

East Sussex Exclusions Guidance for schools and academies

September 2024

Exclusions Guidance for Schools and Academies

This guidance is supplementary to, and should be read in conjunction with, the DfE Guidance [Suspension and Permanent Exclusion guidance August 2024\(publishing.service.gov.uk\)](https://publishing.service.gov.uk/2024/08/01/suspension-and-permanent-exclusion-guidance) All decisions about exclusion must be made with reference to the DfE guidance which outlines statutory responsibilities. This document is not designed to replace the DfE Guidance, but should be used as a series of checklists to ensure that the correct processes and procedures are followed.

This supplementary guidance updates and replaces all previous guidance regarding exclusion from maintained schools, Academies and free schools, including special schools and College Central, published by East Sussex County Council, herein after referred to as the Local Authority (LA). It applies equally to children with and without Education, Health and Care Plans (EHCPs).

This guidance is intended to be of assistance to all parties involved in the exclusion process including; headteachers, governing boards, local authorities, academy trusts, independent review panel (IRP) members and special educational needs (SEN) experts, social workers and Virtual School Heads (VSHs) when carrying out their functions in relation to suspension and permanent exclusions.

The Inclusion and Alternative Provision service should be the first point of contact for any queries that head teachers, governors, parents, pupils or others may have regarding exclusions.

For further advice, you may wish to contact:

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.

Context

East Sussex believe that children and young people can achieve their full educational potential if they attend school regularly and are supported and actively taught to behave pro-socially, some will just need more support to do so.

Well-managed schools create cultures where pupils and staff flourish in safety and dignity. It is particularly important that headteachers lead the creation and reinforcement of this culture, ensuring it permeates through every aspect of school life. Staff should be trained to make sure that they collectively embody this school culture, always upholding the schools' behaviour policy and responding to behaviour consistently and fairly. The behaviour policy is the starting point for laying out this vision and is one of the important ways the school culture is communicated to pupils, staff, and parents and carers. When pupils need additional support to succeed, this should be based on understanding of need, analysis or causal factors and supported by professionals where possible. It is vital that all staff are aware of any plan so that it is as consistently followed as the policy.

Headteachers should, as far as possible, avoid excluding a Looked After Child (LAC) or any pupil with an Education, Health and Care Plan (EHCP). If the behaviour leading to exclusion arose from an underlying special educational need or disability, or mental health need, the exclusion could be unlawful under the Equalities Act (2010). This applies to needs that have been identified or not.

Terminology

In this guidance the word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions.

Where a school's academic year consists of three terms or fewer, a reference to a '**term**' in this guidance means one of those terms. Where a school's academic year

consists of more than three terms, then a reference to ‘*term*’ means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.

The term ‘remote access’ refers to a meeting arranged by the governing board or arranging authority that is carried out via electronic means such as a live video link.

Exclusion as a last resort

As a Local Authority, East Sussex believe that punitive responses to anti-social behaviour and exclusion rarely changes behaviour for the better. It is also a County where education is a key priority. We are ambitious to achieve the best for our children and young people, whatever their background.

If a pupil is deemed to be at risk of exclusion, it is the East Sussex expectation that an Additional Needs Plan should be in place to enable a range of strategies and support to be implemented and reviewed.

Suspension or Permanent Exclusion should, therefore, be used as a last resort and only as a **protective consequence**, in response to serious or persistent breaches of a school’s behaviour policy **and** when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school.

Other than in the case of a serious one-off offence (*such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon*) exclusion should only be used when other approaches have been unsuccessful. Even then it is best practice to consider alternatives to exclusion. The length of the exclusion should be proportionate, reasonable and fair and allow schools the opportunity to review / devise plans with identified support, to minimise risk of recurrence and allow for a successful re-integration.

Difficult, dangerous or concerning behaviour can be an indication of unmet needs. Where a school has concerns about a pupil’s behaviour, it should try and identify

any causal factors and intervene early to reduce the need for subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's education is required.

It should be noted that permanently excluding a pupil is NOT a 'fast track' to specialist support. If a young person is excluded, they are reintegrated into another mainstream school or academy.

Unofficial or Illegal Exclusions

Sending a pupil home informally to 'cool off' or asking parents to take a pupil home to avoid exclusion are unlawful acts that could be subject to legal challenge. This is regardless of whether they are with or without the agreement of parents. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

A pupil must only be excluded on disciplinary grounds. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason, *for example; the behaviour of a parent*.

All suspension, no matter for how short a time, must be formally recorded and the correct reporting procedures followed.

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

Sixth Day Provision

For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time

education for any pupil of compulsory school age; compulsory school age begins from the term after a child's fifth birthday. For pupils aged 16-18 years old, Local Authorities have a power rather than a duty to arrange education provision.

