



## Exclusion / Suspension Policy

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## 1. Aims

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

Our school aims to:

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

### A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.



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## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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

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

In addition, the policy is based on:

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

## 3. Definitions

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

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

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

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

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



## 4. Roles and responsibilities

### 4.1 The headteacher

#### Deciding whether to suspend or exclude

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

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
  - For suspensions: detentions or other sanctions provided for in the behaviour policy
  - For exclusions: off-site direction or managed moves



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The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker. The headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

## **Informing parents/carers**

If a pupil is at risk of suspension or exclusion, the headteacher will inform the parents/carers as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour. If the headteacher decides to suspend or exclude a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/carers' right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

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



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

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day.

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

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents'/carers' consent. If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers without delay and provide a reason for the cancellation.

## **Informing the governing board**

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

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



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## Informing the local authority (LA)

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

The notification will include:

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

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

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a:

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

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

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

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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



## **Cancelling suspensions and permanent exclusions**

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

- The parents/carers, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school 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.

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

**If the** pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Class Dojo may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

## **4.2 The governing board**

### **Considering suspensions and permanent exclusions**

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

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



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

## **Monitoring and analysing suspensions and exclusions data**

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, **and whether pupils who share any particular characteristic are suspended or excluded more than others**
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

## **4.3 The local authority (LA)**

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

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



## 5. Considering the reinstatement of a pupil

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

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

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

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

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

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Curriculum, Teaching and Learning Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

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



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**The meeting** can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

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

The governing board can either:

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

In reaching a decision, the governing board will consider:

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

They will decide whether or not a fact is true 'on the balance of probabilities'. The clerk/governance professional will be present when the decision is made.

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

The governing body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

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



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

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

## 6. Independent review

If parents/carers apply for an independent review within the legal timeframe, the Local Authority will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the governing board of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.



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Independent reviews can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

This notification will include:

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



## 7. School registers

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

- 15 school days have passed since the parents/carers were notified of the governing board to not reinstate the pupil, and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel.

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

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the pupil being registered at any other school) has been made for an excluded pupil and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) **will be used**.

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

### **Making a return to the LA**

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

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house.

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



## 8. Returning from a suspension

### 8.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

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

- **Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school**
- Update any risk assessments and plans to help re-integrate child back into school
- Headteacher and/or Behaviour Lead (RT) to meet with the parents / child to discuss expected behavior and support offered to the child and the family.
- Agreeing a behaviour contract if age / child appropriate.

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

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

### 8.2 Reintegration meetings

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

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

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

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



## 9. Remote access to meetings

Parents/carers, can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the Local Authority should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently.

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

## 10. Monitoring arrangements

The school will collect data on the following:

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

The data will be analysed termly by Rachel Tittershill. She will report back to the headteacher and the governing body.



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

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

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

This policy will be reviewed by Rachel Tittershill every year. At every review, the policy will be approved by the Curriculum Teaching and Learning Committee.

## 11. Links with other policies

This policy is linked to our:

- Behaviour policy
- Anti-Bullying Policy
- SEND policy and information report.

## 12. Exclusion notification (Local Authority)

### 12.1. Permanent exclusion

There are two key aspects to notifying the local authority of a permanent exclusion. On the first day of the permanent exclusion, all schools (regardless of which school management information system is used) will need to:

- Telephone the Inclusion Team Tel: 01629 535802 to inform the local authority of the start date of the exclusion, reason for exclusion, confirm parental contact details, and confirm deadlines/timescales for governing board meetings.
- Add the exclusion details on your school management information system (MIS) and complete the Permanent exclusion notification spreadsheet and send to the Inclusion Team.

By contacting the Inclusion Team on the first day it has the additional benefit of ensuring that schools are clear of the DfE exclusion guidance and processes from the outset and facilitates the Inclusion Pathways Team (IPT) being able to provide fulltime education by the sixth day of the head teacher's decision to exclude.



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Please note that it is important to contact the Inclusion Team direct if a permanent exclusion is either withdrawn (retracted) by the head teacher or the governing board has reinstated the pupil. The Inclusion Team can advise school both on exclusion processes and recording on your school MIS.

