Be Your BEST
Believe - Excellence - Safe - Team

The Pines School

Suspension and permanent exclusion policy

Suspensions and Exclusions Policy	
Reviewed by	**FGB**
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1. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

> "The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting

- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**

- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (CLA))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (CLA)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil

- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The governing board

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to the Governors Exclusion Panel, consisting of at least 3 governors.

The Governors Exclusion Panel has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

4.3 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are CLA or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The Governors Exclusion Panel will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Governors Exclusion Panel must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Governors Exclusion Panel will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Governors Exclusion Panel will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil’s social worker, if they have one
- The VSH, if the pupil is looked after
- A representative of the local authority

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Governors Exclusion Panel can either:

- Decline to reinstate the pupil, or

- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Governors Exclusion Panel will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Governors Exclusion Panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Governors Exclusion Panel has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. Independent review

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governors Exclusion Panel of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the LA of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement

- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

7. School registers

A pupil's name will be removed from the school admission register if:

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

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)

- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension off site direction and welcoming the people back to school
- daily contact in school with a designated pastoral professional
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

8.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

9. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions

- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences (annually)

The data will be analysed every term by FSA. Tracy Williams - FSA will report back to the headteachers/governors

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by Kate Davies - Headteacher every 2 years. At every review, the policy will be approved by the FGB.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

Appendix 1: independent review panel training

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

Training must have covered:

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

Appendix 2

Exclusion Letters

2a) MODEL LETTER 2 – [From Head teacher notifying parent of a fixed period exclusion of less than 6 days AND where a public examination is not missed]

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period of **[period of suspension]**. This means that **[child's name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended because **[reason for suspension - also include any other relevant previous history here]**.

Parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so (DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement Guidance (September 2022)).

You have the right to make representations to the School Governors' Discipline Committee. If you wish to make representations please contact **[name of contact]** on/at **[contact details - address, phone number, e-mail]**, as soon as possible. The Governors' Discipline Committee must consider any representation made by parents but cannot direct reinstatement and are not required to arrange a meeting with parents.

You also have the right to see a copy of **[name of child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to do be supplied with a copy of **[name of child]**'s school record. I will be happy to supply you with a copy if you request. There may be a charge for photocopying.

The school will continue to set work for **[name of child]** during the period of **his/her** suspension **[please insert what arrangements are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking.

I have enclosed the DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement Guidance (July 2022)at: https://www.gov.uk/government/publications/school-exclusion

You may also wish to access the following sources of advice from the Department for Education 'School discipline and exclusions' https://www.gov.uk/school-discipline-exclusions/exclusions

You can also seek independent and impartial advice from organisations such as:

- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities

- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

You may also wish to contact the Inclusion Support Officer from Bracknell Forest Council, Viya Berridge. You can contact her on 01344 354264 or email viya.berridge@bracknell-forest.gov.uk

[Name of child]'s suspension expires on **[date]** and we expect **him/her** to be back in school on **[date]** at **[time]**. It would be helpful for us to meet to discuss **[name of child]**'s return to school before they are due back. Please could you contact [**name]** to arrange a convenient time and date.

Yours sincerely

[Name]
Head Teacher

Encl. DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement Guidance (September 2022)
c.c.

2b) MODEL LETTER 3 – [from Head teacher notifying parent of a fixed period suspension of 6 to 15 days including day 6 provision information]

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period of **[period of exclusion]**. This means that **[child's name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended because **[reason for suspension - also include any other relevant previous history here]**.

As **[child's name]** has been suspended for more than 5 days, there is a requirement on the school to arrange alternate education provision from day 6. Alternative arrangements for **[child's name]**'s education have been made as follows:

Start date: **[INSERT]**
Start and finish time: **[INSERT]**
Venue: **[INSERT]**
Additional Information: **[INSERT]**

In the first instance, prior to this provision starting, we will set work for **[child's name].** We would ask you to ensure this work is completed and returned to school for marking.

Parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if

they fail to do so (DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (September 2022)).

You have the right to request a meeting of the School Governors' Discipline Committee (GDC) at which you may make representations and the decision to suspend can be reviewed. You are also entitled, at your own expense, to be legally represented at a meeting and to bring a friend if you wish to do so. As the length of the suspension is more than 5 school days (or equivalent), the Committee must meet if you request it to do so. The latest date the committee can meet is **[date here - no later than 50 school days from the date the Committee is notified]**.

If you wish for the committee to meet in order for you to make representations, please contact **[name of contact]** on/at **[contact details - address, phone number, e-mail]**, as soon as possible.

You also have the right to see a copy of **[name of child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to do be supplied with a copy of **[name of child]**'s school record. I will be happy to supply you with a copy if you request. There may be a charge for photocopying.

I have enclosed the DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (July 2022). This can be found at: https://www.gov.uk/government/publications/school-exclusion

You may also wish to access the following sources of advice from the Department for Education 'School discipline and exclusions' https://www.gov.uk/school-discipline-exclusions/exclusions

You can also seek independent and impartial advice from organisations such as:

- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

You may also wish to contact the Inclusion Support Officer from Bracknell Forest Council, Viya Berridge. You can contact her on 01344 354264 or email viya.berridge@bracknell-forest.gov.uk

[Name of child]'s suspension expires on **[date]** and we expect **him/her** to be back in school on **[date]** at **[time]**. It would be helpful for us to meet to discuss **[name of child]**'s return to school before they are due back. Please could you contact [**name]** to arrange a convenient time and date.

Yours sincerely

[Name]
Head Teacher

Encl. DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (September 2022)
c.c.

2c) MODEL LETTER 4 – [from Head teacher notifying parent of a suspension of 16 days or more including day 6 provision information]

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period of **[period of suspension]**. This means that **[child's name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[child's name]** has not been taken lightly. **[Child's name]** has been suspended because **[reason for suspension - also include any other relevant previous history here]**.