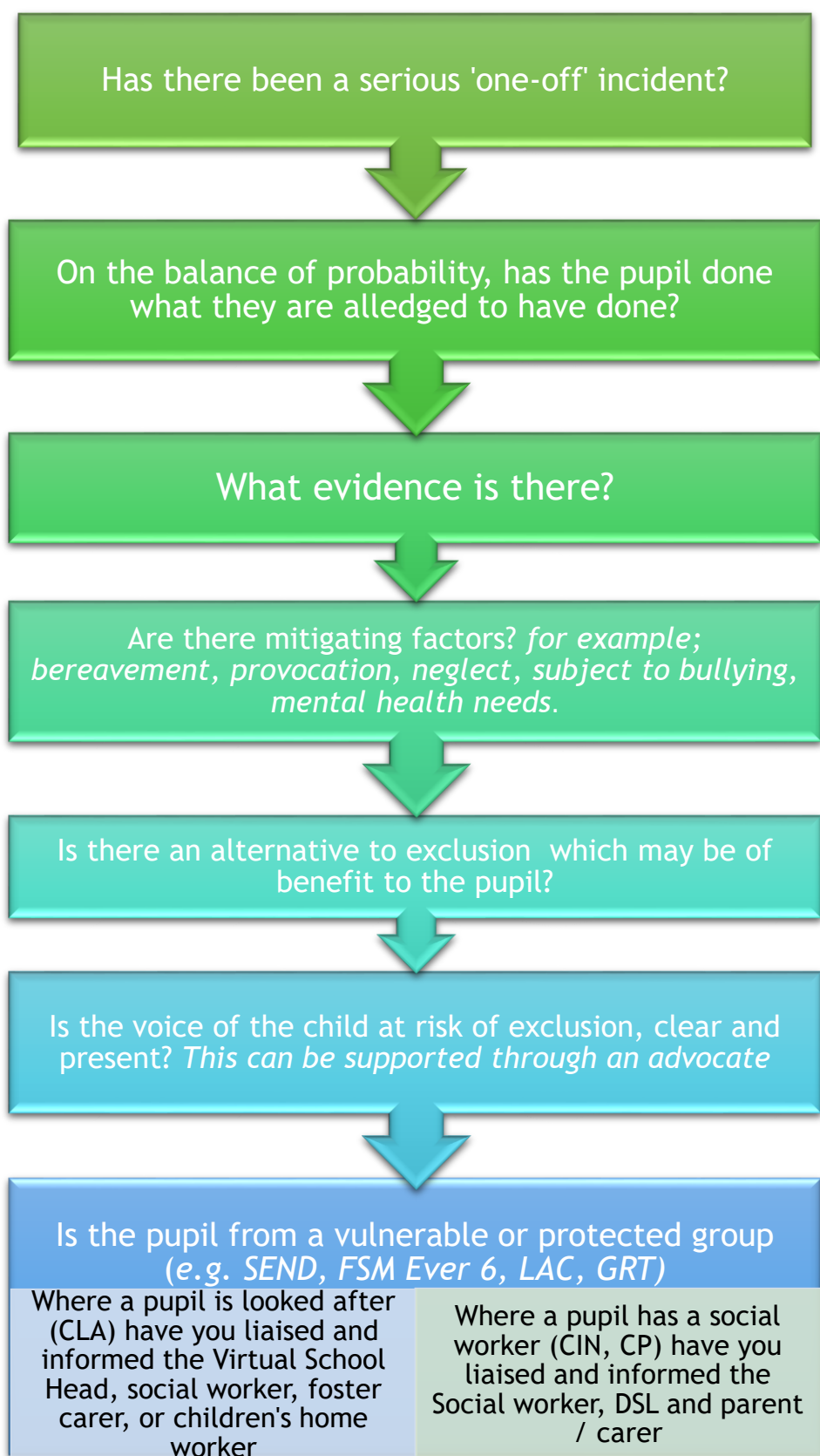
Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty.

For permanent exclusions, the '*home*' local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

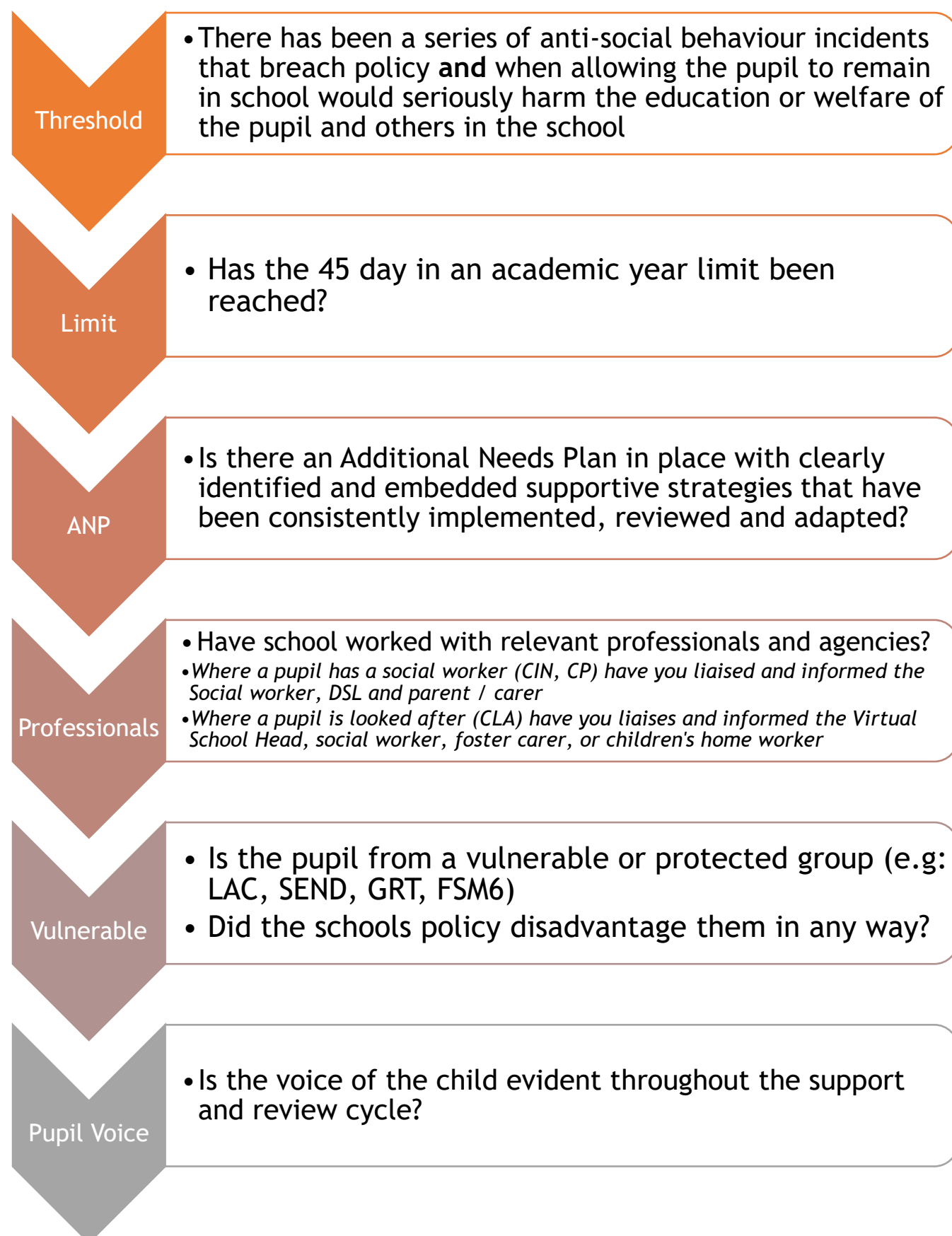
Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

In the case of a looked-after pupil alternative provision should aim to be arranged to start from day 1 of the exclusion.

