

**THE EDUCATION VILLAGE ACADEMY TRUST**



**SUSPENSION & EXCLUSION POLICY**

## EVAT Version Control Document

Version:	Date:	Policy Owner:	Amendments made by:	Details of amendments made:	Reviewed by:	Approved by:
V0.1	26.09.19	Jonathan Lumb	Jonathan Lumb	Update to create a cross Trust policy		
V0.2	03.10.19	Jonathan Lumb	Wendy Turpin	EVAT format		
V0.4	07.10.19	Jonathan Lumb	Mike Butler	Minor typographical corrections		
V0.5	15.10.19	Jonathan Lumb	Wendy Turpin	Liz McAllister Comments added for review by JL		
V1.0	8.11.19	Jonathan Lumb	Cathy Knights	Accepting Comments and amends to create final version		
V1.1	25.11.20	Jonathan Lumb	Jonathan Lumb/Tina Barnett	Annual review		
V2.0	01.12.20	Jonathan Lumb	Wendy Turpin	Incorporation of MB/EDUCATION STANDARDS COMMITTEE comments		
V2.1	13.01.21	Jonathan Lumb	Wendy Turpin	To reflect DfE guidance in relation to applications for independent review being temporarily increased to 25 days 01.06.20 – 24.03.21 and other times due to COVID		
V2.2	01.11.22	Su Gill	Su Gill	To reflect new DfE guidance		
V2.3	09.12.22	Su Gill	Su Gill			
V3.0	Dec 22	Su Gill	Su Gill	Feedback from ELT 08.12.22		
V3.1	11.9.23	Su Gill	Su Gill	To reflect DfE statutory guidance updates	Board of Trustees	7.12.2023

### Monitoring and review

- This policy is reviewed every **annually** by the Policy Owner: **Su Gill**
- The scheduled review date for this policy is **December 2024**

## Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
  - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
  - putting children and young people first
  - behaving ethically
- **A**mbition and aspiration for all
  - irrespective of background or barriers – being truly inclusive
- **T**eamwork
  - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

## Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

**This policy, and its associated procedures and protocols, are based on these key principles.**

**N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both. Any reference to Principal may also include Executive Principal.**

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## Statement of intent

At EVAT, we understand that good behaviour and discipline are essential for promoting high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that the suspension or exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or permanently excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or permanently excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Principal, Education Standards Committee (ESC) and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

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

An "exclusion" is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

## Legal framework

1.1 This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002 as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (Amendment) Regulations 2014.
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010
- Keeping Children Safe in Education (September 2022).

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

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

1.3 This policy will be implemented in conjunction with the following Trust/academy policies and procedures:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection & Safeguarding Policy.

## Roles and responsibilities

2.1 The Local Authority (LA) is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children (LAC)
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the academy.
- Reviewing and reassessing pupils' needs in consultation with their parents/carers where they have an Educational Health and Care (EHC) plan and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the Education Standards Committee not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents/carers, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

2.2 The Trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the Education Standards Committee not to reinstate a permanently excluded pupil where required
- Arranging for an independent review panel to be held via remote access where requested by parents or excluded pupils aged 18 and over

2.3 The academy's Education Standards Committee is responsible for:

- If requested, providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months
- Arranging suitable full-time education for any pupil of compulsory school age suspended on a fixed-term basis
- Considering parents/carers' representations about suspensions/exclusions within 15 school days of receiving notice if the appropriate requirements are met
- Where a suspension would result in a pupil missing a public examination or test, considering the suspension before this date
- Considering whether it would be appropriate for a pupil to be permitted on to the academy premises to sit the public examination or test
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded pupils aged 18 and over
- Adhering to its responsibilities to consider the reinstatement of pupils
- Considering the interests and circumstances of the suspended/excluded pupil, including the circumstances in which they were suspended / excluded, and have due regard to the interests of others at the academy
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension/permanent exclusion
- Ensuring full, clear minutes are taken of the representation meeting
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference
- Notifying the pupil's parents/carers, the Principal and LA of its decision and the reasons for it, without delay
- Letters to parents/carers must include the correct LA details
- Where appropriate, informing parents/carers of where to apply for an independent review panel
- Informing parents/carers of relevant sources of information
- Ensuring a pupil's name is removed from the academy admissions register, where appropriate
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.

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

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
  - Make written representations to the panel
  - Attend the hearing and make oral representations to the panel. Their attendance should be encouraged, including the pupil in question
  - Be represented
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties
- Giving all parties details of those attending and their role, once the position is clear
- Attending the review and ensuring that full minutes are produced in accordance with instructions from the panel.

