



School Name:	Henry Green Primary
Date of Adoption:	29.11.23
Chair of Governors Signature:	
Head Teacher Signature:	

Suspension and permanent exclusion  
from maintained schools, academies  
and pupil referral units

in England for Governing Boards and  
Headteachers

## **Local Guidance for those with legal responsibilities in relation to suspension and permanent exclusion**

Revised and updated - September 2021

**David Botterill | Exclusion Lead and Education Inclusion Partner North  
Education Core Team | People and Resilience**

2nd Floor | Town Hall | 1 Town Hall Square | Barking | IG11 7LU

**Phone:** 0208 227 2328 | **Mobile:** 07968521217

**Email:** [david.botterill@lbbd.gov.uk](mailto:david.botterill@lbbd.gov.uk)

## Contents

Section 1 LBBD Summary of National Guidance.....	3
Section 2 DfE / National Guidance.....	5
Annex A - A summary of the school's responsibility to provide educational support on the sixth day of suspension or permanent exclusion or in the case of a looked after child, from the first day.....	6
Day Six Provision.....	6
Provision for Looked After Children suspended or excluded from School.....	7
Annex B - A summary of a maintained school's governing board's power to direct a pupil off site for the purpose of improving their behaviour.....	8
A summary of an academy's governing board's power to direct a pupil off site for the purpose of improving their behaviour.....	9
Annex C EX1 - Notification to LA of Headteacher's decision to exclude a pupil.....	10
Annex D - Model Suspension/Permanent Exclusion Letters.....	13
Model letter 1: Notifying a parent of a suspension of five days or less in one term and where a public examination is not missed.....	13
Model letter 2: Notifying a parent of a fixed period suspension of more than five days but fewer than 16 days in a term, no public examination missed.....	15
Model letter 3: Notifying a parent of a fixed period suspension of more than 15 school days in total in one term.....	17
Model letter 4: Permanent exclusion.....	19
Model letter 5: Fixed period suspension during which a public examination or National Curriculum test is due.....	21
Model letter 6: Notifying a parent (and local authority in the case of a child subject to an EHC plan or statement of SEN) of a decision to refer a pupil to an alternative provision for the purpose of improving behaviour. (To be sent not less than two days before the start of the placement.).....	23
Model letter 7: The governing board's duty to notify people (including the home local authority in the case of a child who lives out of the authority) after its consideration of reinstatement.....	25
Annex E - Consideration to be given to assembling the evidence pack.....	28
Annex F - Practical notes regarding the role of the Governing Board.....	30
Discipline Committee Meeting.....	30
Agenda.....	31
GBDC DECISION.....	31
Conclusion.....	34
Decision.....	34

Section 1  
**LBBB Summary of  
National Guidance**

LBBB Summary of National Guidance GB duties toward suspension and permanent exclusion reviews (N.B. Lunchtime exclusions count as half a day)

	Suspended less than 5 days in a term	Suspended more than 5 days but less than 16 days in a term	Suspended more than 15 days in a term	Permanent Exclusion	Pupil will miss exam or national curriculum test due to suspension	Decision to refer the student off site, against parental wishes to improve behaviour
<b>Governing board review</b>	Mandatory on request	Mandatory on request	Mandatory	Mandatory	Mandatory	Good Practice for GB to meet with parents
<b>Who can hear the case?</b>	Three Governors	Three Governors	Three Governors	Three Governors	Three Governors or Chair alone or Vice Chair alone.	Three Governors
<b>Can parents/carers* request a hearing?</b>	Yes, but they have no right to attend.	Yes	No	No	No	Yes
<b>Who should be invited?</b>	No-one unless GB choose to issue invitation. Parents can send a letter/report.	1. Pupil 2. Parents/pupil 3. Headteacher 4. LA**	1. Pupil 2. Parents/pupil 3. Headteacher 4. LA**	1. Pupil 2. Parents/pupil 3. Headteacher 4. LA**	Parents, pupil, headteacher & LA** should be invited but hearing may go ahead in absence if unavoidable.	1. Pupil 2. Parents/pupil 3. Headteacher 4. LA**
<b>Time frame</b>	No time frame	0-50 days after first day of suspension.	0-15 days after first day of suspension.	0-15 days after first day of permanent exclusion	Before the exam is due but no later than 15 days after first day of suspension..	Minimum of two days prior to referral offsite
<b>Possible outcomes</b>	Findings may be placed on pupil file.	Re-instate immediately or on a particular day or decline to reinstate	Re-instate immediately or on a particular day or decline to reinstate	Re-instate immediately or on a particular day or decline to reinstate	Re-instate immediately or on a particular day or decline to reinstate (section 63) or allow child to sit exam on site.	Governors either agree or refuse
<b>Information sources for parents</b>	In all cases, parents must be informed that they can get advice from parents in partnership, children's legal centre and local authority education inclusion team.					
<b>Model letter to be used</b>	Model Letter 1	Model letter 2 (& 7 if requested)	Model letter 3 & 7	Model letter 4 & 7	Model Letter 5 & 7	Model Letter 6
<b>Can parent request an independent review?</b>	No	No	No	Yes. Cost to be met by academy trust or local authority	No	No
<b>Redress for discrimination?</b>	In all cases, parents have the right to seek redress for discrimination at First tier tribunal (Special Educational Needs and Disability) or County Court. (section 86). Parents can first go to an independent review panel and subsequently, if they can sustain a discrimination claim, go to First-tier SEND (for disability discrimination) or County Court (for non-disability discrimination). SEND tribunal/County Court can order reinstatement of a permanently excluded child but an IRP cannot.					

\*Parents/carers as defined by The Education Act 1996

\*\* Note: In the case of an Academy only: Parents may request that the local authority and/or the home local authority attend a meeting of an academy's governing board as an observer; that representative may only make representations with the governing board's consent.

