

GLC Suspensions and Exclusion Policy

This policy was ratified by the Board of Directors on:	Autumn 2022
This policy will be reviewed by the GLC Board on	2024

GLC Mission Statement

The GLC's mission is to develop active and thriving citizens within a diverse, truly fair and equal community.

This will be achieved through:

- High quality teaching that deliberately develops the competencies of curiosity, creativity, communication and critical-thinking;
- An inspiring and meaningful curriculum;
- The development of productive relationships by instilling the values of compassion, resilience, responsibility and aspiration to prepare our young people for learning and life;
- A commitment to the wellbeing of our staff;
- A culture of professional generosity, collaboration, challenge and support throughout the GLC;
- The development of effective external partnerships for the benefit and wellbeing of our community.

Equalities Statement

The GLC's commitment to equality is enshrined in our mission statement to 'develop confident, aspirational, resilient, high-achieving, healthy, caring and fulfilled members of a diverse, truly fair, and equal community'. We are a vibrant, innovative and successful organisation: we work hard to be the place of choice to work and to learn. Across the 5 academies of the GLC, we pledge that everyone enjoys an equality of opportunity. We work tirelessly to ensure that individual characteristics including age, ethnicity, socio-economic background, academic ability, disability, gender, religious beliefs, sexual orientation are not discriminated against in any way. We create inclusive environments characterised by mutual respect where difference is celebrated.

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1. Aims

The GLC aims to ensure that:

- The suspension and permanent exclusions process(es) are applied fairly and consistently;
- The suspension and permanent exclusions process(es) are understood by directors, governors, staff, parents and pupils;
- Everyone has the opportunity to develop as active and thriving citizens within a diverse, truly fair and equal community

To achieve this, pupils must adhere to the GLC Student Code of Conduct:

- Respect the rules of our academy; the authority of our teachers / adults and the right of all students to make unhindered progress;
- Be empathetic to our peers, supporting, encouraging and helping them when in need;
- Be positive about our learning: always trying to improve upon our best: always being open to new experiences, ways of thinking and new ways of doing things;
- Be kind and respectful to each other, working together to eradicate all forms of bullying so that we can create a truly inclusive GLC community;
- Be proud of being part of the GLC, doing everything we can, no matter how big or small, to make our academy and our community even better.

This policy sets out our expectations for all our academies in ensuring we are compliant with legislation governing the suspension and permanent exclusion of pupils and in relation to our statutory duties relating to this.

2. Legislation and statutory guidance

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful; rational; reasonable; fair; and proportionate. When establishing the facts in relation to an exclusion the head teacher must apply the civil standard of proof, i.e. 'on the balance of probabilities', it is more likely than not to be true. This is a lower threshold than the criminal standard of 'beyond reasonable doubt'.

This policy can be applied when there are clear breaches of the GLC Student Code of Conduct. This policy is based on statutory guidance from the Department for Education [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement and Behaviour in Schools](#), both updated in September 2022. The GLC Behaviour and Relationships Policy (primary, updated) and GLC Behaviour Policy (secondary) should be read in conjunction with this policy, and it is anticipated that following the strategies, practices and interventions as set out within it will be successful and reduce the need to use suspensions and/or permanent exclusions.

The GLC complies with the guidance in regards to off-rolling and unlawful exclusions.

This policy is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)
- The [Equality Act, 2010](#), that sets out our duties to prevent discrimination because of gender, race, disability, social background, religion or belief, or sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment.
- Statutory duties in relation to Special Educational Needs and Disabilities (SEND) in regards to the [SEND Code of Practice](#) and [Children and Families Act](#)
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy should be read in conjunction with, and **not** in place of, statutory guidance from the Department for Education (2022):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf which provides a guide to the legislation that governs exclusions.

3. The decision to suspend or permanently exclude

Only the Head of School or acting Head of School (should the head of school be completely unavailable), can suspend (a fixed period of exclusion) or permanently exclude a pupil from school, and that this must be on disciplinary grounds. A permanent exclusion will be taken as a last resort. A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the GLC's Behaviour and Relationships Policy (primary, updated) and GLC Behaviour Policy (secondary) Policy, **and**
- If allowing the pupil to remain a GLC academy would seriously harm the education or welfare of others.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head of School will:

- Consider all the relevant facts and evidence, including whether the incident[s] leading to the exclusion were provoked and whether any contributing factors were identified following the incident;
- In the cases where a permanent exclusion is being considered, a fixed-term exclusion (suspension) will usually be applied whilst an investigation takes place;
- Allow the pupil/s involved to give their version of events and express their views, considering these in light of their age and understanding. The pupil/s may be supported to express themselves with the use of an advocate, which may be their parents, carers or social workers;
- Consider if the pupil has special educational needs and/or a disability [SEND], and whether the GLC SEND, Behaviour and Relationships Policies and procedures have been followed, including early intervention and referrals for further support
- Consider whether there are additional factors that may place the child at risk if they were suspended or permanently excluded [including whether they are looked after, or have a social worker], whilst fulfilling their duty to provide a safe and calm environment for all staff and pupils.