2.5 The Principal is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions/exclusions
- Applying the civil standard of proof when establishing the facts in relation to a permanent exclusion
- Complying with their statutory duties in relation to pupils with SEND when administering the suspension/exclusion process, as outlined in the Special Educational Needs and Disability (SEND) Policy
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour
- Reviewing the effectiveness of suspensions/exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic or vulnerable groups
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs
- Determining whether a pupil will be suspended/excluded and on what grounds
- Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the Education Standards Committee, where appropriate
- Withdrawing any suspensions/exclusions that have not been reviewed by the Education Standards Committee, where appropriate
- Ensuring any decision to suspend/exclude is lawful, rational, reasonable, fair and proportionate
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend/exclude a pupil
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension/permanent exclusion
- Making the decision to suspend/exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings
- Notifying a pupil's parents/carers without delay where the decision is taken to suspend/exclude the pupil, including the days on which the parents/carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required
- Ensuring that all information provided to parents/carers is clear and easily understood
- Notifying the Education Standards Committee and LA of their decision to suspend/exclude a pupil where appropriate, as well as the pupil's home authority if required
- Notifying the Education Standards Committee once per term of any suspensions/exclusions not already notified
- Organising suitable work for suspended/excluded pupils where alternative provision cannot be arranged.



## Grounds for suspension or permanent exclusion

- 3.1 The academy will only suspend or permanently exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the academy's Behaviour Policy, have failed to be successful
- 3.2 The following examples of behaviour may underline the academy's decision to suspend/permanently exclude a pupil:
- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
  - Any incidents which breach the law
  - Persistent and severe bullying
  - Verbal and physical abuse
  - Constant disruption
  - A single, serious and major incident, e.g. serious assault on another individual leading to injury
  - Failure to adhere to the expectations of the academy or Trust over a sustained period of time.
- 3.3 Pupils can be suspended on a fixed-period basis, i.e. up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a fixed-period suspension, where further evidence is presented.
- 3.4 In all cases, the Principal will decide which suspension/exclusion period a pupil will be subject to, depending on what the circumstances warrant.
- 3.5 The headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing board.
- 3.6 Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the governing board, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.
- 3.7 When a suspension or exclusion is cancelled, the Education Standards Committee have a duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

- 3.8 Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

## The Principal's power to suspend and exclude

- 4.1 Only the Principal (or the Deputy Headteacher with delegated powers in the Principal's absence) has the power to suspend and exclude a pupil from the academy, and is able to decide whether this is on a fixed-period or permanent basis. All suspensions and exclusions will only be issued on disciplinary grounds.
- 4.2 The Principal is able to suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.
- 4.3 The Principal is also able to consider a pupil's disruptive behaviour outside of the school premises and grounds for suspension or exclusion, in accordance with the academy's Behaviour Policy.
- 4.4 The Principal is able to consider a pupil's disruptive behaviour outside of the academy premises as grounds for suspension and permanent exclusion, in accordance with the academy's Behaviour Policy.
- 4.5 Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the Trust's wider legal duties, including the European Court of Human Rights (ECHR).
- 4.6 At all times the Principal will take into account their legal duties Under the Equality Act 2010 and the 'Special educational need and disability code of practice: 0-25 years', ensuring the do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.
- 4.7 All suspensions and exclusions will be formally recorded on the pupil information system.
- 4.8 When sending a pupil home following any suspension, the Principal will ensure that they exercise their duty of care at all times and will always inform the parents/carers.

- 4.9 The Principal will apply the civil standard of proof when responding to the facts relating to a suspension/permanent exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 4.10 The Principal may cancel/withdraw any suspension or exclusion that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Education Standards Committee.
- 4.11 Where a suspension or exclusion is cancelled, the Principal will notify the pupil's parents/carers, the Education Standards Committee, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The Principal will offer the pupil's parents the opportunity to meet with the Principal to discuss the circumstances that led to the cancellation of the suspension or exclusion, and the pupil will be allowed back into school without delay.
- 4.12 When a suspension or exclusion is cancelled, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- 4.13 Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.
- 4.14 The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing board once per term, to allow the governing board to have appropriate oversight.
- 4.15 The Principal will not issue any 'informal' or 'unofficial' suspensions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.
- 4.16 The Principal will not use the threat of suspension as a means of instructing parents/carers to remove their child from the premises.

## **Factors to consider when suspending/permanently excluding a pupil**

- 5.1 When considering the suspension/exclusion of a pupil, the Principal will:
- Allow the pupil the opportunity to present their case once evidence has been collated.