As **[child's name]** has been suspended for more than 5 days, there is a requirement on the school to arrange alternate education provision from day 6. Alternative arrangements for **[child's name]**'s education have been made as follows:

Start date: **[INSERT]**
Start and finish time: **[INSERT]**
Venue: **[INSERT]**
Additional Information: **[INSERT]**

In the first instance, prior to this provision starting, we will set work for **[child's name].** We would ask you to ensure this work is completed and returned to school for marking.

Parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so (DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (September 2022)).

As this is a suspension of more than 15 days, the School Governors' Discipline Committee (GDC) are required meet to consider the suspension. You have a legal right to attend this meeting, you are also entitled, at your own expense, to be legally represented at the meeting and/or to bring a friend if you wish to do so.

The latest date the Committee can meet is **[date here - no later than 15 school days from the date the Committee is notified]**.

If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details - address, phone number, e-mail]**, as soon as possible.

The Committee will consider how best to hear representation from your child. The Clerk to the Committee will contact you regarding this.

You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting and you and **[child's name]** will be invited to attend.

You also have the right to see a copy of **[name of child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to do be supplied with a copy of **[name of**

child]'s school record. I will be happy to supply you with a copy if you request. There may be a charge for photocopying.

I have enclosed the DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (July 2022). This can be found at: https://www.gov.uk/government/publications/school-exclusion

You may also wish to access the following sources of advice from the Department for Education 'School discipline and exclusions' https://www.gov.uk/school-discipline-exclusions/exclusions

You can also seek independent and impartial advice from organisations such as:

- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

You may also wish to contact the Inclusion Support Officer from Bracknell Forest Council, Viya Berridge. You can contact her on 01344 354264 or email viya.berridge@bracknell-forest.gov.uk.

[Name of child]'s suspension expires on **[date]** and we expect **him/her** to be back in school on **[date]** at **[time]**. It would be helpful for us to meet to discuss **[name of child]**'s return to school before they are due back. Please could you contact [**name]** to arrange a convenient time and date.

Yours sincerely

[Name]
Head Teacher

Encl. DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (September 2022).

c.c.

2d) Permanent Exclusion Letter from HT

Dear **[parent's name]**

I regret to inform you of my decision to exclude **[child's name]** permanently from **[date]**.

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

This permanent exclusion means that **[child's name]** will not be allowed back to this school pending a meeting of the School Governors' Discipline Committee. Alternative arrangements for **[child's name]**'s education have been made as follows:
Start date: **[INSERT]**
Start and finish time: **[INSERT]**
Venue: **[INSERT]**
Additional Information: **[INSERT]**

In the first instance, prior to this provision starting, we will set work for **[child's name].** We would ask you to ensure this work is completed and returned to school for marking.

Parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so (DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (September 2022)).

As this is a permanent exclusion, the School Governors' Discipline Committee (GDC) are required meet to consider the exclusion. You have a legal right to attend this meeting, you are also entitled, at your own expense, to be legally represented at the meeting and/or to bring a friend if you wish to do so.

The latest date the Committee can meet is **[date here - no later than 15 school days from the date the Committee is notified]**.

If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details - address, phone number, e-mail]**, as soon as possible.

The Committee will consider how best to hear representation from your child. The Clerk to the Committee will contact you regarding this.

You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting and you and **[child's name]** will be invited to attend.

You also have the right to see a copy of **[name of child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to do be supplied with a copy of **[name of child]**'s school record. I will be happy to supply you with a copy if you request. There may be a charge for photocopying.

I have enclosed the DfE 'Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement' Guidance (July 2022). This can be found at: https://www.gov.uk/government/publications/school-exclusion

You may also wish to access the following sources of advice from the Department for Education 'School discipline and exclusions' https://www.gov.uk/school-discipline-exclusions/exclusions

You can also seek independent and impartial advice from organisations such as:

- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: http://www.ace-ed.org.uk/
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership)

The Inclusion Support Officer from Bracknell Forest Council, Viya Berridge, will contact you prior to the meeting of the GDC. You can contact her on 01344 354264 or email viya.berridge@bracknell-forest.gov.uk

Yours sincerely

[Name]
Head Teacher

Encl. DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement Guidance (September 2022)
c.c.

Appendix 3

Governors Discipline Committee Meeting Invite

Dear **[parent's name]**

[name of pupil - date of birth]

I understand from **[name of headteacher]** that your **son/daughter** has been excluded from the school permanently with effect from **[date of exclusion]**.

The Governors' Discipline Committee (GDC) of the school's Governing Body has, by law, to meet to consider the exclusion. It has the power to either overturn the exclusion and direct that **[name of pupil]** be reinstated in the school, or to uphold the permanent exclusion.

To reach its decision the GDC will consider any statement you want to send me in writing. It will also consider anything you want to say to it, face to face. It will read information provided by the Headteacher and listen to what he/she has to say. It will also take account of the advice of the Local Authority and the guidance it has received from the Department of Education.

The GDC will meet to consider the exclusion on **[date]** at **[time and place**]. I hope that you will be able to attend and bring [**name of pupil]** with you. You may also be accompanied by a friend or legal

representative if you wish. The Headteacher and his/her representative and a representative of the LA will also attend.

If you want to send me a written statement about the exclusion, please let me have it at least four school days before the meeting. I will then be able to copy it to the members of the Committee and to the other people attending. I will at the same time copy to you any other written information I have.

You do not have to send me a written statement in advance of the meeting. You can come and speak without one if you prefer. It is sometimes helpful to everyone, however, to have things set down in writing in advance. If you have any difficulty in writing a statement, but would still like to do so, please contact the Education Welfare Officer attached to the school, **[add details of EWO's name and telephone number]**.

If the GDC does not overturn the exclusion, you will have the right to ask for an Independent Review Panel. I will give you details of that if necessary after the Committee has reached its decision. I would encourage you to attend the meeting with the Discipline Committee. If you have any questions about the meeting, please contact me at [**give details of contact arrangements]**, or **[name]** the Inclusion Support Officer on 01344 352734.

