



The Active Learning Trust
ACTIVE LEARNERS · ACTIVE LEADERS · ACTIVE CITIZENS

EXCLUSION POLICY

Author	Karen Jarvis
Date	September 2022
Ratified	October 2022
Due for Review	September 2023

EXCLUSION POLICY

CONTENTS

	Page
Aims	3
Legislation & Statutory Guidance	3
POLICY SECTIONS	
1. Serious Incidents of Misbehavior leading to fixed term or permanent exclusion	4
2. Responsibilities of the Headteacher	5
3. Informing Parent(s) / Carer(s) about Exclusion	7
4. Informing the Active Learning Trust	9
5. Informing the Discipline Committee	
6. Responsibilities of the Governing Body	9
7. Responsibilities of the Discipline Committee	9
8. Procedure at the Meeting	11
9. Permanent Exclusion Cases	12
10. After the Meeting – Fixed Term & Permanent Exclusions	13
11. Independent Review Panels	13
12. Arranging an Independent Review Panel	14
13. Role of the Clerk at an Independent Review Panel	16
14. Procedure at an Independent Review Panel	16
15. Evidence & Witnesses	18
16. Record of the Proceedings of an Independent Review Panel	20
17. After the Hearing	20
18. Policy Review	21
APPENDICES : Model Letters	22

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

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](#). September 2022

It is based on the following legislation, which outlines schools' powers to suspend 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 suspended pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Suspended Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Suspended Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

Policy for managing serious incidents of misbehaviour leading to suspension or permanent exclusion

1. Action to be invoked by senior staff in serious disciplinary matters.

1.1. When a serious incident occurs, a senior member of staff, normally a member of the Leadership Team, must interview pupils to ascertain the details of the incident. If the nature of the incident is extremely serious or involves issues of a sexual nature, then at least two staff members, one of each gender, should be present to conduct the interview. The pupil should be questioned and given ample opportunity to give a response. The pupil should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage the report will help to decide what further action should be undertaken. If appropriate, witness statements should also be taken in written form (these may be scribed) and signed by the witness.

1.2. In discharging their duties the Headteacher and Governors will have regard to DfE guidance on exclusions.

1.3. A decision to suspend a pupil will only be taken

- In response to serious breaches of the School's Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the learning or welfare of the pupil, other pupils or staff
- In cases where there has been a major breach of normal expectations of conduct and/or a breach of the criminal law

1.4. Before excluding a child, in almost all cases, a range of alternative strategies will have been tried. However, where a one-off incident of sufficient gravity has taken place, this may not apply.

1.4. Off-Rolling and unlawful exclusions

Active Learning trust schools are 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.”

Off-rolling, a form of unlawful exclusion, can include using 'undue influence' over a parent to:

- Remove their child under threat of permanent exclusion
- Encourage them to choose elective home education or find another school Place for their child

Ofsted will consider any evidence of off-rolling and is likely to judge a school inadequate where it appears:

- Pupils have left the school without formal processes
- Parents have been encouraged to remove their children
- School leaders haven't taken sufficient action to address the above

1.5. We will not suspend or suspend 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. Responsibilities of the Headteacher

2.1. The Headteacher alone (or his/her designate, if he/she is absent) has the power to suspend pupils.

2.2. In considering the exclusion of a pupil the Headteacher should ensure that the following process is followed:

- a thorough investigation is undertaken
- all the relevant facts and firm evidence to support the allegations are considered
- the Behaviour Rewards, Strategies and Sanctions Policy (including the Equal Opportunities and Anti Bullying policies) of the school/academy are taken into account
- a check is made as to whether an incident appeared to be provoked by racial or sexual harassment
- all pupils involved have the opportunity to give their version of events
- Pupils should be given the opportunity to express their views (with the support of advocates if needed). They should be informed of how their views will be taken into account in reaching a decision.
- other people or agencies, as appropriate, are consulted, except where they may be involved in any appeal related to the exclusion
- time has been given to addressing and supporting the pupil's individual needs within the capabilities of the School.

