



Suspension & Permanent Exclusion Guidance

Written By	Headteacher
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Suspension and Permanent Exclusion Guidance

This guidance is supplementary to, and should be read in conjunction with, the DfE Guidance “Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England including pupil movement” - which came into effect in September 2022 and was amended September 2023.

All decisions about suspension must be made with reference to the DfE guidance which outlines statutory responsibilities. This document is not designed to replace the DfE Guidance, but should be used as a series of checklists to ensure that the correct processes and procedures are followed.

This supplementary guidance updates and replaces all previous guidance regarding exclusion from maintained schools, Academies and College Central including special schools published by East Riding Council, herein after referred to as the Local Authority (LA). It applies equally to children with and without statements of Special Educational Needs (SEN) or Education, Health and Care Plans (EHCPs).

This guidance is intended to be of assistance to all parties involved in the exclusion process including Headteachers, Governing Bodies, Clerks, Local Authorities and Independent Review Panel members.

The Education Support, Behaviour & Attendance Service should be the first point of contact for any queries that Headteachers, Governors, Parents, Students or others may have regarding exclusions.

Contact details for correspondence or queries relating to suspensions:

School Inclusion
East Riding of Yorkshire Council
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

Contact details for correspondence or queries relating to Independent Review Panels:

East Riding of Yorkshire Council
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

What is included in this guidance?

Contact details	1
Contents table	2
Context for this guidance	3
Exclusion as a last resort	3
Unofficial or Illegal Exclusions	3
Guidance for Headteachers	
What should be considered prior to suspension (flow chart)	4
Permanent Exclusions process (flow chart)	5
Notification of Suspensions to Parents (flow chart and checklist)	6
Notification of Suspensions to the Local Authority	7
Headteacher's checklist	8
Special Considerations (checklist)	9
Guidance for Clerks and Governors	
The Governing Body's Duty to Consider an Exclusion	10
Suggested format for the Governors Disciplinary Committee	11
Consideration for the Governor's Discipline Committee	12
Evidence required for Exclusions for a 'one-off' serious incident	13
Evidence required for Exclusions for cumulative reasons	14
Independent Review Panels	
The Role of the SEN Expert on the Independent Review Panel	15
The remit of the Independent Review Panels	16
Appendices	
EXNO1 form	17
Which letter to send notifying parents of an exclusion	20
Letters	21

Context

We believe that children can achieve their full potential if they attend school regularly and behave well. All children can realise their full potential; some just need support to do so.

Headteachers should, as far as possible, avoid excluding a Looked After Child (CLA) or any student with a Statement of Special Educational Needs (SEN)/Education, Health and Care Plan (EHCP). If the behaviour leading to suspension arose from an underlying special educational need or disability, or mental health need, the exclusion could be unlawful under the Equalities Act (2010). This applies to needs that have been identified or not.

Exclusion as a last resort

As a Local Authority Maintained School, we believe that exclusion rarely changes behaviour. At the heart of Headlands School is a set of core values which aim to prevent exclusion.

If a student is deemed to be at risk of permanent exclusion, it is our expectation that a School Based Plan (Pastoral Support Plan - PSP) should be in place to enable a range of strategies and support to be implemented and reviewed.

Permanent Exclusion should, therefore, be used as a last resort, in response to serious or persistent breaches of the school's Behaviour for Learning (Positive Discipline) Policy and when allowing the student to remain in school would seriously harm the education or welfare of the students and others in school.

Other than in the case of a serious one-off offence (such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon) permanent exclusion should only be used when other approaches have been unsuccessful. Even then it is best practice to consider alternatives to permanent exclusion.

It should be noted that permanently excluding a student is NOT a 'fast track' to specialist support. If a young person is permanently excluded, they are reintegrated into a mainstream school or academy.