## 12.2. Fixed term suspensions

All fixed term suspension need inputting into the school management information system (MIS) on a weekly basis, to fulfil DfE requirements (exclusions over five days) and to enable key agencies to be alerted. Schools will need to refer to their specific MIS handbooks/service provider for advice on recording suspensions on their school systems.

## 12.3. RM Integris schools

Schools who use the RM Integris MIS should record exclusion details via the behaviour module. Guidance to input Exclusion data on RM Integris is [available on S4S](#). Please note you must be logged into access the documents. If information is entered correctly and as soon as the suspension occurs, the data is automatically collected by the LA. RM Integris schools do not need to send a separate report for fixed term suspensions, and only advise the Inclusion Team for a permanent exclusion (as above). Please be aware that new RM Integris schools will need to have an agreed data sharing agreement between school and the local authority in order for the data to import.

## 12.4. Exclusion and suspension recording and attendance codes

Full exclusion and suspension data (including start/end date (where relevant), reasons, and length of suspension) need to be entered regularly into school MIS. The attendance details will also need to reflect the pupil's exclusion or suspension status i.e. attendance code 'E'. Please note it is not sufficient to only enter the attendance code 'E' as it does not provide the local authority with enough specific exclusion or suspension details to meet DfE requirements.

Contacts:

General exclusion guidance/policy queries:  
Sharon Neak Inclusion Team, Access & Inclusion  
email: [cs.inclusionteam@derbyshire.gov.uk](mailto:cs.inclusionteam@derbyshire.gov.uk)  
Tel: 01629 535802.

RM Integris Software queries:  
School Training and Support Team  
email: [cs.schoolsupport@derbyshire.gov.uk](mailto:cs.schoolsupport@derbyshire.gov.uk)  
Tel: 01629 536789.



## Appendix 1: Independent review panel training

The Local Authority must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

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



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## **Suspensions of 5 school days or fewer (cumulative total in one term) and where a public examination is not missed.**

Dear [Parent's Name]

I am writing to inform you of my decision to suspend [Child's Name] for [specify period]. This means that [he/she] will not be allowed in school for this period. The suspension [begins/began] on [date] and ends on [date]. I realise that this suspension may well be upsetting for [Child's Name], 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 [reasons for the suspension — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to suspend the pupil].

### **[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**

Since your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during school hours for the duration of this suspension [specify dates] unless there is reasonable justification for this. I must inform you that you may be prosecuted or receive a fixed penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for [Child's Name] to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

You and [Child's Name] have the right to express your views and make representations about this decision to the governing board, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

If you wish to make representations, please contact the clerk to governors [Name of Contact] on/at [contact details — address, phone number, email], as soon as possible, so that your views can be addressed. It is important to note that whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.



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Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website ([www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability))

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

You may wish to contact the Exclusion and Access Team for advice and information:

- Sharon Neak, Exclusion & Access Team Leader, County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG  
Email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools](http://www.gov.uk/school-discipline-exclusions/exclusions) (<http://www.gov.uk/school-discipline-exclusions/exclusions>) and [School exclusions: guide for parents](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) (<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>) pages respectively.

The following general information may be useful:

- Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668  
[Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND \(derbyshireiass.co.uk\)](http://www.derbyshireiass.co.uk)
- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://www.councilfordisabledchildren.org.uk)
- [Coram's Child Law Advice Service \(https://childlawadvice.org.uk/information-pages/school-exclusion/\)](https://childlawadvice.org.uk/information-pages/school-exclusion/)
- [ACE Education](http://www.ace-ed.org.uk) – ([www.ace-ed.org.uk](http://www.ace-ed.org.uk)), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – ([www.ipsea.org.uk](http://www.ipsea.org.uk))

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

Yours sincerely

[Name] Headteacher



## **Suspension of more than 5 school days and up to and including 15 school days (cumulative total in a term).**

Dear [Parent's name]

I am writing to inform you of my decision to suspend [Child's Name] for [specify period]. This means that [Child's Name] will not be allowed in school for this period. The suspension start date is [date] and the end date is [date]. Your child should return to school on [date]. I realise that this suspension may well be upsetting for [Child's Name], you and your family, but my decision to suspend [Child's Name] has not been taken lightly. [Child's Name] has been suspended for this fixed period because [specify reasons for suspension - as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to suspend the pupil].

