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Title	**Exclusions Policy**
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Introduction

The current DFE guidance to be followed in relation to exclusion from school was published in Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement and relates to all exclusions which occur from 1 September 2026. In this policy reference to 'exclusion' includes both fixed term and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

Principals, Local Governing Boards, United Learning, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to exclude a pupil;
- whether to uphold an exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the governing body considers the exclusion again.

Schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that pupils, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions.

Exclusion is recognised as an appropriate sanction; however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school's discipline/behaviour policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools and academies have the power to direct a pupil off-site for education to improve his or her behaviour.

This policy provides an overview of the exclusion process. It should be read alongside current DFE Exclusion Guidance, which should be followed in all cases. Advice and support regarding exclusion from school is available from central office.

Any decision of a school or academy in relation to exclusion must be made in line with the principles of the Human Rights Act – that it is lawful, rational, reasonable, fair and proportionate.

Any reference in this policy to parent(s) includes all those with parental responsibility.

United Learning's approach to exclusion

United Learning believes that exclusion can be an appropriate sanction. Typically, exclusions are the result of persistent breaches of the school's behaviour policy. In those cases, exclusions should only be instigated when all other routes have been exhausted and when behaviour is in direct conflict with the individual school's behaviour policy. Where exclusions are as a result of a serious one-off breach of the behaviour policy, schools will still need to show that the response is proportionate. This will involve justifying the sanction in all the circumstances of the case and demonstrating why a lesser sanction would not be appropriate. This is particularly important where a Permanent Exclusion is issued and/ or the pupil has SEN, including those with an EHC Plan or a disability, or if the pupil has a social worker, including looked-after children and previously looked-after children.

SEND

The school should, in partnership with others (including, where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability. It is important to recognise that a formal diagnosis is not required to establish that a child has a disability if the school knew, or could reasonably have known, that the child had a disability (see paragraphs 70-74, DfE Guidance for further information).

Looked After Children (LAC) and Previously LAC

Where a pupil has a social worker and they are at risk of suspension or permanent exclusion, the social worker, Designated Safeguarding Lead (DSL) and the pupil's parents should be informed to involve them as early as possible in relevant conversations. Where a LAC is likely to be subject to a suspension or permanent exclusion, the Designated Teacher should work with the Virtual School Head (VSH) to consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Similar safeguards apply to previously (see paragraphs 75-81, DfE Guidance for further information).

During suspensions, the Principal/Headteacher, or designated member of school staff, should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil.

Permanent exclusion on the grounds of persistent breaches of the school's behaviour policy must only be used as a last resort when a range of other strategies have been tried and exhausted. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen on rare occasions.

Stages of exclusions

Permanent exclusions

The permanent exclusion process falls into three stages:

1. Decision by the Principal/Headteacher to exclude.

2. Consideration of the Principal/Headteacher's decision by the Local Governing Body (LGB), usually delegated to a committee, that could be known as a Behaviour Committee or Governors' Disciplinary Committee (GDC).

3. In the case of a permanent exclusion, and only if requested by the parent, review of the Principal/Headteacher's decision by an Independent Review Panel.

The initial decision on whether to exclude is for the Principal/Headteacher to take. As part of considering a permanent exclusion, as stated above, the Principal/Headteacher is expected to sense check their decision with the relevant Regional Director/ National Director at United Learning before making their decision.

Suspension or Permanent Exclusion ("PEx")?

The DfE Guidance is very clear that PExs /suspensions are decisions of last resort. These decisions can only be made in response to pupil behaviour and therefore all incidents which could lead to such a decision must be carefully investigated. It is inevitable in some cases that it is not possible to carry out a thorough investigation the same day as the incident. However, the guidance is equally clear that a suspension cannot be extended or "converted" into a further suspension or a PEx.

The exception is where, in exceptional circumstances, usually where new evidence has come to light, a further suspension or PEx may be issued to begin immediately after the first suspension ends. Whilst using a 5-day FTS may allow for further consideration on the same facts (and thereby making the decision a more rational and considered one) it is unlikely that this would amount to "new evidence".

As such, the distinctions between two different scenarios as set out below may be helpful:

Decision can be made immediately

Where there is no doubt as to the facts of the incident and the Head has been able to hear the child's version of events and to take into account relevant considerations (including support provided, the

child's SEND or LAC status if appropriate and any mitigating circumstances) then a PEx should be issued that day in line with the guidance above and statutory guidance. Heads should exercise caution in such circumstances.

Decision cannot be made immediately

Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding voice of the child (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (a maximum of 5 school days is advised). However, it must be made clear to the child and parent that a further sanction, including a PEx, may follow once the investigation has been completed and all the facts are known.

In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

Once the investigation is complete, a letter should be sent containing one of the following;

- Notification for the pupil to return to school
- Notification of another suspension to begin immediately after the first period ends; or
- Notification of a permanent exclusion to begin immediately after the end of the suspension

Cancelling a suspension or PEx

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a suspension or PEx has been issued, that had it been known at the time would have led to a different decision.

