

**DOVER PARK  
PRIMARY SCHOOL**



**Pupil Suspension and  
Exclusion Policy**

**Date Agreed:** September 2021

**Review Date:** September 2023

**Signed:** \_\_\_\_\_

**Chair of Governing Board**

# Dover Park Primary School

## Revision Record

Revision No.	Date Issued	Prepared By	Approved	Comments
1	September 2019	AW	FGB	New Policy
2	September 2020	AW	FGB	Reviewed
3	September 2021	AW	FGB	Updated following new guidance regarding fixed period suspension

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## **Statement of intent**

The Dover Park Primary School understand that good behaviour and discipline is essential for promoting a high quality of education.

Amongst other disciplinary sanctions, the school recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the School's Behaviour Policy.

Excluding a pupil may also be required in instances where allowing the pupil to remain in School would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

This Policy was created to clearly define the legal responsibilities of the school, Headteacher, Governing Board ('GB') and Local Authorities ('LA') when responding to pupil exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with 2017 DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

# 1. Legal framework

- 1.1. This policy has due regard to the related statutory legislation, including, but not limited to, the following:
- The Education Act 2002 (as amended by The Education Act 2011)
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - The Education and Inspections Act 2006
  - The Education Act 1996
  - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
  - The European Convention on Human Rights (ECHR)
  - The Equality Act 2010
- 1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
  - DfE (2016) 'Behaviour and discipline in schools'
  - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- 1.3. This policy will be implemented in conjunction with the following school policies and procedures:
- **Behavioural Policy & Principles**
  - **Anti-Bullying Policy**

# 2. Grounds for exclusion

- 2.1. The school will only exclude or suspend a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.
- 2.2. The following examples of behaviour may underline the school's decision to exclude a pupil:
- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
  - Any incidents which breach the law
  - Persistent and severe bullying
  - Verbal and physical abuse
  - Constant disruption to learning or the safe running of the school
  - A single, serious and major incident, e.g. serious assault on another individual leading to injury
- 2.3. Pupils can be suspended on a fixed-period basis, i.e. up to 45 school days within a year, or excluded permanently. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented.
- 2.4. In all cases, the Head teacher will decide whether suspension or exclusion are appropriate, depending on what the circumstances warrant.

### **3. The Head teacher's power to exclude**

- 3.1. Only the Head teacher has the power to suspend or exclude a pupil from the school. Suspensions or exclusions will only be issued on disciplinary grounds.
- 3.2. The Head teacher is also able to suspend pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.
- 3.3. The Head teacher is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour Policy.
- 3.4. Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions or exclusions and the school's wider legal duties, including the ECHR (European Convention on Human Rights).
- 3.5. All suspensions and exclusions will be formally recorded.
- 3.6. When sending a pupil home following any suspension or exclusion, the Head teacher will ensure that they exercise their duty of care at all times and will always inform the parents.
- 3.7. The Head teacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 3.8. The Head teacher may withdraw any suspension or exclusion that has not already been reviewed by the Governing Body.
- 3.9. At all times, the Head teacher will take into account their legal duties under the Equality Act 2010 and the special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.
- 3.10. The Head teacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents have agreed to this.
- 3.11. The Head teacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

### **4. Factors to consider when excluding a pupil**

- 4.1. When considering the suspension or exclusion of a pupil, the Head teacher will:
  - Allow the pupil the opportunity to present their case.
  - Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
  - Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspension days per school year, and whether this is serving as an effective sanction.
  - Consider early or specialist intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess and advise on pupils who demonstrate consistently poor behaviour.

- 4.2. The Head teacher will consider what extra support may be available for vulnerable pupil groups whose suspension rates are higher, in order to reduce their risk of further suspensions or exclusion, including the following:
  - LAC
  - Pupils eligible for free school meals
  - Pupils with special educational needs and disabilities (SEND)
  - Certain ethnic groups
- 4.3. In light of the above, the Head teacher will consider avoiding permanently excluding LAC pupils or pupils with an education, health and care (EHC) plan. For other vulnerable groups, additional support will be considered.
- 4.4. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Head teacher who will consider what extra support or alternative placement is required.
- 4.5. The Head teacher will work in conjunction with the parents of any pupil with additional needs, in order to establish the most effective support mechanisms.

