

MANEY HILL PRIMARY SCHOOL



SCHOOL EXCLUSION POLICY

Governor Ratification Date:

Sept 2025

Next Review Date:

Sept 2026

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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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](#)
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England August 2024](#)

3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

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

A decision to exclude a pupil will be taken only:

- In response to: extremely serious behaviour; behaviour which has had a materially adverse impact on staff or pupils, or persistent breaches of the school's Behaviour Policy (inside or outside of school). A physical assault, verbal or online abuse (particularly if on the basis of sex, race, gender reassignment, religion, beliefs, sexual orientation or disability) or threatening or violent behaviour against anyone, including use or threat of use of an offensive weapon is likely to be regarded as extremely serious behaviour meriting consideration of an immediate exclusion.

and

- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Take the pupil's views into account unless it would not be appropriate to do so, and inform them how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.
- Consider if the pupil has special education needs (SEN) or disabilities that impacted the incident, or which will be adversely impacted during a period of exclusion, and, if there are any, the head teacher (where possible following discussion with the SENCo) is satisfied that Maney Hill School will be able to continue to meet its continuing legal duties, during the period of exclusion
- Consider how the pupil's welfare needs (including the continued provision of lunches for any pupil receiving free school meals) can and will be met during any period of exclusion;
- Consider how the pupil will continue to receive their education during the period of exclusion and ensure that appropriate work is set and marked for pupils during the first five school days of fixed period of exclusion (which can include utilising any online pathways such as Google Classroom or Oak National Academy). The local authority will make arrangements for continued education beyond a five day fixed period of exclusion.
- Recognising that the final decision is for the head teacher, discuss with a Governor: the disciplinary record of the pupil (and of any victim) involved in the incident or behaviour which has led to consideration of an exclusion; the investigation undertaken; the steps taken to ensure that the pupil's educational, welfare and SEN needs will be met and why exclusion is considered a fair, reasonable and proportionate punishment in all the circumstances. Recognising that timescales may be very limited for such a discussion, if a Governor is unavailable, the head teacher will alternatively (and where possible additionally) have a discussion with the Exclusion Team within Birmingham City Council before reaching a final decision to exclude

➤ (examples of circumstances that might warrant a fixed period, Physical assault against a pupil or adult; verbal abuse or threatening behaviour against a pupil or adult; use or threat of use of an offensive weapon or item prohibited by the school's behaviour policy; bullying/cyberbullying, racist abuse, abuse against sexual orientation or gender reassignment or relating to disability.)

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The Head teacher

Informing parents/carers

The headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the exclusion to the governing board and how the pupil may be involved in this

- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

Head-teacher responsibilities :

- Ensuring arrangements are made for any child receiving free school meals, to continue to receive meals during any period of suspension
- Ensuring sufficient work of an appropriate level is set for the excluded child, and is reviewed on that child's return to school
- Ensuring that a reintegration meeting is arranged before the child is reintroduced to the classroom. Para 27 of the Guidance says, "Schools should support pupils to reintegrate successfully into school life and full time education following a suspension...They should design a reintegration strategy that offers the pupil a fresh start; helps them to understand the effect of their behaviour on themselves and others, teaches them how to meet the high expectations or behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning....previous behaviour should not be seen as an obstacle to future success"

The re-integration meeting will discuss:

- How the child will catch up on missed work and when work done whilst out of school will be assessed and handed back to the class teacher (para 8 page 12 of the DfE guidance says "It is important that during a suspension, pupils still receive their education. Headteacher's should take steps to ensure that work is set and marked for pupils during the first 5 school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duty to pupils with disabilities or SEN remain in force")
- How the child will be reintegrated to their class and school life
- Behaviour expectations going forwards.

The headteacher will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative educational provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents/carers' consent.

Informing the governing board and local authority

The headteacher will immediately notify the governing board about the intent to exclude a pupil and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

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

For all other exclusions, the headteacher will notify the governing board and LA once a term.

The Headteacher will make a written record of the investigation and the rationale for a decision to exclude.

The Headteacher will have the re-integration meeting with another member of staff present and a note of the meeting is kept.