Should schools find themselves in this position, a suspension or PEx can be cancelled or rescinded, providing it is done so before the LGB has considered it. This means that a suspension or PEx cannot be cancelled during a LGB hearing. Where a decision to cancel is taken, Heads should ensure a letter is issued and placed in the student's file. Heads should notify parents, the LGB and the Local Authority without delay, and if relevant, the social worker and VSH. The notification must also provide the reason for the cancellation.

Heads should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made to the LGB on the number of exclusions which have been cancelled. **NB** A PEx cannot be cancelled if the pupil has already been excluded for

more than 45 School days in a school year, or if they will have been so by the time the cancellation takes effect. Further details are set out in paras 13 and 14 of the DfE guidance.

Behaviour outside School

Subject to the requirements of this guidance, the Principal/Headteacher (or designated teacher in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. The Headteacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and/ or any criminal proceedings may be brought. In such circumstances, the head teacher will need to take a decision on the evidence available to them at the time.

In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make. It is also critical that a school does not undermine the evidence gathering in a parallel police investigation: the school should consult with police before carrying out its own investigation.

Reintegration Meetings

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension. A reintegration strategy should be in place in all schools which offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning. Where possible this meeting should include the pupil's parents. Further information and advice on reintegration meetings is set out in the DfE Guidance paras 30-34.

Off Site Directions and Managed Moves

An off-site direction is where a pupil is required to attend another education setting temporarily to improve their behaviour. This decision is made by the Headteacher and does not require agreement by other parties.

A Managed Move is a permanent transfer to another school. All parties, including parents and the admissions authority for the new school, must consent before a managed move occurs.

A Managed Move cannot be made on a temporary basis. If a trial of a placement is required, then this should be arranged as a 'time limited off-site direction' placement for a period of 6-8 weeks during which the pupil remains on roll at their original school.

Separation of pupils for safeguarding purposes

In exceptional circumstances, a school can temporarily forbid a pupil from attending its premises, for example, due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils. In this scenario, the local authority must arrange education for the pupil if the school itself or the pupil's parent does not do so. This is not an exclusion on disciplinary grounds. There are more details on this in the DfE Guidance paragraphs 26-29

Types of exclusion

1. Suspension

This is an exclusion for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full-time education provision commences from the 6th day and must be organised by the excluding school. A pupil may not be suspended for **more than 45 days** in a school year. A pupil is entitled to return to school once the period of suspension has ended.
Repeated use of suspension for children with an EHCP or disability (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

2. Permanent Exclusion

This is where the Principal's intention is that the pupil should not be allowed to return to the school. The decision should only be taken if:

(a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and

(b) allowing the pupil to remain in the academy seriously harms the learning or welfare of the pupil or others in the school.

In most cases, this will be after a wide range of alternative strategies have been tried without success. However, there will be exceptional circumstances where in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

3. Unofficial suspension

Formal suspension is the only legal method of removal if a pupil is sent home for disciplinary reasons (including non-structured times). ***"Informal or unofficial suspensions are unlawful"*** regardless of whether they are done with the agreement of parents or carers.

The decision to exclude

1. General Advice

Only the Principal, (or, in their absence, the acting Principal or teacher in charge) can exclude a pupil. The Principal may consult others, but not anyone who may later have a role in reviewing the Principal's decision.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

The exclusion process falls into **three stages**:

1. Decision by the Principal to exclude.
2. Consideration of the Principal's decision by the Local Governing Board (LGB), usually delegated to a Behaviour Committee.
3. In the case of a permanent exclusion, and only if requested by parents, consideration of the Principal's decision by an Independent Review Panel.

The initial decision on whether to exclude is therefore for a Principal to take. Where practical, Principals should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to exclude. Establishing facts are to be decided on the balance of probabilities.

Whilst exclusion may still be an appropriate sanction, Principals should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement has mental health issues or has been subject to bullying or provocation.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Principals should also consider the use of a multi-agency assessment (including CAF) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

As part of considering each permanent exclusion, the **Principal must consult with the Managing Director** United Learning (or delegated executive) **before** the decision is reached and the case presented to the Behaviour Committee.

2. Suspension or Permanent

In many cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.
In this case, a Principal may issue a suspension for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place;
- to give opportunity for a reasoned decision.

In this case the letter informing of the suspension should clearly state the reason for the suspension is **"to allow investigation into an incident which may result in permanent exclusion".** The letter should not state that the suspension is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of a permanent exclusion.

In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a suspension may be extended or converted to a permanent exclusion. Similarly, a Principal may choose to withdraw a Permanent exclusion in the light of new evidence.

3. Pupils from vulnerable groups, Pupils with Special Educational Needs (SEN)

Schools and governing boards have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with a statement of SEN. Where a pupil has a statement of SEN and is at risk of exclusion, schools should consider an early annual review or interim/emergency review.

Equality Duty

The law places a general duty on academies and maintained schools, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.

Furthermore, such schools must advance equality of opportunity and good relations between people of different groups (for example different races, those with a disability and those without, age, gender) and foster good relations between all people.

The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff in the context of the public sector equality duty.

Disabled Pupils

Schools have a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent and suspensions.

Race Relations

The need to eliminate unlawful racial discrimination, the advancement of equality of opportunity and good relations between people from different racial groups is set out in the public sector equality duty.