## **5. Duty to inform parents**

- 5.1. Following the Head teacher's decision to suspend or exclude a pupil, they will immediately inform, in person or by telephone, the parents of the period of the suspension/exclusion and the reasons behind this.
- 5.2. The Head teacher will inform the parents in writing (electronically if written permission has been received from the parents for notices to be sent this way) of the following:
  - The reason(s) for the suspension or exclusion
  - The length of the suspension or, for a permanent exclusion, the fact that it is permanent
  - Their right to raise any representations about the suspension or exclusion to the Governing Board, including how the pupil will be involved in this and how the representations will be made
  - Their right to attend a meeting where there is a legal requirement for the GB to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
  - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
  - Relevant sources of free, impartial information.
- 5.3. Where the pupil is of compulsory school age, the Head teacher will inform the parents by the end of the afternoon session that:
  - For the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.
- 5.4. Where the Head teacher has arranged alternative provision, they will also inform the parents of the following:
  - The start and end date for any provision of full-time education
  - The address at which the provision will take place
  - Any information necessary for the pupil/parent regarding the starting date

- 5.5. Where the Head teacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.
- 5.6. If the alternative provision is due to begin before the sixth day of suspension/exclusion, the Head teacher is able to give less than 48 hours of notice, with parental consent.
- 5.7. If the Head teacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension notice to parents.

## **6. Duty to inform the Governing Board and Local Authority**

- 6.1. The Head teacher will inform the GB and LA, without delay, of the following:
  - Any permanent exclusions (including where a fixed-period suspension is followed by a decision to permanently exclude the pupil)
  - Any suspensions which would result in the pupil being suspended for more than five school days in a term (or more than 10 lunchtimes)
  - Any suspensions which would result in the pupil being absent from an examination or national curriculum test
- 6.2. For any suspensions or exclusions, other than those above, the Head teacher will notify the GB and LA once per term.
- 6.3. All notifications to the GB and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.
- 6.4. If the pupil who is suspended/excluded lives outside the LA in which the school is located, the Head teacher will notify the pupil's 'home authority'.

## **7. Arranging education for suspended/excluded pupils**

- 7.1. For any suspensions of more than five school days, the GB will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension.
- 7.2. Where a pupil receives consecutive fixed-period suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension.
- 7.3. For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion until an alternative setting/education is provided.
- 7.4. The GB is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of suspension. The GB will always attempt to arrange alternative provision before the sixth day.
- 7.5. Where it is not possible to arrange alternative provision during the first five days of suspension, the school will ensure that they take reasonable steps to set and mark work for the suspended pupil.
- 7.6. If a pupil with SEND has been suspended, the GB will ensure that:
  - Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
  - When identifying alternative provision, any EHC plan is reviewed/the pupil's needs are reassessed, also in consultation with the pupil's parents.

## **8. Considering fixed-term suspensions and permanent exclusions**

- 8.1. The GB will consider any representations made by parents in regard to suspensions or exclusion.
- 8.2. Parents and, where requested, a friend or representative, the Head teacher and a member of the GB will be invited to attend any consideration of suspensions or exclusions and will be able to make representations.
- 8.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 8.4. The GB will consider the reinstatement of a suspended or excluded pupil, where:
  - The exclusion is permanent.
  - The suspension is fixed-term, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
  - The suspension or exclusion would result in the pupil missing a public examination.
- 8.5. In the case of suspension where the pupil's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents, the GB will consider suspension within 50 school days of receiving notification.
- 8.6. In the case of a suspension, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the GB is not required to meet and cannot direct the reinstatement of the pupil.
- 8.7. Where suspension or exclusion would result in a pupil missing a public examination, the GB will consider the suspension/ exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.
- 8.8. If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the suspension/exclusion and decide whether or not to reinstate the pupil.
- 8.9. In light of the above, the GB will also consider whether it would be appropriate to allow the suspended/excluded pupil to enter the premises to take the examination.
- 8.10. When considering the reinstatement of a suspended pupil, the GB will:
  - Only discuss the suspension with the parties present at the meeting.
  - Ask for any written evidence prior to the meeting.
  - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
  - Allow pupils and parents to be accompanied by a person of their choice at the meeting.
  - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
  - Identify the steps needed to enable and encourage the suspended pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
  - Consider the interests and circumstances of the suspended pupil, including the grounds for suspension.