**Section 2**

**DfE / National Guidance**

**Up to date National Guidance can be found here:**

**<https://www.gov.uk/government/publications/school-exclusion>**

**Annex A - A summary of the school's responsibility to provide educational support on the sixth day of suspension or permanent exclusion or in the case of a looked after child, from the first day.**

### **Day Six Provision**

- **Schools are responsible for providing children with full time, suitable education from the sixth day of a suspension.**
- The local authority is responsible for providing full time education from the sixth day of a permanent exclusion.
- Secondary schools make various arrangements including Mayesbrook Park School or education within another secondary school. All costs are the responsibility of the school where the pupil is suspended.
- Primary schools are responsible for making arrangements within another school as above or at an alternative provision. Costs are the responsibility of the school.
- Advice can be sought by contacting:  
David Botterill: 07968 521217  
[David.Botterill@lbbd.gov.uk](mailto:David.Botterill@lbbd.gov.uk)  
Jay Devereux: 07968 511985  
[Jay.Devereux@lbbd.gov.uk](mailto:Jay.Devereux@lbbd.gov.uk)  
David Larbi: 07968 511984  
[David.Larbi@lbbd.gov.uk](mailto:David.Larbi@lbbd.gov.uk)  
Sharon White: 07817 881872  
[Sharon.White@lbbd.gov.uk](mailto:Sharon.White@lbbd.gov.uk)

## Provision for Looked After Children suspended or excluded from School

- In the extremely rare event of a looked after child being suspended or excluded from school, the school should work with the Local Authority to secure full-time education from the **first** day.
- The school should inform the Virtual School without delay by phoning the Virtual Head – Looked After Children on 020 8227 **2584** or Business Support Officer on 020 8227 **2691**.
- Looked after children should be fully included in school.
- If the headteacher thinks suspension or exclusion could be an option, the school should arrange an urgent review before making the decision and must invite the Virtual School.
- Your Education Inclusion Partner can provide advice.
- If the review concludes that there is no other option and decides to exclude **permanently**, the local authority should provide full time education from the first day.

School must **urgently** contact the Virtual School by phoning:

The Virtual Head – Looked After Children on 020 8227 2584

or

Business Support Officer on 020 8227 2691.

# Annex B - A summary of a maintained school's governing board's power to direct a pupil off site for the purpose of improving their behaviour

## Introduction

Maintained schools have the power to refer a pupil off site for the purpose of improving his or her behaviour. This power is granted under **Section 29A of the Education Act 2002** which states:

*The governing boards of a maintained school in England may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil.*

There are also regulations that are applicable. Originally this was the **Education (Educational Provision for Improving Behaviour) (England) Regulations 2010** – this was then amended by the **2012 Regulations**. The explanatory memorandum to the 2010 regulations is very helpful in summarising the powers and duties of the governing boards. Paragraph 7.5 provides:

*During the passage of the Education and Skills Act 2008 through Parliament, concerns were raised that the new power would enable governing boards to remove pupils from the school indefinitely, without regard to the needs of the pupil and whether those needs were being met by the off-site provision. There were particular concerns about the effect this would have on pupils with SEN. **Were the power to be used in this way it could have the effect of a permanent exclusion**, without the governing boards having to comply with the statutory exclusions procedures and with the pupils and their parents having no right of appeal.*

Ministers therefore agreed to amend the regulations so that safeguards were in place to ensure that the power was not abused. A number of safeguards were introduced to the 2010 Regulations but then amended by the 2012 Regulations. The current safeguards are:

- Governing boards are the commissioners of off-site education and must ensure that it is suitable.
- At least two days before the imposition of a requirement to be educated off-site, a notice must be provided to the parents and if the pupil has an EHC Plan, also to the LA maintaining the plan. The notice must contain basic information about the requirement – the address of the provision, the amount of time for which it is imposed, and the reasons for imposing the requirement.
- Governing boards are required to hold review meetings at such intervals as they, having regard to the needs of the pupils, consider appropriate.
- Parents / the LA (where the pupil has an EHC Plan) can request a review meeting. On receipt of a request, the governing board **must** carry out a review meeting as soon as is reasonably practicable unless a review has been held in the 10 weeks preceding the request.
- If the school does not act lawfully – then a parent may challenge this via public law remedies, i.e. judicial review at the High Court.
- The school should decide how frequently to meet to consider reviews.
- The use of this power **must be** for the purpose of the pupil receiving education provision which is intended to improve their behaviour. If the power is only being used to educate a pupil off site, then this would be unlawful.

## **A summary of an academy's governing board's power to direct a pupil off site for the purpose of improving their behaviour**

Maintained schools have a clear statutory power to direct a pupil off-site for education to improve their behaviour (section 29A Education Act 2002). The position is less clear for Academies which must rely on their general powers, set out in their Trust's Articles of Association. [Academy Articles of Association Model One: 5. In furtherance of the Objects but not further or otherwise the Academy Trust may ... provide educational facilities and services to students of all ages and the wider community for the public benefit.]

The exercise of this power is unilateral: parental consent is not required. Therefore, the risk of the process being challenged is heightened. To best deter or defend any legal challenge, Academies should be clear that the requisite power has been correctly delegated by Trustees. This is best achieved by the Trust's scheme of delegation clearly documenting the way in which this power is to be exercised. Although AP Regulations and Guidance (The Educational Provision for Improving Behaviour Regulations and the Alternative Provision, Statutory Guidance for Local Authorities, respectively) do not apply to Academies, they provide an example of good practice, that will better enable Academies to justify their directions to, and ongoing placement at, AP.