Responsibilities of the Principal

Principals should follow the procedures set out in the DFE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

1. Informing parents

Once a decision to exclude has been reached, the parent must be notified without delay, ideally by telephone, followed up with a letter preferably within one school day. There are specific requirements for what should be stated in the letter. Copies of model letters can be found in the appendices of this policy.

It is important to ensure the reason/s for the exclusion are stated clearly in the letter, as further reasons cannot be introduced at a later date.

2. Informing Governors and the LA

Without delay, preferably within one school day, the Principal must inform the governing board and LA of:

- all permanent exclusions (if the pupil resides in another authority, the home LA should also be informed).
- exclusions that would take the term's total for that pupil to more than five days.
- exclusions that would result in the pupil missing a public examination or national curriculum test.

All other suspensions should be notified termly. Schools must keep a record of all exclusions for reporting to the DFE Census.

Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached and no review has been applied for.

Where a suspension results in a pupil missing an examination, although there is no right for the excluded pupil to take such an examination (or test) on school premises, the school should exercise its discretion to allow the pupil to enter the school premises for the sole purpose of taking the examination.

3. Education provision for excluded pupils

The school's obligation to provide education continues while the pupil is on roll. In all cases of exclusion work should be set from day one and marked.

Where a pupil is given a suspension of six school days or longer, the school must arrange full-time educational provision from and including the sixth day of suspension. This should be day 1 where possible for pupils with SEN and looked after children.

During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that their child is not present in a public place during normal school hours without reasonable justification.

From the sixth day of a permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full-time education is provided. Schools must ensure that the LA is notified on day one of any permanent exclusion.

4. Governing board meetings

If a meeting of the LGB Behaviour Committee is to be held, the Principal should prepare all supporting papers for the exclusion and pass them to the Clerk for circulation at least 5 days in advance of the meeting. The paperwork should include:

- The principal's case for exclusion.
- A copy of the exclusion letter of notification to parent.
- Attendance records.
- Details of any Pastoral Support Program – or Individual Education Plan with clearly identified behaviour targets, where appropriate.
- Records of interventions.
- Details of any alternative or enhanced curriculum.

Role of the LGB (Local Governing Board)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The LGB usually delegates some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee may be called the Behaviour Committee.

The LGB's role is to review exclusions. The LGB can either uphold an exclusion, or direct reinstatement immediately or by a particular date. The LGB cannot extend a fixed term exclusion nor substitute it with a permanent exclusion.

The Behaviour Committee, which meets to consider any exclusion must be made up of at least three members who do not have any connection with the pupil or incident that would affect their ability to act impartially. The Chair, who must be a member of the LGB, has the casting vote in all cases where an even number of members is considering the case.

The governors should appoint a Clerk to the Behaviour Committee to handle the administrative arrangements. The Clerk's responsibilities are described later.

The Behaviour Committee of the governing body has a duty to meet within 15 school days and consider the reinstatement of an excluded pupil if:

- the exclusion is permanent;
- it is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test
  (The Committee should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of Governors can consider the exclusion independently and decide whether or not to reinstate the pupil. Where this happens, parents still have the right to make representations to the governing body).

Where a pupil is excluded from school for a suspension of more than 5 but not more than 15 school days in a single term, and if requested to do so by the parents, the Behaviour Committee must meet and consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion.

In the case of one or more suspensions totalling 5 days or less in a school term, the Behaviour Committee must consider any written representations from the parent. They cannot direct reinstatement in this case. For the avoidance of doubt there is no obligation to meet with the parents regarding their representations.

In all exclusion cases, the governing board should comply with the statutory time limits, but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

1. Prior to the meeting

The governing board should invite the parent and principal to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or legal representative at their request. A parent may also invite an LA representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the LGB.

The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

Governors should read all the paperwork and prepare relevant questions to assist them in making a decision.

2. Procedure for the meeting

An agenda for Behaviour Committee meetings is set out later in this policy. The meeting should be conducted in line with guidance on natural justice:

- the principal and parents should all enter the room together, at the invitation of the Committee, at the beginning of the meeting;
- parents must not receive any impression that the Principal and Committee have discussed the exclusion prior to all parties being invited into the meeting;
- all parties, except the Committee and the clerk, should be asked to leave the room before the Committee discuss their views and make a decision.

Following this procedure ensures that all parties have an opportunity to present their views and ask questions. At the meeting, the Behaviour Committee should consider;

- any representations made by the parent and the pupil;
- whether the principal has complied with the exclusion procedure and has had regard to the Secretary of State's Guidance on Exclusion;
- on the balance of probabilities, has the pupil done what they are accused of; • whether:
  - allowing the pupil to remain in the academy seriously harms the learning or welfare of the student or others in the school;
  - the behaviour is a serious breach of the school behaviour policy. ○ and finally, in most cases, that a wide range of possible strategies to improve a pupil's behaviour were tried and have failed. Strategies could include the use of a Pastoral Support Program or an alternative curriculum in the case of a pupil in KS4. Governors should have particular regard to:

- the needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010);
- the needs of Looked After Children.

3. Governing Board's Decision

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Committee must inform the parent, principal and the LA of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they must also inform the pupil's 'home' LA.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the Appendices.

