



Manchester Academy

The best in everyone™

Part of United Learning

Manchester Academy Suspensions and Permanent Exclusions Policy (whole school) 2022-2023

DRAFT Policy Information and Review

Designated Lead Person(s)	Mrs. G McMullen, Vice Principal
Created/Reviewed	Annually
Date of last review and by whom	July 2022, Mrs. G McMullen
Link Governor (if applicable)	INSERT
Ratification by Local Governing Body (date)	INSERT DATE
Next Review Date	July 2023

Introduction

This policy sets out a framework that guides and informs decision making around suspensions and permanent exclusions and is in accordance with the DfE guidance published in the summer of 2022. In this policy, reference to exclusions refers to either **fixed term suspensions** or **permanent exclusions**. Where the policy is referring to a specific type of exclusion (i.e. fixed term suspension or permanent exclusion) the wording will make this clear.

The policy is based on:

- Suspension and Permanent Exclusions from maintained schools, academies and pupil referral units in England, including pupil movement, DfE 2022.
- United Learning Exclusions guidance for schools.
- Manchester Academy School's Learning Standards.

**please note that as of April 2022, all exclusion advice from the DfE in relation to Coronavirus has been withdrawn.*

In addition to the above, this policy should be read in conjunction with the Manchester Academy's **Behaviour, SEN, Safeguarding and Equality policies and codes**.

Schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that students, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions.

Principals, Local Governing Bodies, United Learning, Independent review panels, clerks and SEN experts must by law have regard to this guidance when deciding:

- Whether to exclude a student (this includes fixed term suspension and or permanent exclusion)
- Whether to uphold a decision to suspend or permanently exclude
- Whether to direct reinstatement
- Whether to recommend or direct that the governing body considers the exclusion again.

This policy provides an overview of the exclusion process. **It should be read alongside current DfE Exclusion Guidance, which should be followed in all cases.** Advice and support with regard to exclusion from school is available from United Learning Central Office.

Any decision by Manchester Academy in relation to exclusion must be made in line with the principles of the Human Rights Act – that it is **lawful, rational, reasonable, fair and proportionate**.

Any reference in this policy to parent(s) includes all those with parental responsibility.

Manchester Academy's approach to exclusion

Manchester Academy believes that suspension can be an appropriate sanction, however a permanent exclusion is only to be used as a last resort when all other routes have been implemented and exhausted. Most suspensions are usually the result of persistent breaches of our school's behaviour policy or when a student's behaviour is in direct conflict with the school's behaviour policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools and academies have the power to direct a pupil off-site for education to improve their behaviour. A student can also transfer to another school/academy as part of a 'managed move'. The latter requires the consent of the parent/carer and (where applicable) social worker.

Exclusion from school

There are two types of official exclusion:

1. *Suspensions*

A suspension is for a **fixed number of days and is where a student is temporarily removed from the school**. The student must remain at home up to the first 5 days, during which time the school should take reasonable steps to set and mark work for the pupil (this can include utilising any online pathways such as Oak National Academy or Seneca). For a suspension of more than 5 days, full time education provision commences from the 6th day and must be organised by the suspending school. A pupil may not be suspended for more than 45 days in a school year. A student is entitled to return to school once the period of exclusion has ended.

A student may be suspended during **lunchtimes** for a **fixed number of days**. Each lunchtime suspension is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

Repeated use of suspensions for children with an EHCP (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches to improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

Reintegration interviews are not mandatory but are good practice. The school will ensure that any student suspended meets with a senior leader and or a leader of climate and behaviour upon their return to the Academy. In some cases it may be appropriate for a therapeutic intervention such as cognitive behaviour therapy; anger-management sessions; mentoring and/or counselling to be put in place to address specific

concerns in relation to the suspension or address any underlying patterns of behaviour. Throughout the process the school will maintain regular contact with parents/carers and other responsible adults such as social workers.

A suspension must not be extended if such an interview cannot be arranged in time or the parents do not attend. Students have a right to return to school as soon as the period of suspension ends.

2. Permanent Exclusion

This is where the Principal's decision is that the student should not be allowed to return to the school (unless the student is reinstated). The decision should only be taken if:

- a. the pupil has committed a serious breach or persistent breaches of the school's behaviour policy;

and

- b. allowing them to remain in the academy seriously harms the learning or welfare of the student or others in the school;

In most cases, this will be after a wide range of alternative strategies having been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

For any permanent exclusions, the school will take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (e.g. student's social worker) will also be considered.