### **[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of the first 5 school days [or specify dates if suspension is for fewer than 5 days] of this suspension, that is on [specify dates]. I must inform you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his [or her] suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

### **[NB – Only include the subsequent paragraph for suspensions of over five consecutive school days regardless of whether this is a result of one or more than one suspension]**

From the [6th school day of the pupil's suspension until the expiry of the suspension, we will provide suitable full-time education. On [date] s/he should attend [give name and address of provision] at [specify the time] and report to [staff member's name]. The start and finish times are as follows [state times.] **[NB If not known at this time, it may be provided by subsequent notice, but it must be provided without delay, and no later than 48 hours before the provision is due to start].**

You and [Child's Name] have the right to request a meeting of the governing board to whom you may present your views and make representations. At this meeting of the governing board the decision to suspend can be reviewed. As the period of this suspension is more than 5 school days and up to and including 15 school days in a term the governing board will meet **only** if you request it to do so. This meeting can now be held via the use of remote access (for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance 'Suspension and Permanent Exclusion from maintained schools,



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academies and pupil referral units in England, including pupil movement' dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting.

If you request a meeting the governing board must take all reasonable steps to meet to discuss reinstatement within 50 school days of receiving the notice of suspension **[specify the date — the 50th school day after the suspension decision date]**.

**[NB – Only include the subsequent paragraph if the pupil will miss a public exam or national curriculum test]**

If the pupil will miss a public exam or national curriculum test and you request a meeting of the governing board, then the governing board must take reasonable steps to meet before the date of examination. If this is not practical, the chair of governors may consider the pupil's reinstatement alone.

If you do wish to make representations to the governing board and wish to be accompanied by a friend or representative (at your own expense), please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [contact as above] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website ([www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability))

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

You may wish to contact the Exclusion and Access Team for advice and information:

- Sharon Neak, Exclusion & Access Team Leader, County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG. Email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)



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The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools \(http://www.gov.uk/school-discipline-exclusions/exclusions\)](http://www.gov.uk/school-discipline-exclusions/exclusions) and [School exclusions: guide for parents \(https://www.gov.uk/government/publications/school-exclusions-guide-for-parents\)](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) pages respectively.

The following general information may be useful:

- Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668  
[Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND \(https://derbyshireiass.co.uk\)](https://derbyshireiass.co.uk)
- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)
- [Coram's Child Law Advice Service \(https://childlawadvice.org.uk/information-pages/school-exclusion/\)](https://childlawadvice.org.uk/information-pages/school-exclusion/)
- [ACE Education](http://www.ace-ed.org.uk) – (www.ace-ed.org.uk), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – (www.ipsea.org.uk)

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

Yours sincerely

[Name] Headteacher



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## Suspensions of more than 15 school days (cumulative total in one term).

Dear [Parent's Name]

I am writing to inform you of my decision to suspend [Child's Name] for [specify period]. This means that [Child's Name] will not be allowed in school for this period. The suspension [begins/began] on [date] and ends on [date]. I realise that this suspension may well be upsetting for [Child's Name], 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 [reasons for the suspension — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to suspend the pupil].

### **[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of [the first five school days of suspension or specify dates], unless there is reasonable justification for this. I must inform you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for [Child's Name] during the [first five school days or specify dates] of his/her suspension [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the [6th school day of the pupil's suspension until the expiry of the suspension, we will provide suitable full-time education. On [date] s/he should attend [give name and address of provision] at [specify the time] and report to [staff member's name]. The start and finish times are as follows [state times.] **[NB If not known at this time, it may be provided by subsequent notice, but it must be provided without delay, and no later than 48 hours before the provision is due to start].**

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. This can now be held via the use of remote access (for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting. If you do not request a remote meeting it will be held in person. As the length of the suspension is more than 15 school days in total in one term the governing board **must** meet to consider the suspension. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of suspension **[specify the date — the 15th school day after the suspension decision date].**



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**[NB – Only include the subsequent paragraph if the pupil will miss a public exam or national curriculum test]**

If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet before the date of examination. If this is not practical, the chair of governors may consider the pupil's reinstatement alone.