Role of the Clerk to the Behaviour Committee

1. Background

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing board or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the pupil or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

2. Before the Meeting

When the Principal notifies the Clerk that s/he has excluded a pupil for more than five days, the Clerk should:

- ensure that the Principal's letter of notification has been sent to all relevant parties and that any further information is being prepared;
- set up a meeting of the Behaviour Committee within the timescales (allowing two days for receipt of notification) and formally invite the parents and Principal to the meeting at a time and place convenient to all parties;
- obtain written information/statements and circulate to all parties at least five days in advance of the meeting, along with a list of those who will be attending and a copy of the procedure for the meeting (this set out overleaf).

3. At the meeting

The Clerk should:

- ensure that the Behaviour Committee has all of the information it requires, and that it has appointed a Chair for the meeting;
- invite all other parties in to the meeting at the same time, when the Behaviour Committee has indicated it is ready to begin;
- prepare a written record of the meeting;
- stay with the Behaviour Committee to help them with reference to his/her notes of evidence and in wording their decision; • record the Behaviour Committee's decision and reasons for it.

Procedure for the Behaviour Committee

1. Before the Meeting

- Election of Chair for meeting (usually the Chair of the Behaviour Committee).
- Confirm arrangements for a clerk to record the meeting (should not take any part in the proceedings).

2. During the Meeting - Agenda

<u>Introductions</u>
The Chair should:

- explain the purpose of the meeting, which will be: to hear any representations the parents and the pupil may wish to make; and for the committee to consider whether or not to uphold the exclusion;
- circulate copies of this procedure and;
- go through the procedure for the meeting as outlined below.

A decision will be made whether or not to include the pupil. The involvement of the pupil in the meeting should be encouraged, unless there are strong reasons for this not to happen.

The Principal's Case for Exclusion

The Principal will be invited to explain what has happened to lead to his/her decision to exclude the pupil and summarise his/her reasons for it. He/she may ask other relevant colleagues to help explain what has happened.

Questions to the Principal from the Parents

The parents and/or friend will be given the opportunity to ask questions of the principal and his/her colleagues.

Questions to the Principal from the Committee

The committee will be given the opportunity to ask questions of the principal and his/her colleagues.

The Parents' Representations/Views

The parents, pupil and/or friend will be invited to present their views concerning the exclusion and any other related matters.

Questions to the Parents from the Principal

The principal will be given the opportunity to ask questions of the parents, pupil and/or friend.

Questions to the Parents from the Committee

The governors will be given the opportunity to ask questions of the parents, pupil and/or friend.

Any other related matters

Any other questions

Summary by the Principal of the case for exclusion

Summary by the parents of their representations/views

At the end of the Representations Stage of the Meeting

The Chair should explain:

- That there are two possible outcomes from this meeting:
  ○ that the governors direct the Principal to reinstate the pupil; or ○ that the governors uphold the Principal's decision to exclude the pupil;
- That the governors will be the only people involved in the decision making for this meeting.
- That the governors' decision will be communicated to the parents, Principal and the Local Authority in writing without delay, preferably within one school day of the meeting and, if applicable, that the governors would be prepared to make their decision known verbally prior to this.

- That everyone but the committee members and the clerk to the committee will now be asked to withdraw.

Making the Decision

- The Principal, the parent and the pupil may be invited back into the meeting to offer further information and/or clarification. All parties should be invited in together.
- The governors should complete the Checklist (see appendix 7), in order to determine whether the Principal has complied with all of the necessary procedural requirements.
- Having completed the Checklist, the governors should then make their decision and record their reasons for their decision.
- The committee should ensure that the necessary arrangements are made to inform parents, the Principal and the Local Authority without delay, preferably within one school day.

3. After the Meeting

The Behaviour Committee should;

- inform the parent, the Principal and the LA of the decision, in writing without delay, preferably within one school day of the meeting, stating the reasons for the decision. Where the pupil resides in a different LA, they must also inform the pupil's 'home' LA.
- a note of the governing body's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.
- where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

The role of United Learning

The LA does not have a decision-making role in the exclusion process for any school. The Charity Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with the Managing Director United Learning (or delegated executive) before a decision is reached and the case presented to the Behaviour Committee.

It is the Behaviour Committee which has the duty to review the Principal's decision to exclude.

Education of excluded pupils

The LA is required to arrange full time educational provision for permanently excluded pupils from the 6th day of a permanent exclusion. Once a Principal has decided to permanently exclude a pupil, the LA will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still

be overturned by the school governors). The pupil's name will be deleted from the school roll only if:

(i) the pupil was permanently excluded; and

(ii) 15 school days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion; or

(iii) the parents have stated in writing they will not be applying for an independent review panel.

It will be the responsibility of the LA to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority (LA). Note that the Independent Review Panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the excluded pupil, and/or the pupil if over 18

1. Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 school days) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

2. The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

3. Composition of independent review panels

Review Panels must consist of 3 or 5 members. One must be a lay member (can be an ex-governor), one must be a headteacher or was one within the last 5 years (two for panels of 5), and one must be a governor who has served for 12 consecutive months in the last 5 years (two for panels of 5).

Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

In advance of the independent review panel, whoever is convening the panel must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the independent review panel.

The following are entitled to make written representations, appear and make oral representations, and to be represented (including legally):

- the parent (or, if aged over 18, the pupil);
- the principal;
- the governing body;

The LA is entitled to attend if requested to do so by the parent (or pupil if over 18) but only as an observer and may only make representations with the consent of the Academy. The LA is not entitled to legal representation.