3. Cancelling suspensions

The Principal may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The student should be allowed back into school.

4. Unofficial suspensions

Formal suspension is the only legal method of removal if a student is sent home for disciplinary reasons (including lunch times). ***“Informal or unofficial exclusions are unlawful”*** regardless of whether they are done with the agreement of parents or carers.#

Legislation means that if the Principal makes a decision to suspend or permanently exclude a student, the school must, without delay, notify parents/carers and the local authority regardless of the length of the suspension.

If a student has a social worker or is looked after (LAC), the school must also notify the social worker or VSH without delay, regardless of the length of the suspension.

The Investigation

Any investigation will be conducted in accordance with DfE guidance so as to be fair. To be thorough witness statements will be taken and any student(s) at risk of suspension will be given the opportunity to have their say.

Each case must be judged on the facts and the context taking into account:

- The degree of severity of the offence;
- The likelihood of reoccurrence;
- The student’s previous behavioural record;
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment);
- Support provided;
- Take into account the school behaviour policy, special educational needs policy and equality law obligations.

On considering a permanent exclusion, the Principal should immediately contact their relevant director before making their decision. Where that is not possible, the Principal should issue the permanent exclusion which can be rescinded if necessary (but only before the Governors review it). Consequently, the Principal should not issue a suspension whilst waiting to speak to their Director if their view is that a permanent exclusion is the appropriate course of action. A *suspension* cannot be turned or “converted” into a permanent exclusion except in exceptional cases, usually where further evidence has come to light, where a permanent exclusion can be issued to begin immediately after the end of the fixed period (see “Fixed Term or Permanent?” below).

The Decision to exclude

General Advice

1. Permanent exclusions

The permanent exclusion process falls into **three stages**:

- a. Decision by the Principal to exclude.
- b. Consideration of the Principal's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee.
- c. In the case of a permanent exclusion, and only if requested by parents, consideration of the Principal's decision by an Independent Review Panel.

Whilst suspension may still be an appropriate sanction, the Principal should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, SEND needs, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or provocation.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEND or disability that a pupil may have. The Principal should also consider the use of a multi-agency assessment (Early Help) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems. As part of considering each permanent exclusion, the **Principal must consult with the Managing Director United Learning (or delegated executive) before** the decision is reached and the case presented to the Behaviour Committee.

2. Fixed Term or Permanent?

If sufficient evidence is available to warrant a permanent exclusion immediately, that sanction should be applied. However great care should be taken in issuing a permanent exclusion immediately and United Learning's procedure must also be followed as specified above.

In some cases, investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

In such a case, the Principal may issue a suspension for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place; and
- to give opportunity for a reasoned decision.

In those exceptional cases, usually where significant further evidence emerges from further investigation,

a further sanction may be appropriate, which must be issued to begin immediately after the first fixed term exclusion ends (i.e. the student must not return to school between the sanctions). This further sanction may be either further suspension or a permanent exclusion. Conversely, the Principal may choose to withdraw an exclusion in the light of new evidence.

The letter informing of the initial suspension should clearly state that the reason for the suspension relates to the behaviour of the student, but also state if further investigation is needed that **“further investigation is still underway into the incident which may or may not result in a further sanction of further suspension or permanent exclusion”**. Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the student to return to school;
- notification of a further suspension to begin immediately after the first period ends; or
- notification of a permanent exclusion to be begin immediately after the end of the suspension.

3. Behaviour outside School

Subject to the requirements of this guidance, the Principal (or designated senior leader in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school.

Manchester Academy’s Behaviour for Learning policy make clear how this operates in practice, in line with the DfE guidance.

Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term exclusion should be used. It is also critical that a school does not undermine the evidence gathering in a parallel police investigation: the school should consult with police before carrying out its own investigation.

4. Students from vulnerable groups

The school will put in place reasonable adjustments for students with an EHCP and Looked After and Previously Looked After children to avoid suspension and permanent exclusion, however this may not always be possible. These adjustments will be led and delivered by the SEND and Student Support teams to address patterns of challenging behaviour. Early intervention is the key to address such behaviour. Examples of this work will involve one-to-one programmes around effective and appropriate communication, social and emotional needs and behaviour delivered by key workers, learning mentors and external partners such as the Speech and Language Therapist. ***In all cases, where the decision has been made to suspend or permanently exclude a***

student, the school will contact parents/carers and social workers (where the student has one) without delay.