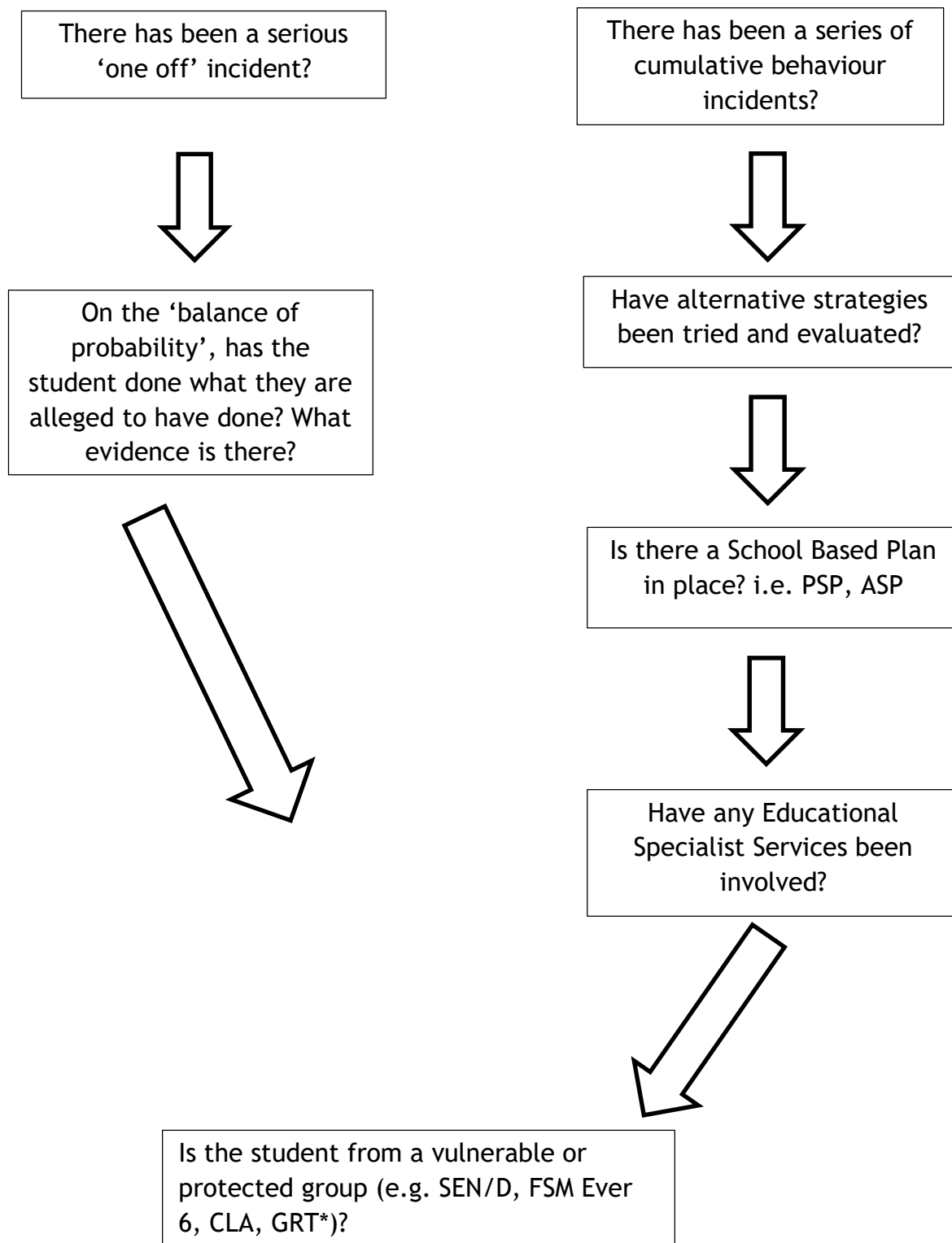
Unofficial or Illegal Suspensions

The procedures contained in this guidance must always be applied when a student is suspended.

Sending a student home informally to 'cool off' or asking parents to take a student home to avoid suspension are unlawful acts that could be subject to legal challenge. This is regardless of whether they are with or without the agreement of parents.

