



**BERLESDUNA**  
ACADEMY TRUST

# Trust Suspension and Permanent Exclusion Policy

This policy was reviewed by the Board of Trustees on:	
This policy will be reviewed:	<b>Annually</b>
Date to be reviewed:	

This policy is a mandatory policy for all Berlesduna Academies and must be implemented with no amendments

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## Background

At Berlesduna Academy Trust (the 'Trust'), we understand that good behaviour and discipline is essential for promoting a high-quality education.

As a Trust, we do not wish to suspend or permanently exclude any child from any of our schools but on rare occasions, this may be necessary. Our aims are to ensure that:

- The process is applied fairly and consistently
- The process is understood by Trustees, local governors, staff, parents and pupils
- The Trust and its schools maintain a safe and caring environment in which all pupils can learn and succeed
- Rigorous early help strategies are used to support pupils to reduce the need for any suspension or permanent exclusion
- Pupils do not become NEET (not in education - employment or training)

Amongst other disciplinary sanctions, our schools recognise that the exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. The exclusion of 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, exclusion of a pupil will only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher, Governors and the Local Authority when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

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

## Definitions

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

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

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

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

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

## Legislation and Statutory Guidance

This policy deals with the policy and practice which informs the school's use of exclusion.

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

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

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

In addition, the policy is based on:

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

## The decision to exclude

Only the Headteacher, or acting Headteacher (including Heads of School in the absence of the Headteacher), can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort. All suspensions and permanent exclusions will be discussed with the Director of Education before a decision is finalised.

Our schools are 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 actively discourage parents removing their child from school to home educate and notify the LA of our concerns.

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

A decision to suspend or exclude a pupil will be taken only:

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

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))

- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves
- Discuss with the Director of Education

The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

## Informing parents

If a pupil is at risk of suspension or exclusion the Headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

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

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

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

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

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

## Informing the governing board

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

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

The Headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

## Informing the local authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. Notification will be sent by email to: [exclusions@essex.gov.uk](mailto:exclusions@essex.gov.uk) (please see appendix C).

The notification will include:

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

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

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

If a:

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

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

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

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

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

### **Cancelling suspensions and permanent exclusions**

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

- The parents, Trust, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- As referred to above, the Headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

### **The Governing Body - Considering suspensions and permanent exclusions**

Responsibilities regarding exclusions are delegated to the suspensions and exclusions committee of the governing board.

The suspensions and exclusions committee of the governing board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

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

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

## Monitoring and analysing suspensions and exclusions data

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

The governing board will consider:

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

## The local authority (LA)

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

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

## Considering the reinstatement of a pupil

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

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

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

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the suspensions and exclusions committee of the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

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

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

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

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

The suspensions and exclusions committee of the governing board can either:

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

In reaching a decision, the suspensions and exclusions committee of the governing board will consider:

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

They will decide whether or not a fact is true 'on the balance of probabilities'.

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

The suspensions and exclusions committee of the governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The Headteacher
- The Trust

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

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

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

## Independent review

If parents apply for an independent review within the legal timeframe, the Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the suspensions and exclusions committee of the governing board of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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

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

- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a member or director of the Trust of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust or the governing board, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years

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

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

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

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

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

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

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

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

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

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

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

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

This notification will include:

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

## School registers

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

- 15 school days have passed since the parents were notified of the suspensions and exclusions committee of the governing board'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 within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision 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.

## Making a return to the LA

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

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

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

## Returning from a suspension

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

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

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

## Reintegration meetings

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

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

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

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

## Training requirements

The Trust will ensure that all local governors are given access to appropriate governor training on considering exclusions.

The Trust will ensure that all independent review panel members and clerks have received appropriate training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions

- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair of a review panel
- The role of the clerk to a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act

Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

## Monitoring arrangements

The school will collect data on the following:

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

The data will be analysed every term by the senior staff. The senior staff will report back to the governors.