Pupils with Special Educational Needs and Disabilities (SEND)

Schools and governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any student who has SEN and to avoid excluding permanently any student with an EHCP. Where a student has an Education Health Care Plan and is at risk of permanent exclusion, schools should consider an early annual review or interim/emergency review working closely the Statutory Assessment Team at the local authority.

Equality Duty

The law places a general duty on academies and maintained schools, in the exercise of their functions, to have due regard for the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.

Furthermore, such schools must advance equality of opportunity and good relations between people of different groups (for example different races, those with a disability and those without, age, gender) and foster good relations between all people.

The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff in the context of the public sector equality duty.

Disabled Pupils

Schools have a legal duty under the Equality Act 2010 not to discriminate against disabled students by excluding them from school because of their disability. This applies to permanent exclusions and fixed term suspensions.

Race Relations

The need to eliminate unlawful racial discrimination, the advancement of equality of opportunity and good relations between people from different racial groups is set out in the public sector equality duty.

Looked After and Previously Looked After Children

Looked After and Previously Looked After Children are at risk of low attainment in school and suspensions. Schools should be especially sensitive to suspensions and permanent exclusion issues where Looked After or Previously Looked After Children are concerned. Schools should try every practicable means to avoid exclusion working with the local authority LAC Education Team and Children's Services.

Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and the LGB must consider any representations about an exclusion made by the parents of the excluded pupil. The LGB usually delegates some or all of its functions in respect of exclusions to a committee consisting of at least three governors, who are independent and have had no direct involvement with the case; such a committee may be called the Behaviour Committee.

The LGB's role is to review exclusions, either on parental request or because required to do so by law and the following different requirements apply to different types of exclusion.

- In the case of a suspension which does not bring the student's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- If the student will be excluded for more than five but less than 15 school days in the term, and only if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated.
- The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded pupil within 15 school days of receiving notification of the exclusion if:
 - The exclusion is permanent; or
 - It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - It would result in a pupil missing a public examination or national curriculum test.

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal. It cannot extend a fixed term exclusion nor substitute it with a permanent exclusion.

The Behaviour Committee must inform the parent, Principal and the Local Authority of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the student resides in a different Local Authority to the one in which the school is based, they must also inform the student's 'home' authority.

A note of the Behaviour Committee's views on the exclusion should be placed on the student's school record with copies of relevant papers.

If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student save that the Committee can direct reinstatement on a particular date.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

Role of the Clerk to the Behaviour Committee

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing body or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the student or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in suspension and permanent exclusion matters so that the meeting can progress smoothly.

The role of United Learning

The Local Authority does not have a decision-making role in the exclusion process for any United Learning school. The United Learning Trust Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with the relevant Director before making their decision and the case presented to the Behaviour Committee.

It is the LGB/ Behaviour Committee which has the duty to review the Principal's decision to exclude (see above).

Education of excluded pupils

The school's obligation is to ensure education continues while the student is on roll. In all cases of exclusion, work should be set from day one and marked. Where a student is given a suspension of six school days or longer, the school must arrange full time educational provision from and including the sixth day of exclusion. The Local Authority is required to arrange full time educational provision for permanently excluded students from the sixth day of a permanent exclusion. Once a Principal has decided to permanently exclude a pupil, the Local Authority will arrange to assess the student's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The student's name will be deleted from the school roll only if:

- (i) the pupil was permanently excluded; and
- (ii) 15 school days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or
- (iii) the parents have stated in writing they will not be applying for an independent

review panel. It is the responsibility of the Local Authority to offer an alternative school place.

Independent Review Panels

Each LGB must take responsibility for setting up and training Independent Review Panels. It is strongly recommended that LGBs either commission an external provider who offers this service¹ or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive, and must meet strict timelines. Note that the independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the excluded pupil, and/or the pupil if over 18.

1. Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 further school days²) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

2. The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day (25 school days under COVID measures) on which the review was requested. However, only if strictly necessary, the panel may then decide to adjourn the hearing to a later date.

3. Composition of Independent Review Panels

Review panels must consist of 3 or 5 members.