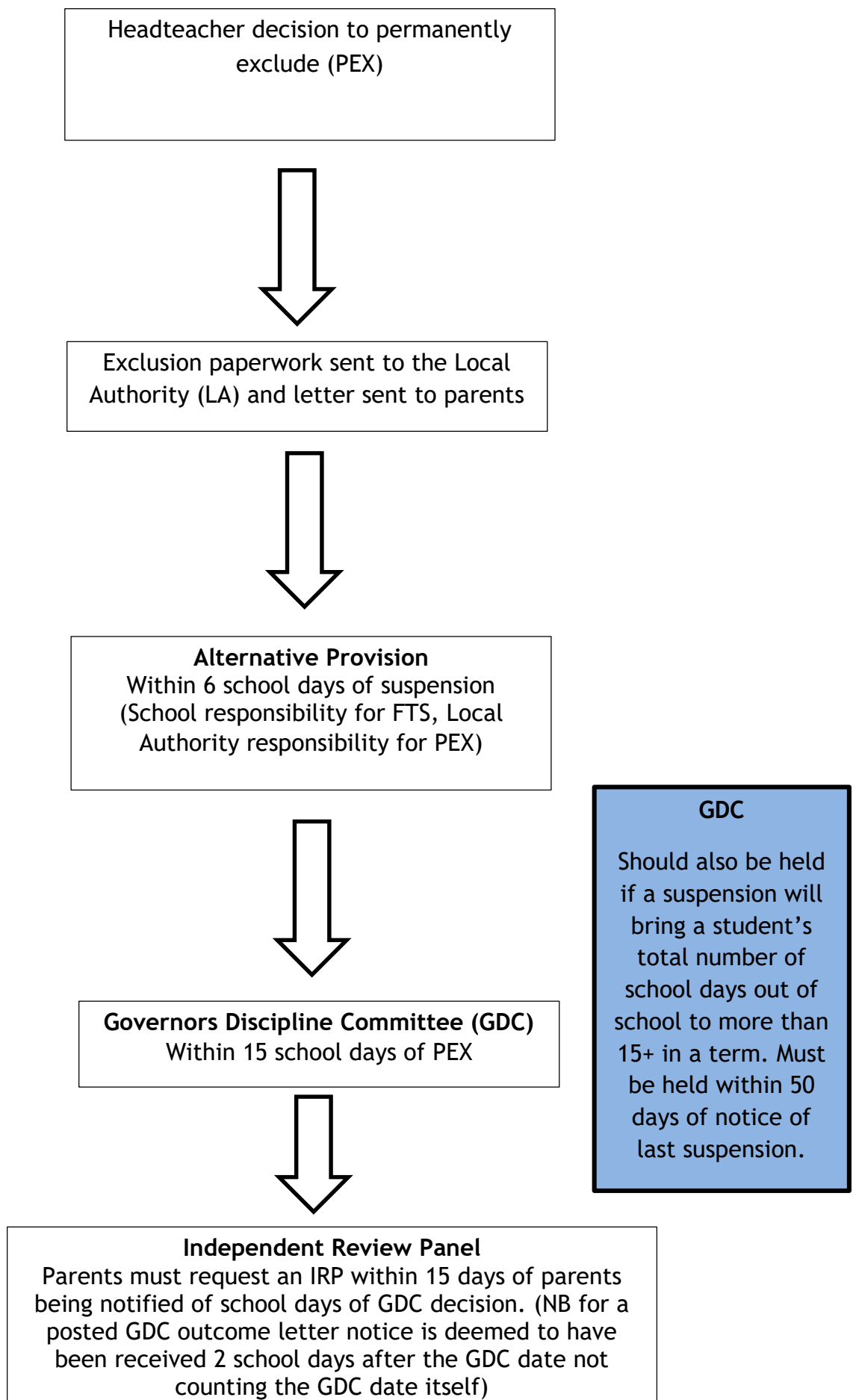
All suspensions, no matter for how short a time, must be formally recorded.