5.2 The governing board

Responsibilities regarding exclusions is delegated to Disciplinary Committee consisting of at least 3 governors.

The Disciplinary Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The Disciplinary Committee of the governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the Disciplinary Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Disciplinary Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Disciplinary Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Disciplinary Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Disciplinary Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:

- The date by which an application for an independent review must be made
- The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the LA will 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 by the Governing Board of its decision to not reinstate a pupil.

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 governors category and 2 members will come from the headteacher category.

- 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
- 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 governing board 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 LA, 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 LA school, governing board, parents 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)
- A clerk will be appointed to the panel.
- The independent panel will decide one 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 when the decision is judged to be flawed)

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

8. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents 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, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures **may** be implemented when a pupil returns from a fixed-term exclusion:

- How the child will catch up on missed work and when work done whilst out of school will be assessed (para 8 page 12 of the DfE guidance says "It is important that during a suspension , pupils still receive their education. HT's should take steps to ensure that work is set and marked for pupils during the first 5 school days or a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal during to pupils with disabilities or SEN remain in force...")
- How the child will be reintegrated to their class and school life
- Behaviour expectations going forwards.
- Agreeing a behaviour contract

10. Monitoring arrangements

The Behaviour Leader monitors the number of exclusions every term and reports back to the headteacher and Governing Board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed annually. At every review, the policy will be shared with the governing board.

Appendix 1: Independent review panel training

The LA 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 head teachers, 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

Appendix 2:

Maney Hill Behaviour Blue Print

(Only a guide and not exhaustive list)



	What does it look like?	What happens	What happens next?
What we expect	All children start at expected. Children are ready, respectful and safe. They are ready to learn	Positive reinforcements. Praise Team points Lunchtime top table Sent for special stickers Special mention in Newsletter Merits	Amazing – role model, keep it up!
Stage 1 Think about changing. Focus on learning. Be kind	An adult reminds you about making the right choice and expected learning behaviours (Up to 3 reminders)	An adult will remind you what you are doing and then share what behaviour we want from you. They will remind you of school rules. You have a chance to change your behaviour and make the right choice. If you need help ask!	Learn from your mistake. Get back on track...you can do it. Get back to expected.
Stage 2 A word from an adult Catch up lost learning	You need another reminder and an adult will talk with you about how to improve.	An adult will remind you of rules and expectations and ask you to stop the poor behaviour choices and explain why. You will make up for lost learning at break or lunchtime or the next day. (Teacher records)	If you keep getting on to stage 1 or 2 your teacher may contact your parents to help you make the right choices. (If 3 stage 2's in half a term, move up to Stage 3)
Stage 3 Reflection	You continue to make the wrong choices.	Teacher decides you need to work in a different classroom or other supervised space/area. Teacher will record what has happened and ask you to 'REFLECT' on the behaviours and how to improve. AHT's informed and they will share with parents. AHT record Stage 3's.	NEW DAY...NEW START Reflect and make a Fresh Start. (If 3 Stage 3's in a half-term, moved to Stage 4, parents will be invited in to school for a behaviour meeting with AHTs, Amber letter)
Straight to Stage 3	Some things are serious and are not ok to do even once.	As above. Sent to AHT for a conversation.	
Stage 4 Working in a different area Playtime and lunchtime in a different area	Repeated stage 3 behaviour (3 times in a half-term) means Stage 4 If you have damaged school property you will be asked to perform a task during a break (but must be after they have eaten	You will complete work and break times, including lunchtime, in a different classroom/area as determined by AHT. REFLECTION AHT's will record Stage 4	If behaviour doesn't improve then your parents will be contacted formally and informed by letter (Red Letter, move to Stage 5) and we may consider a referral to the inclusion team for further support.