A five member panel must be constituted with two members from each of the categories of school governors and head teachers.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during this time.
- Principal or individuals who have been a Principal/ Headteacher within the last five years.

All panel members, including the clerk, must have received training within the two years prior to the date of the review. The DFE statutory guidance details what this training must have covered (page 33).

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

- They are a member / director of the local authority / Academy Trust or governing body of the excluding school,
 - are the Principal of the excluding school or anyone who has held this position in the last five years,
 - are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a Principal / Headteacher at another school),
 - have, or at any time have had, any connection with the local authority / Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a Principal/Headteacher at another school) or
 - have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)
- 4. Request for a SEN Expert** (see section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance). If requested by the parents, the person convening the panel must appoint a SEN Expert to attend the independent review panel. Parents have a right to the above, regardless of whether their child has recognised or identified SEN.

Role of the Clerk to the Independent Review Panel

It is strongly advised that the independent review panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures and law for all parties.

Conduct and role of the Independent Review Panel

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the [DFE Guidance on Exclusions](#).

2. The decision

An independent review panel can decide to:

- uphold the Behaviour Committee's decision;
- recommend that the Behaviour Committee reconsiders reinstatement; or
- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of one or more of the Principal's applicable on an application for judicial review, which are illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where a panel directs the LGB to reconsider its decision it has the power to order that a readjustment of the academy budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

4. After the Independent Review Panel

The independent review panel is independent. Its decision is binding on the parent, the LGB and the Principal. The panel cannot revisit its decision once made.

The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority. If the pupil lives outside the area of the Local Authority, the Clerk should make sure that the home Authority is also informed immediately of the position. If the pupil is of compulsory school age, it is for the Local Authority in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home Local Authority about arrangements for their child's continuing education. The Principal should remove the pupil's name from the school roll the day after the conclusion of the independent review panel.

5. Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the LGB reconsider the exclusion, the LGB must meet to reconsider within 10 school days of notification. The DfE Exclusion Guidance gives specific advice as to what the further meeting of the LGB should involve and the requirement that the LGB must have serious justification for continuing to support the exclusion. Where the LGB has reconsidered an exclusion decision it must inform the relevant person, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

6. Remedies after the Independent Review Panel

A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

Decisions of both governing bodies and independent review panels can be subject to judicial review. If this occurs, immediate legal advice must be sought.

7. Claims of Discrimination in relation to exclusion

Parents can also apply to the First-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

APPENDICES

Appendix 1a Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion. These include (but are not restricted to) the follow categories:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the academy premises or during academy organised activities;
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- very serious / extreme abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- very significant / extreme bullying and/or harassment including racial, sexual or homophobic harassment;
- extreme defiance of the properly exercised authority of the academy and its staff;

Appendix 1b - Permanent Exclusion Checklist for Heads

Permanent Exclusion Checklist for Headteachers

United Learning's [Exclusions Policy](#) makes clear Headteachers should consult with their Regional Director before issuing a Permanent Exclusion (PEX). This is so that Regional Directors can help support Heads in ensuring the decision to permanently exclude is sensible, reasonable and has been made having considered all other alternatives. If the Regional Director cannot be reached for consultation beforehand, (e.g. they are supporting an Ofsted inspection) then the Headteacher should go ahead and issue the PEX, ensuring they consult with their Regional Director as soon as possible thereafter and certainly before the PEX goes to Behaviour Committee. It is not appropriate to issue a Fixed Term Exclusion instead of a PEX if the only reason for doing so is to bide time to speak to the Regional Director. Further information on when a Fixed Term Exclusion can be 'converted' into a PEX is set out in the guidance.

Have you explained full details of the incident or ongoing incidents to your RD?	Yes / No / n/a
If ongoing incidents, is RD aware of the student concerned?	Yes / No / n/a
If a one-off incident has caused the possible PEX, has the behaviour of member of staff / other student involved, been considered?	Yes / No / n/a
Have you as Principal, met with the student personally?	Yes / No / n/a
Is the student in any of the following groups – PP, SEN, EAL, CP, LAC and have the circumstances been considered?	Yes / No / n/a
Has the student had any history of poor mental health, bereavement or bullying?	Yes / No / n/a
Are the parents supportive of the school and have you as Principal, met with them?	Yes / No / n/a
Have you sent the RD the behaviour record with any other exclusions?	Yes / No / n/a
Did appropriate and timely reconciliations happen for any incidents being considered?	Yes / No / n/a
Have appropriate interventions (mentoring / support programmes) been provided and engaged with?	Yes / No / n/a
Is a managed move possible? How many schools have been contacted? Is there a cluster managed move that may be possible?	Yes / No / n/a
Have you exhausted all possible alternatives for this student?	Yes / No / n/a
Is the student's behaviour affecting the education of others?	Yes / No / n/a
Are governors supportive of this possible PEX and are they aware of the governor checklist?	Yes / No / n/a
How many FTE and PEX has the school done since September?	