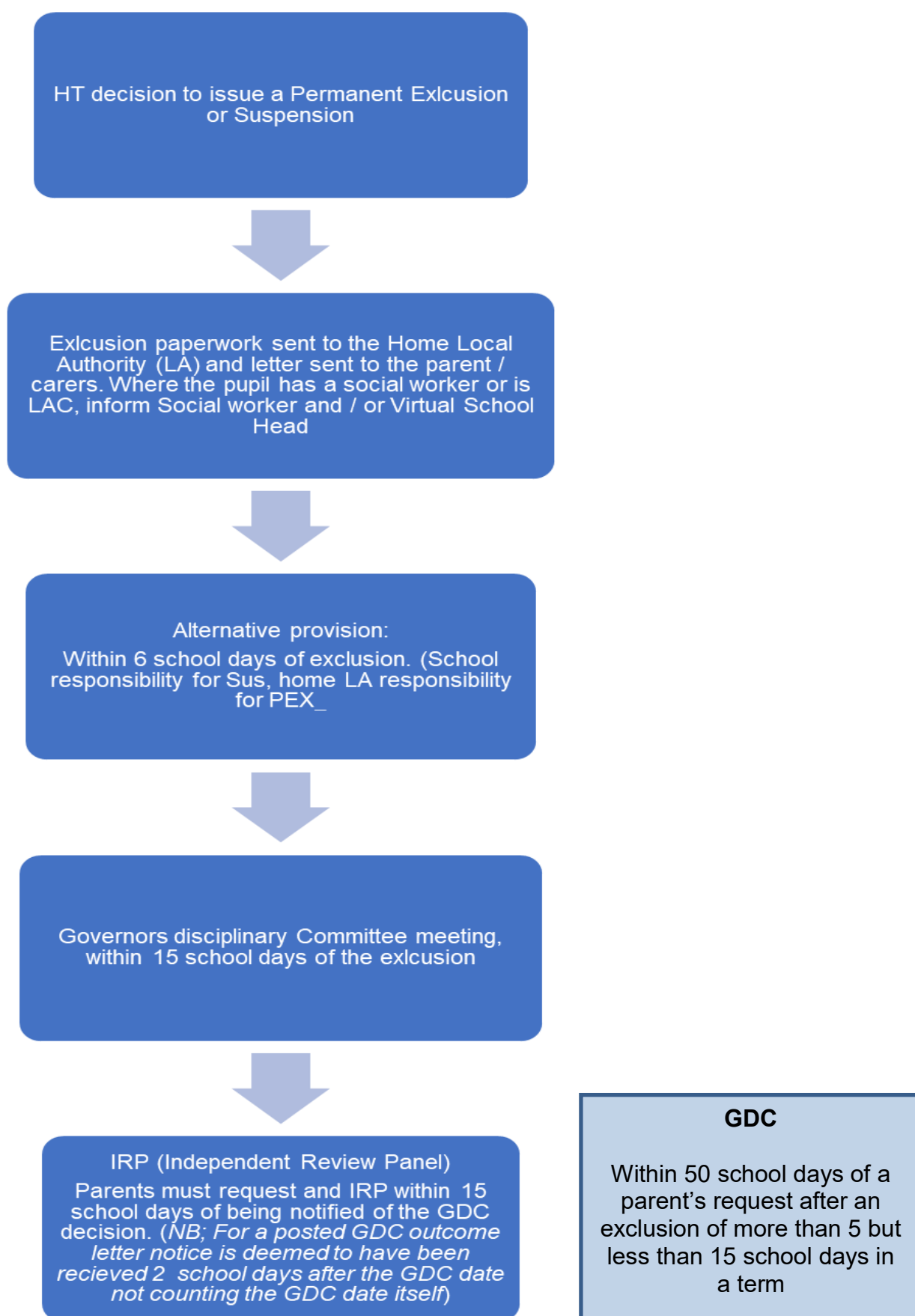
What should be considered prior to exclusion for a Serious One-off Incident?



What should be considered prior to exclusion for cumulative reasons?



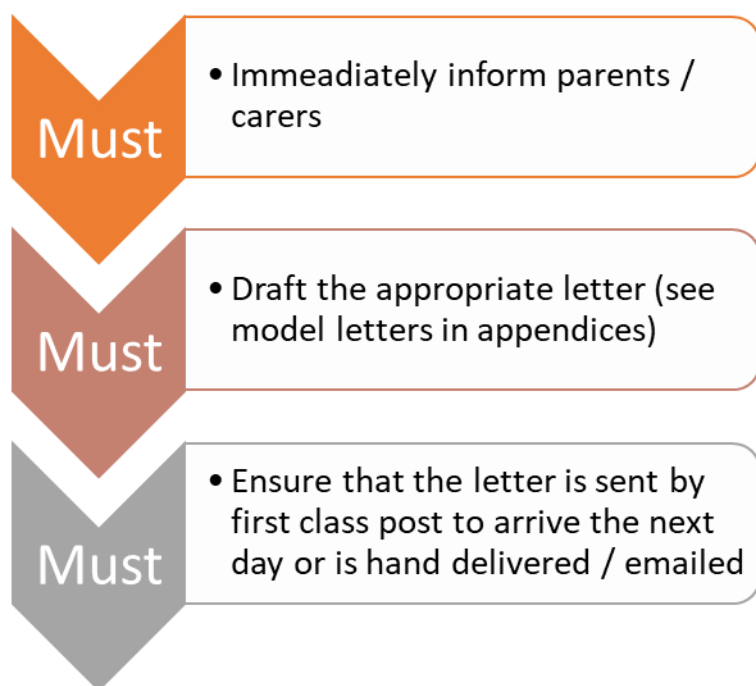
Exclusion process - overview



Notification of exclusions

Parents and carers

Headteacher has decided to exclude a pupil, they **MUST**



The letter must include the following information:

	✓ or x
The reason for exclusion	
The period of the suspension or, for a permanent exclusion, the fact that it is permanent.	
The arrangements to enable the pupil to continue their education (prior to any alternative provision if applicable)	
The parents' right to make representation about the exclusion to the Governing Board and how the representation should be made and how the pupil may be involved in this	
When there is a legal requirement for the Governing Board to consider the exclusion, that the parents have a right to attend the meeting, be represented at	

the meeting (at their own expense) and to bring a friend and their right to make a request to hold the meeting via the use of remote access	
That, if the pupil is of compulsory school age, for the first 5 days of any exclusion (or until any alternative provision begins) parents are required to ensure that their child is not present in a public place without reasonable justification and that parents may be given a fixed penalty notice if they fail to do so.	
The availability to relevant sources of free and impartial information. School exclusions: guide for parents - GOV.UK (www.gov.uk) https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network https://childlawadvice.org.uk/information-pages/school-exclusion/ http://www.ace-ed.org.uk/ http://www.ipsea.org.uk/	
If a child is suspended again following the original suspension or is subsequently permanently excluded, the headteacher must inform parents / carers and where relevant the pupil's social worker, local authority if the pupil has an EHCP without delay and issue a new exclusion notice to parents and the social worker.	