2.3. Before deciding to permanently suspend a pupil the Headteacher will first implement the strategies outlined in the Behaviour Policy, including suspension. Only when other strategies have been tried without success will the Headteacher consider permanent exclusion. Except, or notwithstanding (2.4) below, where a one-off incident of sufficient gravity has taken place a permanent exclusion may be instigated.

2.4. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no prior record of poor behaviour.

2.5. The Headteacher may suspend a pupil for up to 45 school days in any academic year. Any suspension beyond 45 school days will be permanent. However before that point is reached the Headteacher will have held discussions with the Local Authority with a view to arranging an appropriate placement in

another school or Pupil Referral Unit (PRU). From Day 6, pupils will be accessing the resources at a designated Centre. Any Looked after Children will receive education at the designated Centre from Day 1.

2.6. The Headteacher will aim for the shortest possible period of suspension but in all cases, a suspension plan will be made to

- a. Enable the pupil to continue their education;
- b. Use the time to address the pupil's needs
- c. Examine the process of reintegration.

2.7. Legislation does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed term.

2.8. Legislation does allow for the behaviour of a pupil outside of school to be considered as grounds for a suspension.

2.9. The headteacher may only withdraw an exclusion or suspension if it has not been reviewed by the Governing Body.

3. Informing Parent(s)/carer(s) and others about the suspension / exclusion

3.1. The Headteacher will make sure that the Parent(s)/carer(s) are notified immediately by telephone which will be followed by a letter within one school day. The parent/carer may be asked to collect the pupil from the school immediately but where this is not possible, the suspension will normally begin on the next school day.

3.2. Letters about suspensions and permanent exclusions will explain:

- Why the Headteacher decided to suspend/exclude the pupil
- The arrangements for enabling the pupil to continue their education,

including setting and marking the pupil's work. This will involve the school setting and marking work for the first 5 days following an exclusion.

- The Parent(s)/carer(s) right to state their case to the Governing Body's Discipline Committee.
- Who the Parent(s)/carer(s) should contact if they wish to state their case (usually the Clerk to the Discipline Committee).
- The latest date the Parent(s)/carer(s) can put a written statement to the Discipline Committee.
- The Parent(s)/carer(s) right to see and have a copy of their child's record.
- If the suspension is for a **fixed period**, the length of the suspension and the date and time the pupil should return to the school.
- If the exclusion is **permanent**, the date the permanent exclusion takes effect, and details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident.

3.3. In addition to informing parents and carers, from September 2022 the headteacher must also inform:

- Any social worker attached to the pupil
- The virtual school head
- The Local Authority

3.4. In the case of a suspension, the headteacher must inform parents on how their child will be reintegrated once the period of exclusion has ended. The school must have a clear reintegration strategy that offers pupils a fresh start and helps them re-engage with learning. This strategy should be communicated clearly at any reintegration meeting, preferably with parents or carers present.

4. Informing the Active Learning Trust

4.1. The headteacher is expected to discuss any potential permanent exclusion with the CEO (or representative) of the Active learning Trust.

5. Informing the Discipline Committee

5.1. The Headteacher will inform the Chair of the Governing Body's Discipline Committee of:

- all permanent exclusions.
- All suspensions which result, separately or in total, in the pupil missing more than five school days in any one term, or which deny pupils the chance to take a public examination.

6. Responsibilities of the Governing Body

6.1. The Governors do not have the right to suspend a pupil but will review the use of suspensions and exclusions on a regular basis. The Governing Body will establish a Discipline Committee and when the need arises an Independent Appeal Panel.

7. The Role of the Discipline Committee

7.1. The Discipline Committee will consist of three Governors who will review the use of suspensions within the school. This includes considering the views of the parent(s)/carer(s) of a suspended pupil, and deciding whether or not to uphold suspensions of more than five school days or those where a pupil would miss an opportunity to take a public examination. The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions and suspensions.

7.2. If the suspension is for five school days or fewer the Discipline Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s). If the suspension causes the pupil to miss sitting a public examination the Discipline Committee will meet before the public examination. Where a public examination is concerned, if it is not practical for the Discipline Committee to meet, the Chair of the Committee will consider the suspension and/or exclusion. Alternative arrangements to allow an suspended pupil to take

public examinations will be considered.

