



The Federation of Sacred Heart and St Mary's RC Primary Schools, Battersea

SUSPENSION AND EXCLUSION POLICY

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Rationale

In the Federation of Sacred Heart and St Mary's Primary Schools we believe staff and children are entitled to a safe and secure environment in which to learn and succeed. The safety and well-being of all the members of the school community is paramount. 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 a pupil should only be used as a means of last resort.

Aims

The Federation 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.
- To reduce the use of exclusion as a sanction.

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](#).
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#).

The Decision to Exclude

Only the Executive Headteacher or Associate Headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort. All exclusions will only be issued on disciplinary grounds.

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 serious or persistent breaches of the school's behaviour policy.
- 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.
- Allow the pupil to give their version of events.
- Consider if the pupil has special educational needs (SEN)

When sending a pupil home following any exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Please see Annex B for Exclusion Model letters.

The Headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Headteacher may withdraw any exclusion that has not already been reviewed by the Governing Board.

The Headteacher will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents have agreed to this. The Headteacher will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

All exclusions will be formally recorded on our pupil information system (SIMS).

Please see Annex A for Summary of the Governing Board's duties to review the Headteacher's Exclusion Decision.

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.

There are 2 types of Exclusion:

Fixed Period Exclusion

A fixed period exclusion is where a child is temporarily removed from school and for a specific period of time. The DFE regulations outline that this can be for up to 45 school days in one school year, even if a child has changed schools.

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day.

If the fixed period exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth day, e.g. a pupil referral unit. School will set work for pupils to complete during a fixed term exclusion for up to 5 days.

Permanent Exclusion

A permanent exclusion means that a child is being removed from the school roll. However, the head teacher must not remove a pupil's name from the school admissions register until the outcome of an Independent Review Panel (if this route is followed by parents).

Informing Parents

The Headteacher will immediately provide the following information, in writing, to the Parents 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' right to make representations about the exclusion to the Governing Body.
- How any representations should be made.
- Where there is a legal requirement for the Governing Board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents 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 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 may be given a fixed penalty notice or prosecuted if they fail to do this.

If an Alternative Provision is being Arranged, the following information will be included when Notifying Parents 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' consent.

Informing the Governing Body and Local Authority

The Headteacher will immediately notify the Governing Body and LA of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil.
- 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 Governing Body

Responsibilities regarding exclusions are delegated to the Admissions and Discipline Committee consisting of at least 3 Governors.

The Curriculum and Standards Committee has a duty to consider the reinstatement of an excluded pupil. See Section Considering the Reinstatement of a Pupil.

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.

For a fixed-period exclusion of more than 5 school days, the Governing Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The Local Authority

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

Arranging Education for Excluded Pupils

For any fixed-period exclusions of more than five school days, the Governing Board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion. Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion. For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.

The Governing Body is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion; therefore, the Governing Body will always attempt to arrange alternative provision before the sixth day of exclusion. Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil.

If a Pupil with SEND has been Excluded, the Governing Board 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 or the pupil's needs are reassessed, in consultation with the pupil's parents.

Considering the Reinstatement of a Pupil

The Governing Body will consider any representations made by Parents regarding Exclusions. Parents and, where requested, a friend or representative, the Headteacher, and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations. 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.

The Governing Body will consider the Reinstatement of an Excluded Pupil, where:

- The Exclusion is Permanent.
- The Exclusion is Fixed-period, and would bring the pupil's total number of excluded school days to more than 15 in any given term.
- The Exclusion would result in the pupil missing a public examination.

In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than 5 but less than 15 school days within a term, if requested by the parents, the Governing Board will consider exclusions within 50 school days of receiving notification.

In the case of a fixed period exclusion, 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 Governing Body is not required to meet and cannot direct the reinstatement of the pupil.

Where exclusion would result in a pupil missing a public examination, the Governing Board will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of Governors to consider the decision before the examination, the chair of Governors will consider the exclusion alone and decide whether or not to reinstate the pupil.

In light of the above, the Governing Body will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the Reinstatement of an Excluded Pupil, the Governing Body will:

- Only discuss the exclusion 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 to 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 excluded 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 excluded pupil, including the grounds for exclusion.

Reaching a Decision

After considering Exclusions, the Governing Body will either:

- Decline to Reinstate the Pupil.
- Direct the Reinstatement of the Pupil immediately, or on a specified date.

If Reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the Governing Body will still consider whether the pupil should be officially reinstated, and whether the

Headteacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The Governing Body will apply the civil standard of proof when responding to the acts relating to an exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a Decision, the Governing Body 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 exclusion of the pupil was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the Governing Board 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 an exclusion but cannot reinstate the pupil.