Academies should ensure that parents (and the local authority where the pupil has an EHCP) are given clear information about the placement, including that it will be regularly reviewed. Academies can be criticised if they are not clear on the objective(s) behind the direction off-site. They should therefore set out:

- a. A specific assessment of the pupil's behavioural needs;
- b. A specific assessment of the provision that would be required to meet those needs; and,
- c. A conclusion, with reasons, why the proposed off-site provision can meet the assessed need.

Time frames for appropriate monitoring of progress and reviews should be set out: including the date of the first review and how frequent reviews will be, and who will be involved. Whenever possible parents should be involved in the review and the Trust/ governing body should be able to demonstrate that it has taken their views, along with the individual needs and circumstances of the pupil, into account. The Governing Body/ Trust must decide whether the AP placement should continue, and, if so, for what further period of time.

The regulations for maintained schools specify regular reviews but not timescales. They should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the pupil is benefiting from it. Parents can request, in writing, that the Trust/ governing body review an AP placement. This must be complied with as soon as reasonably practicable, unless there has already been a review in the previous 10 weeks.

**Section A: Personal details**

Pupil's legal surname:			First name:	
Date of birth:		Gender M/F:	UPN:	
Address:			ULN: (if pupil is in Year 9 or above)	
			Postcode:	
Parent/Carer:			Emergency contact details:	
Telephone:				
Mobile:				
School:			Year group:	

**Section B – Safeguarding plan/Looked After Children details**

Looked After Child	<input type="checkbox"/>	Child in Need	<input type="checkbox"/>	Child Protection	<input type="checkbox"/>
Responsible authority:					
Contact name/number of responsible officer (virtual school)					
Name of social worker:					

**Section C - SEN details**
**SEN Status**

N – No Special Educational Needs	<input type="checkbox"/>
Q – Under Statutory Assessment	<input type="checkbox"/>

K – School Special Educational Need Support	<input type="checkbox"/>
E – Statement /EHC plan	<input type="checkbox"/>

**SEN Area of Need**

SpLD = Specific Learning Difficulty	<input type="checkbox"/>
SLD = Severe Learning Disability	<input type="checkbox"/>
SEMHD = Social, Emotional and Mental Health Difficulties	<input type="checkbox"/>
HI = Hearing Impairment	<input type="checkbox"/>
MSI = Multi-Sensory Impairment	<input type="checkbox"/>
ASD = Autistic Spectrum Disorder	<input type="checkbox"/>

MLD = Moderate Learning Difficulty	<input type="checkbox"/>
PMLD = (Profound & Multiple Learning Difficulties)	<input type="checkbox"/>
SLCN = Speech, Language & Communication Needs	<input type="checkbox"/>
VI = Vision Impairment	<input type="checkbox"/>
PD = Physical Difficulty	<input type="checkbox"/>

**Section D – Exclusion details**

Type of exclusion:

Lunchtime suspension		Permanent Exclusion		Suspension	
Number of school days missed (Lunch = 0.5-day exclusion)					
Will the suspension/exclusion affect attendance at any public examinations?					Y/N
Will the school make suitable arrangements?					Y/N
Start date of suspension/exclusion:			Return date:		

Select no more than three main reasons for suspension/exclusion: e.g. “OW”, “DM”, “MT”:

Reason		Reason		Reason	
--------	--	--------	--	--------	--

1. **PP = Physical assault against a pupil.** Includes fighting, violent behaviour, wounding, obstruction, and jostling.
2. **PA = Physical assault against an adult.** Includes violent behaviour, wounding, obstruction, and jostling.
3. **VP = Verbal abuse/threatening behaviour against a pupil.** Includes threatened violence, aggressive behaviour, swearing, abuse, harassment and verbal intimidation.
4. **VA = Verbal abuse/threatening behaviour against an adult.** Includes threatened violence, aggressive behaviour, swearing, abuse, harassment and verbal intimidation.
5. **OW = Use or threat of use of an offensive weapon or prohibited item.** Includes carrying, using or threatening to use any offensive weapon or prohibited item.
6. **DB = Persistent or general disruptive behaviour.** Includes challenging behaviour, disobedience, and persistent violation of school rules.
7. **DS = Abuse relating to disability.** Includes taunting, harassment, derogatory statements, swearing, bullying and graffiti that can be attributed to disability.
8. **BU = Bullying.** Includes verbal & physical bullying.
9. **SM = Sexual misconduct.** Includes sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti and upskirting.
10. **DM = Damage.** Includes damage to school or personal property belonging to any member of the school community, vandalism, arson and graffiti.
11. **PH = Wilful and repeated transgression of protective measures in place to protect public health**
12. **MT = Inappropriate use of social media or online technology.** Includes threatened violence, aggressive behaviour, swearing, harassment, verbal intimidation, taunting, derogatory statements and bullying or damage related to social media or any inappropriate use of online technology including producing, accessing, processing, storing, or distributing prohibited content.
13. **LG = Abuse against sexual orientation and gender identity.** Includes homophobic taunting and harassment, derogatory homophobic statements, swearing that can be attributed to homophobic characteristics, homophobic bullying, and homophobic graffiti.
14. **RA – Racist abuse.** Includes racist taunting and harassment, derogatory racist statements, swearing that can be attributed to racial characteristics, racist bullying, and racist graffiti.
15. **DA = Drug and alcohol related.** Includes possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol/substance abuse.
16. **TH = Theft.** Includes stealing school property, stealing personal property (from an adult or pupil), stealing from shops and other establishments on a school outing, selling, and dealing in stolen property.

Serious incident form completed	Y/N
---------------------------------	-----

**Section E: Additional information**

Free school meals start date			
Mode of travel (walk, bus, car etc)			
Name of 6 <sup>th</sup> day provision, if PEX or >5 days or LAC.			
Medical conditions			
Name of doctor		Surgery tel. no.	