## **9. Reaching a decision**

- 9.1. After considering the suspension or exclusions, the GB will either:
  - Decline to reinstate the pupil.
  - Direct the reinstatement of the pupil immediately, or on a specified date.
- 9.2. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the GB will still consider whether the pupil should be officially reinstated, and whether the Head teacher's decision to suspend/exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 9.3. The GB will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 9.4. In order to reach a decision, the GB will:
  - Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
  - Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
  - Ask all parties to withdraw from the meeting before concluding their decision.
  - Consider whether the suspension/exclusion of the pupil was lawful, proportionate and fair, taking into account the Head teacher's legal duties and any evidence that was presented to the GB in relation to the decision to exclude.
  - Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
  - Make a note of their findings, where they have considered a suspension/exclusion but cannot reinstate the pupil.

## **10. Notification of considered suspensions or exclusions**

- 10.1. The GB will notify parents of the suspended/excluded pupil, the Head teacher and LA of the decision following the consideration of a suspension/exclusion, in writing and without delay.
- 10.2. In the case of a permanent exclusion, where the GB decides not to reinstate the pupil, they will notify the parents:
  - That it is permanent, and their right for it to be reviewed by an independent review panel.
  - Of the date by which an application for review must be made.
  - Of the name and address of whom the review application should be submitted to.
  - That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND are considered relevant to the exclusion.
  - That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the GB to ensure a SEND expert attends the review.
  - Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
  - That they are required to make it clear if they wish for a SEND expert to attend the review.
  - That they may appoint someone at their own expense to make representation to the panel.

- 10.3. The GB will also notify parents that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.
- 10.4. After any conclusion, the GB will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## **11. Removing permanently excluded pupils from the school register**

- 11.1. The Head teacher will remove pupils from the school register if:
  - 15 school days have passed since the parents were notified of the GB's decision not to reinstate the pupil and no application for an independent panel review has been received.
  - The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- 11.2. If an application for an independent panel review has been made within 15 school days, the Head teacher will wait until the review has been determined, or abandoned, and until the GB has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.
- 11.3. If a pupil's name is to be removed from the register, the Head teacher will make a return to the LA, which will include:
  - All the particulars which were entered in the register.
  - The address of any parent with whom the pupil normally resides.
  - The grounds upon which the pupil's name is to be removed from the register.
- 11.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.
- 11.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.
- 11.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
  - Code B: Education off-site
  - Code D: Dual registration
  - Code E: Absent and not attending alternative provision

## 12. Independent review panel

- 12.1. The panel will review the GB's decision not to reinstate a permanently excluded pupil, if the parents submit their application for this within the required time frame.
- 12.2. Parents are required to submit their applications within:
  - 15 school days of the GB's notification of their decision.
  - 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.
- 12.3. Any application made outside of this timeframe will not be reviewed.
- 12.4. Parents are able to request an independent panel review even if they did not make a case to, or attend, the GB's initial consideration of the exclusion.
- 12.5. The panel will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

## 13. Appointing a SEND expert

- 13.1. If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.
- 13.2. The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- 13.3. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.
- 13.4. The SEND expert's role is set out in [section 14](#) of this policy.
- 13.5. Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.
- 13.6. The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on academies in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; special educational needs coordinators (SENCOs); and behaviour support teachers.
- 13.7. Recently retired individuals are not precluded from fulfilling this role; however, the LA will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on academies in relation to SEND.
- 13.8. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil.

The school will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

- 13.9. The final decision on the appointment of an SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the school will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.
- 13.10. The school/LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

## **14. The role of a SEND expert**

- 14.1. The SEND expert's role is analogous to an expert witness, providing (orally, in writing or both) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.
- 14.2. The focus of the SEND expert's advice will be on whether the school's policies, which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.
- 14.3. Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.
- 14.4. The SEND expert will not criticise school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## **15. Appointing a clerk**

- 15.1. The school will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.
- 15.2. Where a clerk is appointed, the school/LA will ensure that the clerk did not serve as clerk to the GB when the decision was made not to reinstate the pupil.

## **16. The role of a clerk**

- 16.1. The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- 16.2. The clerk will:
  - Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.

- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school (Pupils under 18-years-old will not be allowed to appear in person without parental consent).
- Inform the parents, Headteacher, and GB that they are entitled to: make oral and written representations to the panel; attend the hearing; and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

16.3. Where a clerk is not appointed, the school/LA will undertake the functions outlined in paragraphs 16.1 and 16.2 of this policy.

## **17. The duties of independent review panel members in the conduct of a review panel**

- 17.1. The role of the panel is to review the GB's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.
- 17.2. The panel will apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.
- 17.3. Following the review, the panel will do one of the following:
- Uphold the decision.
  - Recommend that the GB reconsiders reinstatement.
  - Quash the decision and direct that the GB reconsiders reinstatement.
- 17.4. The panel's decision does not have to be unanimous and can be decided by majority vote. It is binding on the pupil, parents, the GB, Head teacher and the LA.

## **18. Reconsidering reinstatement following a review**

- 18.1. Where the independent review panel instructs the GB to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.
- 18.2. The school is aware that if the GB does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA in which the School is located.
- 18.3. If, following reconsideration, the GB offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.
- 18.4. Following reconsideration, the GB will notify the parents, the Head teacher and the LA of their reconsidered decision and the reasons for this.

## **19. Criminal investigations**

- 19.1. The Head teacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 19.2. The Head teacher will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 19.3. If the GB is required to consider the Head teacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