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative (at your own expense) please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on [his/her] own behalf if it is appropriate, taking into account his/her age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at 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 the suspension occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date on which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website ([www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability))

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

You may wish to contact the Exclusion and Access Team for advice and information:

- Sharon Neak, Exclusion & Access Team Leader, County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG  
Email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools](http://www.gov.uk/school-discipline-exclusions/exclusions) (<http://www.gov.uk/school-discipline-exclusions/exclusions>) and [School exclusions: guide for parents](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) (<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>) pages respectively.



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The following general information may be useful:

- Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668  
[Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND \(derbyshireiass.co.uk\)](#)
- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](#)
- [Coram's Child Law Advice Service \(https://childlawadvice.org.uk/information-pages/school-exclusion/\)](https://childlawadvice.org.uk/information-pages/school-exclusion/)
- [ACE Education](http://www.ace-ed.org.uk) – (www.ace-ed.org.uk), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – (www.ipsea.org.uk)

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

Yours sincerely

[Name] Headteacher



## Permanent exclusion notification letter (Derbyshire residents).

Dear [Parent's Name]

I regret 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 he/she is reinstated by the governing board. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

Both of the following two thresholds for permanent exclusion have been met:

- a serious breach or persistent breach of the school's behaviour policy has occurred;  
**and**
- allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school.

[Include a summary of how the threshold has been met].

### **[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of the first 5 school days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification for this. I must inform you that you could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on these dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from [specify the date] the local authority [give the name of the authority in which the family reside] will provide a full time, interim blended programme, comprising face to face and online learning, leading to a permanent placement in an appropriate setting. Arrangements for education will be organised by the Inclusion Pathways Team Esteem Multi-Academy Trust, who can be contacted on 07377 181998.



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You have the right to attend a meeting of the governing board to whom you may present your views and make representations. This can now be held via the use of remote access (for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting. If you do not request a remote meeting it will be held in person. As this is a permanent exclusion the governing board **must** meet to consider the decision to exclude. At the meeting you may make representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to decline to reinstate the exclusion in which case you may have the decision reviewed by an Independent Review Panel. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion [**specify the date — the 15th school day from the exclusion decision date**].

**[NB – Only include the subsequent paragraph if the pupil will miss a public exam or national curriculum test]**

If the pupil will miss a public exam or national curriculum test and you request a meeting of the governing board, then the governing board must take reasonable steps to meet before the date of examination. If this is not practical, the chair of governors may consider the pupil's reinstatement alone.

If you wish to make representations to the governing board (including any request for remoted access) and wish to be accompanied by a friend or representative, at your own expense, please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

Your child may also be involved in this meeting to speak on [his/her] own behalf if it is appropriate, taking into account [his/her] age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [above 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 the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.



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Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website ([www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)).

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

You may wish to contact the Exclusion and Access Team for advice and information:

- Sharon Neak, Exclusion & Access Team Leader, County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the following web links:

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools](http://www.gov.uk/school-discipline-exclusions/exclusions) (<http://www.gov.uk/school-discipline-exclusions/exclusions>) and [School exclusions: guide for parents](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) (<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>) pages respectively.

The following general information may be useful:

- Inclusion Pathways Team (Esteem Academy Trust) arrangements for education on 07377 181998
- Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668 [Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND \(derbyshireiass.co.uk\)](http://www.derbyshireiass.co.uk)
- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://www.councilfordisabledchildren.org.uk)
- [Coram's Child Law Advice Service \(https://childlawadvice.org.uk/information-pages/school-exclusion/\)](https://childlawadvice.org.uk/information-pages/school-exclusion/)
- [ACE Education](http://www.ace-ed.org.uk) – ([www.ace-ed.org.uk](http://www.ace-ed.org.uk)), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – ([www.ipsea.org.uk](http://www.ipsea.org.uk))

Yours sincerely

[Name] Headteacher



## Permanent exclusion notification letter (non-Derbyshire residents).

Dear [Parent's Name]

I regret 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 he/she is reinstated by the governing board. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

Both of the following two thresholds for permanent exclusion have been met:

- a serious breach or persistent breach of the school's behaviour policy has occurred; **and**
- allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school.

[Include a summary of how the threshold has been met].