Yours sincerely

[Name]
Clerk to the GDC
[Name of School]

c.c. Headteacher
Head of SEN (LA)

Appendix 4

Permanent Exclusion Guidance for Parents

A guide to permanent exclusions for parents

To exclude a child permanently is a very serious decision and should only be used as a last resort. Your child should only be excluded from school:

- If they seriously or persistently breach the school's behaviour policy
- Seriously harm the education or welfare of themselves or others in the school if they remained in school.

Who can exclude?

The Headteacher or Head of School is the only person who can make the decision to exclude your child. (If the Headteacher or Head of School is absent the Deputy Head Teacher or most senior teacher who is acting as Head can exclude your child).

How will I be told about the exclusion?

Ideally, the Headteacher should telephone you immediately to inform you that your child is being excluded, followed by a letter within one school day. You will be invited to attend a Pupil Discipline Committee meeting set up to review your child's exclusion. The Committee decide whether or not your child can return to school.

Should my child be out of the house whilst he / she is excluded?

You have a duty to ensure that your child is not found in a public place during the first 5 days of exclusion unless there is a reasonable justification for this.

Will the school set work?

The school must provide work for your child during the first 5 days of the exclusion. The school will give you the name of the teacher who is providing the work and the arrangements for marking the work. You should ensure that the work is returned for marking and advise the school if your child needs more work. From the 6th day of exclusion onwards the Local Authority will provide suitable supervised full-time education.

What happens at meetings of the Pupil Discipline Committee?

This will be your opportunity to state any views you have on your child's exclusion. Therefore, it is in your interest to make every effort to attend the meeting. If you are unable or unwilling to attend the meeting, you can still put your views in writing.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting. If you would like to be accompanied by a friend or representative, you should contact the school to advise them.

The Headteacher will provide you and the governors with a written report at least 5 days in advance of the meeting outlining the reasons why your child has been excluded and the evidence collected during the school's investigation of the incident(s) for which your child has been excluded.

The governors will consider the evidence provided in the Head Teacher's report and any information that you provide at the meeting. They can decide to end the exclusion and allow your child to return to the school if they believe that the exclusion was not appropriate or uphold the decision of the Headteacher to permanently exclude your child.

Coram Children's Legal Centre can provide advice on how to prepare for the meeting.

Who will be there and what role will they play?

<u>Parent/Carer</u>

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

<u>Your child</u>

Dependent of the age and understanding of your child it may be appropriate for them to attend the meeting. Your child, if present, will be given the opportunity to give their view.

<u>The Headteacher</u>

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling staff as witnesses.

The Clerk to the Committee

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the clerk does not take part in the decision-making process.

Preparing for the meeting

You should read through the Headteacher's report and make a note of any questions that you may wish to ask or anything that you do not understand, or you do not agree with. You can then raise these at the meeting.

You do not have to attend the meeting as the exclusion can be considered without you. If you are unable to attend, you can send a letter to the governors with any information or points which you would like them to consider.

What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure to make sure that every school deals with exclusion in the same way. The meeting is likely to follow a similar process to the one described below:

1. The Clerk starts the meeting by inviting all other parties to enter the room at the same time.
2. The Chair will welcome everyone and explain of the role of the discipline committee.
3. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes.
4. The Chair will explain the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Adjournments can be requested by either party or suggested by the chair if required.
5. The Headteacher explains why the decision has been taken to exclude the pupil, referring to supporting evidence, and then be open to questions from all present.
6. You will state your child's case, and the reasons why you disagree with the exclusion and then be open to questions from all present.
7. Your child, if present, will also be given the opportunity to comment.
8. You and the Headteacher will both be asked to sum up
9. The committee will ask all parties other than the clerk to leave to make their decision.

The outcome of the Governors Meeting

There are two possible outcomes following the meeting:

1. Governors decide to reinstate your child

This means that the governors have decided that your child can return to the school. You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

2. Governors decide to uphold the exclusion

This means that the governors have decided that your child should be permanently excluded from the school. In such circumstances, your child's education will continue to be provided by the Local Authority.

What happens next

The Clerk should send the decision of the meeting to you in writing without delay. The letter will include the reasons for the decision and any further relevant information on educational provision for your child.

Where the Committee decide to reinstate your child, the decision letter will include the date your child should return to school. The Headteacher may provide further information on any arrangements to support your child's successful re-integration. If the Committee decides to uphold your child's permanent exclusion the decision letter will also explain that you have the right to request a review by an Independent Review Panel.

Can I appeal against the decision?

You do not have the right of appeal against the decision; however, you do have the right to ask for the decision to be reviewed by an independent review panel.

To ask for an independent review, you must send your request in writing within 15 school days, otherwise you will lose your right to do so.

Where to go for further advice

Bracknell Forest Local Authority

Exclusions Team

Telephone: 01344 352734

Other organisations you can contact include:

Coram Children's Legal Centre

Coram Community Campus 48 Mecklenburgh Square, London WC1N 2QA

Telephone: 08088 020 008

www.childrenslegalcentre.com

Advisory Centre for Education (ACE)

An independent national advice centre for parents to answer questions on all aspects of education. ACE offer a practical guide to parent's legal rights on the exclusion process and an exclusion advice line 0300 0115 142 is available for further independent support, visit www.ace-ed.org.uk

Appendix 5

HT Report for Pupil Discipline Committee

Report for Pupil Discipline Panel: [Pupil name]

Please send this report with the following attachments:

- School Behaviour Policy or relevant pages
- Witness statements
- IEP/PSP
- PDC agenda including list of people attending at least 5 days in advance of the governors' meeting to the:
  - Parent / Carer
  - Members of the Governors Discipline Committee
  - Clerk to the Governors

