

Suspension & Exclusion Policy

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1. Action to be taken with regards to serious and persistent breaches of the behavioural policies

- 1.1 **In discharging their duties the head teachers and Exclusions Committees must have regard to the most recent version of the [DfE guidance 'Suspension and permanent exclusion from maintained schools, academies, and pupil referral units in England...'](#)**

Consideration should also be given to the SEND Code of Practice (2014) and the Equalities Act (2010).

- 1.2 A decision to permanently exclude a pupil/student will only be taken:
- in response to a serious breach or persistent breaches of the school's behaviour policy; **and**
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

- 1.3 When establishing the facts in relation to a suspension or permanent exclusion, a member of staff must talk to the pupil/student in question in a manner appropriate to their age. **A written record of this meeting must be made.**

If the nature of the incident is extremely serious then at least two staff members should be present to conduct the meeting. Pupils/students should be appropriately questioned and given an opportunity to explain their behaviour/actions.

Where possible, pupils/students should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage, the report will help to enable the academy to decide what further action should be undertaken. If the decision is to exclude a pupil/student, a member of the senior leadership team will meet with the child and speak to the family to discuss the exclusion. The pupil/student and their family should be informed about how their views have been factored into any decision made if it is appropriate to do so.

- 1.4 Whilst an exclusion may still be an appropriate sanction, the head teacher will also take into consideration any contributing factors that are identified after the behavioural incident has occurred. For example, where it is revealed a pupil/student has suffered bereavement, has mental health issues or has been the subject of bullying. In cases involving SEND and Looked After Children (LAC), the head teacher should also consider whether appropriate provision is in place to support the child's needs as well as the involvement of multi-agencies.
- 1.5 In most cases, a range of alternative strategies will have been tried before excluding a child. Where a one-off incident of sufficient gravity has taken place, this may not apply.
- 1.6 Where it is deemed an exclusion is not appropriate or suitable, an academy may arrange a Behaviour Panel with the Chief Executive Officer of the Trust, to meet with a pupil and parents to remind them of the academy's behaviour policies and academy expectations. If the Chair of the Local Academy Committee has been consulted or involved in discussions

with the head teacher or any other member of staff about the suspension or exclusion, they would not be eligible to become a member of an Exclusions Committee. Model Letter 1.

2. Responsibilities of the head teacher

2.1 Decision making process

- 2.1.1 Only the head teacher (or the acting head teacher if the head teacher is absent) has the power to suspend or exclude pupils/students.
- 2.1.2 In considering the suspension or permanent exclusion of a pupil/student the head teacher should ensure that the following range of activities is carried out:
- A thorough investigation of the incident(s) producing a written report of the investigation
 - Consider all relevant facts and firm evidence to support the allegations
 - Consider the relevant behaviour policies
 - Check whether an incident appeared to be provoked, for example, by bullying or racial or sexual harassment
 - Ensure that all pupils/students involved can give their version of events
 - Consult other people or agencies except where they may be involved in any review of the suspension or exclusion
 - Ensure time has been given to addressing and supporting the pupil's/student's individual problems within the capabilities of the academy
 - Have due regard to the Equality Act 2010 and Children and Families Act 2014
 - Have due regard to the Education and Inspections Act 2006
 - Where the child has an EHCP (Education Health Care Plan), ensure that the respective SENCo has been contacted for consultation **before** a decision to suspend or permanently exclude has been made
- 2.1.3 Before deciding to suspend or permanently exclude a pupil/student the head teacher will first try a range of behaviour management tools as outlined in the academy behaviour policies, including the use of a pastoral support programme, offsite direction, managed moves, etc., in order that a permanent exclusion can be avoided. Only when other strategies have been tried without success will the head teacher consider permanent exclusion. Except, or notwithstanding, where a one-off incident of sufficient gravity has taken place.

- 2.1.4 The head teacher may suspend a pupil/student for up to 15 days in any one term and accumulatively up to 45 academy days in any academic year. The academy, the Trust's Designated Safeguarding and Inclusion Lead, and the Governance Team must reliably monitor the 15- day and 45-day suspension rules. Any period of suspension beyond 45 academy days would result in permanent exclusion. However, before that point is reached the head teacher will have held discussions with the Local Authority (LA) with a view to arranging an appropriate placement in another academy or Pupil Referral Unit (PRU). From Day 6, pupils/students will be accessing the resources at the designated centre.
- 2.1.5 The head teacher will aim for the shortest possible period of suspension but however brief a suspension, a plan will be made to:
- enable the pupil/student to continue their education.
 - use the time to address the pupil/student's problems in collaboration with their parents and other relevant parties and put in place a support plan with behaviour management tools to help them modify their behaviour to enable them to be successful in the future, and to agree an ongoing review of this support plan.
 - examine the process of reintegration and make clear to the pupil/student and their family that their current behaviour is putting them at risk of permanent exclusion but that their previous behaviour should not be seen as an obstacle to future success.
- 2.1.6 All incidents where a child is sent home due to behaviour will be noted as a suspension, even if pre-agreed with a parent, for example, pupils/students being sent home during lunch times. If a suspension is for part of the day (including lunch time), it should be noted as a half-day suspension and the suspension process must be followed.
- 2.1.7 The head teacher must take account of their legal duty of care when sending a pupil/student home following a suspension and must seriously consider any safeguarding risks to the pupil/student and others.
- 2.1.8 The academy will take all reasonable steps to set and mark the pupil's/student's work during the first five days of a suspension and, where necessary, make reasonable adjustments in how pupils with SEND are supported during this period.
- 2.1.9 The head teacher can cancel any exclusion which has already begun provided it has not yet been reviewed by the Exclusions Committee. In the event of a cancelled exclusion, the head teacher must inform the parents/carers, the Local Academy Committee, the local authority and, where relevant, the social worker. The parents should be invited to meet with the head teacher to discuss the circumstances in which the exclusion was cancelled.

2.2 Informing parent(s)/carer(s) about a suspension or exclusion

- 2.2.1 The head teacher will make sure that the parent(s)/carer(s) are notified **immediately** of the period of suspension or a permanent exclusion and the reasons for it either in person or by telephone to allow parents to ask any questions or raise concerns directly with the head teacher. This notification will be followed by a written letter within one academy day and delivered directly to the parents at their usual or last known address, or by posting it to that

address. A suspension or an exclusion will normally begin on the next academy day. Model letter 2, 3, 4, 7.