Notification of Exclusions

Local Authority (LA)

The Headteacher has a duty to inform the local authority without delay of **all** school exclusions **regardless of the length of the exclusion**. Without delay is within 24 hours of the exclusion being issued.

The Local Authority standardised form for reporting is the EXNO1 Form which should be completed and emailed securely with a copy of the exclusion letter to: school.exclusions@eastsussex.gov.uk for suspensions. For any permanent exclusion, the completed forms should be sent to schoolpex@eastsussex.gov.uk

If a pupil who is being Permanently Excluded lives outside the Local Authority in which the school is based, the Headteacher **MUST** also advise the pupil's 'home authority' without delay.

If a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

Governing Body

The Headteacher **MUST** notify the Governing Board of:

- **any** permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil)
- **any** suspension which would result in the pupil being excluded for a total of **more** than five school days (*or more than ten lunchtimes*) in a term; and (*N.B: as outlined in Terminology, 'Term' means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.*)
- **any** suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test

Social Care and Virtual School

If a pupil has a social worker, or if a pupil is looked-after, the Headteacher **MUST** notify the social worker and/or VSH, as applicable without delay. Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Withdrawing and rescinding an exclusion

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

The headteacher **must** notify the parents // carers, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay, The notification must also provide the reason for the cancellation.

The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement

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The pupil must be allowed back into the school **from which they were excluded** without delay.

Any days spent out of school as a result of any exclusion, prior to the cancellation will **count** towards the maximum of 45 school days permitted in any school year

A permanent exclusion **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.

Headteacher's checklist: decision to exclude*

The circumstances of the case	✓ or x
Has there been a serious breach or breaches of the school or academy behaviour policy?	
Does the pupil's presence seriously harm, or threaten to harm, the education or welfare of pupils or others?	
Is the exclusion because of a serious 'one off' incident?	
Is the exclusion a last resort, following a wide range of other strategies that have been unsuccessful?	
Is there evidence that assessments of whether appropriate provision is in place to support any SEND that a pupil may have, have been completed?	
Is there an Additional Needs Plan (ANP) in place where plans have been reviewed for impact?	
Is the pupil on the SEND Support Register? For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required? The Headteacher and Governing Board must comply with their statutory duties in relation to SEN.	
Has a thorough investigation of the incident been carried out?	
Has the pupil's version of events been sought and recorded? Were they supported to express their view including through advocates.	
Has the evidence been considered in the light of school policies and possible discrimination?	
Are there any mitigating circumstances, or any provocation, which may be relevant: for example, if the pupil has suffered bereavement, experienced abuse or neglect, has mental health needs, subject to bullying, has needs including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.	
For a pupil with a social worker or LAC, has the Virtual school Head or social worker, were the pupils welfare, safeguarding needs and risks considered in the lead up to	

exclusion and have they sought to understand how the pupils needs could have contributed to the circumstances leading up to the exclusion?	
Have alternatives to exclusion been considered (<i>e.g. restorative approach, mediation, internal exclusion or suspension, school-to-school placement, Off site Direction, application for Alternative provision</i>)?	
“On the balance of probabilities”, did the pupil do what they are alleged to have done?	

**It may be useful to include this checklist in the GDC paperwork pack*

Is it a one-off or cumulative exclusion?

It should **only** be considered to be a serious one-off incident if it is an incident **without** precedent. A serious one-off incident is for cases where the young person involved has no or very few prior behaviour incidents.

If the young person has a history of difficult / dangerous behaviours and then there is an out of character or very different type of serious incident, then it would still be considered a **cumulative exclusion** as there are ongoing needs/behaviours leading up to that different incident. If the Headteacher needs to reference prior behaviours, needs and strategies in setting the context for the case for exclusion, then the exclusion is **cumulative**.

Headteacher Checklist: Decision to Exclude Special Considerations

(SEND Code of Practice January 2015, Equalities Act 2010, Keeping Children Safe in Education 2023)

Special Considerations	✓ or x
Could there be underlying SEND and/or Social Emotional Mental Health (SEMH) needs that have contributed to the behaviours leading to exclusion? Has this been fully considered/investigated?	

If there are unmet additional needs, identified by the school or not, an exclusion could be unlawful under the Equalities Act (2010)	
Identified SEND	
Is the pupil identified on the school SEND register and/or provision map?	
If yes - have these identified needs been taken into account and reasonable adjustments been consistently put in place, which will include any support in relation to behaviour management that they need because of their SEN?	
Has a graduated approach been used to assess, plan, deliver and review the impact of the support?	
Has the pupil been disadvantaged by the schools policies and practises?	
Has the school engaged proactively with parents / carers?	
Has the school proactively engaged with support from external specialists?	
Has the school considered alternatives?	
Does the pupil have an EHC Plan?	
If yes - has the Local Authority Assessment and Planning team been contacted?	
If yes - has an interim review of the EHCP taken place prior to the decision to exclude?	
Pupils who have a social worker, including looked-after children, and previously looked-after children	
Has the school worked with the social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents / carers to involve them all as early as possible in relevant conversations?	
Has the school worked with the Virtual School, foster carers, or children's home workers.	
Is the pupil looked after?	
For previously looked- after children school may also seek the advice of the VSH on strategies to support the pupil.	
Have school had regard for Keeping Children Safe in Education ?	

The Governing Board's Duty to consider an exclusion

- Governors must comply with their duty to make sure that reasonable adjustments are made to support the attendance and contribution of all

parties at the meeting and if being carried out remotely, all participants are able to participate fully.