Contextual Information:	
Year Group:	**Date of Birth:**
Pen Portrait:	
Family Circumstances:	**Attendance and Punctuality: (you can attach a printout)**
Circle all that apply: Pupil Premium LAC Child Protection Plan SEN	
Look after child? Yes/No *Outline how the school has the school worked with foster carers and the LA virtual school. What additional support or alternative placements have been considered?*	
SEN / Code of Practice: *Brief outline of pupil's identified special needs (including if appropriate stage of the SEN Code of Practice and date):* *Brief description of how these identified needs are being met (attach an IEP/PSP to the report) – see notes for further guidance*	

Information regarding the exclusion:		
Type of Exclusion:		
Reason for exclusion as contained in the letter to parent:		
Circumstances leading to the exclusion: *Attach all supporting and relevant documentation arising from the investigation e.g. reports, statements from witnesses, teachers, pupils and excluded pupil's statement, photographs or any appropriate physical evidence.*		
Witness Statements for the exclusion: [Can be attached, make sure they are signed and dated] *Original pupil witness statements should be retained but can be kept anonymous within the Headteacher's report.*		
Mitigating factors taken into consideration:		
Previous Exclusions:		
Dates	**Length**	**Reason**
Behaviour Incidents/ Recording:		
Type of log:	**Summary of incidents**	

Support
School Provision •
External Agency involvement •
Support for parents •

Timeline of support		
Dates	**School or Name of Agency**	**Provision/advice provided (attach reports where relevant)**

Educational Attainment
Current Teacher Assessments: Reading: Writing: Maths:
Previous Academic Results: **Year 2:** Reading: Writing: Maths: **Phonics:**

Notes:

Pupil with SEND

The report should identify how the school has engaged proactively with parents in supporting the behaviour if the pupil has additional needs. How the school has worked in partnership with others

(including the local authority as necessary), to consider additional support or alternative placements. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review – has this been actioned?

Appendix 6

Pupil Discipline Committee Terms of Reference

Terms of Reference

Committee membership
The Committee shall consist of not less than three members drawn from a Cluster Governing Body, none of whom shall be the headteacher.

If any committee member has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

Quorum
3 members of the Committee

Frequency of meetings
As and when required and in accordance with statutory time limits.

Chairing
The Chair for any meeting will be elected by the Committee.

Clerking
The meeting will be clerked by the school Clerk or Chair of Governors The committee may appoint an alternative clerk if this is not possible. The Clerk will take confidential notes of the meetings.

Confidential minutes will be circulated to members of the committee within seven days. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Governors meeting if and when the matter has been resolved.

Terms of Reference

The committee will act in accordance with statutory guidance from the Department for Education "*Exclusion from maintained schools, Academies and pupil referral units in England*" which can be found on the DFE website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

The committee will act in accordance with the relevant school Behaviour Policy and governance code of conduct

Committee Tasks

1. To consider representations from parents in the case of exclusions of 5 days or less.

2. To consider representations from parents in the case of exclusions totalling more than 5 but not more than 15 school days in one term.

3. To consider the appropriateness of any permanent exclusion or any exclusion where one or more fixed period exclusions total more than 15 school days in one term or where a student is denied the chance to take a public examination.

4. To make recommendations where necessary on the effectiveness and application of the school's Behaviour Policy

5. To consider the actual or potential implications on:

    a) safeguarding;
    b) special educational needs;
    c) student achievement;
    d) equality and diversity;
    e) health and safety;
    f) finance;

during committee debate and decision making.

Prepare the statement of the Pupil Discipline Committee for any appeals made by a parent to the Independent Appeals Panel and represent the committee at the hearing of the Independent Appeals Panel.

Permanent exclusions
It is the duty of the Discipline Committee to inform parents of a pupil who has been excluded permanently of their right to ask for the case to be considered by an Independent Review Panel.

Appendix 7

Pupil Discipline Committee (PDC) Panel Guidance

Pupil Discipline Committee Guidance

This guidance has been produced to assist members of a Pupil Discipline Committee (PDC) when reviewing the decision of a headteacher to exclude a pupil, either for a fixed period of more than 5 days in a term or permanently. It should be read in conjunction with the Department for Education's (DfE) Guidance entitled, "Exclusion from maintained schools, Academies and pupil referral units in England":

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

The procedures set out here only apply if the committee has a duty to meet. For exclusions of up to 5 days in a term, the committee must consider any representations made by parents, however the committee is not required to meet with the parents and does not have the power to overturn the Headteacher's decision.

Preparation

Only the Headteacher of the school or Head of School can exclude a pupil and this must be on disciplinary grounds.

The excluding school is responsible for notifying the Chair of Governors (CofG) when a PDC meeting is required. The CofG will make the necessary arrangements to convene the committee and appoint a clerk.

The committee will consist of 3 members who have, so far as possible, no prior knowledge of the case.

The school is responsible for:

- Notifying the parent of the meeting date, their right to bring a friend or representative and the deadline for any written submission to the committee.
- Collating and circulation all written evidence and information for the committee to consider. Suggested information might include:
    - the head teacher's decision letter to parents;
    - a brief report from the head teacher giving any relevant background issues, details of the incident which led to the exclusion, the link with and text of relevant school policies, chronology of support given to the pupil or strategies used to address behavioural issues;
    - any incident reports from staff involved in the critical incident;
    - the excluded pupil's written account of the incident;
    - any other witness statements (all statements/accounts should be signed, attributed and dated unless the school has good reason to protect the anonymity of the witness,

in which case the statement should at least be dated and labelled in a way to distinguish it from other statements) (para.111);

- the PSP, IEP or formal statement if any of these apply;
- any written representations from the parents;
- a behaviour diary and academic reports;
- attendance records;
- any other relevant documentation e.g. copies of relevant policies including the behaviour policy;
- a list of those attending the meeting and an outline of the procedure to be followed at the meeting.