It is important to note that a pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). Should a pupil be suspended for 15 days in a term, the Local Governing Body's Discipline Committee must meet to consider the suspension which brought the cumulative number of days lost to suspension to more than 15.

The GLC maintains ongoing records to ensure that pupils receive the support they need in advance of reaching this limit, with early intervention used as the most successful behaviour management tool. Further analysis is made to ensure that pupils with SEND, those that are looked after and those with social workers who have been suspended receive the targeted support that they need to prevent further suspensions or exclusions. The exclusion rates for certain groups of pupils are consistently higher than average, including: pupils with SEND; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups (Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils). At a Trust and academy level The GLC will monitor and intervene to ensure that there is no discrimination and that positive steps are taken to intervene and avoid suspension for all pupils.

The local authority must be informed of suspensions of any length, the notification must include reasons for the suspension/exclusion and the duration, or if it is permanent. In Thurrock, the letter that is sent to parents/carers can be forward to the senior exclusions officer via AVCO under CME/Exclusions, with an advisory email also.

4. Definition

For the purposes of suspensions and permanent exclusions, the school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day. Any exclusion of a pupil, even for short periods, will be formally recorded and follow the suspension and permanent exclusion processes.

In exceptional circumstances, The GLC may consider part-time timetables for the shortest time necessary in order to support a pupil's successful integration into school. Decisions regarding part-time timetables are carefully made, balancing the social, emotional and mental health needs of the child with the overall duties of the school in protecting all children and staff. Part-time timetables are agreed in consultation with parents/carers and the plan for accommodating the child full-time set out clearly with timescales and reviews included.

It is important to note that:

The law does not allow for extending or converting a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the end of the suspension.

5. Roles and responsibilities

5.1 The Head of School

Informing parents

The Head of School will immediately (and without delay) provide the following information, in writing, to the parents/carers of a suspended or permanently excluded pupil:

- The reason[s] for the suspension or permanent exclusion;
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Information about parents' right to make representations about the exclusion to the local governing body [LGB] [or the GLC Board of Directors if the LGB is not in operation] and how the pupil may be involved in this;
- How any representations should be made;
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting [at their own expense] and to bring a friend;
- If a pupil has a social worker, or if a pupil is looked-after, the Head of School will also, without delay after their decision, notify the social and/ or the Virtual School Head (VSH) as applicable. The academy DSL will also be informed.

Model letters can be found in appendix 1.

The academy will take reasonable steps to provide appropriate work and resources for pupils during suspension and up to the 5th day following a permanent exclusion. This may also include use of online resources and programmes. Reasonable adjustments will be made for pupils with additional needs to ensure that they can access their work appropriately. Work will be marked.

The Head of School will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

The GLC will work with the local authority to fulfil its duties to pupils who are looked after or have a social worker to access alternative provision (AP). If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Following a suspension, academies will agree a strategy for reintegrating pupils back into school, and for managing their future behaviour. See appendix 2 for further information.

Informing the governing body and local authority (see appendix 3 for a chart summarising the information below)

The Head of School will immediately notify the governing body and the local authority [LA] of: all suspensions and permanent exclusions; including:

- Suspensions which would result in the pupil being excluded for more than 5 school days [or more than 10 lunchtimes] in a term;
- Suspensions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head of school will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. Please see Appendix for further information in regards to actions to take following a permanent exclusion.

For all other exclusions, the headteacher will notify the local governing board.

5.2 The GLC Student Discipline Panel

Responsibilities to review the decision to make a permanent exclusion are delegated to the GLC Board of Directors' Student Discipline Panel [a sub-committee of the Board]. The Panel is comprised of 3 members drawn as necessary from directors and governors.

The GLC Student Discipline Panel also has a duty to consider the reinstatement of an excluded pupil [see section 6].

5.3 The LA

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Where a child is looked after or has a social worker, the VSH can act in an advisory capacity and the social worker may serve as an advocate in order to best support the pupil.