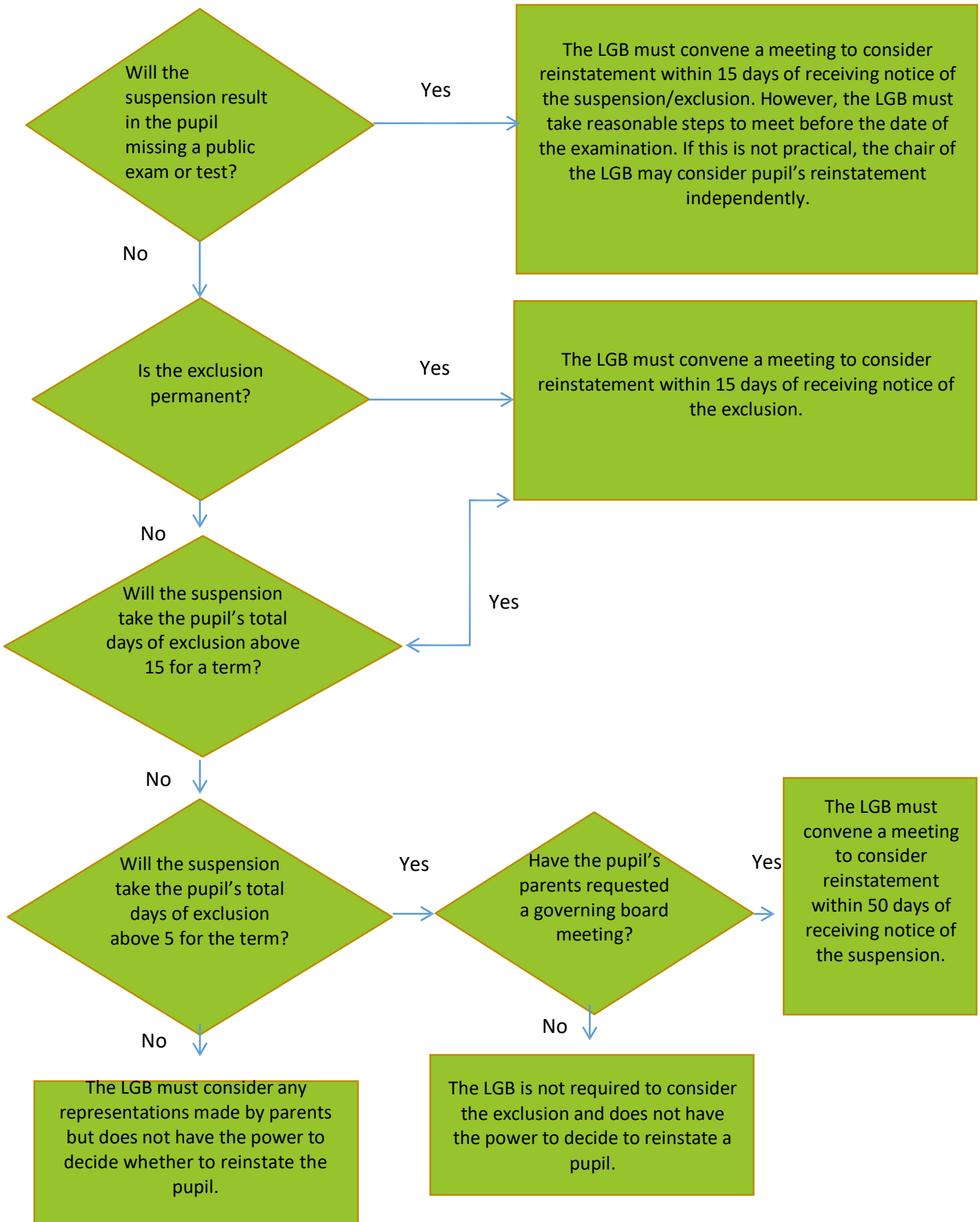
The data will be analysed from a variety of perspectives including:

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

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

The multi-academy trust will work with its academies to consider this data, and to analyse whether there are patterns across the Trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

## Appendix 1 Summary of LGB duties



## Appendix B – Model Letters

### MODEL LETTER 1 - *From Headteacher notifying parent of a suspension of less than 6 days, 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 fixed period of **[number of days]**. This means that he/she will not be allowed in school for this period. The suspension will start on **[date]** until the **[date]**. Your child should return to school 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 fixed period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for **[child's name]** 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.