**Section F – Pupil’s ethnicity**

Bangladeshi	
Indian	
Pakistani	
Any other Asian background	
Black African	
Black Caribbean	
Any other Black background	
Chinese	
White and Asian	

White and Black African	
White and Black Caribbean	
Any other mixed background	
White British	
Irish	
Traveller of Irish heritage	
Any other White background	
Any other ethnic group	

Signature: ..... Headteacher                      Date: .....

**Parents pack:**

Have you notified the parents either verbally or in writing by the end of the day?	Y/N
Have you sent the parental suspension/exclusion letter?	Y/N
Have you sent the parents exclusion guide?	Y/N

**LA pack:**

Have you attached 12 weeks’ attendance history?	Y/N
Have you attached the parental suspension / permanent exclusion letter?	Y/N

**LA pack sent to:**

<a href="mailto:PupilExclusions@lbbd.gov.uk">PupilExclusions@lbbd.gov.uk</a>	Y/N
Day 6 provider (If PEX or >5 days or LAC)	Y/N
Education Inclusion Partner	Y/N
Social Worker (If LAC, CP or CIN)	Y/N
Virtual school (If LAC)	Y/N
EHC team (if EHC plan or under assessment)	Y/N

## Annex D - Model Suspension/Permanent Exclusion Letters

### Model letter 1: Notifying a parent of a suspension of five days or less in one term and where a public examination is not missed.

Dear **[Parent/Carer]**

I have decided to suspend **[child's name]** for a fixed period of **[specify period]**. This means that **[s/he]** will not be allowed in school between **[date]** and **[date]** but should return to school on **[date]**.

I realise that this suspension may well be upsetting for you, but please be assured that I have not taken this decision lightly. **[Child's name]** has been suspended for this period because **[reason(s)]**.

#### Either

[You have a duty to ensure that your child is not present in a public place during school hours unless there is reasonable justification for this. If your child is present in a public place during school hours within the specified dates and without reasonable justification, you may receive a penalty notice from the local authority. We will set schoolwork for **[child's name]** to be completed on the days specified above. You will be able to collect this on **[date]** from **[details of how to collect]**. Please ensure that the work is completed and returned to us promptly for marking.]

#### Or

**[[Child's name]** is a child in care and must receive full time education from the first day of suspension. Therefore, I have arranged for **[him/her]** to report with you to **[contact details – name, address, phone number, email]** on **[date]** at **[time]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

You have the right to make representations about my decision to the governing board by contacting **[name]** at **[contact details — address, phone number, email]**. The governing board has no power to direct reinstatement. However, they must consider your representations and may place a copy of their findings on your child's school record.

You and your child are advised to attend a reintegration interview at **[place]** on **[date]** at **[time]**. If this is not convenient, please contact the school to arrange an alternative date and time. The purpose is to discuss how we can manage your child's return to school.

Please let me know if you have a disability or special need which would affect your ability to attend or take part. Please inform me if you require an interpreter. **[Child's name]**'s suspension expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the suspension relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child's school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely

**[Name]**

Headteacher

## **Model letter 2: Notifying a parent of a suspension of more than five days but fewer than 16 days in a term, no public examination missed.**

Dear **[Parent]**

I have decided to suspend **[child's name]** for a fixed period of **[specify period]**. This means that **[s/he]** will not be allowed in school between **[date]** and **[date]** but should return to school on **[date]**.

I realise that this suspension may well be upsetting for you, but please be assured that I have not taken this decision lightly. **[Child's name]** has been suspended for this fixed period because **[reason(s)]**.

### **Either**

[You have a duty to ensure that your child is not present in a public place during school hours unless there is reasonable justification for this. If your child is present in a public place during school hours within the specified dates and without reasonable justification, you may receive a penalty notice from the local authority. We will set schoolwork for **[child's name]** to be completed on the days specified above. You will be able to collect this on **[date]** from **[details of how to collect]**. Please ensure that the work is completed and returned to us promptly for marking.

From **[date of 6<sup>th</sup> day]** until the expiry of the suspension I have arranged for your child to attend full-time education at **[name, address, telephone number, email]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

### **Or**

**[[Child's name]** is a child in care and must receive full time education from the first day of suspension. Therefore, I have arranged for **[him/her]** to report with you to **[contact details – name, address, phone number, email]** on **[date]** at **[time]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

You have the right to contact the school to request a meeting of the governing board, which you may attend, to review my decision. As this suspension is for more than five school days in a term, should you request it, the governing board must meet within 50 school days of the beginning of the suspension; you may attend and be accompanied by a friend or representative. If you do wish to make representations or be accompanied, please contact at **[name]** at **[address, phone number, email]** as soon as possible.

You and your child are advised to attend a reintegration interview at **[place]** on **[date]** at **[time]**. If this is not convenient, please contact the school to arrange an alternative date and time. The purpose is to discuss how we can manage your child's return to school.

Please let me know if you have a disability or special need which would affect your ability to attend or take part. Please inform me if you require an interpreter.

**[Child's name]**'s suspension expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the suspension relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child's school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely

**[Name]**

Headteacher

### **Model letter 3: Notifying a parent of a suspension of more than 15 school days in total in one term**

Dear **[Parent]**

I have decided to suspend **[child's name]** for a fixed period of **[specify period]**. This means that **[s/he]** will not be allowed in school between **[date]** and **[date]** but should return to school on **[date]**.

I realise that this suspension may well be upsetting for you, but please be assured that I have not taken this decision lightly. **[Child's name]** has been suspended for this fixed period because **[reason(s)]**.