2.2.2 Letters about suspensions and permanent exclusions will explain:

- Why the head teacher decided to suspend/permanently exclude the pupil/student
- The period of a *suspension*, or for a *permanent exclusion* the fact that it is permanent
- The arrangements for enabling the pupil/student to continue their education, including setting, and marking the pupil's/student's work
- The parent(s)/carer(s) right to make representations about the suspension or permanent exclusion to the Exclusions Committee and how the pupil/student may be involved in this
- Who the parent(s)/carer(s) should contact if they wish to state their case (the Head of Governance or their deputy) and draw their attention to relevant sources of free and impartial information (see model letters)
- The latest date the parent(s)/carer(s) can put a written statement to the Exclusions Committee
- Where there has not already been a statement taken from the child, the parents should be notified that the pupil/student still has the opportunity to submit a statement
- The parent(s)/carer(s) right to see and have a copy of their child's record
- That for the first five days of a suspension or permanent exclusion (or until the start date of any alternative provision) parent(s)/carer(s) are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parent(s)/carer(s) may be given a fixed-penalty-notice or prosecuted if they fail to do so.
- If alternative provision is being arranged, then the following information must be included with this notice without delay and no later than 48 hours before the provision is due to start (unless the alternative provision is to be provided before the sixth day, in which case the information can be provided with less than 48 hours' notice with parents' consent):
 - the start date for any provision of full-time education that has been arranged for the pupil/student during exclusion
 - 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/student to identify the person they should report to on the first day
- The letter should also enclose a copy of the WLT Exclusions Policy and the [DfE's Guide for parents on suspension and exclusion](#)

- 2.2.3 If following a suspension there is a need for a further period or suspension or a permanent exclusion, the head teacher must issue a new suspension or permanent exclusion with reasons outlined in the communications to parents. Where a new suspension or exclusion is issued, there will be a new right for the parent(s)/carer(s) to state their case to the Exclusions Committee.
- 2.2.4 Where the head teacher is suspending for a fixed period but plans to review the incident and/or the child's file which may result in a permanent exclusion, this should be communicated in the suspension letter, i.e., *there will be a further investigation of the incident or a full review of the pupil's/student's behaviour log and following this activity, a permanent exclusion may be issued if there is deemed to be a serious one-off or persistent breaches of the academy behaviour policy and allowing the pupil/student to return to the academy would harm the safety or welfare of the academy community.*
- 2.2.5 For the purposes of alternative provision, where a child receives consecutive fixed period suspensions, these are regarded as a cumulative period of suspension. This means that if a child has more than five consecutive school days of suspension, the academy must arrange education for the sixth academy day of exclusion regardless of whether this is as a result of one or more suspensions.

2.3 Informing others

- 2.3.1 If a pupil/student has a social worker, the head teacher must inform them without delay of their decision to suspend or permanently exclude as a proactive way of sharing information which will help identify, assess, and respond to risk or concerns about the safety and welfare of the child. The social worker should also be informed when a meeting of the Exclusions Committee will take place in order to share information, and/or attend should they wish to do so.
- 2.3.2 The head teacher will immediately inform the Chair of the Local Academy Committee of all permanent exclusions.
- 2.3.3 In addition, the head teacher will inform the Local Academy Committee of suspensions which result – separately or in total – in the pupil/student missing more than five academy days in any one term, or which deny pupils/students the chance to take a public examination or national curriculum test.
- 2.3.4 Once per term, the Local Academy Committee must be informed of the number of suspension decisions made and the number of suspension decisions cancelled so that patterns and themes can be tracked and the effectiveness of suspension as a sanction challenged where appropriate.
- 2.3.5 The head teacher must immediately inform the local authority, without delay, of all school suspensions and permanent exclusions. If the pupil/student lives outside the local authority area in which the school is located, the head teacher must also notify the 'home authority' of the suspension or permanent exclusion and the reasons for it.

3. CCTV/video footage

- 3.1 If at all possible, the use of any video footage featuring third parties as the primary evidence should be avoided.
- 3.2 Where footage is the only/key evidence of an incident, the WLT Safeguarding Lead, the WLT Head of Governance, and/or Data Protection Officer must be contacted for further advice as there are safeguarding and GDPR/data protection implications that need to be addressed on a case-by-case basis.
- 3.3 At the Exclusions Committee's request and only where it is possible to remove identification of all other third parties, (i.e., by blurring out all third parties and/or playing the video without sound), the footage can be shown and used as evidence in an appeal hearing.
- 3.4 Use of screenshots from the footage in which third parties are blurred out are likely to be contested at Independent Review Panels if it appears that the still images are selective and have mis-represented an incident by taking it out of context. The head teacher must consider any bias/unfairness that may occur when taking the decision to include stills from video footage as evidence.

4. Responsibilities of the local academy committee

4.1 Establishing an Exclusions Committee

- 4.1.1 The Local Academy Committee does not have the right to exclude a pupil/student. The Local Academy Committee does have a duty to consider parents'/carers' representations about an exclusion. To enable this, with support of the WLT Governance Team, the Local Academy Committee will establish an Exclusions Committee.
- 4.1.2 An Exclusions Committee should consist of a minimum of three committee members and membership will be drawn from across the Trust's governance community. The Chair of a Local Academy Committee should not sit on an Exclusions Committee for the school in which they govern. If an individual has prior knowledge of the suspension or exclusion or is known to the pupil/student and/or their family, this person is not eligible to sit on the Exclusions Committee.
- 4.1.3 Guidance on the role of the Exclusions Committee is available in Appendix 1.

4.2 Clerking the Exclusions Committee meeting

- 4.2.1 The governance professional who is supporting the Exclusions Committee is responsible for liaising with all parties to arrange the meeting at a time suitable for all parties. This should include the parent(s)/carer(s) of the pupil/student, the academy representatives, and the members of the Exclusions Committee. The parent(s)/carer(s) can request the attendance of the local authority representative who should be invited by the governance professional if requested. If the pupil/student has a social worker, then this person should be invited to attend. Model Letter 8. Once the date has been agreed, the governance professional should write to the parent(s)/carer(s) to formally invite them to the meeting. Model Letter 9.

- 4.2.2 The governance professional is responsible for collating and circulating papers to all parties scheduled to attend the meeting. A suggestion of papers to include can be found in Appendix 2.
- 4.2.3 The governance professional should ensure that all representatives enter the meeting at the same time, and none are alone with the Committee without the others being present.
- 4.2.4 The governance professional is responsible for taking full and accurate minutes of the meeting which will be sent to the Chair of the Exclusions Committee for approval and finalised within five academy days of the meeting taking place. A suggested template for exclusions minutes can be found in Appendix 3.
- 4.2.5 The governance professional is responsible for sending a letter to the parent(s)/carer(s) and a copy to the local authority, the Chair of the Local Academy Committee, and the head teacher notifying them of the outcome of the Exclusions Committee meeting. Model letters 5, 6, 10 and 11.

4.3 Suspension cases

- 4.3.1 Please refer to the flowchart annexed to this policy which provides a summary of the Exclusions Committee's duty to review the head teacher's decision to suspend.
- 4.3.2 If the pupil/student has returned to the academy before the Exclusions Committee meets, the meeting still enables the parent(s)/carer(s) to give their views. The Exclusions Committee can also consider whether more information should be added to the pupil's/student's record.
- 4.3.3 If the pupil/student is still suspended when the meeting takes place, the Exclusions Committee should decide whether to direct re-instatement. In reaching their decision the members of the Exclusions Committee should:
- consider the parent(s)/carer(s) statements
 - have regard to the DfE's guidance on the appropriate use of suspension and in the academy's behaviour policies and consider whether the head teacher has tried sufficient approaches to improve a pupil's/student's behaviour before resorting to suspension, and whether any further strategies might be an alternative to suspension.
 - ensure that the governance professional notifies the parent(s)/carer(s) in writing of the Exclusions Committee's decision within five academy days of the meeting taking place. Model letters 5 & 6.