- Ensuring suitable accommodation for the meeting and a place for parents to wait on arrival and during any adjournment. No party must be allowed access to the panel in advance of the meeting. Therefore, it is suggested that parents are provided with a designated waiting area. Parents should not be made to feel at a disadvantage, either physically or psychologically, at what is a difficult meeting for them - which is why it is good practice not to use the Headteacher's office.

The PDC members are responsible for:

- Reading through all documentation and being familiar with the DfE Guidance "Exclusion from maintained schools, Academies and Pupil referral units in England".

- Meeting prior to the formal meeting to elect a chair and discuss any issues identified from the papers to determine any how those issues can be clarified. Also, if the pupil is attending, decide, based on the age and level of understanding of the pupil, whether it is appropriate for the pupil to attend the entire hearing or for a short time and if so, at what point during the proceedings you think this would be appropriate. These deliberations at the pre-meeting should be minuted.

- Maintaining confidentiality. Panel members must NOT discuss the exclusions with any party outside of the meeting.

- Having regard to the interests and circumstances of the excluded pupil and the interests of other pupils and people working at the school.

The Clerk is responsible for:

- Co-ordinating the circulation of written evidence including providing an explanation of the meeting procedure in writing and setting the agenda.

- Acting as the point of contact for the parents.

- Checking the room layout immediately before the meeting to make sure there are tables for everyone (if possible, try to avoid low coffee tables, which do not allow for easy handling of papers) and, refreshments.

- Attending the PDC pre-meet to ensure a chairperson is appointed and procedures are understood.

Order of the meeting

The panel must allow both parties to state their case, reasonably and without interruption. The chair must act impartially. See appendix 7 for suggested agenda.

The panel must review the Headteacher basis of the exclusion, including the procedures that were applied.

The Clerk starts the meeting by inviting all other parties to enter the room at the same time - none of the other parties should be alone with the committee members before or after the meeting, to avoid the appearance of any bias.

The Clerk will take minutes and record the names of everyone who is present at the meeting.

1. Chair's welcome and explanation of the role of the discipline committee which is to consider the reinstatement of the excluded pupil (para.63). The Chair explains that the Committee may decide either to (para 66):
    - Decline to reinstate the pupil or
    - Direct reinstatement either immediately or by a particular date
2. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes. The Clerk should note whether the parents attend, stating when and how they were invited to attend and whether they had indicated that they would be present
3. The Chair explains the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Also, that the Committee must have regard to the DfE Guidance in its conduct and reaching a decision. Adjournments can be requested by either party or suggested by the chair if required
4. The Headteacher explains why the decision has been taken to exclude the pupil, referring to supporting evidence
5. The parent/s and representative ask questions of clarification of the Headteacher
6. The committee ask questions of the Headteacher
7. Parent/s and representative put forward their case
8. Questions from the Headteacher
9. Questions from the committee
10. Final clarification – the Chair confirm that all the issues have been clarified/resolved and to allow parent/s and Headteacher a chance to reflect before summing up
11. Both the school, and then the parent, will have the opportunity to make a closing statement. This should be kept short; it is simply for each party to summarise the points they have already made so that the Committee are left with a clear idea of what the main points are

12. The Chair explains that the decision will be made with reference to DfE Guidance and that the committee needs to decide whether the pupil was responsible for the conduct alleged and if so whether exclusion was a lawful, rational, reasonable, fair and proportionate response.
13. Chair advises the meeting about how the decision will be communicated to all
14. Chair thanks all parties for attending and all parties leave together with only the committee remaining for the decision making (it is not necessary to ask the other parties to wait for a decision). The Clerk remains to advise the committee but may not take part in the decision-making process
15. The Clerk must record a formal minute of the decision and include a statement of the reasons for it
16. If the Clerk writes the letter on behalf of the committee the Chair should ensure that the contents are approved before it is sent out
17. The minutes should be circulated for approval to all of the committee members to ensure that they accurately reflect the hearing and the deliberations. Once they are approved, they must be made available to any of the parties who ask for a copy. (para.69)

Reaching a decision

In reaching a decision on whether or not to reinstate a pupil, the committee should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties. The school should be able to demonstrate that the exclusion has been carefully considered and is being used as a last resort.

For permanent exclusion, the discipline committee should normally satisfy itself that all possible strategies to improve a pupil's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme. For children with statements of SEN, revising the EHCP might be better than resorting to exclusion.

For permanent exclusions the committee will consider the exclusion and decide whether the pupil should be reinstated. Such consideration will take account of the pupil's disciplinary record and the likely impact of their continued attendance.

The Clerk will remain present and help the committee "by reference to the notes of the meeting and with the wording of the decision letter". (para.70).

The following checklist below may help in assisting the committee when considering the exclusion.

The circumstances of the case	**Yes**	**No**
Has there been a serious breach or persistent breaches of the school behaviour policy?		
Does the pupil's presence seriously harm or threaten to harm the education/welfare of pupils / others?		
Is exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?		
Is exclusion the appropriate response? Factors to consider: • Has a thorough investigation been carried out? • Has the pupil's version of events been sought / encouraged / recorded? • Has the evidence been considered in the light of school policies and possible discrimination? • Are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc.)?		
Standard of proof – "on the balance of probabilities" did the pupil do what he/she is alleged to have done?		
Has a pastoral support programme been used? The PSP procedure and process are designed to support any pupil for whom the usual school-based strategies have not been effective. It is a structured intervention for a pupil at risk of permanent exclusion and ensures that interventions for a pupil at risk of permanent exclusion are coordinated and targeted to their needs.		
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?		
Special considerations	**Yes**	**No**
SEN Does this pupil have special educational needs? Does the pupil have an EHCP? Has a review of the EHCP been arranged to establish that the pupil has the appropriate level of support, or is even the appropriate school for the pupil to attend?		
LAC Is this pupil looked after? Has the virtual school for children in care been contacted?		
SAFEGUARDING Is this pupil subject to a child protection or a child in need plan?		
Is there a CAF for this pupil? What other agencies/services are involved?		
Have issues of SEN or disability been considered and reasonable adjustments put in place?		