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/Management Committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You **[and your child]** 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 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 Julie Millar-Robinson- 03330 131150 from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**[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

**MODEL LETTER 2 - From Headteacher notifying parent of a fixed period suspension of 6 to 15 days, or where cumulative suspensions in the same term fall within this range, or where a public examination is missed**

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period of **[number of days]**. This means that he/she will not be allowed in school for this period. The suspension will start on **[date]** until the **[date]**. Your child should return to school on **[date]**.

I realise that this suspension 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 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 this exclusion on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

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

From the 6<sup>th</sup> school day of the pupil's suspension **[specify date]** until the expiry of his/her suspension we will provide suitable full-time education. **[Set out the arrangements if known at time of writing, if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

On **[date]** he/she should attend **[give name and address of alternative provider]** at **[specify the time]** and report to **[staff members name]**.

As the period of suspension is more than 5 school days in a term, you have the right make representations to the School's Governing Body and request that my decision to be reviewed. The latest date by which the Governing Body must meet is **[specify date – no later than the 50<sup>th</sup> school day after the date on which the Governing Body were notified of this exclusion]**. If you wish to make representations 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 at the meeting.

The Governing Body must consider reinstatement where possible. If the pupil has returned to school before the Governing Body meet, they must still place a copy of their findings on the pupil's school record.

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 under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School's Governing Body.

You and **[child'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 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]** 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 Julie Millar-Robinson- 03330 131150 from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children’s Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**[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

**MODEL LETTER 3 - From Headteacher notifying parent of a fixed period suspension of 16 days or more, or where cumulative suspensions in the same term are 16 days or more**

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[child's name]** for a fixed period of **[number of days]**. This means that he/she will not be allowed in school for this period. The suspension will start on **[date]** until the **[date]**. Your child should return to school 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 fixed period because **[reason for exclusion]**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]**. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for **[child's name]** during the **[first 5 or specify other number as appropriate]** school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that any work set by the School is completed and returned to us promptly for marking.

From the 6<sup>th</sup> school day of the pupil's suspension **[specify date]** until the expiry of his/her exclusion we will provide suitable full-time education. **[Set out the arrangements if known at time of writing, if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

On **[date]** he/she should attend **[give name and address of alternative provider]** at **[specify the time]** and report to **[staff members name]**.

As the period of this suspension is more than 15 school days in one term the School's Governing Body must meet to consider the suspension. At the hearing you may make representations to the Governing Body if you wish. The latest date by which the Governing Body must meet is **[specify date – no later than the 15 school days from the date which the Governing Body was notified of this exclusion]**. If you wish to make representations 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 this 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 at the meeting.

The Governing Body must consider reinstatement where possible. If the pupil has returned to school before the Governing Body meet, they must still place a copy of their findings on the pupil'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 make a claim under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You and **[child'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 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]** 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 Julie Millar-Robinson- 03330 131150 from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**[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

## MODEL LETTER 4 - From Headteacher notifying parent of a permanent exclusion

Dear **[Parent's name]**

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[specify date]**. This means that he/she will not be allowed in this school/PRU unless he/she is reinstated by the School's Governing Body.

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 because **[reason for exclusion- include any other relevant previous history]**.

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

Alternative arrangements for **[child's name]** education to continue will be made. For the first five school days of the exclusion we will set work for **[child's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards – i.e from **[specify date]** the Local Authority, will provide suitable full-time education.

### **[Where the 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 **[contact details]**

As this is a permanent exclusion the School's Governing Body must meet to consider the exclusion. At the hearing you may make representations to the Governing Body. The Governing Body can either reinstate your child, or uphold the exclusion. If the exclusion is upheld, you have the right to request an Independent Review. latest date by which the Governing Body must meet is **[specify date – no later than the 15 school days from the date which the Governing Body was notified of this exclusion]**. If you do wish to make representations 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 be notified by the Clerk to the Governing Body of the time, date and location of this 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 at the meeting.