4.4 Permanent exclusion cases

- 4.4.1 Written evidence supporting the head teacher's decision for permanent exclusion will be circulated to all parties at least five academy days in advance of the meeting by the governance professional. Where possible, the evidence pack should be hand delivered to the parent(s) or sent by signed delivery to the usual or last known address. With parental

consent, information can be sent by email. The pupil/student and parent/carers will also be given the opportunity to submit a written statement and/or supporting papers for circulation.

- 4.4.2 The Exclusions Committee will allow parents/carers and pupils/students to be accompanied by a friend or representative.
- 4.4.3 Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting.
- 4.4.4 Where it is known by the school that English is not well understood by the parents/carers or their family members, the school should ask if help is required to translate or interpret key information related to the exclusion.
- 4.4.5 For permanent exclusions, the Exclusions Committee, consisting of a minimum of three members of the governance community and not employed by the Trust or known to the pupil/student, should normally satisfy itself that:
- for a one-off serious breach of the behaviour policy, **on the balance of probabilities**, the offence took place or;
 - for persistent breaches of the behaviour policy, all possible strategies to help that pupil/student modify their behaviour to meet expectations were tried without success.
- 4.4.6 The Exclusions Committee will consider the exclusion and either:
- (i) decline to reinstate the pupil/student; or
 - (ii) direct reinstatement of the pupil/student immediately or on a particular date
- 4.4.5.1 Such consideration will take account of the pupil's/student's disciplinary record and the likely impact of their continued absence.
- 4.4.7 The Exclusions Committee may not attach conditions to the reinstatement of a pupil/student.
- 4.4.8 The Exclusions Committee will ensure that clear minutes of the meeting are taken as a record of evidence that was considered by the Exclusions Committee. These will be made available to all parties on request.
- 4.4.9 In reaching their decision, the Exclusions Committee will ask all parties to withdraw before making their decision in the presence of the governance professional and will consider whether the decision to exclude the pupil/student was lawful, reasonable, and procedurally fair. They will also consider the head teacher's legal duties.
- 4.4.10 If the Exclusions Committee declines to reinstate the pupil/student, the governance professional will write on behalf of the Exclusions Committee within five academy days to the parent(s)/carer(s) (Model letter 10). The letter will:
- state the Exclusions Committee upheld the decision of the head teacher to permanently exclude
 - give the reasons for the Exclusions Committee's decision

- explain the parent(s)/carer(s) right to appeal to an Independent Review Panel (IRP) to which the parent(s)/carer(s) can make oral and written statements
- give the name and address of the person the parent(s)/carer(s) should contact if they wish the decision to be reviewed, explaining that any notice for review should explain their grounds for requesting a review and stating the latest date for giving notice (15 academy days from the date of the review Exclusions Committee's decision letter). The parent(s)/carer(s) have the right to request a review even if they did not make a case to the review committee.
- state that regardless of whether the excluded pupil/student has recognised special educational needs, parent(s)/carer(s) have a right to require that a SEND expert attends the review, and that this appointment will be at no cost to the parent(s)/carer(s).
- request that parent(s)/carer(s) must make it clear if they wish for a SEND expert to be appointed in any application for review
- that parent(s)/carer(s) may also bring a friend to the review
- provide details of sources of free and impartial information

4.5 After the meeting – suspensions and permanent exclusions

- 4.5.1 A note of the Exclusions Committee's views on the suspension or exclusion shall normally be placed on the pupil's/student's record with a copy of the head teacher's notification letter.

5. Independent review panels

- 5.1 If applied for by the parent(s)/carer(s) within the legal timeframe (15 academy days), the local authority will arrange for an IRP to review the decision of the academy's Exclusions Committee not to reinstate a permanently excluded pupil/student.
- 5.2 Any application made outside the legal timeframe will be rejected by the academy.
- 5.3 The WLT Head of Governance will be notified of any request for an IRP.
- 5.4 Parent(s)/carer(s) may request an IRP even if they did not make a case to or attend the meeting at which the Exclusions Committee made its decision.
- 5.5 The role of the IRP is to review the local academy committee's decision not to reinstate a permanently excluded pupil/student. In reviewing the decision, the IRP must consider the interests and circumstances of the excluded pupil/student, including the circumstances in which the pupil/student was excluded, and must have regard to the interests of other pupils/students and people working at the academy. The IRP must also apply the civil standard of proof 'on the balance of probabilities' rather than the criminal standard of 'beyond reasonable doubt'.
- 5.6 Following its review, the IRP can decide to:
- uphold the exclusion decision; or

