's procedures have been followed, the prescribed timescales have been adhered to, and that a fair outcome has been reached.

In hearing the representations, we are satisfied that the school's procedures have been followed, and the requisite notice of meetings has been applied.

We have considered all the points of both yours and **[PRINCIPAL'S NAME]** representations, and confirm the Panel has decided to uphold **[PRINCIPAL'S NAME]** decision to exclude **[STUDENT'S NAME]** from school, for a period of **[NUMBER OF DAYS OF EXCLUSION]**, until **[DATE]**.

The reasons for the Panel's decision are as follows:

**[INSERT REASONS]**

On behalf of the Panel, I would like to thank you for your time and for attending the Panel hearing.

Yours sincerely,

Chair of Pupil Discipline Panel.

## APPENDIX I

### Model letter 8

**From the Student Discipline Panel Chair notifying parents of decision of the Panel to uphold a permanent exclusion.**

Dear **[PARENT'S NAME]**

Thank you for attending the Pupil Discipline Panel meeting on **[DATE]**.

Our role was to act as independent adjudicators, to consider the evidence presented by both parties, and to make a determination on this matter. Primarily, we are looking for evidence that the school's procedures have been followed, the prescribed timescales have been adhered to, and that a fair outcome has been reached.

In hearing the representations, we are satisfied that the school's procedures have been followed, and the requisite notice of meetings has been applied.

We have considered all the points of both yours and Mr Goddard's representations, and with regret, confirm the Panel has decided to uphold Mr Goddard's decision to permanently exclude **[STUDENT'S NAME]** from Passmores Academy, with effect from **[DATE]**.

The reasons for the Panel's decision are as follows:

#### **[INSERT REASONS]**

You have the right to ask for this decision to be reviewed by an independent review panel (IRP). If you wish for this decision to be reviewed by an Independent Review Panel, please notify **[address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Alternative Education Commissioning Service prior to sending the letter to parents to confirm which you will be using - this alters the process used by parents to request an Independent Review and an additional form may be required]** of your request. You must set out the reasons for your review in writing, and, if appropriate this may also include reference to any disability discrimination claim you may wish to make. Please send this notice to by no later than **[specify the latest date – the 15<sup>th</sup> school day after the parents would receive this letter – weekends, bank holidays, school holidays and non-pupil days do not count – please contact the Alternative Education Commissioning Service if you would like us to double check the date you intend to use]**.

The Review Panel will rehear all 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 15<sup>th</sup> school day after the date on which your request for a review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold the Local governing body's decision; recommend that the Local governing body reconsiders reinstatement; or quash the decision and direct that the Local governing body reconsiders reinstatement.

If you have not submitted your request for an Independent Review by **[repeat latest date]**, you will lose your right to do so. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also please inform **[name of clerk to the review panel]** if it would be helpful for you to have an interpreter present at the hearing.

**[STUDENT'S NAME]** **[HAS / HAS NOT]** been identified by yourself **[AND /OR]** the school as having special educational needs (SEN). The Panel must inform you that regardless of whether your child

has a recognised special educational need, you have a right to ask us to appoint an SEN expert to attend the review. There would be no cost to you for this. The SEN expert's role is similar to an expert witness and would provide impartial advice to the review panel on how SEN might be relevant to the exclusion, based on the evidence provided to the review panel. If you would like further information on the statutory exclusion guidance, or would like to talk to a SEN expert, please contact Mrs Bartram. If you wish to request the attendance of an SEN expert please include this request in your written request for the review. Please also inform us if you require any special assistance in attending the review.

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

If you request an independent review within the timeframe set out above, we will arrange for an independent review panel hearing within 15 school days of receiving your request in accordance with the Statutory Guidance. Following its review, the Panel can decide to:

- uphold the exclusion, which means your child will subsequently come off the roll of the school and education will continue through the alternative provider;
- recommend that the governing body reconsiders their decision. As this is only a recommendation, the governing body can refuse to reconsider reinstatement. You would be advised accordingly. Should the governors reconsider reinstatement, your child will remain on the school roll until a final decision is reached;
- direct the governing body to consider reinstatement again. If the governing body fail to reinstate your child within ten school days of receiving notice of the Panel's decision, the excluding school will face a £4000 fine.
- The Independent Review Panel's decision is binding.

### **Discrimination**

In addition to your right to apply for an independent review panel, if you believe the exclusion 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) in the case of disability discrimination and to the County Court in the case of other forms of discrimination. For further information please see: <http://www.justice.gov.uk/tribunals/send/appeals>

A claim of discrimination should be lodged within 6 months of the date which the discrimination is alleged to have taken place.

### **Further information**

I understand that this will be a worrying time for you. If you would like further information about the exclusion process, you can view the Statutory Guidance 'Exclusion from maintained schools, academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' (DfE, September 2012) on the DfE website:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

For guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) please access the following link: (<https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court for other forms of discrimination.

You may wish to contact **Julie Millar-Robinson- 03330 131150** from the Local Authority Alternative Education Commissioning Service who can provide advice. You may find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

On behalf of the Panel, I would like to thank you for your time and for attending the Panel meeting. We wish **[STUDENT'S NAME]** every success for the future.