- Consider any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
  - Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
  - Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
- 5.2 The Principal will consider what extra support may be available for vulnerable pupil groups whose suspension rates are higher, to reduce their risk of suspension, including the following:
- LAC
  - Pupils eligible for FSM/Pupil Premium
  - Pupils with SEND
  - Certain ethnic groups.
- 5.3 The Principal will consider avoiding permanently excluding LAC pupils, those with SEMH issues or pupils with an EHC plan.
- 5.4 Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Principal who will instigate a multi-agency assessment to determine whether the behavioural issues might be as a result of educational, mental health or other needs and vulnerabilities.
- 5.5 Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the academy's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered.
- 5.6 In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended/permanently excluded before the graduated response process has been completed.
- 5.7 Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND or SEMH-related need that could not be met at the academy, detailed records will be kept highlighting that these pupils are closely tracked and show that the academy has a close relationship with the pupil's next destination.
- 5.8 The Principal will work in conjunction with the parents/carers of any pupil with additional needs, to establish the most effective support mechanisms.

## Preventative measures

- 6.1 Before taking a final decision to exclude, the Principal will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### Off-site direction

- 6.2 The board of trustees may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.
- 6.3 The Education Standards Committee and the Principal will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.
- 6.4 The Education Standards Committee will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.
- 6.5 The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the Education Standards Committee. The Education Standards Committee will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the governing board hold a review meeting, the Education Standards Committee; will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.
- 6.6 The Education Standards Committee; will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### Managed moves

- 6.7 Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the Principal and Education Standards Committee will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.
- 6.8 The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

- 6.9 Parents/carers who have concerns that a managed move is being forced on them or who are unhappy with a managed move, will be referred to the Complaints Policy and Procedure.

## Duty to inform parents/carers

- 7.1 Following the Principal's decision to suspend or exclude a pupil, they will immediately inform the parents, or the excluded pupil if they are 18 or older, in person or by telephone, supported by email communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.
- 7.2 The Principal will inform the parents/carers in writing (electronically if written permission has been received from the parents/carers for notices to be sent this way) of the following:
- The reason(s) for the suspension or exclusion.
  - The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
  - Their right to raise any representations about the suspension/exclusion to the Education Standards Committee, including how the pupil will be involved in this and how the representations will be made.
  - Their right to make a request to hold the meeting via remote access and how this request can be made.
  - Their right to attend a meeting where there is a legal requirement for the Education Standards Committee to consider the suspension/permanent exclusion, and the fact that they are able to bring an accompanying individual.
  - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school.
  - Relevant sources of free, impartial information.
- 7.3 Where the pupil is of compulsory school age, the Principal will inform the parents/carers by the end of the afternoon session that:
- For the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.
- 7.4 Where the Principal has arranged alternative provision, they will also inform the parents/carers of the following:
- The start and end date for any provision of full-time education.
  - The address at which the provision will take place.
  - Any information necessary for the pupil to identify the person they should report to on the starting date.
- 7.5 Where the Principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a

subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.

- 7.6 If the alternative provision is due to begin before the sixth day of the suspension, the Principal is able to give less than 48 hours' notice, with parental consent.
- 7.7 If the Principal has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or exclusion notice to parents/carers.

## **Duty to inform the Education Standards Committee and LA**

- 8.1 The Principal will inform the Education Standards Committee and LA, without delay, of the following:
- Any permanent exclusions (including where a fixed-period suspension is followed by a decision to permanently exclude the pupil).
  - Any suspensions which would result in the pupil being suspended for more than five school days in a term (or more than 10 lunchtimes).
  - Any suspensions which would result in the pupil being absent from an examination or national curriculum test.
- 8.2 For any suspensions, other than those above, the Principal will notify the Education Standards Committee and LA once per term.
- 8.3 All notifications to the Education Standards Committee and LA will include the reasons for suspension and the duration of any fixed-period suspension.
- 8.4 If the pupil who is suspended/excluded lives outside the LA in which the school is located, the Principal will notify the pupil's 'home authority'.

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

- 9.1 When a pupil has been suspended or excluded, the Principal will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.
- 9.2 Social workers and/or the VSH will also be informed when a meeting of the Education Standards Committee is taking place, and will be invited to attend the meeting.
- 9.3 Social workers and VSHs will be allowed to join an Education Standards Committee meeting or independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

## Arranging education for suspended and excluded pupils

- 10.1 For any fixed-period suspension of more than five school days, the Academy will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension.
- 10.2 Where a pupil receives consecutive fixed-period suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension.
- 10.3 For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of suspension.
- 10.4 The Education Standards Committee will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.
- 10.5 The Education Standards Committee is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension. The Education Standards Committee will always attempt to arrange alternative provision before the sixth day of suspension.
- 10.6 Where it is not possible to arrange alternative provision during the first five days of suspension, the school will ensure that they take reasonable steps to set and mark work for the suspended pupil.
- 10.7 If a pupil with SEND has been suspended, the Education Standards Committee will ensure that:
  - Any alternative provision is arranged in consultation with the pupil's parents/carers, who are able to request preferences.
  - When identifying alternative provision, any EHC plan is reviewed/the pupil's needs are reassessed, also in consultation with the pupil's parents/carers.