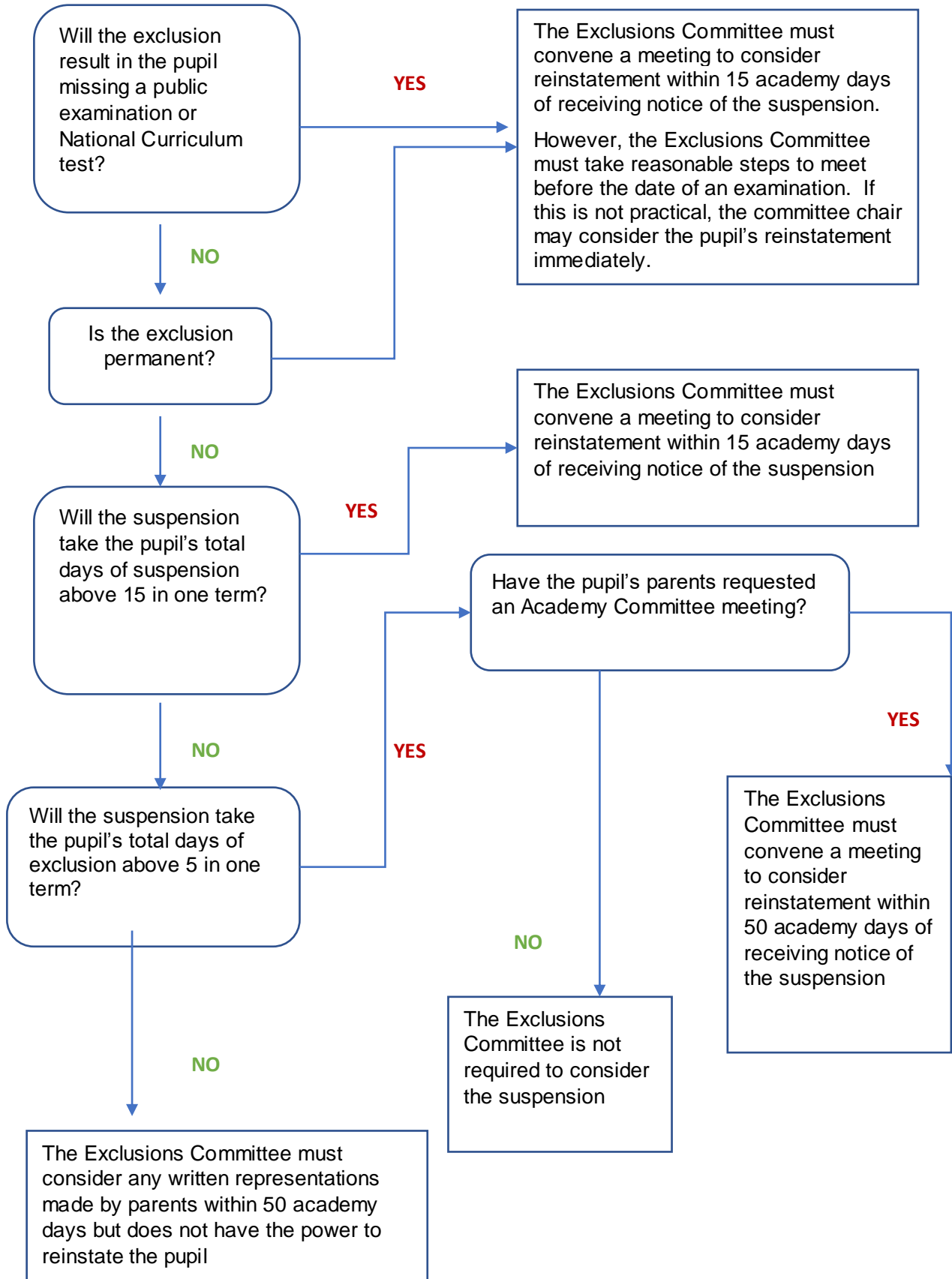
- recommend that the Exclusions Committee of the local academy committee reconsiders its decision; or
 - quash the decision and direct the local academy committee to reconsider the exclusion again.
- 5.7 The decision of the IRP is binding on the: pupil/student, parent(s)/carer(s), the local academy committee, the LA, and the Trust.
- 5.8 New supporting evidence may be presented to the IRP, but the academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced.
- 5.9 Where present, the IRP members must seek and have regard to the SEND expert's view of how SEND might be relevant to the pupil's/student's exclusion.
- 5.10 A representative from the Exclusions Committee and the head teacher will be invited to attend the hearing to present their case to the IRP.
- 5.11 As with the Exclusions Committee review hearing, parent(s)/carer(s) will be invited to attend and may bring a friend. If they are not present, the case will be heard in their absence.
- 5.12 Where an IRP quashes the local academy committee's decision and directs it to reconsider an exclusion, it has the power to order that the academy makes a payment of £4,000 to the LA if the local academy committee does not reinstate the pupil/student within ten academy days or receiving notice of the IRP's decision. (This sum would be in addition to any budget that would normally follow a pupil/student to a new school).
- 5.13 An IRP cannot continue if the panel no longer has representation from the required categories of panel members. In this event, the panel will be adjourned until the number can be restored.
- 5.14 Following the review, the IRP must issue written notification to all parties without delay. This notification must include:
- the IRP's decision and the reason for it
 - where relevant, details of any financial payment to be made if the local academy committee subsequently decides not to offer to reinstate a pupil/student
 - any information that must be recorded on the pupil's/student's educational record to reflect the decision.
- 5.15 If the IRP quashes or recommends the reconsideration of the Exclusions Committee's decision, the Exclusions Committee must convene within ten academy days of being given notice of the IRP's decision.

6. Reconsidering reinstatement

- 6.1 The Exclusions Committee must conscientiously reconsider the reinstatement of the pupil/student considering the findings of the IRP.

- 6.2 The committee should retain at least one person from the original Exclusions Committee and at least one new committee member.
- 6.3 In the case of either a recommended or directed reconsideration, the local academy committee must notify the following parties of their reconsidered decision and the reasons for it in writing and without delay. Model Letter 12. These parties are:
- the parent(s)/carer(s)
 - the head teacher
 - the local authority; and, where relevant, the 'home authority'
- 6.4 The reconsideration provides an opportunity for the Exclusions Committee to look afresh at the question of reinstating the pupil/student, considering the findings of the IRP. There is no requirement to seek further representations from other parties nor invite them to the reconsideration meeting. The Exclusions Committee is not prevented from considering other matters that it considers relevant.
- 6.5 The Exclusions Committee should ensure that clear minutes are taken of the meeting as a record of the evidence that it considered. These minutes will include a record of discussion of the Exclusions Committee and the reasons for its decision. The minutes should be made available to all parties on request.
- 6.6 The Exclusions Committee should base its reconsideration on the presumption that the pupil/student will return to the academy if reinstated, regardless of any stated intentions by the parent(s)/carer(s) and/or pupil/student. Any decision of the Exclusions Committee to offer reinstatement which is subsequently turned down by the parent(s)/carer(s) should be recorded on the pupil's/student's educational record. The Exclusions Committee's decision should demonstrate how it has addressed the concerns raised by the IRP; this should be communication for all parties to understand.

A summary of the Exclusions Committee's duties



Model letter 1

From the head teacher notifying parent of 'warning' meeting

Dear [parent's name]

We would like to invite you and [pupil's/student's name] to attend a warning meeting with [staff names], in order to discuss the behaviour of [pupil/student name]. The meeting will take place at [academy name] on [date] at [time].

Please confirm on [telephone number] or [email address] if you will be attending the meeting.

Yours sincerely

[name]

Head Teacher

Model letter 2

From the head teacher notifying parent of a suspension of 5 academy 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 [pupil/student name] for a fixed period of [specify period]. This means they will not be allowed in the academy for this period. The suspension [begins/began] on [date] and ends on [date].

I realise that this suspension may well be upsetting for you and your family but the decision to suspend [pupil/student name] has not been taken lightly. [Pupil/student name] has been suspended for this fixed period in response to a [one-off/persistent breaches] of the academy's Behaviour Policy and because allowing them to remain in the academy at this time would seriously harm the learning or welfare of [pupil/student name], other [pupils/students] or staff in the academy. [Pupil/student name] has breached the Behaviour Policy by [reason for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the suspension period [specify dates] unless there is a reasonable justification for this, and you are able to show reasonable justification. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates.

We will set work for [pupil/student name] to be completed on academy days during their suspension period. [Detail the arrangements for this]. Please ensure that the work set by the academy is completed and returned to us promptly for marking.

You have the right to make written representations about this decision to the Exclusions Committee. If you wish to make representations, please contact governance@wandlelearningtrust.org.uk as soon as possible. Whilst the Academy Committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's academy record.

You should also be aware that if you think the exclusion relates to a disability your child has, and think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the Academy Committee.

[This paragraph applied to all fixed period exclusions of primary-aged pupils and may be used for suspensions of up to 5 days of secondary aged students if the head teacher chooses to hold a reintegration review.]

You and [pupil/student name] are requested to attend a reintegration interview with [specify staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy within the next ten days to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed. **[Next sentence for primary aged pupils only]**. Failure to attend a reintegration interview will be a factor considered by a magistrate's court if, on future application, they consider whether to impose a parenting order on you.

You may request a copy of [pupil/student name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusion guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>. You may also find the [DfE's guidance for parents on school behaviour and exclusions](#) useful.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 0300 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and/or where considered relevant by the head teacher, links to local services such as Traveller Education Services or the Information Advice and Support Services Network (<http://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>)]

[Pupil/student name]'s exclusion expires on [date] at [time] and we expect them to be back in the academy on [date] at [time].