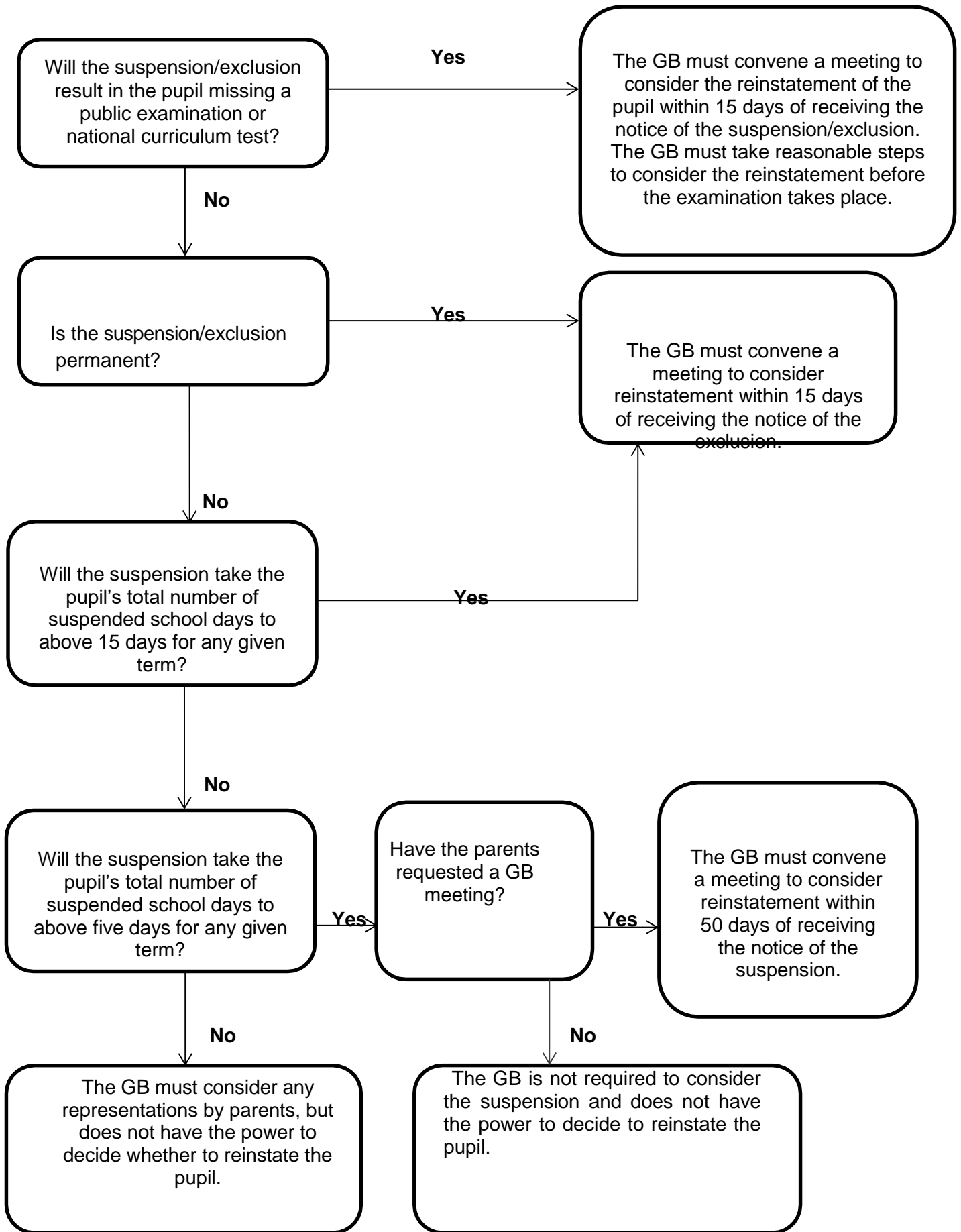
## **20. Training requirements**

- 20.1. The school will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.
- 20.2. Training will cover:
  - The requirements of the legislation, regulations and statutory guidance governing exclusions.
  - The need for the panel to observe procedural fairness and the rules of natural justice.
  - The role of the chair of a review panel.
  - The role of the clerk to a review panel.
  - The duties of Head teachers, GBs and the panel under the Equality Act 2010.
  - The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.
- 20.3. Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

## **21. Monitoring and review**

- 21.1. This policy will be reviewed on an annual basis by the Head teacher and GB.
- 21.2. All members of staff are required to familiarise themselves with this policy as part of their induction programme.

# Appendix A Reviewing the Head Teacher's Suspension/Exclusion Decision



Appendix B **Additional Guidance on Suspensions (Fixed-term) and Permanent Exclusions**

<b>The Use of Exclusion</b> <b>At-a-Glance Guidelines for Senior Leaders</b>		
ILLEGAL/NO GROUNDS	REASONABLE GROUNDS	STRONG GROUNDS
<b>Minor incidents (See example below)</b>	<b>Breach of school’s Behaviour Policy, School rules, Health and Safety Policy or Procedures or Safeguarding Policy or Procedures (See examples below)</b>	<b>Serious breach of the school’s Behaviour Policy, School rules, Health and safety Policy or Procedures or Safeguarding Policy or Procedures ( See examples below)</b>
<ul style="list-style-type: none"> <li>• Failure to do homework</li> <li>• Failure to bring P.E kit</li> <li>• Failure to bring dinner money</li> <li>•</li> </ul>	Serious harm to the education or welfare of other pupils or staff	Serious bodily harm to pupils, staff or members of the school community
Lateness or truancy	Persistent refusal to cooperate with school staff, verbal aggression or malicious threats towards staff, pupils or other members of the school community	Repeated threats and highly offensive and abusive language towards school staff, pupils or other members of the school community
Minor breaches of school uniform	Persistently leaving school premises without authorisation	Carrying, threatening to use or using an offensive weapon ( including fireworks)
Failing to meet Equalities objectives by excluding pupils or treating them less favorably than others because of a disability, grounds of race, religion or ethnicity	Bringing the school into disrepute at a public event	Bringing the school into disrepute through inappropriate or dangerous behaviour or seriously endangering the safety or wellbeing of others
Poor academic performance	Bullying, racial, sexual or other harassment of staff, pupils or other members of the school community	Repeated bullying, racial, sexual, religious or other harassment of staff, pupils or other members of the school community
	Bringing adults or other pupils onto school premises with malicious intent	
	Malicious damage to school or personal property of a pupil, member of staff or member of the school community	Attempted arson on school grounds, destruction or serious damage to school property or buildings
	Bringing in or supplying cigarettes, alcohol or any other drug onto school premises	Supplying or using illegal drugs on school premises

The Headteacher will use the following form to report any fixed-term suspensions or permanent exclusions to the Education & Inclusion Service

<https://forms.office.com/Pages/ResponsePage.aspx?id=B8c3UX1ZIEqijUyRWpSgRf-rDIEbeEIIh-mX2nVaDARURVdCNEFPTFVSUkEzUUFYQVkyQVBUNFVKNy4u>

## **Suspension and Exclusion Letters**

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Appendix C **Letter from head teacher notifying parent of a fixed-period suspension of five days or fewer in one term, and where a public examination is not missed.**

*Note: The head teacher should notify the parents immediately of the decision to suspend, ideally by telephone. The telephone call should be followed by a letter within one school day.*

Dear **(Name of parent)**,

**(Name of pupil)**  
**Fixed Term Suspension**

I am writing to inform you of my decision to suspend **(name of pupil)** for a fixed period of **(specify period)**. This means he/she will not be allowed in school for this period. The suspension begins on **(date)** and ends on **(date)**. Your child should return to school on **(date)**.