## Considering suspensions and exclusions

- 1.1 The Education Standards Committee will consider any representations made by parents/carers in regard to suspensions and exclusions.
- 1.2 Parents/carers and, where requested, a friend or representative, the Principal and a member of the LA will be invited to attend any consideration of suspensions/exclusions and will be able to make representations.
- 1.3 Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.
- 1.4 Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.



- 1.5 The Education Standards Committee will consider the reinstatement of a suspended/excluded pupil, where:
- The exclusion is permanent
  - The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term
  - The suspension would result in the pupil missing a public examination.
- 1.6 In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents make representations, the ESC will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the ESC will consider the reinstatement on their own.
- 1.7 Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the governing board will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.
- 1.8 Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing board will consider all representations made by parents; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents. Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the Education Standards Committee meeting will consider all representations made by parents; however, the Education Standards Committee meeting cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents.
- 1.9 Where suspension or exclusion would result in a pupil missing a public examination, the academy will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination. Suspension or exclusion would result in a pupil missing a public examination, the Education Standards Committee meeting will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.
- 1.10 In the case of a fixed period suspension, where the pupil's total number of suspended school days does not amount to more than five, in the absence of any such representations, the Education Standards Committee is not required to meet and cannot direct the reinstatement of the pupil.
- 1.11 If it is not practicable for a sufficient number of the Education Standards Committee meeting members to consider the decision before the examination, a smaller sub-committee will consider the suspension.

- 1.12 In light of the above, the Education Standards Committee meeting will also consider whether it would be appropriate to allow the suspended pupil to enter the premises to take the examination.
- 1.13 When considering the reinstatement of a suspended/excluded pupil, the Education Standards Committee meeting will:
- Only discuss the suspension with the parties present at the meeting.
  - Ask for any written evidence prior to the meeting.
  - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
  - Allow pupils and parents/carers to be accompanied by a person of their choice at the meeting.
  - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
  - Identify the steps needed to enable and encourage the suspended pupil to attend the meeting and speak on their own behalf, or how they may contribute personal views by other means if attendance is not possible.
  - Consider the interests and circumstances of the suspended pupil, including the grounds for suspension.

## Reaching a decision

- 1.14 After considering suspensions, the Education Standards Committee will either:
- Decline to reinstate the pupil.
  - Direct the reinstatement of the pupil immediately, or on a specified date.
- 1.15 If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period suspension or the parents/carers make clear they do not want their child reinstated, the Education Standards Committee will still consider whether the pupil should be officially reinstated, and whether the Principal's decision to suspend the pupil was fair, lawful and proportionate, based on the evidence presented.
- 1.16 The Education Standards Committee will apply the civil standard of proof when responding to the facts relating to a suspension, i.e. it is more likely than not that the facts are true.
- 1.17 To reach a decision, the Education Standards Committee will:
- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views
  - Ensure that full minutes are taken of the meeting as a record of the evidence that was considered
  - Ask all parties to withdraw from the meeting before considering their decision.
  - Consider whether the suspension of the pupil was lawful, proportionate and fair, considering the Principal's legal duties and any evidence that was presented to the Education Standards Committee in relation to the decision to suspend

- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months
- Make a note of their findings, where they have considered a suspension but cannot reinstate the pupil.

## Notification of considered suspensions and exclusions

- 1.18 The Education Standards Committee will notify the parents/carers of the suspended pupil, the Principal and the LA of their decision following the consideration of a suspension, in writing and without delay.
- 1.19 In the case of a permanent exclusion, where the Education Standards Committee decides not to reinstate the pupil, they will notify the parents/carers:
- That it is permanent, and their right for it to be reviewed by an independent review panel.
  - Of the date by which an application for review must be made.
  - Of the name and address of whom the review application should be submitted to.
  - That a request to hold the meeting via remote access can be made and how to do this.
  - That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND are considered relevant to the permanent exclusion.
  - That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the Education Standards Committee to ensure a SEND expert attends the review.
  - Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
  - That they are required to make it clear if they wish for a SEND expert to attend the review
  - That they may appoint someone at their own expense to make representations to the panel.
- 1.20 The Education Standards Committee will also notify parents/carers that, if they believe a suspension/exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.
- 1.21 After any conclusion, the Education Standards Committee will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## Removing permanently excluded pupils from the school register

- 1.22 The Principal will remove pupils from the school register if:
- 15 school days have passed since the parents/carers were notified of the Education Standards Committee's decision not to reinstate the pupil and no application for an independent panel review has been received

- The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- 1.23 If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, and until the Education Standards Committee has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.
- 1.24 If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:
- All the particulars which were entered in the register.
  - The address of any parent/carer with whom the pupil normally resides.
  - The grounds upon which the pupil's name is to be removed from the register.
- 1.25 Any return to the LA will be made as soon as the grounds for removal are met and no later than the date on which the pupil's name was removed.
- 1.26 If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.
- 1.27 Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
- Code B: Education off-site
  - Code D: Dual registration
  - Code E: Absent and not attending alternative provision.