Notification of the decision

The Clerk (on behalf of the committee) must write to parents and the LA with the committee's decision and reasons without delay. This letter may be delivered directly to parents; be left at their last known address; or be posted to their last known address (para.75).

Where a pupil resides in a different local authority from the one that maintains the school, the Clerk must also inform the pupil's "home authority".

Further action

For a fixed-term exclusion there is no further right of appeal by the parents – the decision of the committee is final unless the pupil has special educational needs or a disability when they can go to First Tier Tribunal.

In the case of a permanent exclusion, the parents must be informed in the letter from the panel of how they can make an application to an Independent Review Panel. (para.76)

Calculating the date by when the parent must request Independent Review Panel (IRP) following the governors' decision to uphold a permanent exclusion

Parents have 15 school days to appeal to the IRP. Where notice is sent by first class post it is treated as having been given on the second working day after it was posted.

Example: Governors meet on the 24th October, the last day of the 1st autumn term If the clerk is able to send the decision letter by first class post on the same day as the meeting, the first day of the appeal period will be Tues 4th Nov. Parents will have until the end of the day on the Mon 24th Nov to apply for a review to the IRP. The bank holidays, school holidays, inset days and weekends must not be included in this appeal period.

OCTOBER 2014							NOVEMBER 2014						
Mon		6	13	20	27		Mon		3	10	17	24	
Tues		7	14	21	28		Tues		4	11	18	25	
Wed	1	8	15	22	29		Wed		5	12	19	26	
Thur	2	9	16	23	30		Thur		6	13	20	27	
Fri	3		17	24	31		Fri			14	21	28	
Sat	4	11	18	25			Sat	1	8	15	22	29	
Sun	5	12	19	26			Sun	2	9	16	23	30	

Questions and evidence

Date of meeting:

Pupil:

Committee members:

Lawful legally sound Exclusion was made on disciplinary grounds (link to behaviour policy). Exclusion procedures followed including informing parents, witness statements as well as any broader legal considerations, Child Protection, SEN Code of Practice, Equalities Act etc.	
Questions to ask:	Evidence:
Rational Time taken to consider the evidence and advice sought from any relevant professionals before decision made to exclude. Pupil given the opportunity to express their view. Headteacher has meet with parents discuss case and course of action.	
Questions to ask:	Evidence:
Reasonable based on expectations or demands within the realms of what is possible and achievable for that child. Alternatives considered, and support provided to reduce the risk where appropriate	
Questions to ask:	Evidence:
Fair that any extenuating circumstances were considered as well as any differences in response to other child in the same or similar situation - not biased	

Questions to ask:	Evidence:
Proportionate why permanent rather than fixed period exclusion was appropriate.	
Questions to ask:	Evidence:

Appendix 8

Pupil Discipline Committee Template Agenda

Agenda for a Meeting of the Pupil Discipline Committee

Date:

Time:

Place:

Clerk:

Committee Members:

Also, in attendance:

1. Apologies for Absence

To receive apologies for absence from the meeting.

2. Welcome, introductions and procedures

Committee members:

3. Exclusion of Pupil

To consider the permanent exclusion of XX from XX.

a) Headteacher presents the case for the exclusion
b) Questions by the parent
c) Questions by the committee
d) Parents representations
e) Questions by the Headteacher
f) Questions by the committee
g) Summing up by the Headteacher
h) Summing up by the parent
i) Withdrawal of Headteacher and parent
j) Consideration of the case by committee
k) Decision of committee

Appendix 9

Exclusion Sample Letter Following PDC Decision

MODEL LETTER - [from the Clerk to the Governors' Discipline Committee to the parent(s) of a permanently excluded pupil upholding a permanent exclusion]

Dear **[parent's name]**

The meeting of the Governors' Discipline Committee (GDC) at the **[name of school]** School on **[date]** considered the decision by **[name of headteacher]** to permanently exclude your son/daughter, **[name of pupil]**. The GDC, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of pupil]**'s exclusion.

The reasons for the committee's decision are as follows: **[*give the reasons in as much detail as possible, explaining how the GDC arrived at its decision e.g.*]**

- *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 in the school.*

You have the right of appeal against this decision. If you wish to have the decision reviewed by an Independent Review Panel, you must do so within 15 school days of the date of this letter i.e. by **[date]**. Further information regarding this will be sent to you in a letter from the Local Authority.

Your case will be heard by an Independent Review Panel. The panel will consider 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 fifteenth school day after the date on which your request is lodged.

I would like to remind you of the following sources of advice and assistance: **[repeat details from the original exclusion letter, i.e. named LA officer, the Inclusion Support Officer and the Advisory Centre for Education and any other local source of advice or assistance if known]**.

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

Yours sincerely

[name]
Clerk to the Governors' Discipline Committee

c.c. Head of Targeted Services

Appendix 10

MODEL LETTER - [from the Clerk to the Governors' Discipline Committee to the parent(s) of a permanently excluded pupil overturning a permanent exclusion]

Dear **[name of parent]**

The meeting of the Governors' Discipline Committee at the **[name of school]** School on **[date]** considered the decision by **[name of headteacher]** to permanently exclude your son/daughter, **[name of pupil]**. The GDC, after carefully considering the representations made and all the available evidence, has decided to reinstate **[name of pupil]**.

The reasons for the committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how the GDC arrived at its decision]**.

A reintegration meeting will be arranged at the school shortly to which you and **[name of pupil]** will be invited. The purpose of that meeting is to agree a plan to make **[name of pupil]**'s reintegration as successful as possible.

Please do not hesitate to contact me if you require any further assistance.