#### **Either**

[You have a duty to ensure that your child is not present in a public place during school hours unless there is reasonable justification for this. If your child is present in a public place during school hours within the specified dates and without reasonable justification, you may receive a penalty notice from the local authority. We will set schoolwork for **[child's name]** to be completed on the days specified above. You will be able to collect this on **[date]** from **[details of how to collect]**. Please ensure that the work is completed and returned to us promptly for marking.

From **[date of 6<sup>th</sup> day]** until the expiry of the suspension I have arranged for your child to attend full-time education at **[name, address, telephone number, email]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

#### **Or**

**[[Child's name]** is a child in care and must receive full time education from the first day of suspension. Therefore, I have arranged for **[him/her]** to report with you to **[contact details – name, address, phone number, email]** on **[date]** at **[time]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

As the length of the suspension is more than 15 school days in one term the governing board must meet to consider the suspension. At this meeting you may make representations. The latest date on which the governing board can meet is **[date here — no later than 15 school days from the date the governing boards is notified]**. If you wish to make representations, you may be accompanied by a friend or representative. Please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, if this is the case. The Clerk will inform you of the time, date and location of the meeting.

You and your child are advised to attend a reintegration interview at **[place]** on **[date]** at **[time]**. If this is not convenient, please contact the school to arrange an alternative date and time. The purpose is to discuss how we can manage your child's return to school.

Please let me know if you have a disability or special need which would affect your ability to attend or take part at either meeting. Please inform me if you require an interpreter. **[Child's name]**'s suspension expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the suspension relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child's school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely  
**[Name]**  
Headteacher

## Model letter 4: Permanent exclusion

Dear **[Parent's Name]**

I have decided to permanently exclude **[child's name]** from school. This means that **[s/he]** will not be allowed in school from **[date]** unless **[s/he]** is reinstated by the governing board.

I realise that this permanent exclusion may well be upsetting for you. Please be assured that I have not taken this decision lightly but in response to a serious breach **[or persistent breaches]** of the school's behaviour policy and because allowing **[him/her]** to remain in school would seriously harm the education or welfare of **[him/her]** or others in the school. **[Child's name]** has been permanently excluded because **[reason(s)]**.

### Either

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

For the first five days we will set work for **[Child's Name]** which you will be able to collect on **[date]**. Please ensure it is completed and returned to us promptly for marking.

From **[date of 6<sup>th</sup> day]** until the conclusion of the permanent exclusion the Local Authority has arranged for your child to attend full-time education at **[name, address, telephone number, email]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

### Or

**[[Child's name]** is a child in care and must receive full time education from the first day of permanent exclusion. Therefore, the local authority will arrange for **[him/her]** to report with you to **[contact details – name, address, phone number, email]** on **[date]** at **[time]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

As this is a permanent exclusion the governing board must meet to consider my decision. You may make representations at the review meeting. The governing boards may reinstate your child immediately or from a specified date. Alternatively, they have the power not to reinstate, in which case you can request that the permanent exclusion is reviewed by an Independent Review Panel.

The latest date on which the governing board can meet is **[date here — no later than 15 school days from the date the governing board is notified]**. If you wish to make representations, you may be accompanied by a friend or representative. Please contact **[name of contact]** at **[contact details — address, phone number, email]**, if this is the case. The Clerk will inform you of the time, date and location of the meeting, whether or not you choose to make representation.

Please let me know if you have a disability or special need which would affect your ability to attend or take part. Please inform us if you need an interpreter.

Please note that I have included the “Guide for Parents. Exclusions. What should I do if my child has been excluded?” as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the permanent exclusion relates to your child’s disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child’s school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children’s Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely

**[Name]**

Headteacher

## **Model letter 5: Suspension during which a public examination or National Curriculum test is due.**

Dear **[Parent]**

I have decided to suspend **[child's name]** for a fixed period of **[specify period]**. This means that **[s/he]** will not be allowed in school between **[date]** and **[date]** but should return to school on **[date]**.

I realise that this suspension may well be upsetting for you, but please be assured that I have not taken this decision lightly. **[Child's name]** has been suspended for this fixed period because **[reason(s)]**.

### **Either**

[You have a duty to ensure that your child is not present in a public place during school hours unless there is reasonable justification for this. If your child is present in a public place during school hours within the specified dates and without reasonable justification, you may receive a penalty notice from the local authority. We will set school work for **[child's name]** to be completed on the days specified above. You will be able to collect this on **[date]** from **[details of how to collect]**. Please ensure that the work is completed and returned to us promptly for marking.]

### **If more than 5 days**

[From **[date of 6<sup>th</sup> day]** until the expiry of the suspension I have arranged for your child to attend full-time education at **[name, address, telephone number, email]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

### **Or**

**[[Child's name]** is a child in care and must receive full time education from the first day of suspension. Therefore, I have arranged for **[him/her]** to report with you to **[contact details – name, address, phone number, email]** on **[date]** at **[time]**. Please note the morning session starts at **[time]** and the afternoon session finishes at **[time]**.

As **[child's name]** is due to sit a public examination during the suspension period, the governing board must meet to consider the suspension. Whilst there is no automatic right for an suspended pupil to take an examination or test on the excluding school's premises, the governing board should consider whether it would be appropriate to exercise their discretion to allow an suspended pupil on the premises for the sole purpose of taking the examination or test. At the review meeting you may make representations to the governing board and you may bring a friend or representative. Please contact **[name of contact]** at **[contact details — address, phone number, email]** if you wish to do this.

The governing board must meet before **[date] — before the examination and no later than 15 school days from the date the governing board is notified**, before the examination. If the full governing board cannot meet, the chair or vice chair may consider this situation. Therefore, if you are unable to attend, the meeting will go ahead in your absence. The Clerk will inform you of the time, date and location of the meeting.

You and your child are advised to attend a reintegration interview at **[place]** on **[date]** at **[time]**. If this is not convenient, please contact the school to arrange an alternative date and time. The purpose is to discuss how we can manage your child's return to school.