7.3. The Governing Body will establish a discipline panel of three members to hear cases of:

- a. Permanent exclusions and initial suspensions that result in permanent exclusions;
- b. Suspensions totaling more than five school days in any one term, where the parent expresses a wish to make formal representations to the governing body.
- c. Exclusions/Suspensions which would result in the loss of an opportunity to take any public examination.

7.4. The panel must meet to:

- a. Consider the circumstances in which the pupil was suspended;
- b. Consider any representations made by the parent
- c. Consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.

7.5. In the case of a suspension which would result in the pupil being suspended from the school for a total of five days or more in any one term, the governing body (or discipline panel) must meet to consider any representations made by the parent. In such cases, the governing body cannot direct reinstatement of the pupil.

7.6. The regulations set statutory time limits for the discipline panel's consideration of exclusions and suspensions.

7.7. In the case of permanent exclusion and one or more suspensions totaling more than 15 days in any one term (where parents wish to make representation) the panel must meet no earlier than 6 school days and no later than 15 school days after receiving notification of the suspension.

7.8. In the case of one or more suspensions totaling more than 5 days but not more than 15 school days in any one term (where the parent wishes to make representations) the panel must convene between the 6th and the 50th school

day after receiving notification of the suspension.

7.9. Where a pupil may miss a public examination as a result of the exclusion or suspension, the panel must, if practical, consider the exclusion before the pupil is due to take the examination.

7.10. In the case of a suspension which would result in a pupil being suspended for a total of 5 days or less in a term (and the parent has made representations to the governing body), there is no statutory time limit, but the governors would be expected to meet within a reasonable timescale.

7.11. In reaching their decision on whether to direct reinstatement, the panel is required to have regard to any guidance given by the Secretary of State. They should have regard to any representations made by the parent, and whether the Headteacher has complied with the procedure and has had regard to the Secretary of State's guidance. If they decide that a pupil should not be reinstated, they must inform the parent, the Headteacher and the LA of their decision. In the case of a permanent exclusion, they must notify the parent in writing of their decision and the reason for it. Their letter must also advise the parent of his or her right to appeal against their decision; whom to contact; the last date for lodging an appeal; and that the notice of appeal should set out the grounds of appeal.

7.12. Unless there are strong reasons to refuse, the chair of the Discipline Committee should allow the suspended pupil to attend the meeting and present their case if the parent(s)/carer(s) and the pupil ask for this. But the parent(s)/carer(s) formally remain the appellant unless the pupil is 18 or over.

8. Procedure at the meeting

8.1. If the pupil has been readmitted before the Discipline Committee meets, the meeting still enables the parent(s)/carer(s) to give their views. The Discipline Committee can also consider whether more information should be added to the pupil's record.

8.2. If the pupil is still suspended when the meeting takes place, the Discipline Committee should decide whether to direct re-instatement. In reaching their decision the Committee should:

- a) consider the parent(s)/carer(s) statements;
- b) have regard to the guidance on the appropriate use of exclusion in DfE *Circular 10/99* and in the school's Behaviour Rewards, Strategies and Sanctions Policy, and consider whether the Headteacher has tried sufficient approaches to improve a pupil's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.
- c) Whether allowing the pupil to be readmitted would seriously harm the learning or welfare of other pupils or staff.

9. The Role of the Discipline Committee in Permanent Exclusion Cases

9.1. 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 support programmes. For children with statements of SEND, revising the statement might be better than resorting to exclusion.

9.2. For permanent exclusions the Discipline 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.

9.3. The Discipline Committee may not attach conditions to the re-instatement of a pupil.

9.4. If the Discipline Committee upholds the Headteacher's decision to suspend a pupil permanently, it will write within one school day to the parent(s)/carer(s):

- a) giving the reasons for the decision;
- b) explaining the parent(s)/carer(s) right to appeal to an Independent Appeals Panel to which the parent(s)/carer(s) can make oral and

written statements;

- c) giving the name and address of the person the parent(s)/carer(s) should contact if they wish to appeal, explaining that any notice of appeal should explain the grounds of appeal and stating the latest date for giving notice (15 school days from the date of the Discipline Committee's decision). The parent(s)/carer(s) has the right to appeal to the panel even if they did not make a case to the Discipline Committee.