The SEN Expert must attend if requested to do so by the parent (or pupil if over 18) but there is no right for this person to be legally represented

The pupil is also entitled to attend the review, but if not attending then their views can be presented through a representative or by written statement.

The clerk should circulate all written evidence to all parties at least 5 working days before the hearing, including information about the parties attending.

Request for a SEN Expert (see Part 10 of the DFE Exclusion Guidance)

If requested by the parents, the person convening the panel must appoint a SEN Expert to attend the independent review panel.

Parents have a right to the above, regardless of whether their child has recognised or identified SEN.

The SEN Expert's role is to provide impartial advice to the independent review panel on how special educational needs may be relevant to the exclusion. Including whether school policies in relation to SEN were legally reasonable and procedurally fair, whether the school acted in a legal, reasonable and procedurally fair way with regards to identification of SEN and any contribution that this could have made to the circumstances of the pupils exclusion.

The SEN Expert's role does not include making an assessment of the pupil's special educational needs.

Conduct and role of the independent review panel

It is for the independent review panel to decide how to conduct the proceedings, which should be reasonably formal so that all parties can present their case effectively. The meeting should take a similar form to that of the Behaviour Committee meeting.

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in part 7 of the DFE Guidance on exclusions.

2. The decision

An independent review panel can decide to:

- uphold the exclusion decision;
- recommend that the governing board reconsiders their decision; or
- quash the decision and direct that the governing board considers the exclusion again.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of the principles applicable on an application for judicial review; illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs a governing board to reconsider an exclusion it has the power to order that a readjustment of the academy budget be made if the governing board does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment may be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

4. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the governing body reconsider the exclusion, the governing body must meet to reconsider within 10 school days of notification.

Where a governing body has reconsidered an exclusion decision it must inform the relevant person, the Principal and the LA of its reconsidered decision and the reasons for it without delay.

5. After the independent review panel

The independent review panel is independent. Its decision is binding on the parent, the LGB and the Principal. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the independent review panel upholds the permanent exclusion, the Clerk should immediately report this to the LA. If the pupil is of compulsory school age, it is for the LA in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education. If the pupil lives outside the area of the LA, the Clerk should make sure that the home LA is also informed immediately of the position.

Where the exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Principal should remove the pupil's name from the school roll the day after the conclusion of the independent review panel.

6. Remedies after the independent review panel

A parent can complain to the Secretary of State via the Education Funding Agency at the Department for Education.

7. Judicial review

Decisions of both governing bodies and independent review panels can be subject to judicial review.

8. Claims of Discrimination in relation to exclusion

Parents can also apply to the First-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality
Act 2010. The First-tier Tribunal will be able to direct reinstatement.

APPENDICES

Appendix 1

Behaviours considered serious breaches of the Behaviour Policy (grounds for considering permanent exclusion).

PART A: Behaviours Considered Serious Breaches of the Behaviour Policy

The behaviours listed below are illustrative examples of incidents that would constitute a serious breach of the school behaviour policies across the Trust, whether or not the incident occurred on school premises. Any such breach will lead to consideration of permanent exclusion. This list is not exhaustive. Every incident will be assessed individually, taking account of the specific context, intent, severity and impact.

- Deliberate pushing, hitting, striking or any other use of force against a member of staff, which will typically be considered assault.
- Serious actual or threatened violence towards another pupil or adult, including group assaults.
- Possession, use or supply (or intent to supply) of prohibited substances, including illegal drugs, so called 'legal highs' (including edible variants), and alcohol.
- Sexual violence, sexual assault, or serious sexual harassment.
- Creating or sharing indecent images (including nudes or semi-nudes) or other illegal pornographic material.
- Possession, use or threatened use of a knife, other offensive weapon or item prohibited under the school's behaviour policy.
- Possession, use or threatened use of other dangerous items (e.g., fireworks, corrosive substances) that pose a significant risk.
- Arson, deliberate activation of the fire alarm or tampering with safety equipment in a way that creates significant risk.
- Deliberate and significant damage to school property that creates danger (e.g., smashing glass, flooding areas, disabling safety systems).
- Repeated refusal to follow safety instructions where this creates significant risk (e.g., refusing evacuation during a fire alarm).

- Bringing a trespasser onto the school site, or deliberately facilitating unauthorised entry (e.g., opening secure doors/gates).

- Persistent and severe bullying, including discriminatory or hate motivated harassment.

- Deliberate misuse of ICT systems or online platforms, on or off site, where this creates a safeguarding risk, serious harm, or involves criminal behaviour.

- Stealing from the academy, from staff, or from other students.

- Any behaviour amounting to a criminal offence, on or off site, or conduct that brings the school into serious disrepute, including harassment or intimidation of staff (e.g., waiting outside school, following them, spreading harmful allegations).

This list is not exhaustive; behaviours outside this list may also constitute a serious breach depending on the circumstances.

PART B: Deciding Whether Permanent Exclusion Is Appropriate

Permanent exclusion is the most serious sanction available to a school and must be used only in line with the statutory test set out by the Department for Education in the statutory guidance on exclusions.