### **[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of the first 5 school days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification for this. I must inform you that you could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on these dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school days of the exclusion, we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from [specify the date] the local authority [give the name of the authority in which the family reside] will provide education.

I have also today informed [name of officer] at [name of local authority] of your child's exclusion, and they will be in touch with you about arrangements for [his/her] education from the sixth school day of exclusion. You can contact them at [give contact details].

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. This can now be held via the use of remote access



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(for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting. If you do not request a remote meeting it will be held in person. As this is a permanent exclusion the governing board **must** meet to consider the decision to exclude. At the meeting you may make representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to decline to reinstate, in which case you may have the decision reviewed by an Independent Review Panel. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion [**specify the date — the 15th school day from the exclusion decision date**].

**[NB – Only include the subsequent paragraph if the pupil will miss a public exam or national curriculum test]**

If the pupil will miss a public exam or national curriculum test and you request a meeting of the governing board, then the governing board must take reasonable steps to meet before the date of examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative, at your own expense, please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

Your child may also be involved in this meeting to speak on [his/her] own behalf if it is appropriate, taking into account [his/her] age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [above 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 the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website (www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability).

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



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You may wish to contact the Exclusion and Access Team for advice and information:

- Sharon Neak, Exclusion & Access Team Leader, County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG Email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools](http://www.gov.uk/school-discipline-exclusions/exclusions) (<http://www.gov.uk/school-discipline-exclusions/exclusions>) and [School exclusions: guide for parents](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) (<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>) pages respectively.

The following general information may be useful:

- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network](http://councilfordisabledchildren.org.uk) ([councilfordisabledchildren.org.uk](http://councilfordisabledchildren.org.uk))
- SEN Information Advice and Support Service Network
- [Coram's Child Law Advice Service](https://childlawadvice.org.uk/information-pages/school-exclusion/) (<https://childlawadvice.org.uk/information-pages/school-exclusion/>)
- [ACE Education](http://www.ace-ed.org.uk) – ([www.ace-ed.org.uk](http://www.ace-ed.org.uk)), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – ([www.ipsea.org.uk](http://www.ipsea.org.uk))

Yours sincerely

[Name] Headteacher



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## Permanent exclusion – governing board declined reinstate decision letter.

Dear [Parent's name]

The meeting of the governing board at [school's name/ or virtual information if appropriate] on [date] considered the decision by [head teacher] to permanently exclude your [son/daughter], [name of pupil]. The governing board, after carefully considering both the oral and written representations made by you and the head teacher, and all the available evidence, has decided to decline to reinstate [Child's Name]'s.

The reasons for the governing board's decision are as follows: [give the reasons in as much detail as possible, explaining how they were arrived and how you applied the legal test of whether the decision to permanently exclude the pupil was lawful, reasonable, and procedurally fair]

You have the right to have the decision of the governing board reviewed by an independent review panel. You must set out the reasons for wanting the review in your application and include any written evidence you wish to submit. If appropriate, you may also include reference to any special educational needs that your child has that are relevant to this exclusion. The Independent Review Panel can be held via the use of remote access (for example, live video link) if requested by you. Please see Annex A page 76 of the Department for Education guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' dated May 2023 which sets out a number of matters you may want to consider before requesting a remote access meeting.

If you would like to request a review, please apply in writing to **[choose one of the following options]:**

- **Non Academies** - Ivan Walters, Democratic Services, County Hall, Matlock, Derbyshire, DE4 3AG Email: [Ivan.Walters@derbyshire.gov.uk](mailto:Ivan.Walters@derbyshire.gov.uk) or [democratic.services@derbyshire.gov.uk](mailto:democratic.services@derbyshire.gov.uk)
- **Academies** - provide alternative contact details for the substitute contact deemed appropriate by your academy trust.

The request for review must be received by [Democratic Services/Academies' contact], no later than [start date]15 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above]. If you wish for the Independent Review Panel to be held remotely, please confirm this in your request for a review.

If you have not lodged an application by [repeat latest date], you will lose your right to have the decision to exclude your child reviewed by an independent review panel. Please advise if you have a disability or special needs, so that suitable arrangements may be made for you to attend the review hearing. Also, please inform [name of the contact listed above] if it would



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be helpful for you to have an interpreter present at the review hearing. You can have someone to make written and/or oral representations to the Independent Review Panel on your behalf and at your own expense. You may also wish to bring a friend with you to the review hearing.