9.5. If the Discipline Committee upholds a decision to suspend a pupil permanently it will notify the Local Authority in writing of this decision within one school day of the hearing. The Discipline Committee's decision on suspensions is final. In the case of permanent exclusions, parent(s)/carer(s) may appeal to an Independent Appeals Panel.

10. After the meeting – Suspensions and Permanent Exclusions

10.1. A note of the Discipline Committee's views shall normally be placed on the pupil's record with a copy of the Headteacher's suspension/exclusion letter.

11. Independent Review Panels

11.1. Parent(s)/carer(s) whose child is suspended permanently from the school have the right to present to an independent review panel, providing they apply within the legal time frame. If applied for, the Trust must arrange an Independent Review Panel to review the decision of a governing body not to reinstate a permanently suspended pupil.

11.2. The Independent Appeal Panel will comprise three independent panel members representing each of the categories below plus a clerk appointed by the Trust.

- A lay member (who should Chair the Panel) who is not working in any school in a paid capacity, disregarding any experience as a school governor or volunteer

- A school governor who has served as a governor for at least 12 consecutive months in the last five years, provided they have not been a teacher or Headteacher during this time
- A Headteacher or individual who has been a Headteacher within the last five years

11.3. Individuals may not serve as a member of the Independent Review Panel if they:

- Are a Director of the academy trust or governing body of the excluding school
- Are the Headteacher of the excluding school or anyone who has held this position in the last five years
- Are an employee of the academy trust or the governing body 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 academy trust, school, parents or pupil, or the incident leading to the exclusion, that might reasonably be taken to cast doubts on their ability to act with impartiality
- Have not had received training within the last two years.

11.4. Any request for an Independent Review Panel must be lodged in writing to the Central Office of the Active Learning Trust within 15 school days from the date the parent(s)/carer(s) receives notice of the decision. The panel should meet as soon as possible but normally within 15 days of the notification of appeal.

11.4. In the event of a permanent exclusion the Local Authority will be notified promptly once the exclusion is confirmed.

12. Arranging an Independent Review Panel

12.1. The letter from the Clerk to the Discipline Committee will inform the parent(s)/carer(s) of their right to an Independent Review Panel appeal following the decision of the Discipline Committee not to re-instate the permanently suspended pupil. The letter will give the name and contact details for the Clerk (who will not be the same person as the Clerk to the Discipline Committee) and

explain that the parent(s)/carer(s) request for an Independent Review Panel must be in writing and set out the grounds of appeal. The letter will tell the parent(s)/carer(s) that the final date for lodging an appeal will be 15 school days from the date the parent(s)/carer(s) receives notice.

12.2. The day on which the parent(s)/carer(s) is given notice will be taken to be the second school day after the date of posting by registered post, or where the notice is hand-delivered, the date of delivery (unless a different date of receipt can be demonstrated). No request will be accepted if it is made after the final date for lodging a request

12.3. The Independent Review Panel will not reinstate pupils purely on minor 'technicalities' relating to prior procedure, where they are persuaded on the merits of the case that the exclusion was justified and would not otherwise direct that the pupil should be reinstated. The Independent Review Panel will rather consider afresh the question of whether the pupil should be reinstated.

12.4. The Independent Review Panel will meet within 15 school days of the date the parent(s)/carer(s) lodges notice of appeal.

12.5. Those entitled to attend a hearing and present their case are:-

- The Parent /carer, who may be represented by a legal or other representative.
- The Headteacher, who may make oral representations.
- A nominated member of the Discipline Committee, who may make oral representations.
- A legal or other representative of the Discipline Committee.

12.6. The Headteacher and Governing Body may also make written representations. Wherever possible, the Clerk will make available all written evidence to the panel members and the Parent(s)/carer(s) four working days in advance of the hearing. The pupil, if he/she or his/her Parent(s)/carer(s) so request, will be allowed to attend the hearing and speak on his/her own behalf,

unless there is good reason to refuse.