Yours sincerely,

Chair of Pupil Discipline Panel

## APPENDIX J

### Decision planner for the Student Discipline Panel

Some points for members of a Governing Bodies Discipline Committee to consider when reviewing the Co-Principals' decision to exclude a pupil;

Did the student, on the balance of probabilities, commit the breach of the Academy's discipline policy of which they are accused?	
Would allowing the student to remain in school seriously harm the education or welfare of others in the Academy?	
Did the Academy evidence that all strategies available had been exhausted prior to the decision to exclude?	
Did the Co-Principals have any alternative to exclusion?	
Is the Co-Principals' decision in line with the Academy's published discipline policy?	
Was the decision to exclude based on a serious one off incident, or for an accumulation of offences?	
Is the student defined as having Special Educational Needs? Has the student received the support as set out in the Statutory Assessment? Has the student had a recent annual review? Were the Statutory Assessment Service consulted prior to the decision to exclude?	



<p>Has the student been identified as having a disability? If so, has the student been treated less favourably than other students and have reasonable adjustments been made in regard to their disability?</p>	
<p>Was the incident provoked (for example by bullying, racial or sexual harassment)?</p>	
<p>Are you satisfied that a full and appropriate investigation was undertaken? Has the Academy interviewed all parties and have you cross referenced the witness statements?</p>	
<p>Did the Academy apply the correct procedures when excluding the student?</p>	
<p>Was the student given the opportunity to give their version of events?</p>	

APPENDIX K

## Recommendation for Fixed Term Exclusion

To: Co-Principal/Vice Principal  
(SLT)

From: \_\_\_\_\_

Student: \_\_\_\_\_

Mentor group: \_\_\_\_\_

Date of incident: \_\_\_\_\_

Date presented to SLT: \_\_\_\_\_

ALT ED/WE: No  Yes  Days M  Tu  Wed  Th  Fr

**Proposed Fixed Term Exclusion:**

**Information:**

*Category:*

*Total number of previous exclusions:*

*To commence on:*

*Total length of previous exclusion*

*Amount of days:*

*Cumulative days excluded this term:*

*Last day of exclusion:*

*Number exclusion letter to send:*

*Previous exclusion codes:*

**Re-integration meeting:-**

**Evidence Attached**

*Date:*

*Student written statement*

*Time:*

*Teacher/Pupil aggrieved*

*With:*

*Witness statements*

**Reason**

**Other strategies considered**

---

---

---

---

---

---

---

---

---

---

---

---

SANCTIONED BY: \_\_\_\_\_

Parents telephoned: \_\_\_\_\_ Letter sent: \_\_\_\_\_

## APPENDIX L: National standard list of reasons for exclusions

This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for exclusions and the 'other' category should be used sparingly.

	CODE		CODE
<b>Physical assault against pupil</b>	<b>PP</b>	<b>Physical assault against adult</b>	<b>PA</b>
Includes: <ul style="list-style-type: none"> <li>Fighting</li> <li>Violent behaviour</li> <li>Wounding</li> <li>Obstruction and jostling</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Violent behaviour</li> <li>Wounding</li> <li>Obstruction and jostling</li> </ul>	
<b>Verbal abuse / threatening behaviour against pupil</b>	<b>VP</b>	<b>Verbal abuse / threatening behaviour against adult</b>	<b>VA</b>
Includes: <ul style="list-style-type: none"> <li>Threatened violence</li> <li>Aggressive behaviour</li> <li>Swearing</li> <li>Homophobic abuse and harassment</li> <li>Verbal intimidation</li> <li>Carrying an offensive weapon</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Threatened violence</li> <li>Aggressive behaviour</li> <li>Swearing</li> <li>Homophobic abuse and harassment</li> <li>Verbal intimidation</li> <li>Carrying an offensive weapon</li> </ul>	
<b>Bullying</b>	<b>BU</b>	<b>Racist abuse</b>	<b>RA</b>
Includes: <ul style="list-style-type: none"> <li>Verbal bullying</li> <li>Physical bullying</li> <li>Homophobic bullying</li> <li>Racist bullying</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Racist taunting and harassment</li> <li>Derogatory racist statements</li> <li>Swearing that can be attributed to racist characteristics</li> <li>Racist bullying</li> <li>Racist graffiti</li> </ul>	
<b>Sexual misconduct</b>	<b>SM</b>	<b>Drug and alcohol related</b>	<b>DA</b>
Includes: <ul style="list-style-type: none"> <li>Sexual abuse</li> <li>Sexual assault</li> <li>Sexual harassment</li> <li>Lewd behaviour</li> <li>Sexual bullying</li> <li>Sexual graffiti</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Possession of illegal drugs</li> <li>Inappropriate use of prescribed drugs</li> <li>Drug dealing</li> <li>Smoking</li> <li>Alcohol abuse</li> <li>Substance abuse</li> </ul>	
<b>Theft</b>	<b>TH</b>	<b>Damage</b>	<b>DM</b>
Includes: <ul style="list-style-type: none"> <li>Stealing school property <ul style="list-style-type: none"> <li>Stealing personal property (pupil or adult)</li> <li>Stealing from local shops on a school outing</li> <li>Selling and dealing in stolen property</li> </ul> </li> </ul>		Includes damage to school or personal property belonging to any member of the school community: <ul style="list-style-type: none"> <li>Vandalism</li> <li>Arson</li> <li>Graffiti</li> </ul>	
<b>Persistent disruptive behaviour</b>	<b>DB</b>	<b>Other</b>	<b>OT</b>
<ul style="list-style-type: none"> <li>Challenging behaviour</li> <li>Disobedience</li> <li>Persistent violation of school rules</li> </ul>		Includes incidents which are not covered by the categories above, but this category should be used sparingly	