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend **(child's name)** has not been taken lightly. **(Name of pupil)** has been suspended for a fixed period because **(reason for exclusion)**.

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

We will set work for **(name of pupil)** to be completed on the days specified in the previous paragraph. **(Detail the arrangements for this.)** Please ensure that work set by the school is completed and returned to us promptly for marking.

**(School)** You have the right to make a written statement to the governing body/. If you wish to do so please contact **(Clerk to GB)** on/at **(contact details – address, phone number, email)** as soon as possible. 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 this 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 (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

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

You may wish to contact **the Local Authority**.

**(Name of pupil)**'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**

Yours sincerely,  
**(Name)**  
Head Teacher  
cc. The Local Authority

**Letter from head teacher notifying parent(s) of a fixed period suspension of more than five and up to and including 15 school days in total in one term.**

*Note: - The head teacher should notify the parents immediately of the decision to suspend, ideally by telephone. The telephone call should be followed by a letter within one school day. **Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day exclusion is imposed.***

Dear **(Name of parent)**,

**(Name of pupil)**  
**Fixed Term Suspension**

I am writing to inform you of my decision to suspend **(name of pupil)** for a fixed period of **(specify period)**. This means **(name of pupil)** 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 the 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 five **(amend if the offsite provision is to start earlier)** days of this suspension **(specify dates)** unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **(name of pupil)** during the first five **(amend if the offsite provision is to start earlier)** school days 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.

From the sixth **(or earlier if so arranged)** school day of the pupil's suspension **(specify date)** until the end of his suspension we will provide suitable full time education. On **(date)** he/she should attend at **(give name and address of the alternative provision if not the home school)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(If applicable say something about transport arrangements from home to the alternative provision. If not known, say that the arrangements for suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)**

**(School)** You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the length of this suspension is more than five school days in one term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee can meet, if you request a meeting, is **(specify date – no later than 50th school day after the date on which 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 a meeting at the school. Also please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

If you believe that the suspension has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. 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 will need to 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.

The school will set work for **(name of pupil)** during the period of his/her suspension **(give details of the arrangements)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You may wish to contact **the Local Authority**

**(Name of pupil)**'s suspension ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely

**(Name)**

Head Teacher

cc. The Local Authority

## Appendix E

**Letter from head teacher notifying parent of a single fixed period suspension of more than 15 school days in one term, or any suspension that takes the total of suspended days to over 15 days for one term.**

*Note: - The head teacher should notify the parents immediately of the decision to suspend, ideally by telephone. The telephone call should be followed by a letter within one school day. **Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day suspension is imposed.***

Dear **(Name of parent)**,

**(Name of pupil)**  
**Fixed period suspension**

I am writing to inform you of my decision to suspend **(name of pupil)** for a fixed period of **(specify period)**. This means that **(name of pupil)** will not be allowed in school for this period. The suspension begins on **(date)** and ends on **(date)**.

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend **(child's name)** has not been taken lightly. **(Name of pupil)** has been suspended for the fixed period because **(specify reason for suspension)**. Your child should return to school on **(date)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five **(amend if the offsite provision is to start earlier)** days of this suspension **(specify dates)** unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **(name of pupil)** during the first five **(amend if the offsite provision is to start earlier)** school days 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.