- A Governors' Discipline Committee (GDC) **must** be held within 15 school days of receiving notice of a Permanent Exclusion or suspension if:
 - It is a permanent exclusion
 - It would bring the pupils total number of days for the term to more than 15
 - It would result in the pupil missing a public examination of National curriculum test

A GDC **must** also be held if a parent request one following a Fixed Term Exclusion of more than 5 but less than 15 days. In this case, the GDC must be held within 50 school days of the request

The GDC should consist of either 3 or 5 governors who have **no** previous knowledge of the case.

The Chair of Governors should not be part of the GDC if they have previously discussed the case with the Headteacher.

The GDC should be clerked by a person who has had appropriate training.

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

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- the VSH if the child is CLA.

N.B Local Authority representatives will act as an impartial third party, providing objective and dispassionate representations to assist the process. It is important to note that the Local Authority representative will only answer questions about

statutory and best practice expectations and draw the Governors' attention to areas where these expectations may not have been met. Their role is not to provide evidence on behalf of the school or the parent/carer, or to provide a balance of representations. For academies and free schools, a parent may invite a Local Authority representative to attend as an observer and that representative may make representation with the Governing Board's consent.

It is important to remember that if the behaviour of a pupil is a direct consequence of a disability it is illegal to exclude for that behaviour under the Equality Act 2010.

You cannot have one rule for all under the Equality Act 2010. There is a duty on schools and academies to take 'such steps as are reasonable to avoid disadvantage'. Schools are financially responsible for planning for and meeting additional needs.

Headteacher and Clerk checklist: GDC Paperwork Pack

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented, and evidence produced.

The GDC pack containing all written material from the school and parents **MUST** be distributed to the GDC Panel members (Governors, parents and LA Rep) at least **5 school days** before the GDC date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a 'one-off' serious incident compared to cumulative reasons. The tables below show the evidence required for each.

Exclusions for a 'one-off' serious incident

Type of evidence	✓ or x	
Details of the incident in question		Must be provided
Witness statements, including the excluded pupil, signed and dated (these can be dictated and then signed by the young person and obtained through an advocate)		Must be provided. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Behaviour log and details of previous incidents		Should not be provided, as this could influence the Panel. Please check whether this is in fact a one-off exclusion.
Attendance record		Should not be included as it is not relevant
Reports of professionals involved with the pupil		Should not be included as it is not relevant for a one-off incident
Details of any SEN the pupil may have		Must be provided
Details of any disability the pupil may have		Must be provided
Academic reports		Should not be included as it is not relevant
Early Help Plan / Child protection plan		Must not be included
Views / written statements of any Social worker for Children looked after, those on CP or CIN plans		Should be included

Exclusions for cumulative reasons

Type of evidence	✓ or x	
Details of the incidents in question		Must be provided

Statement from the excluded pupil, signed and dated (these can be dictated and then signed by the young person and obtained through an advocate)		Must be provided for the final incident, should be provided for previous incidents. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Witness statements, signed and dated (these can be dictated and then signed by the young person)		Must be provided for the final incident, should be provided for previous incidents
Behaviour log and details of previous incidents		Must be provided
Attendance record		Should not be included as it is not relevant
Details of support provided to the pupil (e.g. Additional Needs Plan, Provision map etc.). The impact of the support should have been evaluated		Must be provided
Reports of professionals involved with the pupil		Must be provided
Details of any SEN the pupil may have		Must be provided
Details of any assessments to identify causal factors		Should be provided
Details of any disability the pupil may have		Must be provided
Details of alternatives to exclusion and a graduated approach to behaviour support		Should be provided
Academic reports		Should not be included as it is not relevant
Early Help Plan / Child protection plan		Must not be included

Views / written statements of any Social worker for Children looked after, those on CP or CIN plans		Should be included
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Suggested format for the Governors' Disciplinary Committee (GDC)

The GDC should ensure that a proper agenda for its meetings is prepared. The agenda can be flexible to meet the needs of attendees but it is important that the final three points occur in this order at the end of the agenda. Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access but this should not be a default option. For details on this see: [Suspension and Permanent Exclusion guidance August 2024 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/August2024) page 66

The agenda should cover the following:

- The Chair welcomes and introduces all parties
- The headteacher puts the case for exclusion
- The parents, governors, LA representative, (when present) social worker, Virtual school Head (where relevant) may question the head teacher
- The parents (and/or excluded young person where age-appropriate) make their case for reinstatement
- The headteacher, governors and LA representative (when present) social worker, Virtual school Head (where relevant) may question the parents
- The LA representative (when present) makes a statement. If the LA representative is not present their statement is read aloud.
- The parents, headteacher and governors may question the LA representative (when present)
- The Social worker / Virtual school head make a statement or share their views on contributing needs (where applicable)
- The headteacher makes his/her concluding remarks
- The parents (and/or excluded young person where age-appropriate) make their concluding remarks
- The Chair concludes this part of the meeting and advises the parents/child that they will receive the decision of the governors in writing without delay.

- At the end of the GDC, the Governing board must ensure that all other parties have withdrawn before making a decision in private.
- **The governing board can either decide to reinstate the pupil, immediately or on a given date, or decline to reinstate the pupil *N.B* *If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the governing board must still meet to consider whether the pupil should or would have been officially allowed back into the school.***

Where a GDC has been held to consider a permanent exclusion, the Governing board must notify the Headteacher, the parents / carers, (home) Local Authority and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. This should preferably include a copy of the letter that has been sent to parents detailing the reasons for the decision, with enough detail to enable all parties to understand why the decision was made.

In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification **must** state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an IRP and the following information:

- The date by which an application for a review must be made (i.e., 15 school days from the date on which notice in writing of the governing board's decision is given to parents - see paragraph 134);
- Where and to whom an application for a review (and any written evidence) should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to

how the pupil's SEN are considered to be relevant to the permanent exclusion;

- That, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint a SEN expert to advise the review panel;
- Details of the role of the SEN expert; and • that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

Governors' checklist - consideration for the Governors' Disciplinary Committee

Considerations	✓ or x	Comments
The quality of the evidence		
Have the facts been established? Was a full investigation, involving appropriate witnesses, carried out? Is the excluded pupil's voice present?		
How did the incident relate to the school's behaviour policy? Was the policy followed?		
Was the pupil responsible for the behaviour that led to the exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed).		
Was the exclusion a proportionate response?		
Was the exclusion a reasonable and proportionate response to the behaviour?		
Was it fair in respect of sanctions imposed on any other pupils involved? Was it fair in relation to similar historic incidents?		
Were alternative strategies tried?		