Notification of Considered Exclusions

The Governing Body will notify the parents of the excluded pupil, the Headteacher and the LA of their decision following the consideration of an exclusion, in writing and without delay.

In the case of a Permanent Exclusion, where the Governing Board 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 is 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 Governing Board 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 representations to the panel.

The Governing Board will also notify parents that, if they believe an 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.

After any conclusion, the Governing Board will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

An Independent Review

The LA will review the Governing Board's decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.

[Please see Annex C for Independent Review Panel Training.](#)

The LA will constitute an Independent Review Panel of 3 or 5 members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school Governor who has served for at least 12 consecutive months in the last 5 years.
- A Headteacher or individual who has been a Headteacher within the last 5 years.

Parents are required to submit their applications within:

- 15 school days of the Governing Board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the Governing Board's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England'.

Removing Permanently Excluded Pupils from the School Register

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.

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.

[Please see Annex D for Reintegration Meeting Form.](#)

Monitoring Arrangements

The Executive Headteacher/Associate Headteacher monitor the number of exclusions every term and reports back to the Curriculum and Standards Committee.

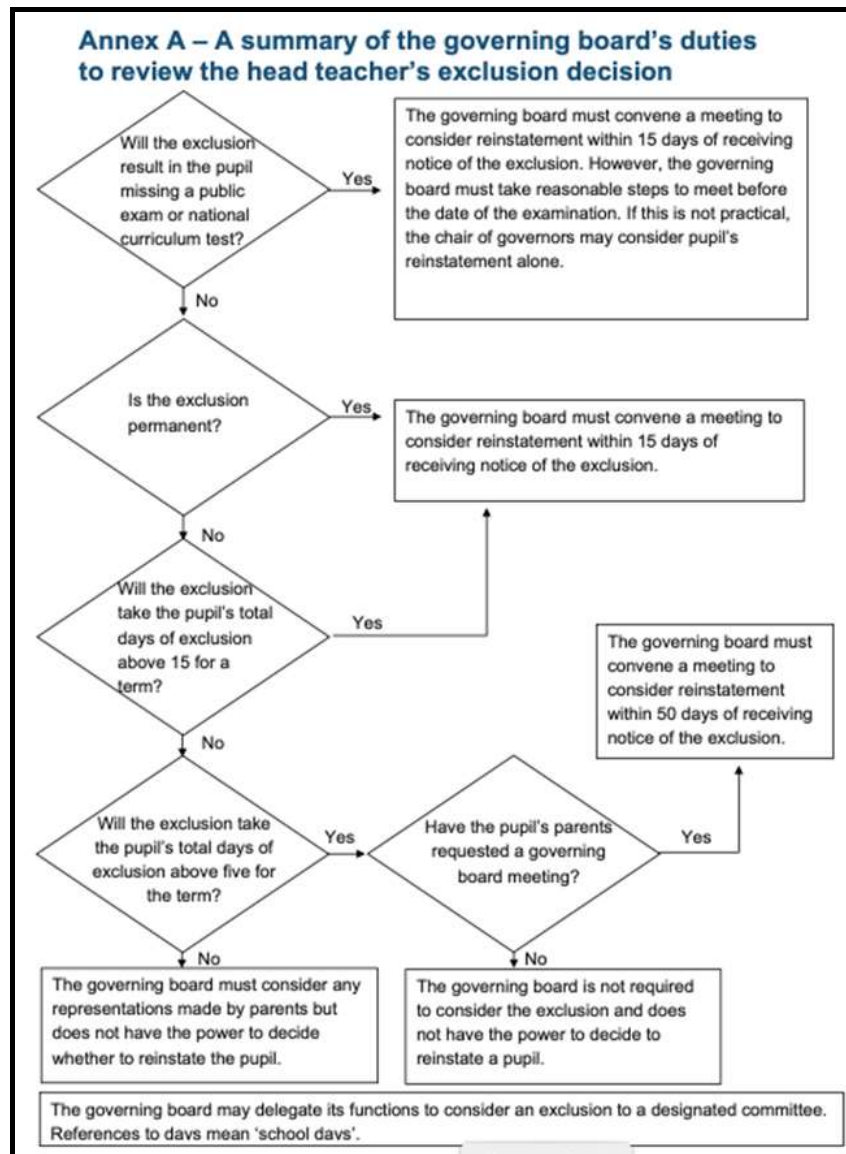
This policy will be reviewed annually. At every review, the policy will be approved by/shared with the Curriculum and Standards Committee.