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 under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

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 **Julie Millar-Robinson- 03330 131150** from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Yours sincerely,  
**[Name]** Headteacher

## MODEL LETTER 5 - From the clerk to the Governing Body to the parent upholding the permanent exclusion

Dear **[parent's name]**

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

The reasons for the Governing Body's decision are as follows: **[give reasons in as much detail as possible, explaining how they were arrived at]**

If you wish for this decision to be reviewed by an Independent Review Panel, please notify **[name of clerk to the review panel or address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Alternative Education Commissioning Service if you are unsure which to use]** of your request. You must set out the reasons for your review in writing, and, if appropriate this may also include reference to any disability discrimination claim you may wish to make. Please send this notice to by no later than **[specify the latest date – the 15<sup>th</sup> school day after the parents would receive this letter – weekends, bank holidays, school holidays and non-pupil days do not count – please contact the Alternative Education Commissioning Service if you would like us to double check the date you intend to use]**.

The Review Panel will rehear all 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 15<sup>th</sup> school day after the date on which your request for a review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold your child's exclusion, recommend that the Governing Body reconsiders their decision, or quash the decision and direct that the Governing Body considers the exclusion again.

If you have not submitted your request for an Independent Review by **[repeat latest date]**, you will lose your right to do so. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also please inform **[name of clerk to the review panel]** if it would helpful for you to have an interpreter present at the hearing.

You may wish to contact **Julie Millar-Robinson - 03330 131150** from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

The arrangements currently being made for **[child's name]** education will continue.

Yours sincerely,

**[Name]**

**Clerk to the Discipline/Management Committee**

## Appendix C - Notification of Permanent Exclusion (Essex)

Please submit this form and a completed Appendix A by e-mail on the day that the decision to exclude has been made, together with a copy of the letter notifying the parents of the exclusion and a copy of the Headteacher's report. If the Headteacher's report is not available please send the form and letter now, and submit the report as soon as possible.

**Please do not send this information by post**

**Please ensure that all sections have been fully completed, checked and signed before sending**

E-mail: [exclusions@essex.gov.uk](mailto:exclusions@essex.gov.uk)

Fax number: 01245 436211

School name and telephone number	
Pupil's Surname	
Forename(s)	
Date of Birth	
Gender	
Ethnicity	
Year Group	
Unique Pupil Number (UPN)	
Last date of attendance	
Attendance percentage	
Date of Headteacher's decision to exclude	
Reason for exclusion Please explain the reason for exclusion in further details	

If exclusion is a criminal offence, have the police been informed?	
Is the pupil a Child in Care?  If 'Yes', please name the Local Authority and allocated Social Worker	
Parents' or carers' name and address	
Parents' or carers' contact details	Home: Mobile: E-mail (if applicable):
If parents' live at separate addresses please give alternative contact address and telephone number	
Family home language	
Does the pupil have a Statement/Education Health and Care (EHC) Plan?  If 'Yes', please select Category of Need  If the pupil has a physical disability please provide basic details	
Please give details of any other agencies involved with this pupil <b>please include contact details if possible</b>	
KS1 test results	English      Maths      Science
KS2 test results	English      Maths      Science
KS3 test results	English      Maths      Science

Current levels	<b>Literacy:</b> Reading Writing Speaking <b>Numeracy</b> Number Using and Applying Shape, Space and Measures
	<b>Science:</b> <b>Behaviour:</b>
GCSE's being taken (if applicable) <b>please include predicted grades and exam boards</b>	
UCI Number (exam number)	
Other learning, ASDAN etc.	
Work related learning/work experience	
Previous schools	

**Form completed by:**

Full Name:

Position within the school:

Date:

Signature:

## Risk Assessment - Health and Safety

Assessing the risk to Health and Safety	Never	Occasionally	Frequently
Has the pupil been known to threaten other pupils?			
Has the pupil been known to use sexually offensive or threatening language?			
Has the pupil been known to assault another young person?			
Has the pupil been known to threaten staff?			
Has the pupil been known to assault an adult?			
Did any assault(s) lead to actual bodily harm?			
Did the assault(s) use weapons/objects?			
Did the assault(s) lead to medical treatment?			
Has the pupil or adult had time off as a result of assaults/threats?			
Has the pupil been known to damage property?			
Has the pupil committed any criminal offence?			
Has there been any police involvement in previous incidents?			
Has the pupil been known to do him/herself physical harm?			
Has the pupil had to be physically restrained?			
Has the pupil made any allegations against members of staff?			
Has the parent/carer made any allegations against and members of staff?			