Yours sincerely

[name]

Head Teacher

Model letter 3

From the head teacher notifying parent of suspension of MORE THAN 5 AND UP TO AND INCLUDING 15 academy days in one term OR where a public examination is missed

Dear [parent's name]

I am writing to inform you of my decision to suspend [pupil/student name] for a fixed period of [specify period]. This means they will not be allowed in the academy for this period. The suspension [begins/began] on [date] and ends on [date].

I realise that this suspension may well be upsetting for you and your family but the decision to suspend [pupil/student name] has not been taken lightly. [Pupil/student name] has been suspended for this fixed period in response to a [one-off/persistent breaches] of the academy's Behaviour Policy and because allowing them to remain in the academy at this time would seriously harm the learning or welfare of [pupil/student name], other [pupils/students] or staff in the academy. [Pupil/student name] has breached the Behaviour Policy by [reason for suspension AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the suspension period [specify dates] unless there is a reasonable justification for this, and you are able to show reasonable justification. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates.

We will set work for [pupil/student name] to be completed on during [the first 5 or specify other number] academy days during their suspension period. [Detail the arrangements for this]. Please ensure that the work set by the academy is completed and returned to us promptly for marking.

[If the individual suspension is for more than 5 days]

From the sixth academy day of [pupil/student name]'s exclusion, [specify date] until the expiry of their suspension we will provide suitable fulltime education. [Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable fulltime education will be notified by a further letter.]

You have the right to request a meeting of the academy's Exclusions Committee to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than five academy days in a term, the Exclusions Committee must meet if you request it to do so. The latest date by which the Exclusions Committee must meet, if you request a meeting, is [specify date – no later than the 50th academy day after the date on which the Exclusions Committee was notified of this suspension]. If you and [pupil/student name] do wish to

make representations to the Exclusions Committee and wish to be accompanied by a friend or representative, please contact governance@wandlelearningtrust.org.uk 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 academy. Also, please inform governance@wandlelearningtrust.org.uk if it would be helpful for you to have an interpreter at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the Academy Committee.

[Optional paragraph for reintegration interview.]

You and [pupil/student name] are requested to attend a reintegration interview with [specify staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed. **[Next sentence for primary aged pupils only]**. Failure to attend a reintegration interview will be a factor considered by a magistrate's court if, on future application, they consider whether to impose a parenting order on you.

You may request a copy of [pupil/student name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusion guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>. You may also find the [DfE's guidance for parents on school behaviour and exclusions](#) useful.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 0300 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and/or where considered relevant by the head teacher, links to local services such as Traveller Education Services or the Information Advice and Support Services Network (<http://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).

[Pupil/student name]'s exclusion expires on [date] at [time] and we expect them to be back in the academy on [date] at [time].

Yours sincerely

[name]

Head Teacher

Model letter 4

From the head teacher notifying parent of suspension of MORE THAN 15 academy days in total in one term

Dear [parent's name]

I am writing to inform you of my decision to suspend [pupil/student name] for a fixed period of [specify period]. This means they will not be allowed in the academy for this period. The suspension [begins/began] on [date] and ends on [date].

I realise that this suspension may well be upsetting for you and your family but the decision to suspend [pupil/student name] has not been taken lightly. [Pupil/student name] has been suspended for this fixed period in response to a [one-off/persistent breaches] of the academy's Behaviour Policy and because allowing them to remain in the academy at this time would seriously harm the learning or welfare of [pupil/student name], other [pupils/students] or staff in the academy. [Pupil/student name] has breached the Behaviour Policy by [reason for suspension AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the first five days of the suspension period [specify dates] unless there is a reasonable justification for this, and you are able to show reasonable justification. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates.

We will set work for [pupil/student name] to be completed on during [the first 5 or specify other number] academy days during their suspension period. [Detail the arrangements for this]. Please ensure that the work set by the academy is completed and returned to us promptly for marking.

From the sixth academy day [if applicable] of [pupil/student name]'s suspension, [specify date] until the expiry of their exclusion we will provide suitable fulltime education. [Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable fulltime education will be notified by a further letter.]

As the length of the suspension brings [pupil/student name]'s total number of more than 15 academy days in total in one term, the academy's Exclusions Committee must meet to consider the suspension. At the review meeting you make representations to the Exclusions Committee if you wish. The latest date on which the Exclusions Committee can meet is [date] – no later than 15 academy days from the date the committee is notified]. If you and [pupil/student name] wish to make representations to the Exclusions Committee and wish to be accompanied by a friend or representative, please contact governance@wandlelearningtrust.org.uk as soon as possible. You

will, whether you choose to make representations, be notified by the clerk to the Exclusions Committee of the time, date, and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting at the academy. Also, please inform governance@wandlelearningtrust.org.uk if it would be helpful for you to have an interpreter at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the Academy Committee.

You and [pupil/student name] are requested to attend a reintegration interview with [specify staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed. **[Next sentence for primary aged pupils only]**. Failure to attend a reintegration interview will be a factor considered by a magistrate's court if, on future application, they consider whether to impose a parenting order on you.

You may request a copy of [pupil/student name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusion guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>. You may also find the [DfE's guidance for parents on school behaviour and exclusions](#) useful.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 0300 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and/or where considered relevant by the head teacher, links to local services such as Traveller Education Services or the Information Advice and Support Services Network (<http://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).

[Pupil/student name]'s exclusion expires on [date] at [time] and we expect them to be back in the academy on [date] at [time].

Your sincerely

[name]

Head Teacher

Model letter 5

From the clerk notifying a parent of the Exclusions Committee's decision to reinstate a pupil/student excluded for a suspension of fewer than 15 days

Dear [parent's name]

Further to the meeting of the academy's Exclusions Committee to review the Head Teacher's decision to suspend [pupil/student name] from the academy, I can confirm the decision of the Exclusion Committee to reinstate [pupil/student name] to the academy. As [pupil/student name] has already returned to school, a note will be placed on their record with the Exclusions Committee's findings.

In reaching its decision, the committee considered the case for the suspension along with your representations. On balance, the committee felt that [pupil/student name] should be reinstated for the following reasons: [provide summary of reasons for the decision and note the evidence the decision was based on].

Members of the Exclusions Committee hope that [pupil/student name] will establish a successful return to the academy. You should be aware that a copy of this letter will be placed on [pupil/student name]'s academy record along with a copy of the Head Teacher's suspension letter.

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Model letter 6

From the clerk of the Exclusions Committee notifying a parent of the decision to decline reinstatement of a suspended pupil/student

Dear [parent's name]

The meeting of the Exclusions Committee of [name of school] on [date] considered the decision of the Head Teacher to suspend [pupil/student name] for a fixed period. After carefully considering the representations made and all the available evidence, the Exclusions Committee decided to decline the reinstatement of [pupil/student name] and thus the suspension will remain on [pupil/student name]'s record.