13. Role of the Clerk

13.1. The Independent Review Panel will have a clerk who will serve as an independent source of advice on procedure for all parties to the appeal. The Trust will use its best endeavours to ensure that the clerk has some experience in the conduct of appeal hearings. **They will not be the same person who served as a clerk to the prior Discipline Committee hearing.**

13.2. When the panel or parties withdraw in order that the panel may consider its decision, the clerk may remain with the panel, but only for the purpose of offering advice on procedure or law, and recording decisions and reasons.

14. Procedure at the Hearing

14.1. The Independent Review Hearing will not be held at the school unless agreed by all parties. The Independent Review Panel will do everything possible to establish an atmosphere of informality where the parties can present their cases effectively.

14.2. The remit of the Independent Review Panel is to consider whether the pupil should be re-instated.

14.3. In considering, the panel will decide whether the pupil actually did what he/she is accused of doing. If more than one incident of misconduct is alleged, the panel will decide on each incident. If satisfied on the balance of probabilities that the pupil did what was alleged to have been done, the panel will decide whether, considering all relevant factors, permanent exclusion was a reasonable response to that conduct. Relevant factors must include:

- The broader interests of other pupils and staff in the school , as well as those of the excluded pupil;
- The academies' published Behaviour Rewards, Strategies and Sanctions Policy;

- Where other pupils were involved in the same incident and were also disciplined, the fairness of the permanent exclusion in relation to the sanctions imposed on the other pupils involved.

14.4. To reach a decision, the panel may need to hear evidence from those directly or indirectly involved, including the pupil. The Independent Review Panel may not introduce new reasons for the exclusion. However, the parent(s)/carer(s) may put forward new information that may not previously have been available. If this happens, a representative of the Discipline Committee and/or the Headteacher should be given an opportunity to respond.

14.5. The order of hearing will be notified in advance to the parties. At the start of the hearing the chairman or clerk will welcome the parties and introduce those present, pointing out that the panel is independent of the school and its governing body and that its decision is binding on them. The clerk will explain the order in which the parties entitled to be heard will state their case and that there will be an opportunity for questioning by the other parties afterwards.

14.6. The panel members may also ask questions of the other parties to the review or of any witnesses who appear, in order to clarify an issue or to elicit more information. The aim will be for panel members to ask their questions at the end of each party's statement and following questions by the other parties.

14.7. The clerk may be called on to give legal or procedural advice to the Independent Review Panel during the course of the hearing and when they retire to consider their decision.

14.8. The chair will order proceedings and lead the panel in establishing the relevant facts. If the parent(s)/carer(s) appears to be having difficulty in presenting their case, the chairman should intervene to assist them to ensure that their case is established and that factual matters not in dispute are clearly identified. The chair will assist parent(s)/carer(s) who have English as a second language or who have literacy problems, and who may not have understood all the paperwork.

14.9. If the Independent Review Panel wishes to vary the notified procedure, they should only do so after hearing the views of all the parties present and entitled to make representations.

14.10. Sufficient time will be allowed for each party to put its case. The panel should ensure that parent(s)/carer(s) are given the opportunity to comment on relevant information. Care must be taken to ensure that no party attending the hearing is present alone with the Independent Review Panel in the absence of the others.

14.11. In exceptional cases the panel may adjourn to a later date. If there is an adjournment, it is essential that no part of the proceedings take place other than in the presence of all the panel members.

15. Evidence and Witnesses

15.1. Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel, if they wish to see it. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable as evidence.

15.2. The Independent Review Panel cannot compel witnesses to attend and any witnesses must therefore appear before it voluntarily. The Independent Review Panel may wish to call witnesses who saw the incident or behaviour which gave rise to the exclusion. They may also wish to call a teacher or teachers (other than the Headteacher) who investigated the incident and interviewed pupils. The Headteacher has the right to make written representations to the panel and to appear and make oral representations.

15.3. Where adult witnesses are unwilling to appear in person or are unavailable, the panel must rely on their written statements, copies of which will have been circulated to all parties by the clerk before the hearing.