Please let me know if you have a disability or special need which would affect your ability to attend or take part in either meeting. Please inform me if you require an interpreter at either meeting. **[Child's name]**'s suspension expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the suspension relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child's school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely  
**[Name]**  
Headteacher

**Model letter 6: Notifying a parent (and local authority in the case of a child subject to an EHC plan or statement of SEN) of a decision to refer a pupil to an alternative provision for the purpose of improving behaviour. (To be sent not less than two days before the start of the placement.)**

Dear **[relevant person]** **[Director of Children's Services]**

I have decided to refer **[child's name]** to an alternative provision for the purpose of improving **[his/her]** behaviour for a period of **[specify period]** days. This means that **[he/she]** will not be allowed in school between **[date]** and **[date]** but should return to school on **[date]**.

From **[date]** until the expiry of the referral period I have arranged for your child to attend full-time education at **[name, address, telephone, email]**. You should report to **[name of person]** who will meet you at **[time]** at **[part of provision]**. For the initial period of time, I have agreed an integration programme as follows **[integration programme]**; thereafter the morning session commences at **[time]** and the afternoon session finishes at **[time]**. The provision has breaks at **[times]** for **[length of time]**.

I realise that this referral may well be upsetting for you. Please be assured that I have not taken this decision lightly. **[Child's name]** has been referred off site for this fixed period because **[reason(s)]**. During this time your child needs to improve behaviour and reach the following objectives: **[list the behaviour objectives here]**.

You have a duty to ensure that your child attends this provision unless an absence is authorised. You may receive a penalty notice from the local authority if your child is absent.

The governing board has a duty to keep this matter under review and have therefore agreed to review the case on **[dates]** at **[times]** at **[venues]**. The provider will produce a written report. However, you **[or the local authority]** have the right to request a review meeting by writing to me at **[address]** and the governing board must organise this unless a meeting has been held in the last 10 weeks.

Please let me know if you have a disability or special need which would affect your ability to attend or take part. Please inform me if you require an interpreter. **[Child's name]**'s referral expires on **[date]** and we expect **[child's name]** to be back in school on **[date]** at **[time]**.

Please note that I have included the "Guide for Parents. Exclusions. What should I do if my child has been excluded?" as a source of advice.

You may find national guidance published by the Department of Education by going on line at <https://www.gov.uk/government/publications/school-exclusion>.

You should also be aware that if you think the offsite referral relates to your child's disability, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, 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 your child's school record. Due to confidentiality restrictions, you need to notify me in writing if you wish to be supplied with a copy.

You may find it useful to contact Coram Children's Legal Centre. They provide free legal advice and information to parents on education matters. They can be contacted on **0300 330 5485** or by going online at <http://www.childrenslegalcentre.com> or <http://www.childlawadvice.org.uk>

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS)), 334 Heathway, Dagenham, RM10 8NJ – Phone: **020 8593 4422** – email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk) – Online: <https://www.carers.org/local-service/barking>

Yours sincerely

**[Name]**

Chair of Governors

**Model letter 7: The governing board's duty to notify people (including the home local authority in the case of a child who lives out of the authority) after its consideration of reinstatement.**

Dear **[Parent] [Director of Childrens Services]**

The meeting of the Governors' Disciplinary Committee at **[School Name]** on **[date]** considered the decision by **[Headteacher]** to exclude your child **[pupil name]** {either} **[permanently]** {or} **[during a period in which your child would have sat a public exam]** {or} **[for more than 15 days in the term]** {or} **[for more than 5 days and you requested a Governors hearing]**. The Governors' Disciplinary Committee, after carefully considering the representations made and all the available evidence, have {either} **[declined to direct reinstatement of [pupil name] to the school.]** {or} **[decided to direct reinstatement of [pupil name] {either} [on date] {or} [immediately]].** This means that {either} **[the suspension or permanent exclusion stands]** {or} **[the suspension or permanent exclusion does not now stand].**

The Governors' Disciplinary Committee noted that **[Headteacher's name]** had **[not]** correctly followed the Department of Education's statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England' dated September 2017. The decision was **[not]** based on balance of probability and **[was not]** made in line with the principles of administrative law, i.e. legislation relating to suspension and exclusions and the decision made was rational, reasonable, fair and proportionate.

The reasons for the governing body's decision are as follows:

**[Reasons for decision]**

**Either (Permanent exclusion, declining to reinstate only)**

[You have the right to request a review of this decision by an Independent Review Panel (IRP) to reconsider the permanent exclusion. You must set out in writing the reasons why you want the Governors' Disciplinary Committee's decision to be reviewed and, if applicable, you may also include reference to how special educational needs may have been relevant to the permanent exclusion.

If you wish to do so, please notify the Clerk to the Independent Review Panel. You must send this request to Carol Belshaw, Democratic Services, Barking Town Hall, Barking, Essex, IG11 7LU by **[date – 15 school days after the date of this letter]**. If you have not lodged a request for an Independent Review Panel by this date, will lose your right to apply for a review of the decision. Please advise the School's Appeal Officer if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform Mrs. Carol Belshaw if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three or five member panel will comprise one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The Independent Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may then adjourn a hearing until a later date.

Following its review the Independent Review Panel can decide to:

- uphold the permanent exclusion decision.
- recommend that the Governing Body reconsiders their decision, or
- quash the decision and direct that the Governing Body considers the permanent exclusion again.