The reasons for the Exclusions Committee's decision are as follows: [Provide statement used at the exclusion hearing which must set out how the behaviour policy has been breached, how allowing the pupil/student to remain in the academy at that time would have seriously harmed the learning or welfare or the pupil/student, other pupils/students, or staff in the academy, a synopsis of the evidence presented, and where relevant:

- (i) whether the accused did what they are accused of including any findings of fact required (where there was dispute of evidence)
- (ii) whether the head teacher acted in accordance with the law and statutory guidance
- (iii) whether there are any Equality Act issues to be taken into account and if so were they addressed correctly and support provided
- (iv) whether there are any SEND or EHCP issues to be taken into account and if so were they addressed correctly and support provided
- (v) whether the suspension was a proportionate sanction in the circumstances.

The Academy Committee encourages collaboration between parents, pupils/students, and staff to ensure continued compliance with the academy's Behaviour Policy, a copy of which can be found on the school website [insert link to behaviour policy].

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Model letter 7

From the head teacher notifying parent of a permanent exclusion

Dear [parent's name]

I am writing to inform you of my decision to permanently exclude [pupil/student name] with effect from [date]. This means they will not be allowed in this academy unless they are reinstated by the Academy Committee.

I realise that this exclusion may well be upsetting for you and your family but the decision to permanently exclude [pupil/student name] has not been taken lightly. [Pupil/student name] has been permanently excluded in response to a [one-off/persistent breaches] of the academy's Behaviour Policy and because allowing them to remain in the academy would seriously harm the learning or welfare of [pupil/student name], other [pupils/students] or staff in the academy. [Pupil/student name] has breached the Behaviour Policy by [reason for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the first five days of the exclusion period [specify dates] unless there is a reasonable justification for this, and you are able to show reasonable justification. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates.

Alternative arrangements for [pupil/student name]'s education to continue will be made. For the first five academy days of the exclusion, we will set work for [pupil/student name] and would ask you to ensure work is completed and returned promptly to the academy for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth academy day of the exclusion onwards – that is from [specify date], [name of local authority] will provide suitable fulltime education. [Set out the arrangements if known at the time of writing. If not known say that the arrangements will be notified shortly by a further letter].

Where a pupil/student lives in a local authority other than the excluding academy authority

I have also today informed [name of officer] at [name of local authority] of [pupil/student name]'s exclusion and they will be in touch with you about arrangements for their education from the sixth day of the exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the academy's Exclusions Committee must meet to consider it. At the review meeting you may wish to make representations to the Exclusions Committee if you wish and ask them to reinstate your child in the academy. On behalf of the Academy Committee, the Exclusions Committee has the power to reinstate your child immediately or from a specified date or, alternatively, they may decline to reinstate your child in which case you may request a review of the committee's decision to an Independent Review Panel.

The latest date by which the Exclusions Committee must meet is [specify date – the 15th academy day after the date on which the academy committee was notified of the exclusion]. If you and [pupil/student name] wish to make representations to the Exclusions Committee and wish to be accompanied by a friend or representative please contact governance@wandlelearningtrust.org.uk as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Exclusions Committee 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 governance@wandlelearningtrust.org.uk if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the Academy Committee.

[This paragraph applied to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary aged students if the head teacher chooses to hold a reintegration review.]

You may request a copy of [pupil/student name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

You may also wish to contact [name] at [local authority name] at [contact details – address, phone number, email] who can provide advice on what options are available to you.

The Department for Education statutory exclusion guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 0300 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and/or where considered relevant by the head teacher, links to local services such as Traveller Education Services or the Information Advice and Support Services Network (<http://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).]

Yours sincerely

[name]

Head Teacher

Model letter 8

From the notifying local authority contact of a permanent exclusion

Dear [contact's name]

The academy's Exclusions Committee will meet at [name of academy] on [date] at [time] to consider the permanent exclusion of [pupil/student name].

I would be grateful if you could arrange for a representative from [Family Services] to attend if possible.

Please find enclosed a copy of the letter sent to the parents.

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Model letter 9

From the clerk notifying parent of a permanent exclusion meeting

Dear [parent's name]

The Exclusions Committee of [name of academy] will meet at the academy on [date] at [time] to consider the head teacher's decision to permanently exclude [pupil/student name] with effect from [date].

You are able, by law, to attend this meeting together with [pupil/student name] and a friend or representative if you wish to do so. The members of the Exclusions Committee hope that [pupil/student name] can attend to help them in their decision-making.

Please let us know about any reasonable adjustments we can make to enable you to attend the meeting.

You will shortly receive a pack of papers and any information that the Head Teacher considers relevant to the exclusion and for the Exclusions Committee to consider.

If there are any documents (including written statements) which you wish the Exclusions Committee to consider at the meeting, please send them in advance to allow for time to consider these documents at least two academy days before the meeting. These should be delivered to the academy, addressed for the attention of the Exclusions Committee, or sent via email to governance@wandlelearningtrust.org.uk

Please can you confirm via the email above if you wish to attend the meeting.

If you do not wish to attend the meeting, you may still forward any documents and written statements that you would like the Exclusions Committee to consider. These should be delivered to the academy, no later than two academy days before the meeting addressed for the attention of the Exclusions Committee or sent via email to [name of contact with details – address and email].

The Exclusions Committee will be made up of three members of the Academy Committee: [insert names and indicate chair of the Exclusions Committee]. The Head Teacher, [name of head teacher], and [name of other staff members if relevant] will also attend.

Should the Exclusions Committee decline to reinstate the pupil/student, officers at the local authority will contact you in the near future in order to make arrangements with you concerning [pupil/student name]'s future education.

Yours sincerely

[name]

Clerk to the Exclusions Committee

Model letter 10

From the clerk informing the parent of the Exclusions Committee's decision to decline reinstatement of a permanently excluded pupil/student

Dear [parent's name]

The Exclusions Committee of [academy name] met on [date] to consider the decision by [name], Head Teacher, to permanently exclude [pupil/student's name] with effect from [date].

The meeting was chaired by [name] who was supported by academy members [name] and [name].

After carefully considering the representations made and all the available evidence, the Exclusions Committee decided to decline the reinstatement of [pupil/student's] name.

The reasons for the Exclusions Committee's decision are as follows: [Provide statement used at the Exclusion hearing which must set out how the behaviour policy has been breached, how allowing the pupil/student to remain in the academy would seriously harm the learning or welfare of the pupil/student, other pupils/students or staff in the academy, a synopsis of the evidence presented and where relevant:

- (i) whether the accused did what he/she is accused of including any findings of fact required (where there was a dispute of evidence);
- (ii) whether the head teacher acted in accordance with the law and statutory guidance;
- (iii) whether there are any Equality Act issues to be taken into account and if so were they addressed correctly and support provided;
- (iv) whether there are any SEND or EHCP issues to be taken into account and if so were they addressed correctly and support provided;
- (v) whether permanent exclusion was a proportionate sanction in the circumstances in contrast to alternative sanctions such as a long fixed-term exclusion; managed move; off-site provision]

You have the right to a review of this decision by an Independent Review Panel (IRP). If you wish to request an independent review, please notify [name of clerk to the appeal panel] by no later than [specify the latest date – the 15th day after receipt of this letter].