5.4 The academy DSL

In cases where there are ongoing safeguarding investigations it is important that the DSL and head of school will continue to work with safeguarding partners during a period of suspension or permanent exclusion to ensure they promote the welfare of the pupil. The GLC will follow the guidelines and timeframes as set out in the guidance [pages 16 and 48].

6. Considering the reinstatement of a pupil

Heads of School may cancel a suspension or exclusion that has not been reviewed by the governing board, including where a suspension or exclusion that has not started yet.. This practice is known as withdrawing or rescinding a suspension or permanent exclusion. If this occurs the following should be notified:

- Parents/carers;
- The governing board;
- The local authority;
- And, if relevant, the social worker and VSH

The head of school must provide all parties with the reason for the cancellation. Parents/carers will be offered the opportunity to meet the head of school to discuss the circumstances that led to the exclusion being cancelled.

Any days out of school, prior to the cancellation, will be counted towards the maximum of 45 school days a pupil can be suspended in any school years. It is important to note that a permanent exclusion cannot be cancelled if a pupil has already been suspended for more than 45 days in a school year or if they would have done so by the time the cancellation takes effect.

Pupils should be integrated back to school without delay, and the same guidelines should be followed as for a pupil returning to school following a suspension (section 9 and appendix). In the case of a cancelled suspension or exclusion it is no longer necessary to consider reinstatement and therefore the governing board don't need to meet or consider representations.

The GLC Student Discipline Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term (including 15.5 days);
- It would result in a pupil missing a public examination or national curriculum test.

If requested to do so by parents, the GLC Student Discipline Panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term. Please refer to the flowchart in appendix 4 for further clarification.

Where an exclusion would result in a pupil missing a public examination, the GLC Student Discipline Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the GLC Student Discipline Panel will consider the exclusion and decide whether or not to reinstate the pupil.

The GLC Student Discipline Panel can either:

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

In reaching a decision, the GLC Student Discipline Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head of School followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. Minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached, which a clerk should be present for. The outcome will also be recorded on the pupil's educational record.

The GLC Student Discipline Panel will notify, in writing, the Head of School, parents and the LA [where appropriate] of its decision, along with reasons for its decision, without delay. The head of school will ensure that formal notice is also provided to the VSH where appropriate.

Where an exclusion is permanent, the GLC Student Discipline Panel decision will also include the following:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel;
- The date by which an application for an independent review must be made;
- The name and address to whom an application for a review should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion;
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the GLC to appoint a SEN expert to attend the review;
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish for a SEND expert to be appointed in any application for a review;
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination, they 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, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

7. An independent review

If parents apply for an independent review panel (IRP), the GLC will arrange for an independent panel to review the decision of the GLC Student Discipline Panel not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the GLC Student Discipline Panel of its decision to not reinstate a pupil. It is encouraged that meetings are held in person as this is the default, however headteachers must inform parents/carers of their right to request a remote meeting when notifying them of the exclusion. See * below for further information about remote meetings and extraordinary circumstances.

A panel of 3 members will be constituted with representatives from each of the categories below.

- 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 5 years, provided they have not been teachers or Head of Schools during this time;
- Head of School [Head Teachers are included] or individuals who have been a Head of School within the last 5 years.

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

- Are a [member/director] of the GLC, or a member of the local governing board of the excluding GLC academy; - Are the Head of School of the excluding school, or have held this position in the last 5 years;
- Are an employee of the GLC, or the governing board, of the excluding school;
- Have, or at any time have had, any connection with the GLC, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality; - Have not had the required training within the last 2 years [see appendix 1 for what training must cover].

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the discipline panel's decision
- Uphold the discipline panel's decision but recommend that the discipline panel reconsiders reinstatement;
- Quash the discipline panel's decision and direct that they reconsider reinstatement [only when the decision is judged to be flawed];

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

* Meetings may also be held remotely in the case of unforeseen or extraordinary circumstances, for example:

- floods
- fire
- infectious illness / disease

Where these extraordinary circumstances don't apply and parents/carers don't request a remote meeting, then the meeting must be held in person.

Certain conditions must be met for a remote meeting to take place. It is the responsibility of the governing body and arranging authorities to:

Confirm that all participants have access to the technology which will allow them to:

- hear; speak; see; and be seen.
- Make sure that all participants will be able to participate fully
- Make sure that the remote meeting can be held fairly and transparently

If technical issues occur, the review must be re-arranged to be held in person: if technical difficulties can not be resolved swiftly, and these issues prevent the meeting being held fairly or transparently, a face-to-face meeting must be arranged without delay.