What should be considered prior to suspension and / or Permanent Exclusion?



- *SEN/D: Special Educational Needs & Disability
- FSM Ever 6: Free School Meals
- CLA: Looked After Child
- GRT: Gypsy, Roma, Traveller

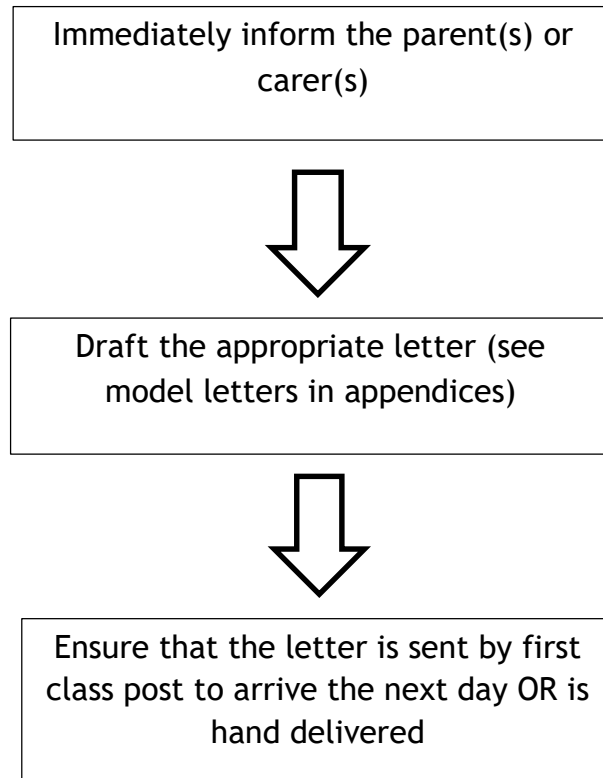
Permanent Exclusion process - overview



Notification of Suspensions / Permanent Exclusions

Parents/Carers

If a Headteacher has decided to suspend or permanently exclude a student, he/she **MUST**



The letter must include the following information:

	✓ Or X
The reason for suspension or permanent exclusion	
The period of the fixed term suspension or, for a permanent exclusion, the fact that it is permanent	
The parents' right to make representation about the suspension to the Governing Body and how the representation should be made	
When there is a legal requirement for the Governing Body to consider the suspension or permanent exclusion, that the parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend	
That, if the student is of compulsory school age, for the first 5 days of any suspension (or until any alternative provision begins) parents are required to ensure that their child is not present in a public place without reasonable justification and that parents may be given a fixed penalty notice if they fail to do so.	

Notification of Suspensions

Local Authority (LA)

The Headteacher has a duty to inform the Governing Body and the Local Authority if the suspension/permanent exclusion:

- is a permanent exclusion
- would result in the student being suspended for more than 15 days in a term
- would result in a student missing a public exam or national curriculum test

The Headteacher **MUST** notify the LA and Governing Body of all suspensions when they occur.

Headteachers should email County Hall in Beverley after each suspension so that the County database can be updated.

If a student who is being Permanently Excluded lives outside the Local Authority in which the school is based, the Headteacher **MUST** also advise the student's 'home authority' without delay.

Headteacher's checklist: decision to suspend*

The circumstances of the case	✓ Or X
Has there been a serious breach of the schools Behaviour for Learning Policy?	
Does the student's presence seriously harm, or threaten to harm, the education or welfare of students or others?	
Is the suspension/exclusion as a result of a serious 'one off' incident?	
Is the suspension/permanent exclusion a last resort, following a wide range of other strategies that have been unsuccessful?	
Has an Individual Behaviour Plan (IBP) or a Pastoral Support Plan (PSP) been put in place? If the Student is in the ARC, confirm an ARC Support Plan is in place (ASP).	
Is the student on the SEN(D) Support List? If so, has the possibility of additional support from outside agencies been explored?	
Has a thorough investigation of the incident been carried out?	
Has the student's version of events been sought and recorded?	
Has the evidence been considered in the light of school policies and possible discrimination?	
Are there any mitigating circumstances, or any provocation, which may be relevant (e.g. bullying, harassment)?	
Have alternatives to suspension/permanent exclusion been considered (e.g. restorative approach, mediation, internal or fixed term exclusion, school-to-school)?	
"on the balance of probabilities", did the student do what he/she is alleged to have done?	