If the exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services had failed? (An Additional Needs Plan should be in place, clearly identifying and evaluating school strategies, internal and external support).		
Were there mitigating circumstances?		
Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity)		
Are there unmet Special Educational Needs or Mental Health needs that have contributed to the behaviour? (If there is doubt this exclusion could be unlawful under the Equalities Act 2010).		
Is there evidence that this has been considered by the Headteacher?		
Could there be other needs that have not been identified? Could any other strategies/investigations be tried (e.g. strategies in school, involving outside agencies)?		

Independent Review Panels (IRPs)

Following a GDC decision not to reinstate a pupil, the Local Authority or Academy Trust must, if requested by parents, arrange for a review panel to be held within 15 school days of the parent's request.

The panel must consist of 3 - 5 members representing each of the categories below:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- 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 head teacher during this time.
- A head teacher or individual who has been a head teacher within the last five years.

In addition, a clerk must be appointed who should not have served as clerk to the GDC meeting where the decision was made not to reinstate the pupil. They should have the training required by law and an up-to-date understanding of developments in case law, legislation and guidance which are relevant to exclusion.

The Local Authority or Academy Trust should ensure that the clerk follows the advice in paragraphs 169-188 in [Suspension and Permanent Exclusion guidance July 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/2022/07/20/suspension-and-permanent-exclusion-guidance-july-2022)

The role of the SEN expert on the IRP

- When parents apply for an IRP to be held, they may request that a SEN expert attend the panel.
- Parents have a right to request the attendance of a SEN expert at an IRP regardless of whether the school / academy recognise that the child has SEN.
- Arrangements must be made to indemnify a SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- Individuals may not serve as an SEN expert if they have, or at any time have had, a connection with the Local Authority, academy, school, pupil or parent or the incident leading to the exclusion which might reasonably be taken to raise doubts about their ability to act impartially. (However, an

individual is not taken to have such a connection solely because they are an employee of the Local Authority/school/academy).

- The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.
- Reasonable steps should be taken to ensure that the parents have confidence in the impartiality and capability of the SEN expert and when possible this may include offering parents a choice of SEN expert.
- The SEN expert's role is analogous to an expert witness to provide impartial advice to the IRP about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- The SEN expert's role does not include making an assessment of the pupil's SEN.
- The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN expert believes that this was not the case they should, where possible, advise the panel on the possible contribution which could have been made to the pupil's exclusion.
- The SEN expert should not criticise school policies or actions simply because they believe a different approach should have been followed or because different schools might have taken a different approach.

The remit of the IRP

An IRP does not have the power to direct a Governing board to reinstate an excluded pupil.

An IRP can make one of three decisions. It can:

- uphold the decision not to reinstate the pupil;
- recommend that the governing board reconsiders reinstatement; or
- quash the decision and direct the governing board to reconsider its decision.

If following a direction from the IRP, the governing board does not subsequently offer to reinstate a pupil, the panel may order that the school makes an additional payment of £4,000. This payment will go to the LA towards the costs of providing alternative provision for the pupil.

EXN01 Form

Notification of exclusion (Suspension or Permanent Exclusion) from school

To be completed for all exclusions, on the first day of the exclusion.

Section 1: Child details

School			
Child's name			
NCY		DOB	
Name of parent/carer	UPN		
Address			
Tel Numbers			
Ethnicity			
FSM Ever 6?	Language Spoken		
	YES ☐	NO ☐	

Section 2: Exclusion details

Type of exclusion	Suspension ☐	Permanent Exclusion ☐	Lunch ☐
First day of exclusion	Last day of exclusion		
Total sessions missed for this exclusion (1 day = 2 sessions, AM & PM)			
Total sessions missed for this term			
Total sessions missed for this academic year			

Is the exclusion: ☐ One off ☐ or Cumulative?

Please use the box below to detail the incident briefly

Look at the list of reasons for exclusion below and decide which one **best fits** this exclusion. You can have more than one reason for exclusion, but you must highlight which should be the **primary reason**.

- | | | |
|--|--|--|
| <ul style="list-style-type: none">Physical Assault against pupilPhysical Assault against an adultVerbal abuse / threatening behaviour against a pupilVerbal abuse / threatening behaviour against an adultInappropriate use of Social Media or online technology | <ul style="list-style-type: none">BullyingRacist AbuseSexual MisconductDrug and alcohol relatedDamageTheftPersistent disruptive behaviourWilful and repeated transgression of protective measures in place to protect public health | <ul style="list-style-type: none">Use or threat of an offensive or prohibited itemAbuse against sexual orientation and gender identityAbuse relating to disability |
|--|--|--|

Reason for exclusion:

Section 3: Support details – These must be completed

Does the child have a ANP or equivalent?

Yes

No

Is there a Risk Assessment in place

Yes

No

Outside Agency Support

Inclusion and Alternative Provision

Attendance

Early Help

Children's Social Care CLASS Other (please specify)	 	Youth Justice Service (YJS) CAMHS	
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Does the child have SEND? Does the child have a diagnosed need? Does the child have an Education Health and Care Plan? Have you held an Interim Annual Review? Is the child undergoing Statutory Assessment? Date of entry on register	YES 	NO 	
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Date of last review

Looked After Children (N.B For children looked after by a different Local Authority you must inform the home authority)

Is the pupil in care? Which Authority? Have you contacted the Virtual School for children in care? Have you arranged a case conference review?	Yes	 	No	
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Section 4: Communication and Review

This section highlights the tasks that need completing immediately following a suspension or permanent Exclusion.

Suspension		Permanent Exclusion	
Telephone parent/carers informing them of suspension and date of return	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Telephone parent/carers informing them of permanent exclusion	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>
Send suspension letter to parent/carers	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Send permanent exclusion letter to parent/carers	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>
Notify the Social worker where applicable	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Notify the Social worker where applicable	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>
Notify the Virtual School Where applicable	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Notify the Virtual School Where applicable	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>
Provide work for the first 1 - 5 days of the suspension	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Provide work for the first 1 - 5 days of the exclusion	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>
Suspensions of over 5 days – school to ensure alternative full time education in place	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	Inform the LA by emailing EXNO1 and parent letter to schoolpex@eastsussex.gov.uk	<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>

Suspensions of over 15 days in a term -
set up Governors Disciplinary Committee
(GDC)

☐

Set up Governors Discipline Committee (GDC)
Meeting within 15 school days of exclusion

☐

**Signed
Name
Designation**

Date

Please complete and email securely with a copy of the exclusion letter to:

school.exclusions@eastsussex.gov.uk

For Permanent Exclusions please complete and email securely with a copy of the Exclusion Letter to :

schoolpex@eastsussex.gov.uk

Notifications of exclusion must be received by the **home LA within 24 hours** of the exclusion.