Social workers and virtual school heads (VSHs) may join review meetings remotely, even if the meeting is held in person, so long as they can contribute effectively.

8. School registers

A pupil's name will be removed from the GLC admissions register if:

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

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D [dual registration] will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E [absent] will be used.

9. Returning from a suspension (fixed-term exclusion)

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'

See appendix 2 for further information.

10. Monitoring arrangements

The GLC CEO monitors the number of exclusions every term and reports back to the GLC Board of Directors.

This policy will be reviewed by Board of Directors every 3 years.

11. Types of circumstances that may lead to suspension or permanent exclusion

The reasons below are examples of the types of circumstances that may lead to suspension or permanent exclusion, and is not an exhaustive list:

- 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 that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

12. Links with other policies

This exclusions policy is linked to our:

- GLC Behaviour policy [secondary] and the GLC Behaviour and Relationships Policy [primary]
- GLC SEND policy [primary and secondary versions].

13. Training

The GLC will ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 1 - Sample Model Letters

MODEL LETTER 1

From Head of School notifying parent of a suspension up to 15 days, 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 fixed period of **[Period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because: **[Reason for Exclusion]**.

You have the right to let the governing board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'. If you wish to make representations please contact **[Name of Contact]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible. We will then invite you to a meeting with the governing board and the head of school, and a representative of the local authority. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if you will be attending the meeting yourself, bringing a friend or arranging (at your own expense) to be represented at the meeting.

If you think this suspension relates to a disability your child has, and you think disability discrimination has occurred, you may raise this issue with the Local Governing Body.

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.

The school will set work for **[Name of Child]** during the period of his/her exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You may also wish to contact **[Name]** at Thurrock Local Authority on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you. The Parent Advisory Team Thurrock (PATT) also offers free, confidential and impartial advice and support to parents. They can be contacted on their helpline 07711 749 187.

Additionally, you may find it useful to contact any of the following agencies:

- Coram's Child Law Advice service which can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am to 6 pm.
- Ace education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA - <https://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 education needs (SEN) and disabilities.

[Name of Child]'s exclusion expires on **[Date]** and we expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**, when we would also like to meet with you to discuss **[Name of Child]**'s reintegration and the support available to ensure a successful return.

Yours sincerely

[Name]

Head of School

MODEL LETTER 2

From Head of School notifying parent of a suspension of 15.5 days or more, or where cumulative suspensions in the same term fall are 15.5 days or more

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 exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[Reason for Exclusion]**.

As the length of the suspension is more than 15 school days, or equivalent, the Local Governing Body's Discipline Committee must meet to consider the suspension. At the meeting you may make representations to the committee if you wish to do so. The latest date the committee can meet is **[Date here - no later than 12 school days from the date the GB is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[Contact Details - Address, Phone Number, email]**, as soon as possible. You will, whether you chose to make representations or not, be notified by the Clerk to the committee the time, date and location of the meeting.

You have the right to make representations to the Local 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.

If you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may raise this issue with the Local Governing Body.

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.

The school will set work for **[Name of Child]** during the period of his/her exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You may also wish to contact **[Name]** at Thurrock Local Authority on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you. The Parent Advisory Team Thurrock (PATT) also offers free, confidential and impartial advice and support to parents. They can be contacted on their helpline 07711 749 187.

Additionally, you may find it useful to contact any of the following agencies:

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- Independent Provider of Special Education Advice (known as IPSEA - <https://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 education needs (SEN) and disabilities.

[Name of Child]'s exclusion expires on **[Date]** and we expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**, when we would also like to meet with you to discuss **[Name of Child]**'s reintegration and the support available to ensure a successful return.

Yours sincerely

[Name]

Head of School

MODEL LETTER 3

From Head of School notifying parent of a permanent exclusion

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 in this Academy unless he/she is reinstated by the Local Governing Body's Discipline Committee] or by an Appeal Panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant previous history]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the Local Authority **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** If you have any questions about this process, please get in touch with **[insert the staff member they should contact and the relevant contact details.]**

[Where pupil lives in a Local Authority other than the excluding school's Local Authority] I have also today informed **[name of officer]** at **[name of 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 at **[give contact details]**.