<u>Principles Headteachers must apply</u>

Decisions must be:

- Lawful
- Reasonable
- Fair
- Made on the balance of probabilities
- Consistent with SEND and equality duties
- Consistent with safeguarding responsibilities

Headteachers must also consider:

- Any mitigating factors (including contextual and underlying factors, evidence of vulnerability or additional needs)

- Likelihood of recurrence (including a review of the pupil's behaviour during their time at the school)

- The prospect of any available interventions mitigating the identified impact on the safety, learning and wellbeing of the pupil or others (i.e. whether permanent exclusion is the last resort).

A serious breach of the behaviour policy, such as but not limited to the examples listed in Part A, will normally result in consideration of permanent exclusion.

The statutory threshold for Permanent Exclusion

Statutory guidance is clear that a Headteacher/Principal may only permanently exclude a pupil if both of the following conditions are met:

- **There has been a serious breach, or persistent breaches, of the school's behaviour policy.** This may be a single serious incident or a sustained pattern of misconduct. Where behaviour is similar to the examples listed in Part A, this will normally indicate that the first condition has been met, subject to individual assessment. Heads are highly likely to consider permanent exclusion in these cases as the behaviours are deemed serious breaches of policy (notwithstanding an assessment of individual context and other factors such as those covered above). The duty on the Headteacher is then to consider the second condition.

- **Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others**. Having established that there has been either a serious breach of the behaviour policy (or persistent breaches of the school's policy), the Headteacher must consider the safety, learning and wellbeing of the pupil and the wider school community. This includes whether keeping the pupil in school would undermine the ability of school leaders to continue to hold high standards of behaviour for others, the likelihood of recurrence, whether any reasonable intervention or reasonable adjustment could mitigate the risk, and any other contextually relevant factors. If, having considered all relevant factors, the Head is not satisfied that the school can maintain safety, order or wellbeing were the pupil to remain, a permanent exclusion may be justified as a last resort.

In making a final decision, the Head/Principal will always take account of the wider considerations outlined above before deciding whether the statutory threshold for permanent exclusion has been met

Appendix 2 – Model letters

Model Letter One (5 Days or Less in one Term)

Dear

I am writing to inform you of my decision to suspend xxx for a fixed period. I realise that this suspension may well be upsetting for you and your family, but this decision has not been taken lightly. Please see the details of the suspension below:

Number of days suspended:

Date suspension starts:

Circumstances category:

Summary of circumstances:

Decision to suspended category:

Previous logged disciplinary measures 2026-27:

You and xxxx are requested to attend a reintegration on ……..at ……. with …… Xxxxxx's suspension expires on ….. and we expect them to return on**……..**

(name) needs to log in to the United Learning Curriculum and complete 5 hours of work. The United Learning Curriculum can be found on their firefly page. This must be handed in during the reintegration meeting.

Please see the reverse of this letter which outlines information about both Parental responsibilities and the review/appeals process.

Yours sincerely,

Principal

Information sheet pertaining to fixed term suspensions

- You have a duty to ensure that your child is not present in a public place in school hours during this suspension (including the school site) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates of this suspension If so, it will be for you to show reasonable justification.

- You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First Tier Tribunal, or a County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Making a claim would not affect your right to make representations to the governing board.

https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

- You have the right to make representations about this decision to the governing board**.** Your child also has the right be involved in this process. If you wish to make representations please contact the Principal as soon as possible. Whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You may also find the following sources useful for free and impartial information:

- A copy of the statutory guidance on exclusions from the Department for Education is available via www.gov.uk/government/publications/school-exclusion-guide-for-parents

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

- 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.

- West Sussex SEND Information, Advice and Support Service (SENDIAS) https://westsussexsendias.org/ Tel 03302 228555.

- West Sussex Ethnic Minority and Traveller Achievement Service (EMTAS) 033022 22111 (Ethnic Minority) 033022 22155 (Traveller)

- A copy of the statutory guidance on suspension and permanent exclusion from the Department for Education is available at **www.gov.uk/government/publications/school-exclusion**

You may wish to contact the Fair Access team, West Sussex County Council, Tel: 033022 25001 who can provide advice.

Model Letter Two (5.5 Days or more up to 15 Days in a Term)

Dear

I am writing to inform you of my decision to suspend for a fixed period. I realise that this suspension may well be upsetting for you and your family, but this decision has not been taken lightly. Please see the details of the suspension below:

Number of days suspended:
Date suspension starts:
Circumstances category:
Summary of circumstances:
Decision to suspended category:

Previous logged disciplinary measures 2026-27:

As xxxx has been suspended for more than 5 days this term, you have the right to request a meeting of the school's governing board to whom you may make representations. The governing board must meet if you request it to do so. The latest date, by which the governing board must meet, if you request a meeting, is (no later than 50th school day after the date the governors are informed of the suspension).

If you wish to make representations to the governing board and wish to be accompanied by a friend and/or representative, please contact **mandy.colburn@shoreham-academy.org** as soon as possible.

You and xxx are requested to attend a reintegration on. The time will be confirmed by telephone by a member of the senior team.

xxxxx's suspension expires on and we expect her to return on**,** subject to a successful meeting.