*It may be useful to include this checklist in the GDC paperwork pack

Is it a one-off or cumulative permanent exclusion?

It should only be considered to be a serious one-off incident if it is an incident without precedent. A serious one-off incident is for cases where the young person involved has no or very few prior behaviour incidents.

If the young person has a history of challenging /concerning behaviours and then there is an out of character or very different type of serious incident, then it would still be considered a cumulative permanent exclusion as there are on-going needs/behaviours leading up to that different incident. If the Headteacher needs to reference prior behaviours, needs and strategies in setting the context for the case for permanent exclusion, then the exclusion is cumulative.

Headteacher Checklist: Decision to Suspend Special Considerations

(SEND Code of Practise January 2015, Equalities Act 2010)

Special Considerations	✓ Or X
Identified SEND	
Is the student identified on the school SEND register and/or provision map?	
If yes - have these identified needs been taken in to account and reasonable adjustments been consistently put in place?	
Does the student have a Statement of Special Educational Needs or an EHC Plan?	
If yes - has the Local Authority Assessment and Planning team been contacted?	
If yes - has an emergency review of the Statement/EHCP taken place prior to the decision to exclude?	
CLA	
Is the student looked after?	
Has the Virtual Support for Children in Care been contacted?	
Safeguarding	
Is this student subject to a Child Protection or Child in Need plan?	
Is there an Early Help Plan in place for this student or family?	
Are any other agencies or services involved?	
Underlying needs	
Could there be underlying SEN(D) and/or Social Emotional Mental Health (SEMH) needs that have contributed to the behaviours leading to exclusion? Has this been fully considered/investigated?	
If there are unmet additional needs, identified by the school or not, an exclusion could be unlawful under the Equalities Act (2010)	

The Governing Body's Duty to Consider Suspension/Permanent Exclusion

- A Governors' Discipline Committee must be held within 15 school days of a Permanent Exclusion.
- A Governors' Discipline Committee must also be held if a parent requests one following a Fixed Term Suspension of more than 5 but less than 15 days. In this case, the GDC must be held within 50 school days of the request.
- The GDC should consist of either 3 or 5 governors who have no previous knowledge of the case.
- The Chair of Governors should not be part of the GDC if he/she has previously discussed the case with the Headteacher.
- The GDC should be clerked by a person who has had appropriate training.
- A Local Authority representative should be invited to all GDC meetings at maintained schools. The Local Authority representative will act as an impartial third party, providing objective and dispassionate representations to assist the process.

It is important to remember that if the behaviour of a student is a direct consequence of a disability it is illegal to suspend for that behaviour under the Equality Act 2010.

You cannot have one rule for all under the Equality Act 2010. There is a duty on schools and academies to take 'such steps are reasonable to avoid disadvantage'. Schools are financially responsible for planning for and meeting additional needs.

Headteacher checklist: GDC Paperwork Pack

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented and evidence is produced.

The GDC pack containing all written material from the school and parents **MUST** be distributed to the GDC Panel members (Governors, parents and LA Rep) 3-5 working days before the GDC date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a 'one-off' serious incident compared to cumulative reasons. The tables below show the evidence required for each.