**(If the individual suspension is for more than five days.)**

From the sixth **(or earlier if so arranged)** school day of the pupil's suspension **(specify date)** until the end of his/her suspension we will provide suitable full time education. On **(date)** he should attend at **(give name and address of the alternative provision if not the home school)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(If applicable say something about transport arrangements from home to the alternative provision. If not known, say that the arrangements for suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)**

From the sixth school day of the pupil's suspension **(specify date)** until the end of his/her suspension we **(for Short Stay Schools 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. **(Set out the arrangements if known at the time of writing, e.g.)** On **(date)** he should attend at **(give name and address of the alternative provider)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(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.)**

**(School)** As the length of the suspension is more than 15 school days or brings the total of suspended days to over 15 in one term the discipline committee must meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish. The latest date on which the committee can meet is **(date here – no later than 15 school days from the date the discipline committee is notified)**. 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. You will, whether you choose to make representations or not, be notified by the clerk to the discipline committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also please inform **(name of 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 this 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 (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You also have the right to see a copy of **(name of pupil)**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of 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.

You may wish to contact **the Local Authority**.

**(Name of pupil)**'s suspension ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely,

**(Name)**

Head Teacher

cc. The Local Authority



**From the head teacher the school notifying the parent(s) of a pupil of compulsory school age of that pupil's permanent exclusion.**

*Note: - The head teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day.*

Dear **(Name of parent)**,

**(Name of pupil)**  
**Permanent exclusion**

I regret to inform you of my decision to permanently exclude **(name of pupil)** with effect from **(date)**. This means that **(name of pupil)** will not be allowed in this school/Short Stay School unless he/she is reinstated by the discipline committee/management committee **(SSS)** or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but my decision to permanently exclude **(name of pupil)** has not been taken lightly. **(Name of pupil)** has been excluded because **(reasons for exclusion – include any other relevant previous history here)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this, i.e. on **(specify the precise dates)** unless there is reasonable justification. You could be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during normal school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **(name of pupil)**'s education to continue will be made. For the first five school days of the exclusion we will set work for **(name of pupil)** and would ask you to ensure this work is completed and returned promptly to school for marking **(this may be different if supervised education is being provided earlier than the sixth day)**. From the sixth day of the exclusion onwards – i.e. from **(specify the date)** the Isle of Wight Council will provide suitable full time education. **(Set out the arrangements if known at the time of writing. If not known say that the arrangements will be notified shortly by a further letter.)**

**(Where pupil lives in a local authority other than the excluding school's local authority.)**

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

As this is a permanent exclusion the discipline committee/management committee **(SSS)** must meet to consider it. At the review meeting you may make representations to the discipline committee/management committee if you wish and ask it to reinstate your child in school. The discipline committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion in which case you may appeal against its decision to an independent **review** appeal panel. The latest date by which the discipline committee/management committee must meet is **(specify the date – the 15<sup>th</sup> school day after the date on which the discipline committee/management committee was notified of the exclusion)**. 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. You will,

whether you choose to make representations or not, be notified by the clerk to the discipline committee/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

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

You may wish to contact **the Local Authority**.

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

Yours sincerely,

**(Name)**

Head Teacher  
cc. The Local Authority

Appendix G

**Letter to parents from Clerk to the Governors' Discipline Committee advising them of the meeting.**

Dear **(Name of parent)**,

**(Name of pupil)**  
**(Fixed term/Permanent) Exclusion**

I am writing to inform you that following **(name of pupil)**'s **(fixed term suspension/permanent)** exclusion, the Governors Discipline committee will meet to consider this decision at the **(school/college)** on **(date)** at **(time)**.

You are invited to this meeting in order to ( ) the suspension/exclusion.  
***('Make representations about' in the case of fixed term suspensions of between five and 15 school days where the pupil has returned to school.***  
***'appeal against' in the case of fixed term suspensions over five days where the pupil has not returned, fixed term suspensions over 15 days either in a block or in total in one term and permanent exclusions.)***

**(Name of pupil)** is encouraged to attend if he/she wishes.

You may, if you wish, be accompanied by a friend or representative to this meeting. Should you wish any written representations to be considered these should be forwarded to me as soon as possible so that they can be circulated to all parties prior to the meeting. Please advise us of any adjustments that can reasonably be made to support your attendance at the meeting (for example if you suffer from a disability in relation to mobility or communication that makes it difficult for you to attend).

A decision will then be taken will then be taken either to reinstate **(name of pupil)** to the school or confirm the suspension/exclusion. The Discipline Committee may decide to amend **(name of pupil)**'s record in light of any representations you may make.

Please would you let me know as soon as possible whether or not you will be able to attend.