## Independent review panel

- 1.28 The Trust will review the Education Standards Committee's decision not to reinstate a permanently excluded pupil, if the parents/carers submit their application for this within the required time frame.
- 1.29 The Trust will constitute an independent review panel of three or five members that represent the following categories:
- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
  - A current or former member of an Education Standards Committee or Education Standards Committee who has served for at least 12 consecutive months in the last five years.
  - A Principal or individual who has been a Principal within the last five years.
- 1.30 Parents/carers are required to submit their applications within:
- 15 school days of the Education Standards Committee's notification of their decision.
  - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

- 1.31 Any application made outside of this timeframe will not be reviewed.
- 1.32 Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the Education Standards Committee's initial consideration of the permanent exclusion.
- 1.33 Parents can request the independent review panels take place via remote access.
- 15.6 The Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

## Appointing a SEND expert

- 1.34 If requested by parents/carers in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.
- 1.35 The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- 1.36 Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.
- 1.37 The SEND expert's role is set out in section 17 of this policy.
- 1.38 Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, academy, parents/carers or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.
- 1.39 The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; SENCOs; and behaviour support teachers.
- 1.40 Recently retired individuals are not precluded from fulfilling this role; however, the LA will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.
- 1.41 Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded

pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

- 1.42 The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.
- 1.43 The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

## The role of a SEND expert

- 1.44 The SEND expert's role is analogous to an expert witness, providing (oral and/or written) impartial advice to the panel on how SEND might be relevant to the permanent exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include assessing the pupil's SEND.
- 1.45 The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's permanent exclusion.
- 1.46 Where the academy does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the academy acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's permanent exclusion.
- 1.47 The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## Appointing a clerk

- 1.48 The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.
- 1.49 Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

## The role of a clerk

1.50 The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

1.51 The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the permanent exclusion, considering the fact that some of these people may be pupils at the school (Pupils under 18-years-old will not be allowed to appear in person without parental consent)
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure full that minutes are produced in accordance with instructions from the independent review panel.

1.52 Where a clerk is not appointed, the LA will undertake the functions outlined in paragraphs 16.1 and 16.2 of this policy.

### **The duties of independent review panel**

1.53 The role of the panel is to review the Education Standards Committee's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

1.54 The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

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

- Uphold the decision
- Recommend that the Education Standards Committee reconsiders reinstatement
- Quash the decision and direct that the Education Standards Committee reconsiders reinstatement.

- 1.56 The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, the Education Standards Committee, Principal and the LA.

## Conducting Education Standards Committee meetings or independent review panels via remote access

- 1.57 Parents/carers, or excluded pupils if they are 18 or older, will be able to request that governing board meetings or independent review panels are held via remote access; however, parents and pupils will be made aware that this is not the default option.
- 1.58 Where a parent or pupil makes a request correctly in line with instructions set out in the headteacher's or governing board's written notification, the governing board or LA will hold the meeting via the use of remote access.
- 1.59 Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.
- 1.60 Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.
- 1.61 If there is a reason related to extraordinary events or unforeseen circumstances, e.g. an outbreak of an infectious illness, which means it is not reasonable for a meeting or panel to be held in person, it may be held via remote access.
- 1.62 Meetings will only be held via remote access if the governing board or LA is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, the governing board or LA will consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.
- 1.63 If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.
- 1.64 When holding meetings or panels via remote access, the governing board or LA will:
- Comply with relevant equalities legislation.
  - Enable access to support which the parent is entitled to, including the presence of a friend.
  - Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
  - Ensure all the participants will be able to put across their point of view and/or fulfil their function.
  - Ensure the remote meeting or panel can be held fairly and transparently.



- 1.65 Where a suspension or exclusion began before 1 September 2023 and an Education Standards Committee meeting has not yet been held, the Principal will notify the parent, either on 1 September or as soon as possible afterwards, that they can ask the governing board to hold the meeting via the use of remote access. This also applies if a permanent exclusion began before 1 September and the parent is entitled to make representations but has not yet done so. The headteacher's notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.
- 1.66 Where an exclusion began before 1 September 2023 and an independent review panel has not yet been held, the Education Standards Committee must notify the parent/carer, either on 1 September or as soon as possible that they can ask the independent review panel to hold the meeting via the use of remote access. This also applies if an exclusion began before 1 September and the parent is entitled to apply for an independent review panel but has not yet done so. The notification will explain how requests must be made and to whom and that requests must be made within three school days of the notification.