	at lunchtime if the behaviour is lunch time specific) to make amends to the school community.		
Stage 5 Sent to Head teacher	Behaviour doesn't improve after Stage 4 Serious incident	Head teacher meeting with child. Head teacher meeting with parents and child	Contacted formally (red letter) and attend a meeting with Head teacher. (HT behaviour letter)
Stage 6 Suspension/Exclusion Persistently disruptive behaviours and/or serious misconduct	Repeated Stage 4 behaviours or where there is serious behaviour and a risk of permanent exclusion.	The Head teacher may suspend or permanently exclude a pupil from school.	Any suspensions or exclusions will be in line with the LEA and DFE policy on exclusion and inclusion. Guidelines are laid down in 'Improving behaviour and attendance: guidance on suspension and exclusions from schools & Pupil referral units – September 2008; updated February '15; Jan '16; Sept 2022, Aug 2024

Appendix 3

SPECIAL EDUCATION: BEHAVIOUR LOG/ABC DATA RECORDING CHART

A Behaviour Log is an ongoing daily tracking form for keeping a record of a student's behaviour. It is an important tool in identifying patterns in behaviour, modifying or adjusting intervention strategies, and in evaluating the success of intervention. It is also an important tool in communicating with parents/guardians, community agency support services, school administration, and Inclusion support services.

A Behaviour Log can be used to track any type of behaviour—from mild, inappropriate behaviours such as social skills (e.g., taking turns, asking for help, joining play activities) to more severe inappropriate behaviours such as non-compliance (e.g., refusing to follow instruction, disrupting the class, leaving the area) and to very serious inappropriate behaviours such as physical aggression and assault (risk of injury) that require physical intervention by staff.

Where "Planned Physical Restraint" on an ongoing basis is part of a student's Safety Plan (See individual risk assessments) the Behaviour Log is used to track and document incidents requiring physical restraint, rather than the school Team Teach restraint log. However, if injury to staff or student occurs, the Team teach and accident forms must be completed.

A Behaviour Log contains six sections:

Time of the Incident:

- ☐ Date/Time the incident occurred

Location:

- ☐ Where the incident occurred

People/Person Involved:

- ☐ Name of staff member(s) involved or present and completing and recording in the Behaviour Log.

Antecedent/Trigger:

- ☐ Record what was happening prior to the student demonstrating inappropriate behaviour and what occurrence(s) triggered the behaviour.

Behaviour:

- ☐ Record the details of the inappropriate behaviour, i.e., a description of what the student did, how long the behaviour lasted, and the level of severity. Also record what intervention by staff occurred – include how long it took to bring the behaviour under control.

Consequence:

- ☐ Record if intervention was successful in stopping the behaviour during this incident, what the student did following the intervention (e.g., resumed appropriate behaviour), was removal required, etc. Also include any follow-up action such as communication with school administration and/or parents/guardians and consequences such as time out, detention, or suspension.

Function:

- ☐ Reason for the behaviour, i.e., escape, attention, sensory, tangible

ABC Data Recording Chart

Name:

Behaviour:

Time	Location	People/Person Involved	ANTECEDENT Describe the triggers or what happened just before...	BEHAVIOUR Describe what happened...	CONSEQUENCE What positive or negative event occurred immediately following	Possible Function (escape, attention, sensory, tangible)

Annex A

Behaviour letters

Amber letter: 3 stage 3 incidents in a half term or straight to stage 3. Invite to meeting with AHT. Stage 4

Dear parent of **[insert child's name]**,

It is with regret that I am writing to invite you to a behaviour discussion meeting at school with myself **[insert name, AHT]** on **[date]** at **[time]**.

The purpose of the meeting is to discuss the repeated unacceptable repeated stage 3 behaviours within school and to discuss how we can improve **[child's]** behaviour with support both at home and in school.

Please ensure you are familiar with the following school policies which are on the website: Behaviour, Bullying, Exclusions and Home school agreement. If you wish to have a paper copy we can print at a small charge.

Yours Sincerely

[name, AHT]

Red letter: No improvement after stage 4 meeting with AHT. Invite to meeting with Head teacher. Stage 5

Dear parent of **[insert child's name]**,

It is with regret that I am writing to invite you to a behaviour meeting at school with myself **[insert name, HT]** on **[date]** at **[time]**.

The purpose of the meeting is to discuss the repeated unacceptable repeated behaviours within school and to discuss how we can improve **[child's]** behaviour with support both at home and in school. If no improvement happens, in line with the school's behaviour policy the next stage will result in suspension or exclusion.