Yours sincerely,

**(Name)**

Clerk to the Governors Discipline Committee

## Appendix H

### **Letter from the clerk to the discipline committee to parent upholding a permanent exclusion.**

This letter should be sent within one school day of the meeting of the discipline committee/management committee.

Dear **(Name of parent)**

**(Name of pupil)**  
**Permanent exclusion**

The meeting of the discipline committee at **(school)** on **(date)** considered the decision made by **(head teacher)** to permanently exclude your son/daughter **(name of pupil)**. The discipline committee, after carefully considering the representations made and all the available evidence, has decided to uphold **(name of pupil)**'s exclusion.

The reasons for the discipline committee's decision are as follows: **(give in as much detail as possible, explaining how they were arrived at and making reference where appropriate a reference to how the pupil's special educational needs are relevant to the exclusion).**

You have the right to have this decision reviewed. During the next few days you will receive an appeal form from the Schools Appeal Service, with details of how to fill the form in and where to send it. You will have 15 school days to return the (appeal) form, after which you lose your right to review.

Your appeal will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years) head teacher, one governor who has served at least 12 consecutive months in the previous five years and one lay member who will be the chairman.

You may bring a friend to the review, or at your own expense appoint someone to make written and/or oral representations to the panel.

You have the right to request the presence of a special educational need expert at the meeting of the Review Panel, regardless of whether any special need has been recognised to date. The role of the SEN expert will be to provide impartial advice on how special educational need may be relevant to the exclusion, and he/she should advise the panel on whether he/she believes the school acted in legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

In determining your appeal, the panel can make one of three decisions: it may uphold your child's exclusion; it may recommend that the Discipline Committee reconsider the exclusion; or direct that the Discipline Committee reconsiders its decision. If the review panel either recommends or directs that the discipline committee reconsider its decision, a further meeting must be convened at the school within 10 school days of the committee receiving the panel decision.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. In the case of other forms of discrimination, a claim may be made to the County Court.

You may wish to contact **the Local Authority**.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January.

Yours sincerely,

**(Name)**

Clerk to the Governing Body/Management Committee

## Appendix I

### **Letter from the clerk to the discipline committee/management committee to parent upholding a fixed term suspension.**

*This letter should be sent within one school day of the meeting of the discipline committee/management committee.*

Dear **(Name of parent)**

**(Name of pupil)**  
**Fixed term suspension**

Further to the meeting of the governors' discipline committee to review **(name of pupil)**'s fixed term suspension from school, I am now writing to confirm the decision of the Committee.

**(The case made by the head teacher/ head of centre and the representations made by the parents which had a bearing on the decision should be noted here.)**

After careful consideration of all the representations put to the meeting, the discipline committee/management committee decided that **(name of pupil)** was responsible for the behaviour complained of, and that the head teacher's/head of centre's decision to impose a fixed term suspension of **(insert number)** days was justified. The Committee therefore upheld the head teacher's/head of centre's decision.

Yours sincerely,

**(Name)**

Clerk to the Governors discipline committee

Appendix J

**Letter from the Clerk to the discipline committee parents confirming the decision of the Discipline Committee to reinstate.**

*This letter should be sent within one school day of the meeting of the discipline committee/management committee.*

Dear **(Name of parent)**

**(Name of pupil)**

**Fixed term suspension/permanent exclusion**

Further to the meeting of the governors' discipline committee/management committee to review **(name of pupil)'s (fixed term suspension/permanent exclusion)** from school, I am now writing to confirm the decision of the Committee to reinstate **(name of pupil)** to the school.

In reaching its decision the committee considered the case for suspension/exclusion presented by the school along with your representations, as well as the view given by the local authority **(if represented)**. On balance the committee felt that **(name of pupil)** should be reinstated **(provide summary of reasons for decision)**.

In the circumstances it was agreed that **(name of pupil)** should return to school on **(specify date)**.

Members of the Discipline Committee hope that **(name of pupil)** will establish a successful return to school. Finally, you should be aware that a copy of this letter will be placed on **(name of pupil)'s** school record along with a copy of the head teacher's/head of centre's suspension/exclusion letter.

Yours sincerely,

**(Name)**

Clerk to the Governors' Discipline Committee

## Guidance for Reference

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

<http://www.legislation.gov.uk/uksi/2012/1033/made>

<http://www.legislation.gov.uk/2014/3216>