### Reconsidering reinstatement following a review

- 1.67 Where the independent review panel instructs the Education Standards Committee to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.
- 1.68 The academy is aware that if the Education Standards Committee does not offer to reinstate the pupil, then the academy will be required to make a payment of £4,000 directly to the LA in which the school is located.
- 1.69 If, following reconsideration, the Academy offers to reinstate the pupil but the parents/carers decline, no adjustment will be made to the school's budget.
- 1.70 Following reconsideration, the Education Standards Committee will notify the parents/carers, the Principal and the LA of their reconsidered decision and the reasons for this.

### Criminal investigations

- 1.71 The Principal will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 1.72 The Principal will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 1.73 If the Education Standards Committee is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## Training requirements

- 1.74 The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.
- 1.75 Training will cover:
- The requirements of the legislation, regulations and statutory guidance governing exclusions.
  - The need for the panel to observe procedural fairness and the rules of natural justice.
  - The role of the chair of a review panel.
  - The role of the clerk to a review panel.
  - The duties of Principals/headteachers, Education Standards Committees and the panel under the Equality Act 2010.
  - The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.
- 1.76 Clerks will also have an up-to-date understanding on developments in case law which are relevant to permanent exclusion.

## Using data

- 1.77 The Principal will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis.
- 1.78 The Education Standards Committee will review this data regularly in order to:
- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
  - Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
  - Determine whether there are any patterns of suspensions and exclusions across the trust.
  - Consider the effectiveness and consistency in implementing the Behaviour Policy.
  - Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
  - Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
  - Gather information on where pupils are receiving repeat suspensions.
  - Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
  - Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