You must set-out the reasons for requesting a review in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make. 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 appeal panel] if it would be helpful for you to have an interpreter present at the hearing. You have the right to request the attendance of a Special Educational Needs & Disabilities

(SEND) expert at the review, regardless of whether the Academy recognises your child has SEND. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service, but you must make clear that you wish for a SEND expert to be appointed in any application for a review.

You may, at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend with you.

Your request will be heard by an Independent Review Panel, which can also hear disability discrimination claims. The panel will comprise of serving, or recently retired (within the last five years) head teacher, serving or recently serving experienced governors and a lay member who will be the chair.

The Independent Review Panel will rehear all the facts of the case – if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th academy day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review, the panel can decide to:

- uphold your child's exclusion;
- recommend that the academy committee reconsiders its decision; or
- quash the decision and direct that the academy committee considers the exclusion again.

As stated above you have the right to apply for an independent review. In order to assist you to make an informed decision on whether, and if so, how to seek a review, please see the information at the end of this letter. In addition, if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review and/or make a claim to the First Tier Tribunal www.justice.gov.uk/tribunals/send/appeals who have the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for 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 date on which your child was excluded.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Repeat details from the original exclusion letter, i.e., a named LA officer and/or local sources.]

The arrangements currently being made for [pupil/student's name]'s education will continue.

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Model letter 11

From the clerk informing the parent of the Exclusions Committee's decision to reinstate a pupil/student currently excluded

Dear [parent's name]

The Exclusions Committee of [academy name] met on [date] to consider the decision by [name], Head Teacher, to permanently exclude [pupil/student's name] with effect from [date].

I am writing to confirm that the Exclusions Committee decided to reinstate [pupil/student name] to the academy from [specify date].

In reaching its decision, the Exclusions Committee considered the case for exclusion presented by the academy along with your representations, as well as the view given by the local authority (if represented). On balance, the Exclusions Committee felt that [pupil/student name] should be reinstated because: [provide summary of reasons for decision].

In the circumstances, the members of the Exclusions Committee agreed that [pupil/student name] should return to the academy on [date].

Members of the Exclusions Committee hope that [pupil/student name] will establish a successful return to the academy. You should be aware that a copy of this letter will be placed on [pupil/student name]'s academy record along with a copy of the Head Teacher's exclusion letter.

I am sure it would be helpful for you to meet with [name of head teacher] to discuss [pupil/student name]'s return to the academy before they are due back. Please could you contact [insert name and contact details – address, phone number, email] to arrange a convenient time and date.

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Model letter 12

From the clerk to parents following IRP requesting reconsideration of the decision

Dear [parent's name]

The Exclusions Committee of [academy name] met on [date] to reconsider the decision to reinstate [pupil/student's name] after being requested to do so by the Independent Review Panel.

After careful consideration, the members of the Exclusions Committee decided not to reinstate / to reinstate [pupil/student name]. This is because [insert detailed reason for decision which should include evidence and, in particular, the IRP's decision to direct the Academy Committee to reconsider, ensuring that any points raised are addressed in the decision letter]. [In the case of reinstatement, please advise date to be reinstated.]

You should also be aware that if you think the exclusion relates to a disability your child has, and think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the Academy Committee.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Only required if the pupil/student is reinstated]

You and [pupil/student name] are invited to attend a reintegration meeting with [staff member name] on [date] at [time].

Yours sincerely

[Name]

Clerk to the Exclusions Committee

Appendix 1

Exclusions evidence pack:

This pack will be studied by the Exclusions Committee and the parents. The local authority and, where relevant, the social worker should receive a copy. Please take care if using acronyms, jargon, and redactions that the packs are coherent and accessible for all parties.

The pack should include:

- ✓ Agenda (see Appendix 3)
- ✓ Summary of evidence for the exclusion, in chronological order, including how the pupil/student has breached the behaviour policy **AND** how allowing them to remain in the academy would harm their safety and welfare, and the welfare and safety of others in the academy community. This may include photos and (dated and attributed) witness statements from staff and students where appropriate.¹
- ✓ (Dated and attributed) statement from the student (this should be sought for both one-off serious breaches and persistent disruptive behaviour. Where the student has not given a statement at the point of exclusion, attempts should be made to get a statement from the student and include it in the pack.
- ✓ Behaviour log/attendance record where appropriate.²
- ✓ (Dated) correspondence with the parent and the local authority outlining the exclusion and the reason for the decision. A copy of the letter inviting the parents to the exclusions hearing must be included in the pack.
- ✓ Evidence of support put in place for the pupil/student including (but not limited to) reasonable adjustments, interventions, personal support plans, EHCPs and referrals to specialist provision. **The impact of these strategies should also be included.**
- ✓ Notes of previous meetings with the pupil/student and the parents if relevant to the exclusion.
- ✓ Behaviour Policy

¹ The DfE Exclusions Guidance states that 'all witness statements should be attributed, signed and dated unless the school has good reason to protect the anonymity of the witness, in which case the statement should be dated and labelled'. Where there is clear, identifiable safeguarding risk to the sharing of a written statement from pupils/students due to the identifiability of handwriting, written statements should still be taken and kept but can be typed up, dated, anonymised, and labelled appropriately for presentation to parties attending the Exclusions hearing. The members of the Exclusions Committee and the clerk can have sight of the original statement if required.

² Head teachers should consider carefully whether to including a full behaviour log/attendance record is relevant to the exclusion. Where the exclusion is a one-off breach of the behaviour policy, the full behaviour log and attendance record should only be included if it is relevant to the incident/decision making process or will assist the Exclusions Committee in making a decision based on the balance of probabilities.

- ✓ Exclusion Policy
- ✓ SEND Policy (if applicable)

Appendix 2

Exclusions Committee guidance

The role of the chair

The role of the chair of the Exclusions Committee is particularly important; not only does it set the tone, but also ensures that the hearing conforms to the law.

Advice for chairs:

- Read all paperwork prior to the meeting and make notes on any point of interest
- Spend some time with fellow committee members and the clerk prior to the meeting, going over any major points and receiving guidance
- Advise attendees whether the decision will be communicated verbally immediately after the Committee's deliberation as well as receiving written notification the following day, or whether the decision will only be communicated in writing
- Always remain in control and avoid confrontation whilst also making it clear that rudeness and any aggressive behaviour is unacceptable
- Have a view as to how long each section of the meeting should last – make a sensible assumption that attendees have read the paperwork provided and do not allow lengthy representations which may cause unnecessary distress to any participant, particularly the pupil/student if in attendance
- Ascertain whether the pupil/student will be attending and ensure they are given the opportunity to speak
- Ascertain whether a local authority representative and, where appropriate, the social worker or representatives from external agencies will be attending and advise whether you will be accepting their attendance in the capacity as an observer or whether they have your consent to make representations
- As the clerk for advice on legal matters if you need it
- Recap and summarise regularly
- If an appellant or presenter fails to attend the meeting, continue to follow standard procedure as closely as possible. This ensures their case is given proper consideration
- If any changes are to be made to the order of proceedings, ensure all parties are in agreement

- Ensure that all parties feel listened to and have ample opportunity to present their case and ask questions of each other
- Approve the minutes following the meeting
- Ensure that following the hearing, the outcome is noted on the pupil/student's educational record along with copies of relevant papers for future reference

The role of a member of the Exclusions Committee

Members of the Exclusions Committee should ensure they act in an impartial manner at all times in order to ensure that the hearing is fair, and their decisions are consistent with the evidence presented. Committee members should also ensure that they do not discuss the exclusion with any party outside the meeting.