Work for your child is on Firefly. Please see the reverse of this letter which outlines information about both Parental responsibilities and the review/appeals process.

Yours sincerely,

Principal

Information sheet pertaining to fixed term suspensions

- You have a duty to ensure that your child is not present in a public place in school hours during this suspension (including the school site) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates of this suspension If so, it will be for you to show reasonable justification.
- You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First Tier Tribunal, or a County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Making a claim would not affect your right to make representations to the governing board.

https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

- You have the right to make representations about this decision to the governing board**.** Your child also has the right be involved in this process. If you wish to make representations please contact the Principal as soon as possible. Whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You may also find the following sources useful for free and impartial information:

- A copy of the statutory guidance on exclusions from the Department for Education is available via www.gov.uk/government/publications/school-exclusion-guide-for-parents

- 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

- 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.

- West Sussex SEND Information, Advice and Support Service (SENDIAS) https://westsussexsendias.org/ Tel 03302 228555.

- West Sussex Ethnic Minority and Traveller Achievement Service (EMTAS) 033022 22111 (Ethnic Minority) 033022 22155 (Traveller)
- A copy of the statutory guidance on suspension and permanent exclusion from the Department for Education is available at **www.gov.uk/government/publications/school-exclusion**

You may wish to contact the Fair Access team, West Sussex County Council,Tel: 033022 25001 who can provide advice.

Model Letter Three (15 Days or more in a Term)

Dear

I am writing to inform you of my decision to suspend for a fixed period. I realise that this suspension may well be upsetting for you and your family, but this decision has not been taken lightly. Please see the details of the suspension below:

Number of days suspended:
Date suspension starts:
Circumstances category:
Summary of circumstances:
Decision to suspended category:

Previous logged disciplinary measures 2026-27:

As the length of the suspension is more than 15 school days **OR** as the length of this suspension would bring **[pupil's name]** total number of school days of suspension to more than 15 in one term, the governing board must meet to consider the reinstatement of **[pupil's name]**. At the meeting you may make representations to the governing board if you wish. The latest date on which the governing board can meet is **[date here – no later than 15 school days from the date the governing board is notified]**. If you wish to make representations to the governing board and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details – address, phone number, email],** as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. **[Pupil's name]** also has the right be involved in this process.

You have the right to request to hold the meeting via the use of remote access. The Governing Board must be satisfied that the meeting is capable of being held fairly and transparently via remote access. Should you wish to request the meeting via remote access please contact **[name of contact]** as above.

You and xxxx are requested to attend a reintegration on. The time will be confirmed by telephone by a member of the senior team.

xxxxx's suspension expires on and we expect her to return on**,** subject to a successful meeting.

Work for your child is on Firefly. Please see the reverse of this letter which outlines information about both Parental responsibilities and the review/appeals process.

Yours sincerely,

Principal

Information sheet pertaining to fixed term suspensions

- You should be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First Tier Tribunal, or a County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

  Making a claim would not affect your right to make representations to the governing board.

  https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

- You have the right to make representations about this decision to the governing board**.** Your child also has the right be involved in this process. If you wish to make representations please contact the Principal as soon as possible. Whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You may also find the following sources useful for free and impartial information:

- A copy of the statutory guidance on exclusions from the Department for Education is available via www.gov.uk/government/publications/school-exclusion-guide-for-parents

- 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

- 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.

- West Sussex SEND Information, Advice and Support Service (SENDIAS) https://westsussexsendias.org/ Tel 03302 228555.

- West Sussex Ethnic Minority and Traveller Achievement Service (EMTAS) 033022 22111 (Ethnic Minority) 033022 22155 (Traveller)

- A copy of the statutory guidance on suspension and permanent exclusion from the Department for Education is available at **www.gov.uk/government/publications/school-exclusion**

You may wish to contact the Fair Access team, West Sussex County Council, Tel: 033022 25001 who can provide advice.

Model Letter Four (From the Principal Notifying Parent of a Permanent Exclusion)

Dear **[parent(s) name]**

RE: [pupil's name and D of B]

I regret to inform you of my decision to permanently exclude **[pupil's name]** with effect from **[date]**. This means that **[pupil's name]** will not be allowed in this school unless **he/she** is reinstated by the governing board.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded because **[reasons for exclusion –provide sufficient, full and exacting detail on incident(s) that led to the decision to exclude including any other relevant previous history].**

[For pupils Year R – Year 11]
You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]**, unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils Year R – Year 11]
Alternative arrangements for **[pupil's name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[pupil's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. **[This may be different if suitable alternative full-time educational provision is being provided earlier than the sixth day].** The local authority **[give the name of the authority]** will provide suitable full-time education no later than the 6th day of the exclusion – i.e. **[specify the date]. [Set out the arrangements if known at time of writing. If not known say that the arrangements will be notified shortly by a further letter].**

[For pupils Year R – Year 11]
[Where pupil lives in a local authority other than the excluding school's local authority]
I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **his/her** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing board must meet to consider the reinstatement of your child. At this meeting you may make representations to the governing board if you wish and ask them to reinstate your child into school. The governing board have the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to decline to reinstate your child, in which case you may request that their decision is reviewed by an Independent Review Panel. The latest date by which the governing board must meet is **[specify the date – the 15th school day after the date on which the governing board was notified of the exclusion]** If you wish to make representations to the governing board and wish to be accompanied by a friend and/or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. **[Pupil's name]** also has the right be involved in this process.