Irrespective of whether the school regards your child as having special educational needs, you are entitled to have a Special Educational Needs (SEN) expert at the review hearing. The role of the SEN expert is to provide impartial specialist advice to the panel on how special educational needs might be relevant to the exclusion but does not include making an assessment of your child's special educational needs. The SEN expert's advice will focus on whether the school's policies which relate to SEN, or the application of these policies in relation to this case, were lawful, reasonable and procedurally fair. If you wish to have a SEN expert at the review hearing, please clearly indicate this on your application and be aware that the cost of appointment of the SEN expert will be met by [the local authority (if maintained school) or Academy Trust (if academy)] [amend as appropriate].

Your review hearing will be heard by an independent review panel. A three-member panel will comprise of:- one serving, or recently retired (within the last five years), head teacher; one serving, or recently serving, experienced governor/ management committee member; and one lay member who will be the Chairman.

**[Use the following paragraph only if there is a possibility that a five-member panel may sit]**

[A five-member panel will comprise of: two serving, or recently retired (within the last 5 years), head teachers; two serving, or recently serving, experienced governors / management committee members and one lay member who will be the Chairman.]

The 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 should meet no later than the 15th school day after the date on which your application for a review is lodged.

In reviewing the governing board's decision, the panel can decide to make one of three decisions:

- i. uphold the governing board's decision not to reinstate;
- ii. recommend that the governing board reconsiders reinstatement; or
- iii. quash the governing board's decision and direct that reconsiders reinstatement.

In addition to your right to apply for an independent review hearing, if you believe that the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be



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lodged within six months of the date on which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the [HM Courts and Tribunal Service](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) website. ([www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability](http://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability))

You may wish to contact Sharon Neak (Derbyshire County Council) for advice and information at County Hall, Smedley Street, Matlock, Derbyshire DE4 3AG. Email: [CS.ExclusionAndAccessTeam@derbyshire.gov.uk](mailto:CS.ExclusionAndAccessTeam@derbyshire.gov.uk)

The Department for Education (DfE) has developed exclusion guidance for parents which can be accessed via the GOV.UK – [Behaviour in schools](http://www.gov.uk/school-discipline-exclusions/exclusions) (<http://www.gov.uk/school-discipline-exclusions/exclusions>) and [School exclusions: guide for parents](https://www.gov.uk/government/publications/school-exclusions-guide-for-parents) (<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>) pages respectively.

The following general information may be useful:

- Inclusion Pathways Team (Esteem Academy Trust) arrangements for education 07377 181998
- Derbyshire Information, Advice & Support Service (exclusion support) 01629 533668 [Welcome to the Derbyshire Information, Advice and Support Service for SEND - Derbyshire Information, Advice & Support Service for SEND \(derbyshireiass.co.uk\)](http://www.derbyshireiass.co.uk)
- Council for Disabled Children - SENDIAS [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://www.councilfordisabledchildren.org.uk)
- [Coram's Child Law Advice Service](https://childlawadvice.org.uk/information-pages/school-exclusion/) (<https://childlawadvice.org.uk/information-pages/school-exclusion/>)
- [ACE Education](http://www.ace-ed.org.uk) – ([www.ace-ed.org.uk](http://www.ace-ed.org.uk)), telephone 0300 0115 142.
- [Independent Provider of Special Education Advice](http://www.ipsea.org.uk) – ([www.ipsea.org.uk](http://www.ipsea.org.uk))

Yours sincerely

[Name] Clerk to the Governing Board



## A summary of the governing board's duties to consider reinstatement<sup>62</sup>

### Conditions of exclusion

### Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension that alone, or in conjunction with previous exclusions, will take the pupil's total number of days out of school above 15 for a term. This includes suspensions that total 15.5 days
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test\*

↓ Yes

↓ No

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.<sup>63</sup>

\*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.<sup>64</sup>

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

↓ No

Yes

The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Has the parent made representations?

↓ Yes

↓ No

The governing board must convene a meeting to consider reinstatement **within 50 school days** of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

<sup>62</sup> Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

<sup>63</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>64</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.