Which letter to send to notify parents and carers of an exclusion

Which circumstances?	Which model letter?	Who is the letter from?
A Suspension of 5 days or fewer in one term	1	Headteacher
A Suspension of more than 5 but not more than 15 days in one term	2	Headteacher
A Suspension of that would bring the days of exclusion to more than 15 days in one term OR if a public examination is missed due to the Suspension	3	Headteacher
Invitation to a Governors Discipline Committee for a Suspension	4	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Suspension	5	Clerk to the Governors
Lunchtime Suspension of up to 5 days in one term (Lunchtime exclusions count as 0.5 days)	6	Headteacher
Notification of a Permanent Exclusion	7	Headteacher
Invitation to a Governors Discipline Committee for a Permanent Exclusion	8	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Permanent Exclusion	9	Clerk to the Governors
Cancelling/Rescinding either a Suspension, or a Permanent Exclusion	10	Headteacher

Model letter one

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The suspension begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the Suspension]**.

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 period because **[specify full reason(s) for exclusion]**.

[The following two paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the period of this suspension between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the suspension when you must ensure that they are not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

You have the right to make representations about this exclusion to the Governors. If you wish to make representations please contact **[name of contact]** at **[contact details - to include address, telephone number, e-mail]**, as soon as possible. Please note that for this length of suspension the Governors do not have to meet with you, they also have no power to direct reinstatement. However, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 0300 303 5857, Email address: send@justice.gov.uk) Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[The following paragraph applies to all suspensions of primary-aged pupils and may be used for suspension of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be supported. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Suspension and Permanent

Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement” is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/school-suspensions-and-permanent-exclusions)

[Child’s name]’s suspension expires on **[date]** and we expect them to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]

Head Teacher/Principal

Model letter two

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The suspension begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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 **[specify full reason(s) for exclusion]**.

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of suspension, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this suspension. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's exclusion - specify date]** until the expiry of this suspension we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include**

information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish you have the right to request a meeting of the Governors' Disciplinary Committee/Management Committee to consider reinstatement of **[child's name]** and make representations at that meeting as the period of this suspension brings **[child's name]**'s total number of days of suspension to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting the latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than the 50th school day after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. If you wish to make representations to the Governors' Disciplinary Committee/ Management Committee please contact **[name of contact]** at **[contact details - address, telephone number, e-mail]**, as soon as possible and within the deadline specified. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any 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.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be supported. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm; or ACE Education who can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents)

[Child's name]'s exclusion expires on **[date]** and we expect them to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]Head Teacher/Principal

Model letter three

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The suspension begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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 **[specify full reason(s) for exclusion]**.

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a suspension, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's suspension - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include**

information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

As this suspension brings **[child's name]**'s total number of days of suspension to more than 15 days in total in one term the Governors' Disciplinary Committee/Management Committee must meet to consider the reinstatement of **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee if you wish. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details - address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any 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.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The

paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be supported. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm; or ACE Education who can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions)

[Child's name]'s exclusion expires on **[date]** and we expect them to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]Head Teacher/Principal

Model letter four

Dear **[parent's name]**

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to consider the reinstatement of **[child's name]** regarding their exclusion from school during the period **[start date and end date of the period of exclusion]** will take place at **[place]** on **[date]** at **[time]**. You have the right to make a request to hold the meeting via the use of remote access. Should you wish to do this please contact **[enter "me" or the name of contact]**

If you would like to attend the meeting of the Governors' Disciplinary Committee/Management Committee, please contact **[enter "me" or the name of contact]** at **[contact details - address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any additional? needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to reinstate **[child's name]**, either immediately or by a particular date.

If the Governors' Disciplinary Committee/Management Committee cannot direct reinstatement due to the period of exclusion having expired and your child having already returned to school they will place a copy of their findings on the child's school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee

Enc.

Model letter five

Dear **[parent's name]**

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/ Management Committee at their meeting on **[date of Governors' Disciplinary Committee/ Management Committee meeting]** to consider the reinstatement of **[child's name]** regarding their exclusion from school during the period **[start date and end date of the period of exclusion]**.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

not reinstate **[child's name]** for the following reason(s) **[inset reasons in as much detail as possible explaining how they were arrived at]**

OR

direct reinstatement from **[specify date]** for the following reason(s)

[insert reasons in as much detail as possible explaining how they were arrived at]

As the period of **[child's name]**'s exclusion has expired the committee's findings will be placed on your child's school record.

Yours sincerely

[Name]

Clerk to the Governors' Disciplinary Committee/Management Committee

Model letter six

Dear **[parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** during lunchtimes for a fixed period of **[specify period]**. This means that **[child's name]** will not be allowed in school at lunchtimes for this period. The suspension begins 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 because **[specify full reason(s) for exclusion]**.

This suspension covers the lunchtime period only from **[time]** to **[time]** and you should ensure that arrangements are in place for **[child's name]**'s supervision away from school during this period. You should also ensure **[child's name]** returns to school in time for the start of the afternoon session at **[time]**.

[The following paragraph should be inserted if applicable]

As **[child's name]** is eligible to receive a free school meal, I have made arrangements for a packed lunch to be provided for the period of the lunchtime exclusion.

[The following paragraph apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in during the period of this suspension between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish to make representations please contact **[name of contact]** at **[contact details - to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must

consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm; or ACE Education who can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions)

[Child's name]'s lunchtime exclusion expires on **[date of last day of lunchtime exclusion]** and **[child's name]** can return for lunchtime in school as from **[date of first school day following the last day of lunchtime exclusion]**.

Yours sincerely

[Name]

Head Teacher/Principal

Model letter seven

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

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This means that **[child's name]** will not be allowed in this school unless they are reinstated by the Governors' Disciplinary Committee/Management Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[Child's name]** has been permanently excluded because **[specify full reason(s) for exclusion]**.