Yours sincerely

[name]
Clerk to the Governors' Discipline Committee

c.c. Head of Targeted services

Appendix 11

Reintegration Meeting Template

Reintegration Meeting

Date of Meeting: **Present:**

Pupil Details		
Pupil Name:	Class:	
Circle all that apply: Pupil Premium LAC Child Protection Plan SEN		
External agency involvement: i.e. Social services, Police, GP, OT, Pediatrician, PRU other.		
Exclusion Details		
Reason for exclusion:		
Date of exclusion:	Date of return to school:	Total number of days excluded:
Review of current attendance		
Attendance this term Number of days absent: Attendance (%):	Attendance this year Number of days absent: Attendance (%):	
Targets for behaviour and learning		
Target areas for development:		
Pupil: 1) 2)	Parent: 1) 2)	School: 1) 2)

3)	3)	3)
What strategies will be used?		
How will behaviour/progress be monitored and celebrated? Review date(s):		
Additional Comments		
Pupil Comments:	Parent/carer's comments:	School's comments:

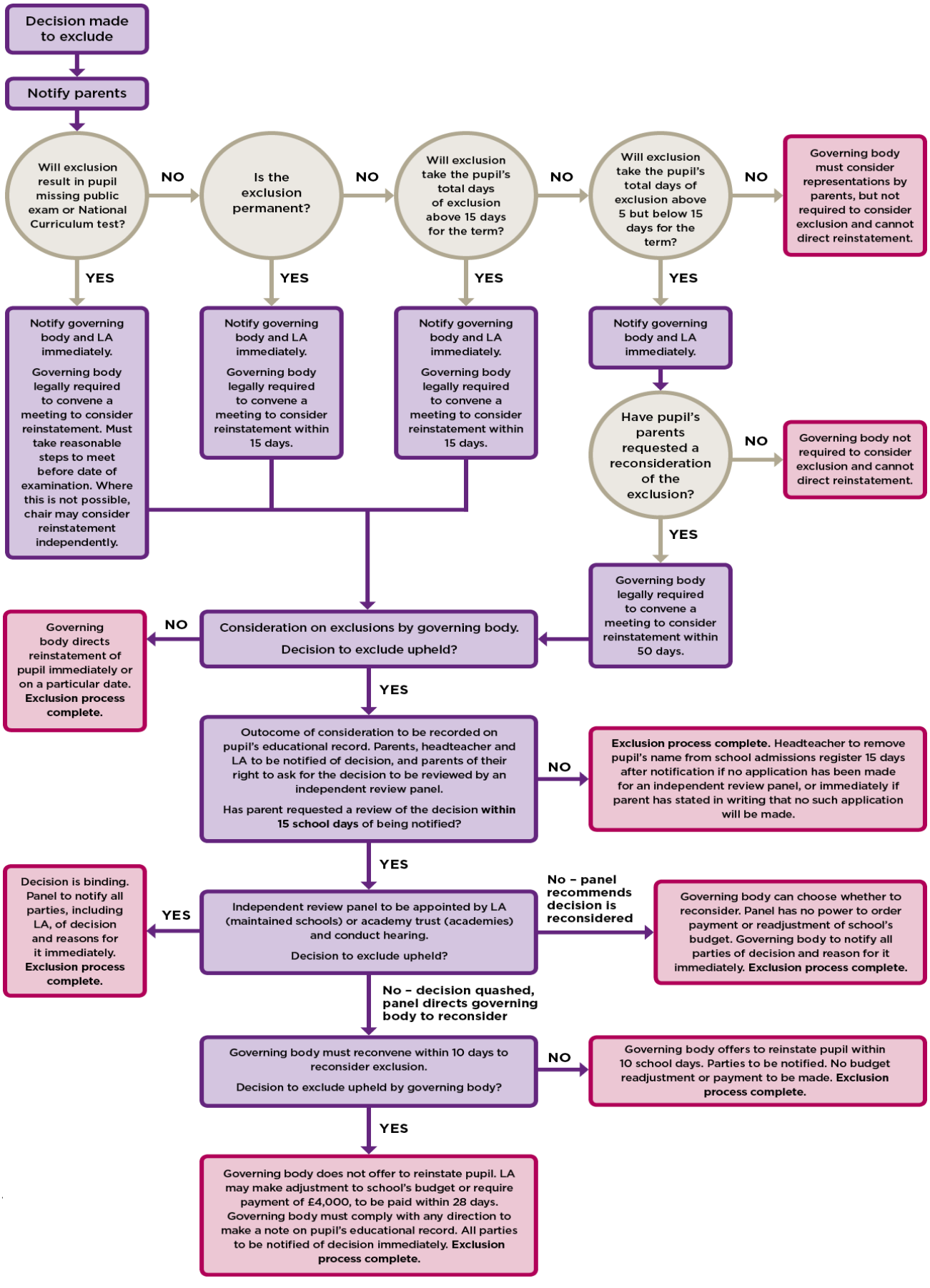
Signed _____ Signed _____ Signed _____

(pupil) (Parent/Carer) (School – SLT)

Appendix 12

Exclusions Process Flowchart

Responsibilities regarding the consideration and review of exclusions is delegated to the school's cluster governing body. Where a review is requested or legally required, the cluster governing body will form a Pupil Discipline Committee