You have the right to request a Special Educational Needs (SEN) expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has Special Educational Needs. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible. The role of the SEN expert will be to provide impartial advice on how special educational needs may be relevant to the permanent exclusion, based on the evidence before the Independent Review Panel. The SEN expert's focus will be on whether the school's policies were legal, reasonable and procedurally fair. The SEN expert would be expected to advise the Independent Review Panel on whether he or she believes that the school acted in a legal, reasonable and procedurally fair way in relation to the identification of any special educational needs, including any contribution they could have made to the circumstances surrounding the permanent exclusion. The role of the SEN expert does not include assessing whether your child has any special educational needs or deciding the nature of those needs.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you. Excluded pupils should be enabled and encouraged to participate at all stages of the permanent exclusion process, taking in to account their age and understanding.]

**Or**

[The outcome of the Governors' Disciplinary Committee's consideration will be placed on your child's educational record]

You may also make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of unlawful disability discrimination, and to the County Court in the case of other forms of unlawful discrimination. Any such claim must be submitted within six months of the date of the discriminatory act, which in this case would be the date that the permanent exclusion was first imposed. You can find information on how to do this at [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

Further guidance on the permanent exclusions process can be found at: <https://www.gov.uk/government/publications/school-exclusion>

Please note the following sources of information:

The Coram Children's Legal Centre can be contacted **on** 0300 330 5485 **or at** **<http://www.childlawadvice.org.uk>**

Statutory exclusions guidance at

<https://www.gov.uk/government/publications/school-exclusion>

A local, independent, Information Advice Support Service is provided by Carers of Barking and Dagenham, 334 Heathway, Dagenham, RM10 8NJ Tel: 020 8593 4422, Email: [carers@carerscentre.org.uk](mailto:carers@carerscentre.org.uk), Website: [www.carerscentre.org.uk](http://www.carerscentre.org.uk)

The arrangements currently being made for **[Name]**'s education will continue.

Yours sincerely,

Clerk to the Governors' Disciplinary Committee

c.c. Headteacher  
Chair of the Governors' Disciplinary Committee  
London Borough of Barking and Dagenham Education Inclusion Partner

## **Annex E - Consideration to be given to assembling the evidence pack**

The meeting of the Governing Board Discipline Committee (GBDC) must be held

- within 15 school days of receiving notice of the permanent exclusion.
- within 15 school days of the last suspension bringing the total to more than 15 days in a term
- within 50 school days of a parental request when the pupil has been suspended for between 5 days and 15 days inclusive
- before the exam is due but no later than 15 days after first day of suspension if the suspension would cause a public exam to be missed.

Additionally, it is recommended that the Governing Board Discipline Committee (GBDC) meets a minimum of two days prior to referral offsite against parental wishes.

The letter confirming the date and time of the meeting together with the following paperwork should be sent out to all parties at least five school days before the GBDC meeting:

### **1. Parental exclusions guide**

“Guide for Parents. Exclusions. What should I do if my child has been excluded?”

### **2. Cover sheet**

To meet the requirements, this sheet **MUST** inform all parties of

- a. date,
- b. time and
- c. venue and
- d. who will be attending the meeting?

### **3. The letter notifying the parents of the suspension(s)/permanent exclusion**

This is included because it sets out the reason for the suspension(s)/permanent exclusion, as no new grounds can be brought in.

### **4. Report of incident / reason for suspension/permanent exclusion and witness statements**

You must include any statements from

- a. the excluded pupil and
- b. other pupils and
- c. staff

relating to the incident that led to the suspensions/permanent exclusion.

**All statements must be signed and dated.** However, if it is felt students' names should be blocked out to protect them, it is acceptable to photocopy or type up the statements and retain the originals in the school records.

### **5. Information from the excluded party.**

If the suspended/excluded pupil is not attending, opportunity should be given for the pupil to submit documentation to ensure his/her views are available by other means.

### **6. The excluded student's school record.**

Especially when the record has been stipulated as a contributing factor for the suspension(s)/permanent exclusion. This should also include the strategies that had been put in place to support the excluded pupil and improve his/her behaviour prior to the suspension(s)/permanent exclusion. Positive outcomes to support should also be noted.

## **7. Information regarding any SEN issues.**

If there is an Individual Education Plan or other individualised support plan this must be included and will include:

- a. the pupil's difficulties,
- b. the school's strategies,
- c. support and
- d. reviews, and
- e. information on other services involved.

## **8. A pastoral support programme**

This may include the involvement of other agencies for pupils who have been, or are at risk of being, suspension(s)/permanent excluded.

## **9. Attendance records.**

## **10. All other relevant documentation.**

## **11. Behaviour Policy**

As the permanent exclusion has been in breach of the school's behaviour policy, this must be made available for all parties or reference to where it is available, such as the school website.

### **Headteacher's presentation**

When preparing the permanent exclusion documentation, the Headteacher should address why the permanent exclusion meets the following criteria:

- (a) In response to a serious breach, or persistent breaches, of the school's behaviour policy; and,
- (b) where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

and the GBDC meeting must consider whether the above criteria are met.

# Annex F - Practical notes regarding the role of the Governing Board

## Discipline Committee Meeting

*This is an internal document for the governing board, i.e. a briefing of their role and never intended to be sent to parents/carers.*

The role of the Governors' Discipline Committee is to act as another 'set of eyes' to review the headteacher's decision to exclude. Suspensions and permanent exclusions are very serious, and the governors will review whether the permanent exclusion has been carried out correctly and takes account of the needs of the pupil. They are not a rubber-stamping board.

The following people will attend the meeting:

1. **The governors**  
One of whom will act as Chair of the Committee. The committee must be quorate at all times. The Authority recommends that the panel must consist of at least three governors.
2. **An independent clerk**  
take notes and advise on procedure.
3. **A local authority representative**  
(in the case of a maintained school only). In the case of an academy, parents may invite a representative of the Local Authority but that person may only speak if invited to do so by the Governing board.
4. **The headteacher**  
and/or a senior member of staff.
5. **The parents or carers**  
They can be accompanied by a friend or advocate/adviser at the meeting for support.
6. **The pupil**  
The pupil who has been excluded unless they are very young or there are strong reasons against them attending. It is important that the pupil is given every opportunity to have their say.
7. **Witnesses**  
Witnesses may be called to give evidence but do not normally remain for the full meeting.