Links with Other Policies

This Exclusions Policy is linked to our:

- Behaviour Policy
- SEN Policy and Information Report
- [Annex A for a Summary of the Governing Board's duties to review the Headteacher's exclusion decision.](#)

Annex A - A Summary of the Governing Body's Duties to review the Headteacher's Exclusion Decision



Annex B Model Letter 1

From Headteacher notifying parent of a suspension of 5 school days or fewer in one term, and where a public examination is not missed.

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a 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 well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this period because **[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 period on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be prosecuted or 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 **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations 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 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 Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can be found here [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)

[This paragraph applies to all suspensions of primary-aged pupils]

You **[and your child or pupil's name]** are requested attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'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 Brian Bew at Wandsworth LA on 020 8871 8017, who can provide advice.

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website [School exclusion - childlawadvice.org.uk](http://childlawadvice.org.uk) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <http://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]

Headteacher

Annex B Model Letter 2

From head teacher notifying parent(s) of a pupil of that pupil's suspension 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 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 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 of this suspension, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

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

From the **[6th school day of the pupil's suspension [specify date]]** until the expiry of his suspension we will provide suitable full-time education. On **[date]** he 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.)

You have the right to request a meeting of the school's discipline 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 must meet if you request it to do so. The latest date by which the discipline 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 exclusion]**. If you do wish to make representations to the discipline 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.

You should be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which claims should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the discipline committee.

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can be found here [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](https://councilfordisabledchildren.org.uk)

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

[Such interviews are a legal requirement and] failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You 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.

You may wish to contact Brian Bew at Wandsworth LA on 020 8871 8017, who can provide advice.

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website [School suspension-childlawadvice.org.uk](http://www.schoolsuspension-childlawadvice.org.uk) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
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- Independent Provider of Special Education Advice (known as IPSEA – <http://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

Annex B Model Letter 3

From head teacher notifying parent of a suspension of more than 15 school days in total in one 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]**, **pending an investigation and review to determine whether this should be made permanent, from [date] to [date]**. This means that **[Child's Name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[reason 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 school days of suspension or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first 5 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.

From the **[6th school day of the pupil's suspension]** **[specify date]** until the expiry of his suspension we will provide suitable full-time education. **[set out the arrangements if known at time of writing, e.g. On [date] he 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 shortly by a further letter or by phone]**

As the length of the suspension is more than 15 school days in total in one term the governing body must meet to consider the suspension. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body 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 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 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. 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 to the Special Educational Needs and Disability Tribunal (SENDIST).

The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the governing body.

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can be found here [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see and have a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'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 continue to set work for **[Name of Child]** during the period of his/her suspension **[please insert what arrangements are in place for this]**. Please ensure that any work set by the school is completed and returned to us promptly for marking.

You may wish to contact Brian Bew at Wandsworth LA on 020 8871 8017, who can provide advice.

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website [School suspension-childlawadvice.org.uk](http://Schoolsuspension-childlawadvice.org.uk) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <http://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.

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

Yours sincerely

[Name]

Headteacher

Annex B Model Letter 4

From the head teacher 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 permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the governing body/the discipline committee.

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

[For pupils of compulsory school age]

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. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education.

[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 or by phone]

[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 school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in school. The governing body 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 will be advised of your right *to apply for a review of their decision by an independent review panel.*

The latest date by which the governing body must meet is **[specify the date — the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body 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 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.

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can be found here [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](https://councilfordisabledchildren.org.uk)

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.

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of 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 Brian Bew at Wandsworth LA on 020 8871 8017, who can provide advice.

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website [School suspension-childlawadvice.org.uk](http://Schoolsuspension-childlawadvice.org.uk) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <http://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

Annex B Model Letter 5

From the clerk to the governing body to parent upholding a permanent exclusion.

Dear [Parent's name]

The meeting of the governing body of [school] on [date] considered the decision by the Headteacher/principal to permanently exclude your son/daughter [name of pupil]. The governing body, after carefully considering the representations made and all the available information, has decided to uphold [name of pupil]'s permanent exclusion from (school name).

The reasons for the governing body'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 ask for the decision to be reviewed by an independent review panel. You must apply in writing setting out the grounds for the decision to be reviewed. Where appropriate, you should include a reference to how your child's special educational needs (SEN) are considered to be relevant to the exclusion.