Additional Resources or Support (other than routinely available)	Yes	No	Unknown
Full time attendance of an additional member of staff			
Special training for staff?			
Special supervision during breaks, outside activities or particular subject areas?			
Additional staffing 'on hand'			
Support from Social Services or similar?			
Support from mental health agencies?			
Multi-agency support?			
Other (please specify)			

In your professional opinion does this pupil present a significant risk?  
If so, summarise your concerns referring to available evidence.

In your judgement, does this pupil require a higher level of risk assessment before proceeding further? Please click to select.

**Full Name:**

**Position within the School:**

**Date:**

**Signature:**

**For County Hall use only;**

Date of Governing Body meeting:

**Date tuition should commence:**

## Appendix D - Aide Memoire for decision making

### Some points for members of a Governing Bodies Discipline Committee to consider when reviewing the Headteacher's decision to suspend/exclude a pupil

- Did the pupil, on the balance of probabilities, commit the breach of the School's discipline policy of which they are accused?
- Would allowing the pupil to remain in school seriously harm the education or welfare of others in the School?
- Did the School evidence that all strategies available had been exhausted prior to the decision to exclude?
- Did the Headteacher have any alternative to exclusion?
- Is the Headteacher's decision in line with the School's published discipline policy?
- Was the decision to exclude based on a serious one off incident, or for an accumulation of offences?
- Is the pupil defined as having Special Educational Needs? Has the pupil received the support as set out in the Statutory Assessment? Has the pupil had a recent annual review? Were the Statutory Assessment Service consulted prior to the decision to exclude?
- Has the pupil been identified as having a disability? If so, has the pupil been treated less favourably than other pupils and have reasonable adjustments been made in regard to their disability?
- Was the incident provoked (for example by bullying, racial or sexual harassment)?
- Are you satisfied that a full and appropriate investigation was undertaken? Has the School interviewed all parties and have you cross referenced the witness statements?
- Did the School apply the correct procedures when excluding the pupil?
- Was the pupil given the opportunity to give their version of events?

## Appendix E - Pupil Discipline Committee

### Purpose

To review the use of exclusion within the school, including considering the views of the parent of suspended pupil, and deciding whether or not to confirm suspensions of more than five days or where a pupil would miss an opportunity to take a public examination. With delegated powers.

### Quorum

Three governors.

### Membership - 3 or 5 members

The membership may be taken from across the Local Governing Bodies of the Trust and must not include the Headteacher or staff governor.

If any governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

### Terms of Reference

1. To consider the actions of the Headteacher in excluding the pupil.
2. To consider representations made by parents and by the LA.
3. To determine whether the pupil should be re-instated immediately; re-instated by a particular date or not re-instated.

### The school's case to the Pupil Discipline Committee

The Governing Body will delegate its functions to consider reinstatement to the Pupil Discipline Committee.

The Headteacher will need to provide the Pupil Discipline Committee with relevant paperwork to support his/her case for exclusion. It is often tempting to provide as much information as possible; however, the Headteacher should ensure that all the information that is provided is relevant. The Pupil Discipline Committee should not be provided with information that is not pertinent to the exclusion. In order to help with this decision, the following checklist should be used.