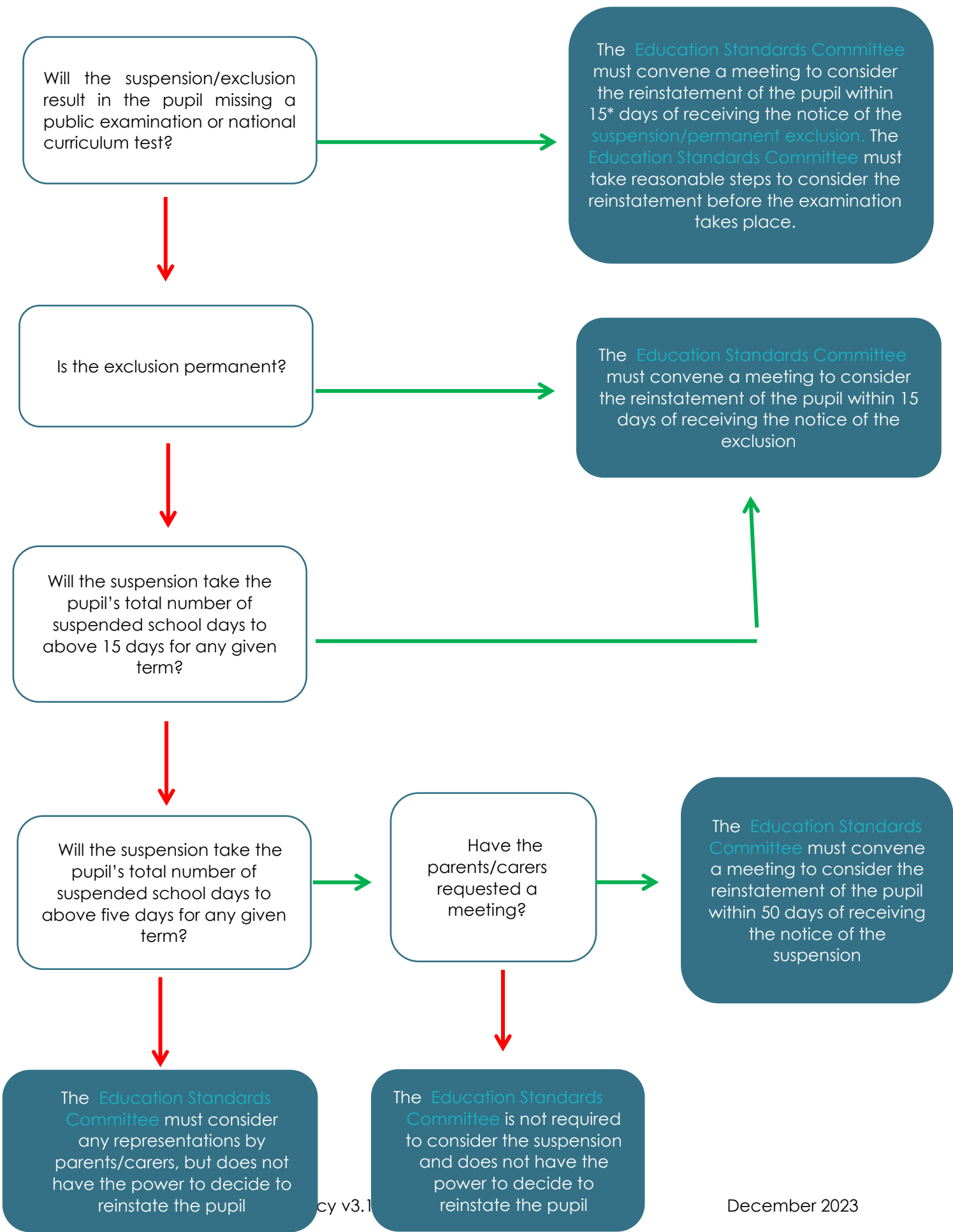
## Monitoring and review

- 1.79 This policy will be reviewed on an annual basis by the policy owner in conjunction with the Trust's Executive Leadership Team.
- 1.80 All members of staff are required to familiarise themselves with this policy as part of their induction programme.

### **Public Sector Equality Duty (Equality Act 2010)**

- 1.81 In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

# Appendix A: Reviewing the Principal's Suspension/Exclusion Decision



## Appendix B: Suspension letter - fewer than 5 days in a term

Dear **(name of parent/carer)**,

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **(pupil name)** has not been taken lightly. **(Pupil name)** has been suspended for this fixed period because **(state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached)**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **(pupil name)** during this suspension **(specify the arrangements for this)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is, SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU.

### Additional information and support

Every local area including Darlington has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on any exclusions and can be contacted via [IASS@darlington.gov.uk](mailto:IASS@darlington.gov.uk) Tel: (01325) 405878

Coram's Child Law Advice service can also support and be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education aim to provide impartial advice and information to parents on state education matters and 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 – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

You and **(pupil name)** are requested to attend a reintegration interview with me **(alternatively, specify the name of another staff member)** at **(place)** on **(date)** at **(time)**. If that is not convenient, please contact the school to discuss how best we can support your child.

**(Pupil Name)'s** suspension expires on **(date)** and we expect **(pupil name)** to be back in school on **(date)** at **(time)**.

Yours sincerely

**(Name)**  
Principal

## Appendix C: Suspension letter – more than 5 days, up to and including 15 days in a term

Dear **(Parent/carer name)**

I am writing to inform you of my decision to suspend **(pupil name)** for a fixed period of **(specify period)**. This means that **(pupil name)** will not be allowed in school for this period. The suspension start date is **(date)** and the end date is **(date)**. Your child should return to school on **(date)**.

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend **(pupil name)** has not been taken lightly. **(Pupil's name)** has been suspended for this fixed period because (state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached).

You have a duty to ensure that your child is not present in a public place in school hours during (the first five school days of suspension or specify dates) unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **(pupil's name)** during the first five school days of the suspension (specify the arrangements for this). Please ensure that work set by the school is completed and returned to us promptly for marking.

### **(For consecutive fixed-term suspensions of more than 5 days only)**

From the (6th school day of the pupil's suspension **(specify date)**) until the expiry of this suspension we **(out the arrangements for provision if known)** will provide suitable full-time education. On **(date)** **(he/she)** should attend at **(give name and address of the alternative provider if not the home school/Academy)** at **(specify the time)** and report to **(staff member's name)**. **(If applicable — say something about transport arrangements from home to the alternative provider.)**

Note - where a child receives consecutive 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, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period suspension **[see p32: para 87 in Suspensions & Permanent exclusion DfE guidance]**.

You have the right to request a meeting of the Education Standards Committee to whom you may make representations, where the decision to suspend can be reviewed. As the total suspensions now exceed 5 school days in one term the Education Standards Committee must meet if you request it to do so to consider reinstatement. The latest date by which the Education Standards Committee must

meet, if you request a meeting, is **(specify date — no later than the 50th school day after the date on which the governing body/ board of directors were notified of this suspension)**. If you do wish to make representations to the Education Standards Committee and wish to be accompanied by your child and friend or representative, please contact **(name of contact)** on/at **(contact details — address, phone number, email)**, as soon as possible. You can also request that the Local Authority Inclusions Officer is invited to attend the hearing.

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

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is, SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU

You may also find the following information useful:

Every local area including Darlington has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions and can be contacted via [IASS@darlington.gov.uk](mailto:IASS@darlington.gov.uk) Tel: (01325) 405878

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

You and **(pupil name)** are requested to attend a reintegration interview with me **(alternatively, specify the name of another staff member)** at **(place)** on **(date)** at **(time)**. If that is not convenient, please contact the school 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 school can be managed.

**(Pupil name)'s** suspension expires on **(date)** and we expect **(pupil name)** to be back in school on **(date)** at **(time)**.