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## DfE Changes to Reasons for Exclusion Academic Year 2020/2021

The DfE expects schools from the beginning of academic year 2020/21 to **cease** the use of “**Other**” as a reason for an exclusion. September 2020 also sees the introduction of 5 new exclusion reasons. The expansion of exclusion reasons aims to give schools more scope for accurately coding the reasons for exclusion as outlined below.

<b>New Exclusion Codes</b>	<b>New Pupil Exclusion Reason</b>
OW	Use or threat of use of an offensive weapon or prohibited item
LG	Abuse against sexual orientation and gender identity
DS	Abuse relating to disability
MT	Inappropriate use of social media or online technology
PH	Wilful and repeated transgression of protective measures in place to protect public health

The table below provides a full set of the descriptors of reasons for exclusions. This is to be used as a guide and is not intended to be used as a tick list for exclusions.

<b>Exclusion Code</b>	<b>Pupil Exclusion Reason</b>	<b>Includes</b>
<b>OW</b>	<b>Use or threat of use of an offensive weapon or prohibited item</b>	Carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns,  Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property  Use of an offensive weapon
<b>LG</b>	<b>Abuse against sexual orientation and gender identity</b>	Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender)



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		<p>Homophobic, biphobic and transphobic bullying</p> <p>LGBT+ graffiti</p> <p>LGBT+ taunting and harassment</p> <p>Swearing that can be attributed to LGBT+ characteristics</p>
<b>DS</b>	<b>Abuse relating to disability</b>	<p>Derogatory statements or swearing about a disability</p> <p>Bullying related to disability</p> <p>Disability related graffiti, Disability related taunting and harassment</p>
<b>MT</b>	<b>Inappropriate use of social media or online technology</b>	<p>Sharing of inappropriate images (of adult or pupil)</p> <p>Cyber bullying or threatening behaviour online</p> <p>Organising or facilitating criminal behaviour using social media</p>
<b>PH</b>	<b>Wilful and repeated transgression of protective measures in place to protect public health</b>	<p>Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other pupils or adults, or any other deliberate breach of public health protective measures which the school has adopted.</p>



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<b>PP</b>	<b>Physical assault against pupil</b>	Fighting Violent behaviour Wounding Obstruction and jostling
<b>PA</b>	<b>Physical assault against adult</b>	Violent behaviour Wounding Obstruction and jostling
<b>VP</b>	<b>Verbal abuse / threatening behaviour against pupil</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>VA</b>	<b>Verbal abuse / threatening behaviour against adult</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>BU</b>	<b>Bullying</b>	Verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying, homophobic, biphobic and transphobic bullying, bullying related to disability
<b>RA</b>	<b>Racist abuse</b>	Racist taunting and harassment  Derogatory racist statements



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		Swearing that can be attributed to racist characteristics  Racist bullying  Racist graffiti
<b>SM</b>	<b>Sexual misconduct</b>	Sexual abuse  Sexual assault  Sexual harassment  Lewd behaviour  Sexual bullying  Sexual graffiti
<b>DA</b>	<b>Drug and alcohol related</b>	Possession of illegal drugs  Inappropriate use of prescribed drugs  Drug dealing  Smoking  Alcohol abuse  Substance abuse
<b>DM</b>	<b>Damage to property</b>	Damage includes damage to school or personal property belonging to any member of the school community  Vandalism  Arson  Graffiti



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<b>TH</b>	<b>Theft</b>	Stealing school property  Stealing personal property (pupil or adult)  Stealing from local shops on a school outing  Selling and dealing in stolen property
<b>DB</b>	<b>Persistent or general disruptive behaviour</b>	Challenging behaviour  Disobedience  Persistent violation of school rules  Raising of fire alarms falsely

From September 2020 the DfE gives schools the opportunity to utilise up to three reasons for any exclusion. Schools will be able to record a main reason and, if required, a second and third. However, within Derbyshire we are awaiting an upgrade from our service provider Synergy which will occur in November 2020, which will then enable the recording of 3 reasons to be recorded at Local Authority level. ***In the interim*** it is proposed that schools continue to provide the local authority with 1 main reason for exclusion, as is current practice. Schools may wish to contact direct their specific management information system provider to ensure that changes have also been incorporated into school systems.