Type of evidence	Exclusion for a 'one-off' serious incident	Exclusions for cumulative reasons
Details of the incident in question	Must be provided	Must be provided
Statement from the pupil in question	Must be provided	Must be provided
Witness statements	Must be provided	Must be provided
Behaviour log and details of previous incidents	No, unless there is a specific reason to do so	Must be provided
Attendance log	No, unless there is a specific reason to do so	Only if relevant
Details of support provided to pupil	Only if relevant	Must be provided

Reports from any professionals involved with the pupil	Only if relevant	Must be provided
Details of any SEN the pupil may have	Must be provided	Must be provided
Academic reports	No, unless there is a specific reason to do so	Only if relevant
Other information	Only if relevant	Only if relevant

If a pupil has a history of challenging behaviour and is then permanently excluded for a one-off incident (which does not follow the pattern of behaviour which the pupil usually presents with) then the Headteacher needs to exercise care about what information is provided. If details of prior misconduct are provided in the paperwork, the parent(s) could argue that the Committee has been biased by this information. In this instance the pupil's conduct log is irrelevant to the decision to exclude permanently.

All those making representations at the Pupil Disciplinary Committee Meeting should be sent a copy of the School's paperwork, identical to that presented to the Governors. It is good practice for the evidence to be sent at least 5 school days before the date of the meeting, to allow for reading time, consultation and legal advice if desired.

### Suggested Agenda

All parties, including the pupil, should be allowed to express their views.

#### Agenda:

Introductions

Headteacher's report

Questions to school by the Governing Body, parent(s), Local Authority

Parent(s) representations

Questions to parent(s) by the Governing Body, Headteacher, Local Authority

Local Authority statement

Questions to Local Authority by the Governing Body, Headteacher, parent(s)