[if behaviour is serious nature then change to; the purpose of the meeting is o discuss the serious behaviour incident. If no improvement happens, in line with the school's behaviour policy the next stage will result in suspension or exclusion.]

Please ensure you are familiar with the following school policies which are on the website: Behaviour, Bullying, Exclusions and Home school agreement. If you wish to have a paper copy we can print at a small charge.

Yours Sincerely

[name, HT]

Annex B – Safe handling recording



Maney Hill Restraint Record

This document should be used to record any incidents where the physical restraint of a child has been deemed necessary. The form must be completed as soon after the incident as possible and the original must be given to the designated safeguarding lead person (Mr Edgerton) or the deputy designated Safeguarding Lead

Please continue on separate record sheets if necessary, all sheets must be clearly numbered, signed and dated by the person completing the form.

Name of person completing the form: _____

Date of incident: _____

Time of incident: _____

Name of child: _____ Have parents been informed? Yes / No

Name of person/s Team Teach trained: _____

Date of qualification: _____

Names of any additional adults: _____

Please complete a detailed record of the incident including, reasons behind the restraint, location, description of the incident on your arrival, what restraint techniques were employed, length of restraint and how the incident was resolved.

THE SCHOOL USES A BURGANDY RED BOUND BOOK TO RECORD FULLY INCIDENTS WHICH IS IN THE HEADTEACHER'S OFFICE.

ANY INCIDENTS ARE REPORTED TO THE GOVERNORS

Annex C – Suspension and exclusion letters.

Model letter 1

From head teacher/principal (or teacher in charge of a PRU) notifying parent of a fixed period suspension of 5 school days or fewer in one term, and where a public examination is not missed.

Dear **[Parent's/Carers Name]**

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

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

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]** unless there is reasonable justification for this.

We will set work for **[Child's Name]** to be completed on the school days specified in the previous paragraph during the period of his/her suspension. You must ensure that he/she is not present in a public place without reasonable justification during this time. **[Detail the arrangements regarding the school work]**. Please ensure that work set by the school is completed and returned to the class teacher promptly for marking. We will set appropriate work for children who have a Special Educational Need.

If children are in receipt of free school meals and you would like one providing during the fixed term exclusion then please contact the school office to arrange.

A re-integration meeting will be held (usually on first day of return at 9:00am) between senior leaders, yourself and the child. We will discuss: how the child will catch up on any missed work, how they will be re-integrated back in to class and the behaviour expectations going forwards. We may feel it necessary to discuss a behaviour contract.

You have the right to make representations about this decision to the governing body/management committee **[use the applicable term]**. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible.

Whilst the

Governing body/management committee 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 relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>.

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

You have the right to see, and have a copy of, your child's school record. Due to confidentiality

restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record.

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

For your information the following sources of advice are available to you;

- The Children's Legal Centre

They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5480

- Statutory advice can be obtained from the Department for Education website on:
www.education.gov.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]

Head teacher [teacher in charge in case of a PRU]

Model letter 2

From head teacher (or teacher in charge of a PRU) notifying parent(s) of a child of that child's fixed period suspension of more than 5 school days (up to and including 15 school days) in a term.

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed 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 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]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if suspension is for fewer than 5 days]** of this suspension, that is on **[specify dates]**.

We will set work for **[Child's Name]** during the **[first 5 or specify as appropriate]** school days 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. **[if the individual suspension is for more than 5 days]**

From the **[6th school day of the pupil's suspension [specify date]** until the expiry of his suspension we **[For PRUs the local authority] - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter]**. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

You have the right to make representations (may be virtual), including statements from your child (if suitable) about this decision to the governing body. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the Governing body/management committee 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. Where there is a legal requirement for the governing board to consider whether the pupil should be reinstated, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

You have the right to request a meeting of the school's discipline committee/PRU's management committee to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee/management committee may meet if you request it to do so. The latest date by which the discipline committee/management committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this suspension]**.