Any other comment

Appendix 2

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

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The suspension begins/began on [date] and ends on [date]. [Child's name] has been suspended for this fixed period because [reason for exclusion].

I realise that this may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly.

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

We will set work for [name of child] 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 or submitted online where applicable.

You have the right to make written 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.

Suspended pupils should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.

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 make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of [name of 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 [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.

Further guidance on the exclusions process can be found at:

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

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

[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]
Principal

Appendix 3

*From the Principal notifying parent of a suspension of **more than 5 and up to and including 15** school days in total in one term where a public examination is not missed.*

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to suspend [child's name] for a fixed period of [period]. This means that [child's name] will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. [Child's name] has been excluded for this fixed period because [reason for exclusion].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

You have the right to request a meeting of the school's Behaviour Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the Behaviour Committee must meet if you request it to do so. The latest date by which the Behaviour Committee can meet, if you request a meeting is [specify date — no later than the 15th school day after the date on which the Behaviour Committee were notified of this exclusion].

If you wish to make representations to the Behaviour Committee, and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], 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.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal:

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of [name of 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 [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.

Further guidance on the exclusions process can be found at:

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

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

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

Yours sincerely

[name]
Principal

Appendix 4

*From the Principal notifying parent of a fixed term exclusion of **more than 15 school days in total** in one term OR where a public examination / national curriculum test is missed.*

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [period]. This means that [child's name] will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. [Child's name] has been excluded for this fixed period because [reason for exclusion].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

As the length of the exclusion means that [] has been excluded for more than 15 school days in total in one term and / or [] will miss a public examination / national curriculum test, 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, e-mail], 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.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of [name of 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 [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.

Further guidance on the exclusions process can be found at:

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

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

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

Yours sincerely

[name]
Principal

Appendix 5 Model Letter 4

*From the Principal notifying parent of a **permanent exclusion***

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

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 back to this school pending a meeting of the Behaviour Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded permanently because [reason for exclusion — serious breach (one off incident) or persistent breaches of the school's behaviour policy - also 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 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

Alternative arrangements for [child's name] education to continue will be made. For the first five days of this exclusion we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards [specify date] the Local Authority in which you reside will provide suitable full time education. I have also today informed the Local Authority of your child's exclusion and they will be in touch with you about arrangements for his/her education from the 6th school day of exclusion. You can contact them on [insert telephone number and name]

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations to the governing body if you wish and ask them to reinstate your child. 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 may request an independent review panel to review their decision. The latest date on which the governing body can meet is [specify date — 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, e-mail], 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 the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You also have the right to see a copy of [name of 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 [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.

Further guidance on the exclusions process can be found at:

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

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

Yours sincerely

[name]
Principal

Appendix 6 Model Letter 5

Letter from the Clerk upholding a permanent exclusion

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B: (Date of birth)

Year Group:

Dear [Parents name],

The meeting of the governing body at [school] on [date] considered the decision by **[Principal]** to permanently exclude your son/daughter **[name of pupil]**. The governing body, after carefully considering the representations made and all the available evidence, have decided to uphold **[name of pupil]**'s permanent exclusion.

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, including details of the relevant evidence considered]**.

You have the right to request an Independent Review Panel to reconsider the exclusion. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to **[insert contact details for Clerk]** by **[specify the latest date — no later than 15 school days from the date the letter is posted, allowing 2 school days for receipt of letter]**. If you have not lodged a request for an Independent Review Panel by **[repeat latest date]**, your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

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

In determining your request for reconsideration, the Independent Review Panel can make one of three decisions: they may uphold the governing body's decision; they may recommend the governing body reconsiders their decision; or they can quash the decision and direct that the governing body reconsiders reinstatement. However, the Independent Review Panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal.

www.justice.gov.uk/tribunals/send/appeals

Further guidance on the exclusions process can be found at:

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

Impartial advice for parents can be found at the Coram Children's Legal Centre:

<http://www.childrenslegalcentre.com> 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

The arrangements currently being made for **[pupil's name]**'s education will continue. The LA / LGB [delete as appropriate] convened panel will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

[name]

Clerk to the Governing body

7 Governor checklist

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the relevant Director at the end of the process.