*The Wandsworth Appeals Service is responsible for arranging Independent Review Panels for all of Wandsworth's community primary and secondary schools, voluntary-aided and foundation schools and some of the Borough's academies. If you wish to apply for an independent review following the governing board's decision to permanently exclude your child, please contact the Wandsworth Appeals Services for guidance notes and a request form. Please note that your request **must** be submitted to the Appeals Service within 15 school days of the date of the letter sent to you by the school informing you of the governing board's decision to permanently exclude your child or within 15 school days of the determination of any claim to a first-tier tribunal. You can request a copy of the guidance notes and request form from: Clerk to the Independent Review Panel, Wandsworth Appeals Service, Room 154 Town Hall, Wandsworth High Street, London SW18 2PU, Tel: 020 8871 7554*

E-mail: WandsworthEducationAppeals@richmondandwandsworth.gov.uk

You may bring a friend to the review meeting and/or appoint someone to make representations to the review panel on your behalf. You also have the right to require the Local Authority to appoint a SEN expert to attend the review, by requesting this in your application. There would be no cost to you for this.

In determining your application for review, the panel can make one of three decisions: they may uphold your child's exclusion, or recommend that the governing body reconsiders its decision, or quash the governing body's decision and require them to reconsider it. They cannot direct the governing body to reinstate your child in the school.

In addition to the right to apply for an independent review, if you feel the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010. A claim of disability discrimination may be made to the Special Needs and Disability First-tier Tribunal (<http://www.justice.gov.uk/tribunals/send/appeals>). Any other claim should be made to the County Court.

Claims should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

Further advice about exclusion procedures is available from Brian Bew, Wandsworth Council Pupil Services, Town Hall, Wandsworth High Street, London, SW18 2PU (0208 871 8084).

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website School suspension-childlawadvice.org.uk or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <http://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.

The arrangements currently being made for **[pupil's name]**'s education will continue. **[specify any contact details here]**.

Yours sincerely,

Clerk to the Governing Body

Annex B Model Letter 6

From head teacher notifying parent of a suspension of more than 15 school days in total in one term, considering perm exclusion.

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]**, **pending an investigation and review to determine whether [he /she] should be permanently excluded.** This means that **[Child's Name]** will not be allowed in school for this period.

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

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

We will set work for **[Child's Name]** during the **[first 5 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.

From the **[6th school day of the pupil's exclusion] [specify date]** until the expiry of his/her suspension exclusion we will provide suitable full-time education. **[set out the arrangements if known at time of writing, e.g. On [date] he 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 shortly by a further letter or by phone]**

As the length of the suspension is more than 15 school days in total in one term the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body 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 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 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.

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 to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the governing body.

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Details of the local service can be found here [The Information, Advice and Support Services Network \(councilfordisabledchildren.org.uk\)](https://councilfordisabledchildren.org.uk)

You also have the right to see and have a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'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 continue to set work for **[Name of Child]** during the period of his/her exclusion **[please insert what arrangements are in place for this]**. Please ensure that any work set by the school is completed and returned to us promptly for marking.

You may wish to contact Brian Bew at Wandsworth LA on 020 8871 8017, who can provide advice.

You may also find it useful to contact:

- Coram's Child Law Advice service can be accessed through their website [School suspension-childlawadvice.org.uk](http://www.schoolsuspension-childlawadvice.org.uk) or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- Independent Provider of Special Education Advice (known as IPSEA – <http://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.

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

Yours sincerely

[Name]

Headteacher

Annex C - 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 Headteachers, Governing Boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Annex D - Reintegration Meeting Form

Date of Meeting:

People Present:

PUPIL DETAILS

Pupil's Name:

Date of Birth:

Class Teacher:

Name of Parent/Guardian:

Is the Pupil LAC? Yes/no

Is the Pupil subject to a child protection plan? Yes/no

Is the Pupil identified as having special educational needs (SEN)? Yes/no

If yes, please give details:

DETAILS OF FIXED-TERM EXCLUSION

Date of Exclusion:

Number of Days Excluded:

Date of Return to School:

Reason for Exclusion:

REVIEW OF CURRENT ATTENDANCE

Attendance this year Number of days Absent: Attendance (%):	
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REVIEW OF ACADEMIC PROGRESS

Subject:	Current TA:	Comments:

TARGETS FOR BEHAVIOUR AND LEARNING

Area for development	Support from home	Support from school	How will we achieve this?	Timescale/review date
e.g. Come prepared to work	e.g. Use tick list at home to ensure prepared	e.g. Check ins with designated member of staff e.g. LM	e.g. Arrive on time Bring equipment	e.g. 3 weeks from meeting

Other Actions Agreed

Restorative meeting ☐
 Pupil on report ☐
 Additional SEN support ☐
 Other (please specify) ☐

Signed (Pupil)	Signed (Parent/Guardian)	Signed (School)
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