As this is a permanent exclusion the Local Governing Body's Discipline Committee must meet to consider it within 15 school days of being told about the permanent exclusion. At the review meeting you have the right to let the governing body know what your views are on the permanent exclusion and to tell them any other information which you think is relevant. This is called 'making a representation'. The board has a duty to consider any representation you make. The Local Governing Body has 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 appeal against their decision to an Independent Review Panel. The latest date by which the Discipline Committee must meet is **[specify the date — the 15th school day after the date on which the Local Governing Body was notified of the exclusion]**.

If you wish to make representations to the Local Governing Body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Governing Body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting. You also have the right to request that the meeting be held remotely. If you wish a Local Authority representative to be present at the Local Governing Body meeting you must request them to do so. Please advise the Academy that you would like the Local Authority to be in attendance please also contact **[Contact details]**.

[If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Local Governing Body.]

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must 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.

You may also wish to contact **[Name]** at Thurrock Local Authority on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you. The Parent Advisory Team Thurrock (PATT) also offers free, confidential and impartial advice and support to parents. They can be contacted on their helpline 07711 749 187.

Additionally, you may find it useful to contact any of the following agencies:

- Coram's Child Law Advice service which can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am to 6 pm.
- Ace education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA - <https://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 education needs (SEN) and disabilities.

You may wish to:

Look at the statutory guidance on exclusions:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools_academies_and_pupil_referral_units_guidance.pdf

I am sending a copy of this letter to the Chair of the panel and to the Local Authority.

Yours sincerely

[Name]

Head of School

MODEL LETTER 4

From the clerk to the Governing Body to the parent of a permanently excluded pupil upholding a permanent exclusion

Dear **[Parent's name]**

The meeting of the Governing Body at **[school]** on **[date]** considered the decision by **[Head of School]** 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 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]**

- **[the procedure for the permanent exclusion was carried out properly]**
- **there was an accumulation of incidents and/or there was an individual incident serious enough to result in permanent exclusion {more detail on specifics if possible}**
- **based on evidence from the Principal {and the representative from the Local Authority – if applicable}, the Academy had exhausted all the strategies and support that was available {more detail on the specifics if possible}**
- **[Name of child]'s behaviour conflicted with the Academy's Behaviour Policy {more detail on the specifics if possible}**
- **The committee was concerned that if your child remained at [Name of Academy] there would be serious harm to his/her education, safety and/or well-being and to that of other pupils, and to the safety and/or well-being of members of staff {delete / amend this as applicable}**

You have the right to appeal against this decision. If you wish to appeal, please notify **[name of the clerk to the appeal panel]** of your wish to appeal. You must set out the reasons for your appeal in writing, and may also include reference to any disability discrimination claim you may wish to make, and send this notice of appeal to **[address]** by no later than **[specify the latest date – the 15th school day after receipt of this letter]**. If you have not lodged an appeal by **[repeat latest date]**, your right to appeal will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[name of the clerk to the appeal panel]** if it would be helpful for you to have an interpreter present at the hearing.

You may, at your own expense, appoint someone to make written and/or oral representations to the panel and you may bring with you a friend to the review. Regardless of whether **[Name of pupil]** has a recognised special educational need, you would have a right to require the Academy Trust to appoint, at their own cost, an expert in special educational needs to attend the review to provide expert advice⁵. You must make clear, in any request for such a review, if you wish for such a person

Your appeal would be heard by an Independent Review Panel, which is empowered also to hear disability discrimination claims. A three member panel will comprise one serving, or recently retired [within the last 5 years], Head of School, one serving, or recently serving, experienced Governor and one lay member who will be the Chairman. **[Use the following if there is a possibility that a five member panel may sit: A five member panel will comprise two serving, or recently retired [within the last 5 years], Head of Schools, two serving, or recently serving, experienced Governors and one lay member who will be the Chairman.]** The appeal 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 appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

In determining your appeal the panel can make one of three decisions: they may uphold your child's exclusion; they may direct your child's reinstatement in school, either immediately or by a particular date; or they may decide that the exclusion should not have taken place, but that reinstatement in the school is not in the best interests of all concerned.

If you have not submitted your request for an Independent Review by **[date - i.e. 15 school days from the date on which notice in writing of the committee's decision was given to parents - notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.]**, 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 or participate in such a review. Also, please inform The Clerk to the Independent Review Panel if it would be helpful for you to have an interpreter present at the hearing.

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must 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.

You may also wish to contact **[Name]** at Thurrock Local Authority on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you. The Parent Advisory Team Thurrock (PATT) also offers free, confidential and impartial advice and support to parents. They can be contacted on their helpline 07711 749 187.