Decision made to exclude
Notify parents
Will exclusion result in pupil missing public exam or National Curriculum test?
NO
Is the exclusion permanent?
NO
Will exclusion take the pupil's total days of exclusion above 15 days for the term?
NO
Will exclusion take the pupil's total days of exclusion above 5 but below 15 days for the term?
NO
Governing body must consider representations by parents, but not required to consider exclusion and cannot direct reinstatement.
YES
Notify governing body and LA immediately.
Governing body legally required to convene a meeting to consider reinstatement. Must take reasonable steps to meet before date of examination. Where this is not possible, chair may consider reinstatement independently.
YES
Notify governing body and LA immediately.
Governing body legally required to convene a meeting to consider reinstatement within 15 days.
YES
Notify governing body and LA immediately.
Governing body legally required to convene a meeting to consider reinstatement within 15 days.
YES
Notify governing body and LA immediately.
Have pupil's parents requested a reconsideration of the exclusion?
NO
Governing body not required to consider exclusion and cannot direct reinstatement.
YES
Governing body legally required to convene a meeting to consider reinstatement within 50 days.
Consideration on exclusions by governing body.
Decision to exclude upheld?
NO
Governing body directs reinstatement of pupil immediately or on a particular date. Exclusion process complete.
YES
Outocome of consideration to be recorded on pupil's educational record. Parents, headteacher and LA to be notified of decision, and parents of their right to ask for the decision to be reviewed by an independent review panel.
Has parent requested a review of the decision within 15 school days of being notified?
NO
Exclusion process complete. Headteacher to remove pupil's name from school admissions register 15 days after notification if no application has been made for an independent review panel, or immediately if parent has stated in writing that no such application will be made.
YES
Independent review panel to be appointed by LA (maintained schools) or academy trust (academies) and conduct hearing.
Decision to exclude upheld?
YES
Decision is binding. Panel to notify all parties, including LA, of decision and reasons for it immediately. Exclusion process complete.
No – panel recommends decision is reconsidered
Governing body can choose whether to reconsider. Panel has no power to order payment or readjustment of school's budget. Governing body to notify all parties of decision and reason for it immediately. Exclusion process complete.
No – decision quashed, panel directs governing body to reconsider
Governing body must reconvene within 10 days to reconsider exclusion.
Decision to exclude upheld by governing body?
NO
Governing body offers to reinstate pupil within 10 school days. Parties to be notified. No budget readjustment or payment to be made. Exclusion process complete.
YES
Governing body does not offer to reinstate pupil. LA may make adjustment to school's budget or require payment of £4,000, to be paid within 28 days. Governing body must comply with any direction to make a note on pupil's educational record. All parties to be notified of decision immediately. Exclusion process complete.

Appendix 13
Headteacher's Step by Step Guide for Permanent Exclusions

Last updated November 17
Independent Review of a Permanent Exclusion
A guide for Headteachers

INTRODUCTION
The decision whether or not to ask for an Independent review against a child's permanent exclusion is for the parent to make.
This briefing outlines the process.
A parent must make a request in writing by email to the local authority, within 15 days of receipt of the decision letter from the governing body's discipline committee (GDC).
An independent exclusion review panel will consider the request at a hearing in private. The parent is entitled to attend and present a case to the panel.
An independent exclusion review panel must meet to consider the parents request within 15 school days of its receipt by the clerk. The parent will be contacted to discuss possible dates for the hearing. In setting the date for the hearing the head teacher, the governing body representative (who sat on the original decision making committee) and the representative from the local authority (if applicable) must also be consulted.
Reviews will take place at either Easthampstead House, or Time Square.

WHAT PAPERS ARE SUBMITTED TO THE PANEL?
The papers which the panel consider usually include:
• the letter requesting a review and any supporting information, which the parent submit;
• the minutes and decision letter of the school governing body discipline committee;
• the papers submitted by the head teacher, including the head teacher's letter notifying the parent of the permanent exclusion and the school's published discipline or behaviour policy; and
• a written statement by the representative of the local education authority.

Five school days before the hearing, all the papers should be circulated to the panel and all those entitled to attend.
The following people are entitled to attend and make representations to the Panel:
• The head teacher (and possibly other representatives from the School);
• A representative of the school governing body;
• A representative of the local education authority (the Council's Education Department).
• A Special Educational Needs Expert, at the parent's request.

There will be three members on the review panel. The panel will be chaired by a 'lay member' – this is a person who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer. The panel must also be made up with at lease one member from each of the categories of school governors and head teachers.
• School governors, who have served as a governor for at least 12 consecutive months in the past 5 years, provided they have not been teachers or head teachers during this time.
• Head teachers or individuals who have been a head teacher within the last five years.

The appeal panel must not include any person in any way connected with the school from which the child has been permanently excluded.
Last updated November 17

WHAT HAPPENS AT THE HEARING?
Review hearings are arranged as informally as possible, but there is a structure. Attendees may put questions to those entitled to attend on the case. Likewise, parties may be questioned on the statement which has been given to the panel. Members of the panel are also able to put questions to those present. The order is likely to be as follows:
(1) The alleged victim or alleged victim's parents (if applicable) may make a statement, followed by a round of questions.
(2) The head teacher and the governing body representative present their case, followed by a round of questions.
(3) Parents may put their case forward, followed by a round of questions.
(4) The representative of the local education authority may also make a statement, followed by a round of questions.
(5) If applicable, a Special Educational Needs expert will present their statement.
(6) The head teacher, the governing body representative and you will be given the opportunity to sum up your case, during which you should not raise any new issues.

After this everybody (except the panel members, legal advisor and the clerk) will leave the room. The clerk remains with the panel to record its decision, and legal advisor will advise on points of law.

CAN WITNESSES ATTEND?
The parents may call a witness to put forward evidence about the event that led to the exclusion or in support of other aspects of the case. Likewise, the head teacher and the governing body may also call witnesses. However, witnesses cannot be compelled to attend the panel.

HOW DOES THE PANEL MAKE ITS DECISION?
The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must 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.

WHAT DECISION CAN THE PANEL MAKE?
There are three possible decisions:
(1) The panel can decide to uphold the exclusion decision; or
(2) Recommend that the governing body reconsiders their decision, or
(3) Quash the decision and direct that the governing body considers the exclusion again. When considering their decision, the panel will consider: • Illegality – did the head teacher and/or governing body act outside the scope of their legal powers in taking the decision to exclude?
• Irrationality – was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
• Procedural impropriety – was the process of exclusion and the governing body's consideration so unfair or flawed that justice was clearly not done?

The decision of the appeal panel is binding on the parent, the governing body, the head teacher and the local authority.