You have the right to request to hold the meeting via the use of remote access. The Governing Board must be satisfied that the meeting is capable of being held fairly and transparently via remote access. Should you wish to request the meeting via remote access please contact **[name of contact]** as above.

Please let us know if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First Tier Tribunal, or a County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.
https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability

Making a claim would not affect your right to make representations to the governing board.

The following are sources of free and impartial information that you may find useful.

- 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.

- Department for Education Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here https://www.gov.uk/government/publications/school-exclusions-guide-for-parents
- 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.
- West Sussex SEND Information, Advice and Support Service (SENDIAS) https://westsussexsendias.org/ Tel 03302 228555.
- **[Where considered relevant by the headteacher]** West Sussex Ethnic Minority and Traveller Achievement Service (EMTAS) 033022 22111 (Ethnic Minority) 033022 22155 (Traveller)

A copy of the statutory guidance on suspension and permanent exclusion from the Department for Education is available at **www.gov.uk/government/publications/school-exclusion**

You may wish to contact the Fair Access team, West Sussex County Council, Tel. 033022 25001 who can provide advice.

Yours sincerely

[Name]

[Title]

Cc – delete as applicable

Governing Board

WSCC Fair Access Team

Virtual School Headteacher

Social Worker

Model letter five- Letter from the Clerk to Governors inviting parents/carers to attend a meeting of the GDC

Date:

Name
Address

Pupil Name: [Full name of pupil]
D.O.B: [Date of birth]
Year Group:

Dear [Parents' names],

I refer to the letter from xx, Principal/Headteacher, dated xxx concerning xx's exclusion/suspension from school.

The Local Governing Body (LGB) Behaviour Committee must meet to review [a permanent exclusion/a suspension which brings the school days to more than 15 school days in total in one term/a suspension which will cause a student to miss a public examination/national curriculum test] in order to consider reinstatement.

The meeting to review xx's exclusion/suspension will be held at the [School/remotely (at the parents' request)] on xx [date] at xx [time].

As notified in the Principal/Headteacher you may make representations if you wish and you may be accompanied by a friend or representative. Xx (excluded child) will also be welcome to attend.

If you intend to submit a written report, please send it to be received no later than xxxx date. This will enable me to circulate it to all parties in advance of the meeting, together with relevant information from the Principal/Headteacher, which I will be sending to you at the same time. Please send your report to me via email at xxx.

Please also let me know by return email who will be attending the meeting.

Yours sincerely

Clerk to the Behaviour Committee

Cc: The Chair of the Local Governing BodyModel Letter Five (Letter from the Clerk upholding a permanent exclusion)

Appendix 3 – Checklist LGB

Governor checklist

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the Managing Director at United Learning at the end of the process.

Pupil Name:	**Date of Meeting:**
1	Telephone call to parent/visit from parent on (date): Letter of notification using model text sent on (date): Copied and sent to Behaviour Committee on (date):
2	Date of Behaviour Committee Meeting: Within 15 school days from Principal's letter, for permanent and fixed term exclusions of more than 15 school days (or total more than 15 school days in a term) **OR** Within 50 school days from Principal's letter, for fixed term exclusions of less than 15 school days **Yes/No**
3	All written statements/evidence circulated in advance of this meeting (at least 48 hours before) **Yes/No**
4	Procedure for the meeting and confirmation circulated in advance of the meeting **Yes/No**

5	All relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social Care; academic progress **Yes/No**
6	Where it is a permanent exclusion decision that it: • meets the conditions in which permanent exclusion is appropriate: ○ allowing him/her to remain in the academy seriously harms the learning or welfare of another student or students in the school ○ allowing him/her to remain in the academy seriously harms the welfare of an adult or adults in the school ○ his or her behaviour seriously undermines the ethos of the academy ○ the student's behaviour is judged to be misconduct or is cumulative persistent misconduct to justify permanent exclusion • is consistent with other similar incidents (where appropriate)

	Yes/No

6	Evidence and use of procedures are satisfactory in relation to: • The investigation conducted • Firm evidence collected to support decision to exclude • Pupil has been given the opportunity to give his/her version of events • Provocation/harassment has been taken into account, if appropriate • Any SEN taken into account • Where appropriate, a Pastoral Support Program – or Individual Education Plan has been tried. • There is evidence of other interventions that have been tried including, where appropriate: ○ alternative or enhanced curriculum ○ mediation ○ education welfare involvement ○ family support ○ mentor support for the pupil • No more strategies are available that the school could reasonably be expected to initiate • Requirements of discrimination (under the Equality Act 2010) have been considered • Parent has been given adequate time to make representations • All parties to the meeting know how this decision will be communicated • Satisfactory arrangements in place for pupil to continue their education during exclusion period **Yes/No** If no, what concerns exist:
7	**To be completed after the Behaviour Committee meeting** Parent, Principal and Local Authority notified of decision on (date): Letter regarding decision sent out on (date): **Signed (Clerk to the Behaviour Committee):**

	Date: **A copy of this checklist should be <u>sent to United Learning Managing Director</u> at the conclusion of the process.**