Summing up by Headteacher

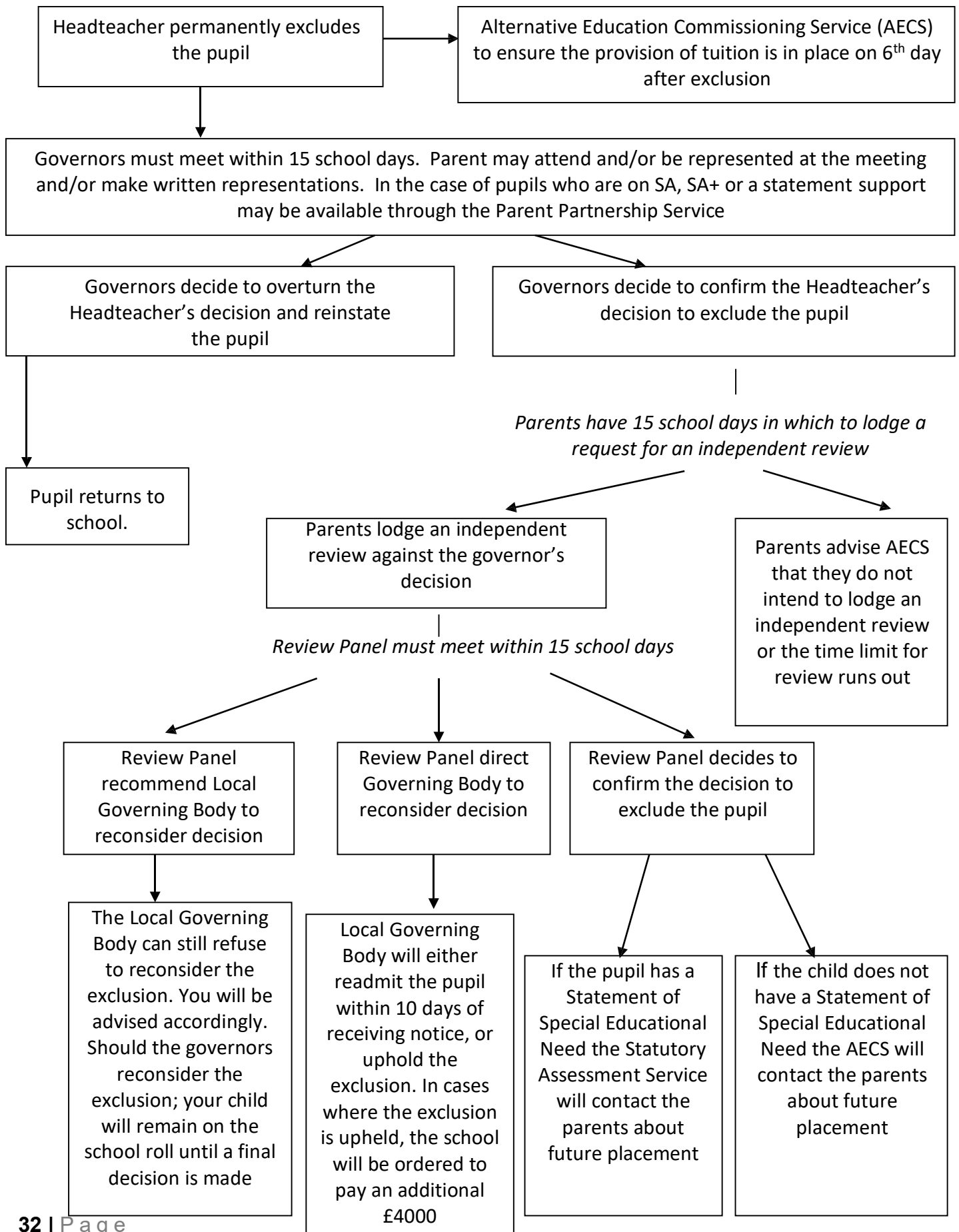
Summing up by parent

Withdrawal of Headteacher, parent(s) and Local Authority

Consideration of the case by the Governing Body

Decision of the Governing Body

## Appendix F - Parents' Guide to the Procedure for Permanent Exclusion



## Appendix G – Guidance on Panels

All governors must have attended the appropriate training course within the last 2 years.

If, the original panel of governors upholds the decision to exclude, the parent can appeal and a different panel of governors will convene to consider the matter. If the decision is upheld there is a right of appeal to the Local Authority. The new rules suggest that there is one hearing held by the governors and if the permanent exclusion is upheld the next appeal is heard by an Independent Review Panel.

It is for the Trust, and at the Trust's expense, to arrange for the panel to review the decision, provided the application is made within 15 school days of the notice being given to the parents by the governors.

A panel, consisting of three members, must include one person from each of the following categories:

- a lay member to chair the panel, who has not worked in any school, in any paid capacity, disregarding any experience as a school governor or volunteer
- school governors who have served as a governor for at least 12 months in the last 5 years, so long as they have not been a teacher or Headteacher within that period
- Headteachers or individuals who have been a Headteacher within the last 5 years

The panel can make the following decisions:

- uphold the exclusion
- recommend that the governors reconsider their decision
- quash the decision and direct the governors to consider the exclusion again

In relation to the third point above, governors can only quash the decision when it is deemed to be flawed when considered in light of the principles applicable on an application for judicial review. In deciding this, the panel must only take into account the evidence that was available to the governors when the decision was made. However, this does include any evidence that the panel considers would or should have been available had the governors acted reasonably. Thus, if new evidence is presented to the panel that was not available to the governors at the time of the original hearing the panel can take this into account and request the governors review their decision in light of the new evidence.

When a panel directs a governing body to reconsider the exclusion, under decision 3 above, it has the power to order the Trust to make a payment of £4,000 to the LA, in addition to any funding that would normally follow the pupil.

If it is requested by the parents, the Trust must appoint an SEN expert and cover the costs of such appointment. The parents can request this regardless of whether the child has been recognised as having SEN needs or not.

## Appendix H - Appointing a SEND expert

If requested by parents in their application for an independent review panel, the Trust will appoint a SEND expert to attend the panel and cover the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND.

Examples of suitable individuals might include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the Trust will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are contracted by the Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the Trust to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the Trust will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The Trust will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

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

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion.

The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the Trust and school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## Appendix I - Appointing a clerk

The Trust will appoint a clerk to the independent review panel and will ensure that the clerk did not serve as clerk to the PDC when the decision was made not to reinstate the pupil.

### **The role of a clerk**

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents, Headteacher, the PDC and the Trust board, that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.

Ensure that all parties are:

- Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
- Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.