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of this exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

Alternative arrangements for **[child's name]**'s education to continue will be made. We will set work for **[child's name]** during the first 5 days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

From the sixth school day of the exclusion onwards, i.e. from **[specify the date]** the Local Authority will provide suitable full-time education. I have informed the Local Authority of your child's exclusion and you will shortly receive contact from the Education Support, Behaviour & Attendance Service (ESBAS) who will let you know the arrangements for **[child's name]**'s education from the sixth school day of exclusion.

As this is a permanent exclusion the Governors' Disciplinary Committee/Management Committee must meet to consider **[child's name]**'s reinstatement. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Committee/ Management Committee has the power

to reinstate your child immediately or from a specified date, or, alternatively, they may decide not to reinstate **[child's name]** in which case you may ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Governors' Disciplinary Committee/ Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details - address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any 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.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk)

Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm; or ACE Education who can be reached on 0300 0115 142 on Monday to Wednesday from 10am to

1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled “Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement” is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/school-exclusions-guide-for-parents)

Yours sincerely,

[Name]

Head Teacher/Principal

Model letter eight

Dear [Name(s) of parent(s)]

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to consider reinstatement of [child's name] will take place at [place] on [date] at [time].

If you would like to attend the meeting of the Governors' Disciplinary Committee/Management Committee, please contact [enter "me" or the name of contact] at [contact details - address, telephone number, e-mail] as soon as possible. You will have the opportunity to make representations to the panel. [Child's name] may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let [enter "me" or the name of contact] know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform [enter "me" or the name of contact] if it would be helpful for you to have an interpreter present.

A representative of the Local Authority will be present at the Governors' Disciplinary Committee/Management Committee. **[For Academies]** - You have the right to request that a representative of the Local Authority be present at the Governors' Disciplinary Committee/Management Committee, in which case you should let [enter "me" or the name of contact] know so we can arrange this. The Local Authority representative would act as an observer at your request and therefore can only ask questions / makes comments if asked to do so by the Governing board of the academy]. **For maintained schools** - The Local Authority's position will be one of neutrality where the representative in attendance would not give their view on the merits of the particular exclusion as they would see it but rather, if asked by any party, act as an impartial third party, providing objective and dispassionate representations to assist the process.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to uphold the exclusion or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied (**for Academies**) - and if you would like a representative of the Local Authority to be present at the hearing.

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee

Enc.

Model letter nine

Dear [parent's name]

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/Management Committee at their meeting on [date of Governors' Disciplinary Committee/Management Committee meeting] to consider reinstatement of [child's name] from [name of school] School.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

not reinstate [child's name] for the following reason(s) [inset reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement from [specify date] for the following reason(s)

[insert reasons in as much detail as possible explaining how they were arrived at]

[Where reinstatement has been directed insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]

The Head Teacher or a senior member of staff will contact you shortly to discuss the arrangements to be made for [child's name] to return to school

[Where the child has not been reinstated insert the following paragraphs]

You have the right to ask for this decision to be reviewed by an Independent Review Panel. If you wish the decision to be reviewed by the Independent Review Panel please notify the Schools Appeals Manager on 01273 - 481583 [or other body if Independent Review Panel hearings are not arranged for the Academy /

School by the Local Authority] in the first instance. You should then set out the reasons for requesting a review in writing and send this to: Schools Appeals Manager, East Sussex County Council, Room C3F, County Hall, St Anne's Crescent, Lewes, BN7 1UE **[or other body if Independent Review Panel hearings are not arranged for the Academy / School by the Local Authority]** no later than **[specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Governing board's/College Central Management Committee's decision not to reinstate was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]**. If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by **[repeat latest date]** you will lose your right to have the decision of the Governors' Disciplinary Committee/Management Committee reviewed.

An Independent Review Panel comprises one serving, or recently retired (within the last 5 years) Head Teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. The review panel will rehear all the facts of the case. If any party has fresh evidence to present to the panel they may do so.

If you ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by the Independent Review Panel you have the right to require that an expert in Special Educational Needs (SEN) attends the review at no cost to you. You may require that an SEN expert attends the hearing irrespective of whether the school believes your child has special educational needs or not. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. Should you request a review of the Governors' Disciplinary Committee's/Management Committee's decision and you wish an SEN expert to be appointed please let the Schools Appeals Manager **[or other body if Independent Review Panel hearings are not arranged for the Academy / school by the Local Authority]** know.

I should also inform you that if you request a review of the Governors' Disciplinary Committee's/ Management Committee's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and/or oral representations to the Independent Review Panel and that you may also bring a friend or supporter to the review. If you intend to be accompanied please let the Schools Appeals Manager **[or other body if Independent Review Panel hearings are not arranged for the academy/school by the Local Authority]** know. Please also advise if you have a disability or any additional needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

Where a representative of the Local Authority attended the Governors' Disciplinary Committee/Management Committee meeting and made representation, they or another representative will also **[in the case of an Academy, add "at your request"]** attend the review and submit a statement in advance.

In determining the outcome of a review the panel can make one of three decisions: they may uphold the decision not to reinstate your child; they may recommend that the Governors' Disciplinary Committee/Management Committee reconsiders its decision not to reinstate your child; or they may quash the decision and direct that the Governors' Disciplinary Committee/Management Committee considers reinstatement again. A panel should only quash a decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

You may find it useful to seek advice through Coram's Child Law Advice service which can be found through their <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm; or ACE Education who can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>. Further information can be found: <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>, and if your child has special education needs you can seek support through <http://www.ipsea.org.uk/>

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled “Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement” is available at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-suspensions-and-permanent-exclusions)

Yours sincerely,

[Name]

Clerk to the Governors’ Discipline Committee/Management Committee

Model letter ten

From the Head Teacher/Principal for the withdrawal of a suspension or permanent exclusion

Dear [parent's name]

Further to my letter of [date of letter giving notification of exclusion] I am writing to advise you that I am, on this occasion, withdrawing my earlier decision to

EITHER

suspend [child's name] for a fixed period between [insert dates of start and end of suspension]

OR

permanently exclude [child's name] from the school

I have decided to withdraw the exclusion on this occasion for the following reasons.

[insert reasons]

Yours sincerely,

[Name]

Head Teacher/Principal