Additionally, you may find it useful to contact any of the following agencies:

- Coram's Child Law Advice service which can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am to 6 pm.
- Ace education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA - <https://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 education needs (SEN) and disabilities.

The arrangements currently being made for **[pupil's name]**'s education will continue for the time being. However, new arrangements to provide full-time education for **[pupil's name]** are being made and **[name of LA officer]** will liaise with you shortly about these new arrangements. If you have any questions about this please contact **[name]**.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred because 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, or the County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

Yours sincerely

[Name]

Clerk to the Governing Body

The DfE guidance on this role says:

155. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

156. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair (in line with the explanations in paragraph 148). If the SEN expert believes that this was not the case he / she should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

157. Where the school does not recognise that a pupil has SEN, the SEN expert should advise the panel on whether he / she believes the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any special educational needs that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

158. The SEN expert should not criticise a school's policies or actions simply because he / she believes a different approach should have been followed or because another school might have taken a different approach.

MODEL LETTER 6

From the clerk to the Independent Review Panel notifying the parent [or the pupil if aged 18 or over] of the outcome of his or her appeal

Dear [parent's name]

Following the hearing of your appeal by the Independent Review Panel constituted by [name] Authority on [date] at [location] against the decision of [the Governing Body of [name] School/ the teacher in charge [name] for [name] Pupil Referral Unit] not to reinstate [child's name], I am writing to advise you of the panel's decision.

After careful consideration of your representations both oral and written and those of the [School/PRU] and [name] LA [and of others if applicable, for example any victim] and in the light of the available evidence, the panel has decided:

Either

[i] To uphold the exclusion

Or

[ii] To direct [pupil's name]'s reinstatement in [name of school/PRU] with effect from [date and time]. [Pupil's name] should report to [name of school staff member] at that time.

Or

[iii] That it is not practical to direct [pupil's name]'s reinstatement [here give reasons, for example because this is an exceptional case where reinstatement would not be in the pupil's best interests or those of the whole school/PRU community] although otherwise reinstatement would have been appropriate. Your child's school record will show that the permanent exclusion was overturned on appeal even though reinstatement was not directed.

[Give reasons in as much detail as possible for the panel's decision: the decision may be challenged by judicial review; or be the subject of a complaint of maladministration to the Local Government Ombudsman]

The panel's decision is binding on you, the Governing Body and the Head of School of [name] School/ the teacher in charge of [name] PRU and [name] Local Authority.

For decisions [i] and [iii] above: The alternative arrangements put in place for [pupil's name]'s full-time education will continue for the time being; but [LA officer's name] will be in touch with you to discuss future provision.

A copy of this letter will be added to [pupil's name]'s school record for future reference. Yours

sincerely

[Name]

Clerk to the Independent Review Panel

Appendix 2: Reintegration Meeting Following A Suspension

School to complete all characteristic and background information (parts 1, 2 and 4) ahead of the meeting

Date of Meeting:		People present:						
1. Pupil Details								
Name:				Date of birth:				
Parents/carers:				Address & contact details:				
Class/ year:			Teacher:			LSA / Key worker:		
Characteristics (ring/delete):	CLA	PASS	CiN	CP	SEND – E	SEND – K	Dis	EAL

2. Attendance					
Attendance this term:		Lates this term:		Number of days absence this term:	
Attendance this year:		Lates this year:		Total number of days absence:	

3. Details of Exclusion					
Date of exclusion:		Date of return to school:		Total number of days excluded:	
Reason for exclusion:					
Arrangements for returning to school:					

4. Review of Academic Progress and Attainment					
Home reading:		Homework:		Maths milestones:	
CEW Reading:		CEW Spelling:		PiXL Grades	
Review and next steps:					
What do the school, family and pupil want to achieve?					
How will ** achieve this?					

What needs to change for this to happen?

5. Targets for behaviour and learning

Area for development	Current score (0 – 10, where 0 = never and 10 = always)	Target score (0 – 10)	How will we achieve this?	What will success look like?	When will this be reviewed?
Eg Being prepared for school	3	8	** will read every night at home with ** and complete the booklet. ** will arrive at school for ** and sit down ready to start the lesson	Completed home reading, be on time and follow class routines	Aut 2

6. Agreed actions

Pupil	Family	School
by	by	by
Signed	Signed	Signed

Appendix 3: Independent review panel training

The GLC must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making;
- The need for the panel to observe procedural fairness and the rules of natural justice;
- The role of the chair and the clerk of a review panel;
- The duties of Head of Schools, governing boards and the panel under the Equality Act 2010;
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.