15.4. In the case of witnesses who are pupils of the School it will generally be appropriate for the panel to rely on their written statements. Pupils may, however appear as witnesses in person if they do so voluntarily and their parent(s)/carer(s) consent. All written witness statements must be attributed and signed, except in cases where the school has good reason to wish to protect the anonymity of pupils. In such cases the statement will not be attributed and some names may be blanked out. The general principle remains that someone accused of something is entitled to know the substance and the source of the accusation. If any witnesses are going to appear in person, all parties need to know the details in advance of the day of the hearing.

15.5. The calling of character witnesses is at the discretion of the panel, but should be allowed unless there is good reason to refuse. It is for the panel to decide whether any witnesses, having given evidence, should remain for the remainder of the presentation of the case.

15.6. If any of the parties intend to raise matters or produce documents at the hearing which are not covered by the statement of decision or the notice of appeal, these should be submitted to the clerk to the Independent Review Panel in good time before the hearing. If substantial new issues are raised for the first time at the hearing, an adjournment may be necessary to allow all parties to consider the issues.

15.7. An Independent Review Panel, when directing re-instatement, may specify a future date rather than an immediate return; perhaps to allow for support arrangements to be put in place. But the date of re-instatement should be reasonable in all the circumstances. The Independent Review Panel cannot attach conditions to the re-instatement of a pupil.

15.8. Under no circumstances can a review continue if the number of panel members drops below three at any stage during the hearing. Once a review has begun, no panel member may be substituted by a new member for any reason. In the case of a five member panel, if any member dies or is taken ill, the panel may continue, provided the two categories of member are still represented on the panel.

16 Record of the proceedings of an Independent Review Panel

16.1. In addition to notes taken during a review to help the panel's decision-making process (including a record of the Discipline Committee's decision and the reasons for it) the clerk to the Independent Review Panel should keep brief notes of the proceedings, the attendance, the voting and the decision in such forms as the Independent Review Panel deems appropriate.

17 After the Hearing

17.1. The decision of the Independent Review Panel is binding on all parties. The Independent Review Panel will communicate its decision to all parties by the end of the second school day after the appeal hearing. Where a hearing is held on the last day of term or outside term-time, the panel will notify all parties by the end of the second working day after the conclusion of the hearing.

17.2. If the Independent Review Panel upholds the permanent exclusion, the clerk should immediately report this to the Local Authority. The clerk should also advise the parent(s)/carer(s) to contact the Local Authority about arrangements for their child's continued education. The Headteacher should remove the pupil's name from the school roll the day after the conclusion of the review.

17.3. Where the Independent Review Panel direct re-instatement they should immediately inform the Headteacher of their decision and specify the date on which the pupil must be readmitted.

17.4. Details of exclusions may not be deleted from the pupil record, where exclusion is a matter of fact. The Trust must, however comply with any parent(s)/carer(s) request to append their review statement to the pupil's record. It will be for the Trust to decide what details of the exclusion are included in the pupil's school record: copies of the Headteacher correspondence should be included and possibly the minutes of the Discipline Committee and Independent Review Panel hearings, if the Discipline Committee and Independent Review Panel respectively agree to this.

18 Policy Review

- This policy is reviewed annually.
- This policy complies with the funding agreement and articles of association of the Active Learning Trust

MODEL LETTER 1

From the Headteacher notifying parent of a suspension of 5 school days or fewer in one term, and where a public examination is not missed

Dear **[Parent's Name]**

RE: [Child's Name & DOB]

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

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

You have the right to make representations about this decision to the Governing Body. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible.

If you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you may raise this issue with the Governing Body. You can also make a claim of disability discrimination to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

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

You may wish to contact **[name]** at **[LA name]** on/at **[contact details – address, contact number, email]**, who can provide advice. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. **[Insert reference to local sources of independent advice if known.]**

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to return to the school on **[date]** at **[time]**. I am sure it would be helpful for us to meet to discuss **[Child's name]** return to the school before they are due back. Please could you contact **[name]** to arrange a convenient time and date.

Yours sincerely

[Name]

Headteacher

MODEL LETTER 2

From the Headteacher notifying parent of a suspension of more than 5 and up to and including 15 school days in total in one term, or where a public examination would be missed

Dear [Parent's name]

RE: [Child's Name & DOB]

I am writing to inform you of my decision to suspend [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed into the school for this period. The suspension begins/began on [date] and ends on [date]. Your child should return to school on [date].