Yours sincerely

**(Name)**

Principal

## Appendix D: Suspension letter – more than 15 days in a term

Dear **(Parent/carer name)**

I am writing to inform you of my decision to suspend **(pupil name)** for a fixed period of **(specify period)**. This means that **(pupil name)** will not be allowed in school for this period. The suspension **(begins/began)** on **(date)** and ends on **(date)**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **(pupil name)** has not been taken lightly. **(Pupil name)** has been suspended for this fixed period because (state reason for suspension. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached)

### **(For pupils of compulsory school age)**

You have a duty to ensure that your child is not present in a public place in school hours during (the first five school days of suspension or specify dates) unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

### **(In all cases)**

We will set work for **(pupil name)** during the first five school days of the suspension **(specify the arrangements for this)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

### **(For consecutive fixed-term suspensions of more than 5 days)**

From the **(6th school day of the pupil's suspension (specify date))** until the expiry of this suspension we **(set out the arrangements for provision if known)** will provide suitable full-time education. On **(date)** **(he/she)** should attend at **(give name and address of the alternative provider if not the home school/Academy)** at **(specify the time)** and report to **(staff member's name)**. **(If applicable — say something about transport arrangements from home to the alternative provider.)**

[Note- where a child receives consecutive 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, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period suspension [see p32: para 87 in Suspensions & Permanent exclusion DfE guidance].

As the total suspensions now exceed 15 school days in one term the Education Standards Committee must meet to consider reinstatement. At the meeting you may make representations. The latest date on which the Education Standards Committee can meet is **(date here — no later than 15 school days from the date the Education Standards Committee is notified)**. If you wish to make representations to the Education Standards Committee and wish to be accompanied by your child and friend or representative please contact **(name of contact)** on/at **(contact details — address, phone number, email)**, as soon as possible. You can also request that the Local Authority Inclusion Officer is invited to attend the hearing.

You will, whether you choose to make representations or not, be notified by the Education Standards 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 a meeting at the school. Also, please inform **(contact)** 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 you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is, SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU.

You may also find the following information useful:

Every local area including Darlington has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions and can be contacted via [IASS@darlington.gov.uk](mailto:IASS@darlington.gov.uk) Tel: (01325) 405878

Coram's Child Law Advice service can also support and be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education aim to provide impartial advice and information to parents on state education matters and 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 – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities

You and **(pupil name)** are invited to attend a reintegration interview with me **(alternatively, specify the name of another staff member)** at **(place)** on **(date)** at **(time)**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time to discuss how we can best support your child

**(Pupil name)'s** suspension expires on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely

**(Name)**  
Principal

## Appendix E: Permanent exclusion letter

Dear **(name of parent/carer)**,

I am writing to inform you of my decision to begin proceedings towards a permanent exclusion for **(pupil name)**. This means that **(pupil name)** will not be allowed onto school premises under any circumstances. The exclusion begins on **(specify the date)**.

I realise that this permanent exclusion may well be upsetting for you and your family, but the decision to exclude **(pupil name)** has not been taken lightly. This decision has been taken in response to a serious **(or persistent)** breach/es of the school's behaviour policy and it is my belief that allowing **(pupil name)** to remain in school would seriously harm the education or welfare of him/her or others such as staff or pupils in the school.

You have a duty to ensure that your child is not present in a public place in school hours during the first five school days of exclusion unless there is reasonable justification for this. This period ends on **(specify the date)**. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for **(pupil name)'s** education to continue will be made. For the first five school days of the exclusion, we will set work for **(pupil 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 will provide suitable full-time education.

I have also today informed Dianne Gage, Inclusion Lead Officer at Darlington Borough Council of your child's exclusion and she will be in touch with you about arrangements for **(his/her)** education from the sixth school day of exclusion. You can contact them at [dianne.gage@darlington.gov.uk](mailto:dianne.gage@darlington.gov.uk) or Tel: 01325 405670

As this is a permanent exclusion the Education Standards Committee must meet to consider it within fifteen school days of the start of this exclusion by **(specify date)** at the latest. You will be contacted by **(name of the School rep/Clerk to Govs)** once this date is secured.

At the meeting you may wish to make representations to the Education Standards Committee and can be accompanied by your **(son/daughter)**, a friend or representative; if so, please contact **(name of school contact)** on/at **(contact details — address, phone number, email)**, as soon as possible. You can also request that the Local Authority Inclusion Officer is invited to attend the hearing.

At the meeting, in light of its consideration, the Education Standards Committee can either direct reinstatement immediately, or on a particular date, or decline to reinstate your child, in which case you may make an application against their decision to an Independent Review Panel.

Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **(school contact)** 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 you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is, SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington DL1 1RU.

You also have the right to see a copy of **(pupil name)**'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 **(pupil name)**'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 find the following information useful:

Every local area including Darlington has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions and can be contacted via [IASS@darlington.gov.uk](mailto:IASS@darlington.gov.uk) Tel: (01325) 405878

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Yours etc

**(Name)**  
Principal