Pupil Name:	Date of Meeting:
1	<p>Telephone call to parent/visit from parent on (date):</p> <p>Letter of notification using model text sent on (date):</p> <p>Copied and sent to Behaviour Committee on (date):</p>
2	<p>Date of Behaviour Committee Meeting:</p> <p>Within 15 school days from Principal's letter, for permanent and fixed term exclusions of more than 15 school days (or total more than 15 school days in a term), or it would result in the pupil missing a public examination or national curriculum test OR</p> <p>Within 50 school days from Principal's letter, for fixed term exclusions of less than 15 school days in a term) <i>if</i> the parents make representations.</p> <p>Yes/No</p>
3	<p>All written statements/evidence circulated in advance of this meeting (at least 5 school days before)</p> <p>Yes/No</p>
4	<p>Procedure for the meeting and confirmation circulated in advance of the meeting</p> <p>Yes/No</p>
5	<p>All relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social Care; whether disabled and, if so, reasonable adjustments made; academic progress</p> <p>Yes/No</p>
6	<p>Where it is a permanent exclusion decision that it:</p> <ul style="list-style-type: none"> • meets the legal conditions in which permanent exclusion is appropriate: <ul style="list-style-type: none"> ○ in response to a serious breach or persistent breaches of the school's behaviour policy; and ○ allowing him/her to remain in the academy would seriously harm the education or welfare of the pupil or others in the school <p>Yes/No</p>

<p>7</p>	<p>Evidence and use of procedures are satisfactory in relation to:</p> <ul style="list-style-type: none"> • The investigation conducted • Firm evidence collected to support decision to exclude • Pupil has been given the opportunity to give his/her version of events • Provocation/harassment has been taken into account, if appropriate • The school’s SEND, behaviour and equality policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice • Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been implemented fully. • There is evidence of all relevant interventions having been made for this specific pupil, including, where appropriate: <ul style="list-style-type: none"> ○ alternative or enhanced curriculum ○ mediation ○ education welfare involvement ○ family support ○ mentor support for the pupil • Specifically, equality requirements under the Equality Act 2010 have been considered (disability, race, religion, sexual orientation, gender reassignment, pregnancy or maternity) and any reasonable adjustments required have been made, whether as part of the pupil planning and interventions above or otherwise. • Parent has been given adequate time to make representations • All parties to the meeting know how this decision will be communicated • Satisfactory arrangements in place for pupil to continue their education during exclusion period <p>Yes/No</p> <p>If no, what concerns exist:</p>
<p>7</p>	<p>To be completed after the Behaviour Committee meeting</p> <p>Parent, Principal and Local Authority notified of decision on (date):</p> <p>Letter regarding decision sent out on (date):</p> <p>Signed (Clerk to the Behaviour Committee):</p> <p>Date:</p> <p>A copy of this checklist should be <u>sent to the relevant Director</u> at the conclusion of the process.</p>

Appendix 8 – Monitoring Template

Schools should regularly (termly) monitor their exclusions to ensure inclusivity and transparency. Regular data capture and review should be used by school leaders to inform any changes to their policy and or practice of exclusions and behaviour management more broadly.

The table below is an example of a template which could be used for one term, and would be a useful basis for reporting on Exclusions at Termly-meetings with Directors.

	YEAR GROUP						
	7	8	9	10	11	12	13
Total students							
% EHCP							
% SEN Support							
No. of incidents of FTE							
% of incidents w/EHCP							
% of incidents w/SEN Support							
(FTE = fixed-term exclusion)							
No. of children receiving FTEs							
% w/EHCP							
% w/SEN Support							
No of days of FTE							
No. of Level 1 FTEs							
No. of Level 2 FTEs							
No. of children being PX							
% of PXs w/EHCP							
% of PXs w/SEN Support							
(PX = permanent exclusion)							
Students left during [period]							
% w/EHCP							
% w/SEN Support							