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

You have the right to request a meeting of the school Governing Body at which you may make representations, and the decision to suspend can be reviewed. As the length of this suspension is more than 5 school days in a term, the Governing Body must meet if you request it to do so. The latest date by which the Governing Body must meet, if you request a meeting, is [specify date — no later than 50 school days after the date on which the Governing Body were notified of the exclusion]. If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

If you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you may raise this issue with the Governing Body. You can also make a claim of disability discrimination to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may wish to contact [name] at [LA name] on/at [contact details – address, contact number, email], who can provide advice. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. [insert reference to local sources of independent advice if known.]

[Child's Name]'s suspension expires on **[date]** and we expect **[Child's Name]** to return to the school on **[date]** at **[time]**. I am sure that it would be helpful for us to meet to discuss **[Child's name]** return to the school before they are due back. Please could you contact **[name]** to arrange a convenient time and date.

Yours sincerely

[Name]

Headteacher

MODEL LETTER 3

From the Headteacher notifying parent of a suspension of more than 15 school days in total in one term

Dear [Parent's Name]

Re: [Child's Name & DOB]

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[Period]**. This means that **[Child's Name]** will not be allowed in the school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

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

As the length of the suspension is more than 15 school days in total in one term the Governing Body must meet to consider the suspension. At the review meeting you may make representations to the Governing Body if you wish. The latest date on which the Governing Body can meet is **[Date Here — no later than 15 school days from the date the Governing Body is notified]**. If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative please contact **[Name of Contact] on/at [Contact Details — Address, Phone Number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting,

If you think this suspension relates to a disability your child has, and you think disability discrimination has occurred, you may raise this issue with the Governing Body. You can also make a claim of disability discrimination to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may wish to contact **[Name]** at **[LA Name] LA on/at [Contact Details — Address, Phone Number, email]**, who can provide advice. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. **[insert reference to local sources of independent advice if known.]**

[Name of Child]'s suspension expires on **[Date]** and we expect **[Name of Child]** to return to the school on **[Date]** at **[Time]**. I am sure 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]

Headteacher

MODEL LETTER 4

From the head teacher notifying the parent(s) of a pupil's permanent exclusion.

Dear **[Parent's Name]**

Re:[Child's Name & DOB]

I regret to inform you of my decision to permanently suspend **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the discipline/management committee. The exclusion has been given for

[For pupils of compulsory school age]

You have a duty to ensure **[child's name]** is not present in a public place in school hours during the first 5 school days of this, 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.

From the sixth **[amend if alternative provision is to start earlier]** school day of **[child's name]** exclusion **[specify date]** onwards the Local Authority will provide suitable full time education. On **[date]** he/she should attend **[give name and address of the alternative provider]** at **[specify the time as this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable explain transport arrangements from home to the alternative provider]** **[If not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

[For pupils of compulsory school age 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 **[child's name]** 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 discipline committee must meet to consider it. At the review meeting you may make representations to the discipline committee and if you wish ask it to reinstate your child in school. The discipline committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion, in which case you may ask for this decision to be reviewed by an independent review panel. The latest date by which the discipline committee must meet is **[specify the date — the 15th school day after the date on which the discipline committee was notified of the exclusion]**. If you wish to make representations to the discipline committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the discipline committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

If you believe the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability). <http://www.justice.gov.uk/tribunal/send>. Making a claim would not affect your right to make representations to the discipline committee.

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

you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. In addition Parent Partnership are a confidential listening, advice and support service for parents and carers. They can be contacted on [Telephone Number and email] **[insert reference to any other relevant local sources of independent advice if known]**

You may also find it useful to contact the Coram Childrens' Legal Centre. Their aim is to provide free legal advice and information to parents. They can be contacted on 0808 802 0008 or on <http://childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday excluding Bank Holidays and 24th December to 1st January. Statutory guidance can be accessed at <http://www.education.gov.uk/schools/pupilsupport/behaviour/excursion>

Yours sincerely

[Name]
Headteacher