## Agenda

The meeting will follow a clear agenda which gives everyone an opportunity to have their say. The agenda for the meeting will be as follows: -

1. Welcome and introductions.
2. The reason for the suspension/permanent exclusion as set out in the notification letter to the parent/carer confirming the suspension/permanent exclusion.
3. Headteacher's or nominated representative's presentation.
4. Questions by the parents and governors.
5. Parents' representation.
6. Questions by the headteacher and governors.
7. Local authority's statement (for permanent exclusions).
8. Summing up by the school; and
9. Summing up by the parents.

At the conclusion of the meeting, the Chair will ask all parties, except the Clerk, to leave. The Clerk will remain with governing board to make notes of their discussions and decision.

A letter will be sent to the parent(s) by first class post setting out the governing board's decision without delay.

## GBDC DECISION

The GBDC must consider, on a balance of probability whether the Headteacher has shown that this suspension/permanent exclusion is:

- a) in response to a serious and/or persistent breaches of the school's behaviour policy; and,
- b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

A decision to exclude a pupil permanently should only be taken if both these criteria are met.

## Statutory Paragraphs

It is important that Governors check that the school has taken account of paragraphs 16 to 25 of the *Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017*. In order to help you reach an agreement on the above the CBDC should ask the headteacher:

*(Please ask these questions directly.)*

Paragraph

<b>Para.17</b>	<b>Has the Headteacher given the pupil and opportunity to present their case before taking the decision to permanently exclude/suspend?</b>	Yes	No
<b>Para.18</b>	<b>Are there any mitigating circumstances (e.g. being bullied, close family bereavement or mental health issues)?</b>	Yes	No
	What are they?		
<b>Para.19</b>	<b>What assessments and early interventions were used to address the underlying causes of disruptive behaviour?</b>		
<b>Para19 Cont:</b>	<b>Does the pupil have special educational needs or disabilities or an EHC plan?</b>	Yes	No
	What are the needs? <i>(Learning difficulty, Profound and multiple learning disabilities, Social, Emotional and Mental health difficulties, Speech, Language and Communication Difficulties, Hearing impairment, Visual impairment, Multi-sensory impairment, Autism, other)</i>		
	How has the school reviewed and supported these needs or reviewed the EHC plan if relevant?		
	Were these needs or disabilities related to the incident(s)?		
<b>Para.20</b>	<b>Has this pupil been involved in any relevant previous misbehaviour and was consideration given to whether suspensions are effective?</b>	Yes	No
	If there had been multiple suspensions or approaching the 45 day threshold, did the Headteacher consider other sanctions and support?	Yes	No
<b>Para.21</b>	<b>Is the pupil from a group that are consistently prone to suspensions/permanent exclusions?</b> (SEN, FSM, LAC, Gypsy/Roma, Travellers of Irish Heritage, Caribbean)	Yes	No
<b>Para.22</b>	<b>Has the Headteacher provided extra support to address the needs set out above to reduce the risk of exclusion?</b>	Yes	No

Para.23	If the pupil is a LAC or subject to EHC plan, did the Headteacher take this into account and demonstrate that the exclusion is the last resort?	Yes	No
Para.24	For pupils with additional needs or LAC, did the school co-operate with and actively engage with parents, carers and the LA virtual Head (LAC)	Yes	No
Para.25	For pupils with additional needs, or an EHC plan or LAC, did the school consider with partners, additional support and alternative provision. In the case of an EHC, did the school hold an interim/emergency review?	Yes	No

### Other questions

You may wish to consider the following questions:

1	Did the pupil do what he/she is alleged to have done?	Yes	No
2	Which part of the behaviour policy, if any, was not followed?		
3	Did the Headteacher adhere to the correct procedures and timescales?	Yes	No
4	If the pupil has been excluded for behaviour outside school, Has this been included in the school behaviour policy?	Yes	No
	Does the policy refer to wearing the school uniform when the incident took place, i.e. impacting on the reputation of the school community?	Yes	No
5	How serious is the incident?	Very	Not very
6	Is the length of sanction appropriate?	Yes	No
7	If the pupil was reinstated, what would be the impacts on others in the school community and any victim?	High	Low
8	In excluding this pupil, did the Headteacher act fairly in relation to any other pupils involved in the same incident?	Yes	No
	Did the Headteacher take the decision alone?	Yes	No
10	Does the school's behaviour policy state that suspension/permanent exclusion is a possible consequence of behaviour such as that alleged?	Yes	No
11	Has the school's discipline policy been effectively disseminated to pupils and parents?	Yes	No
12	The law 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 period.		
	Is this exclusion a "further suspension" as described above?	Yes	No
	If yes, what were the extenuating circumstances?		

## Conclusion

<b>On a balance of probability, the Headteacher has shown that this suspension/permanent exclusion is:</b>			
a	in response to serious and/or persistent breaches of the school's behaviour policy; and,	Yes	No
b	if allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.	Yes	No

## Decision

The GBDC's decision will be to:

- **decline to reinstate the pupil** if it agrees with the headteacher's decision; or
- **direct reinstatement of the pupil** immediately or on an agreed date.

<b>My conclusion is that I</b>		<i>(Tick)</i>
a	<b>decline to reinstate the pupil</b>	
b	<b>direct reinstatement of the pupil</b>	
	<ul style="list-style-type: none"> <li>• Immediately</li> </ul>	
	<ul style="list-style-type: none"> <li>• On an agreed date</li> </ul>	