Advice for members of the Exclusions Committee:

- Read all paperwork prior to the meeting and make notes on any point of interest
- Be familiar with the law and current DfE guidance on exclusions
- Respect the chair and their authority throughout the meeting
- Consider carefully any advice provided by the clerk
- Avoid giving any indication about feelings on an individual case
- Test all evidence available as far as possible and ensure you ask sufficient questions
- Decide on the 'balance of probabilities' whether the pupil/student did what was alleged – this is the civil standard of proof and not the criminal standard of 'beyond reasonable doubt'
- Be clear about the reasons for decisions made and be prepared to support them with evidence gained during the hearing. Committee members need to be aware that in light of their consideration, they can either
 - i. Decline reinstatement; or
 - ii. Direct reinstatement of the pupil/student immediately or on a particular date

Decision making

Some points for members of the Exclusions Committee to consider when reviewing the head teacher's decision to exclude a pupil/student.

1. Did the pupil/student, on the balance of probabilities, commit the breach of the Behaviour Policy of which they were accused?
2. Would allowing the pupil/student to remain the academy seriously harm their education or welfare, or the educational or welfare of others in the school community?
3. Did the head teacher have any alternative to exclusion?
4. Is the head teacher's decision in line with the academy's Behaviour Policy?
5. Was the decision to exclude based on one serious incident or a series of incidents and is this clearly reflected in the head teacher's decision letter?
6. Where the Behaviour Policy has been breached, is there evidence that the pupil/student was aware of the policy and the sanctions that could happen if they breached it?
7. Is the pupil/student defined as having special educational needs / a disability? If so, has the pupil/student been treated less favourably than others?
8. Where the pupil/student has SEND, have reasonable adjustments been made in the implementation of the Behaviour Policy and where interventions have been made, has their impact been tracked and recorded?
9. Did the academy use support plans for the pupil/student and, if so, were they effective?
10. Are there any contributing or mitigating factors to consider?
11. Are you satisfied that a full and appropriate investigation was undertaken into incidents?
12. Did the academy apply the correct procedures when excluding the pupil/student?
13. Was the pupil/student allowed the opportunity to give their own version of events both at the time and following the event if it was not possible at the time, and during the exclusions hearing?
14. Was the decision to exclude the pupil/student lawful, reasonable, proportionate, and procedurally fair?

With regards to any exclusion resulting in a pupil/student missing a public examination or national curriculum test there is no legal imperative to allow an excluded pupil/student to return to the academy in order to take a public examination or test. The Academy Committee should consider whether it would be appropriate to exercise discretion and allow the pupil/student back on academy premises for this purpose. The Academy Committee may place additional conditions if they choose to grant permission onto the academy site.

Decision statements

NB: These suggested pro-forma statements are to complement the detailed reasons that the Exclusions Committee is obliged to set out in the decision letter. These are not to be used in isolation.

Decline to reinstate the pupil/student

The Exclusions Committee, having carefully considered all available evidence, has decided to decline to reinstate [pupil/student name] on the grounds of [insert appropriate term].

Optional statements

Despite an extensive programme of support provided by both the academy and a variety of external agencies, [pupil/student name]'s behaviour has continued to be [insert appropriate term]

We feel the academy has exhausted its capability to meet [pupil/student name]'s needs and as such the head teacher has no other alternative to permanently exclude.

On the basis that [pupil/student name]'s repeated and consistent failure to meet the expectations of the Behaviour Policy, we are concerned for the education and welfare of other pupils/students and for the welfare of the academy community.

We feel that the academy has done everything in its power to support [pupil/student name] and despite this [he/she] has continued to behave in a way that does not meet the expectations of the Behaviour Policy, affecting the safety and welfare of themselves and other pupils/students in the academy.

Direct reinstatement of the pupil/student immediately or on a particular date

Having carefully considered all available evidence and representations we, as an Exclusions Committee, have decided to direct reinstatement of [pupil/student name]. As such, [pupil/student name] will be allowed to return to the academy on [date] at [time].

If there are any questions about the exclusions process either before, during, or after an Exclusions Committee meeting, the Committee should contact the Head of Governance for assistance.

Appendix 3

Exclusions Committee Agenda

[Academy Name]

Meeting to consider the [suspension / permanent] of [pupil/student name].

Date:

Time:

Location:

Attendees	Initials	Responsibility
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Academy Members:

[insert name]		Chair of Exclusions Committee
[insert name]		Committee member
[insert name]		Committee member

Representatives

[insert name]		Head Teacher
[insert name]		Parent
[insert name]		Parent friend/representative
[insert name]		Pupil/student
[insert name]		Clerk to Exclusions Committee

Part	Item	Responsibility
1.	Introduction and procedures	Chair
2.	Verbal statement from the academy	Head Teacher (or representative)

- | | | |
|-----|---|------------------------------------|
| 3. | Questions to the academy from all attendees | Chair |
| 4. | Verbal statement from parent and/or pupil/student | Parent and/or
pupil/student |
| 5. | Questions to the parent and/or pupil/student from all attendees | Chair |
| 6. | Advice/comments from the local authority representative (if the parent has requested attendance and at the discretion of the Chair) | Local authority (if
applicable) |
| 7. | Summary statement from the academy | Head Teacher |
| 8. | Summary statement from the parent and/or pupil/student | Parent and/or
pupil/student |
| 9. | All parties other than the Committee and the Clerk leave the room whilst the Committee deliberates | Chair |
| 10. | Committee decision – initial communication to be sent within 24 hours, full letter to be sent within five academy days | Chair and Clerk |

Appendix 4

Exclusions Committee Minutes

[Academy Name]

Meeting to consider the [fixed term / permanent] exclusion of [pupil/student name].

Date:

Time:

Location:

Attendees	Initials	Responsibility
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Academy Members:

[insert name]		Chair of Exclusions Committee
[insert name]		Committee member
[insert name]		Committee member

Representatives

[insert name]		Head Teacher
[insert name]		Parent
[insert name]		Parent friend/representative
[insert name]		Pupil/student
[insert name]		Clerk to Exclusions Committee

Part	Item
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1. Introduction and procedures
2. Verbal statement from the academy

3. Questions to the academy from all attendees
4. Verbal statement from parent and/or pupil/student
5. Questions to the parent and/or pupil/student from all attendees
6. Advice/comments from the local authority representative (if the parent has requested attendance and at the discretion of the Chair)
7. Summary statement from the academy
8. Summary statement from the parent and/or pupil/student
9. All parties other than the Committee and the Clerk leave the room whilst the Committee deliberates
10. Committee decision – initial communication to be sent within 24 hours, full letter to be sent within five academy days