If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

A re-integration meeting will be held (usually on first day of return at 9:00am) between senior leaders, yourself and the child. We will discuss: how the child will catch up on any missed work, how they will be re-integrated back in to class and the behaviour expectations going forwards. We may feel it necessary to discuss a behaviour contract.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the

First Tier Tribunal

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

Making a claim would not affect your right to make representations to the discipline committee.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it.

There may be a charge for photocopying.

For your information the following sources of advice are available to you:

The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here

<https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>

- Coram's Child Law Advice service can be found through their website

<https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.

- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the

right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

[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]

Head teacher [teacher in charge in case of a PRU]

Model letter 4

From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion.

Dear [Parent's Name]

I regret to inform you of my decision to expel [Child's Name] with effect from [date]. This means that

[Child's Name] will not be allowed in this school/this PRU unless he/she is reinstated by the governing body/the discipline committee (management committee in case of a PRU) or following the recommendations of an independent review panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to expel [Child's Name] has not been taken lightly. [Child's Name] has been expelled because **[reasons for the exclusion— include any other relevant previous history]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted

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 will provide suitable full-time education.

As this is a permanent exclusion the governing body (or management committee in case of a PRU) must meet to consider it. At the review meeting you may make representations to the governing body/PRU management committee (as may your child) in person or virtually if you wish and ask them to reinstate your child in school. The governing body/PRU management committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request that the case is considered by an independent review panel. The latest date by which the governing body/PRU management committee must meet is **[specify the date — the 15th school day after the date on which the governing body/PRU management committee was notified of the exclusion]**. All reasonable attempts to adhere to this deadline will be made by the school/academy.

If you wish to make representations to the governing body/PRU management committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details— address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/PRU management committee **[or details if not a Clerk]** of the time, date and location of the meeting. Please let us

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

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing body/PRU management committee. You also 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>.

Making a claim would not affect your right to make representations to the governing body/management committee.

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

For your information the following sources of advice are available to you:

The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>

- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.

- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Yours sincerely

[Name]

Headteacher **[teacher in charge in case of a PRU]**

Model letter 5

From the clerk to the governing body (management committee in case of a PRU) to parent upholding a permanent exclusion.

Dear **[Parent's name]**

Child's Name DOB

The meeting of the governing body/management committee at **[school/academy on [date]]** considered the decision by **[head teacher/teacher in charge]** to permanently expel your son/daughter **[name of child]**. The governing body/PRU management committee, after carefully

considering the representations made and all the available evidence, has decided to uphold **[name of child]**' exclusion.

The reasons for the governing body/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to request that this decision is reviewed by an Independent Review Panel. You currently have up to 25 school days of receiving this letter (or specify a date) or you will lose your right of appeal.

If you feel that your child has been discriminated against you can apply to the first tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination). They have the jurisdiction to hear claims of discrimination under the Equality Act 2010. If you then wish to request an Independent Review you must do this within 15 schools days of receiving their final decision or you will lose your right of appeal.

You have the right to request the attendance of a Special Educational Needs (SEN) Expert at the Review, regardless of whether the school recognises that your child has SEN. If you have not lodged your request within the legal time frame you will lose your right to apply. You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend to the review.

Please advise the Clerk if you have a disability or special needs which would affect your ability to attend the hearing or if you feel it would be helpful to have an interpreter present at the meeting. Your case will be heard by an Independent Review Panel (IRP), which can also hear disability discrimination claims.

A three or five member panel will comprise one serving, or recently retired (within the last 5 years), Head Teacher, one serving or recently serving, experienced Governor and one lay member who will be the Chair person. The IRP will rehear all the facts of the case - if you have fresh evidence to present to the IRP you may do so. The IRP must meet no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstances IRP's may adjourn the hearing until a later date.

In determining your appeal, the Panel can make one of three decisions.

- they may uphold your child's exclusion decision or;
- recommend that the Governing Body reconsiders their decision, or
- quash the decision and direct that the Governing Body considers the exclusion again.

For your information the following sources of advice are available to you:

The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>

- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.

- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Yours sincerely

[name]

Clerk to the Governing Body