Permanent Exclusions for a 'one-off' serious incident

Type of evidence	✓ Or X	
Details of the incident in question	✓	Must be provided
Witness statements, including the excluded student, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided. Where a student has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Behaviour log and details of previous incidents	X	Should not be provided, as this could influence the Panel. Please check whether this is in fact a one-off incident for permanent exclusion.
Attendance record	X	Should not be included as it is not relevant for a one-off incident
Reports of professionals involved with the student	X	Should not be included as it is not relevant for a one-off incident
Details of any SEN the student may have	✓	Must be provided
Details of any disability the student may have	✓	Must be provided
Academic Reports	X	Should not be included as it is not relevant
Early Help Plan	X	Must NOT be included

Permanent Exclusions for cumulative reasons

Type of evidence	✓ Or X	
Details of the incident in question	✓	Must be provided
Statement from the excluded student, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided for the final incident, should be provided for previous incidents. Where a student has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Witness statements, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided for the final incident, should be provided for previous incidents
Behaviour log and details of previous incidents	✓	Must be provided
Attendance record	X	Should not be included as it is not relevant
Details of support provided to the pupil (e.g. School Based Plan, Provision map etc.). The impact of the support should have been evaluated	✓	Must be provided
Reports of professionals involved with the student	✓	Must be provided
Details of any SEN the student may have	✓	Must be provided
Details of any disability the student may have	✓	Must be provided
Academic reports	X	Should not be included as it is not relevant
Early Help Plan	X	Must NOT be included

Suggested format for the Governors' Disciplinary Committee (GDC)

The GDC should ensure that a proper agenda for its meetings is prepared. The agenda can be flexible to meet the needs of attendees but it is important that the final three points occur in this order at the end of the agenda.

The Agenda should cover the following:

1. The Chair welcomes and introduces all parties
2. The Headteacher puts the case for suspensions / Permanent Exclusion
3. The parents, governors and LA representative (when present) may question the Headteacher
4. The parents (and/or excluded young person where age-appropriate) make their case against permanent exclusion
5. The Headteacher, governors and LA representative (when present) may question the parents
6. The LA representative (when present) makes a statement. If the LA representative is not present, their statement is read aloud.
7. The parents, Headteacher and governors may question the LA representative (when present)
8. The Headteacher makes his/her concluding remarks
9. The parents (and/or excluded young person where age-appropriate) make their concluding remarks
10. The Chair concludes this part of the meeting and advises the parents/child that they will receive the decision of the governors in writing within 24 hours.
11. At the end of the GDC, the governing body must ensure that all other parties have withdrawn before making a decision in private.

Where a GDC has been held to consider a permanent exclusion, the school must advise the Local Authority within 24 hours of the decision taken by the governing body whether to uphold or overturn the exclusion.

Following all GDCs, the school should inform the Local Authority of the decision, preferably with a copy of the letter that has been sent to parents.

Governors' Checklist - Consideration for the Governors' Discipline Committee

Considerations	✓ Or X	Comments
The quality of the evidence		
Have the facts been established? Was a full investigation, involving appropriate witness, carried out? Is the permanently excluded student's voice present?		
How did the incident relate to the school's Behaviour for Learning Policy?		
Was the student responsible for the behaviour that led to the permanent exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed).		
Was the permanent exclusion a proportionate response?		
Was the permanent exclusion a reasonable and proportionate response to the behaviour?		
Was it fair in respect of sanctions imposed on any other students involved?		
Were alternative strategies tried?		
If the permanent exclusion was a response to an on-going pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services had failed? (A School Based Plan should be in place, clearly identifying and evaluating school strategies, internal and external support).		
Were there mitigating circumstances?		
Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity)		
Are there unmet Special Educational Needs or Mental Health needs that have contributed to the behaviour? (If there is doubt this exclusion could be unlawful under the Equalities Act 2010).		
Is there evidence that this has been considered by the Headteacher?		
Could there be other needs that have not been identified? Could any other strategies/investigations be tried (e.g. strategies in school, involving outside agencies)?		

Independent Review Panels (IRPs)

Following a GDC decision to uphold a permanent exclusion, the Local Authority must, if requested by parents, arrange for a review IRP to be held within 15 school days of the parent's request.

The panel must consist of 3 - 5 members (as decided by the Local Authority) representing each of 3 categories below:

1. 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.
2. Current or former school governors (of a maintained school) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during that time.
3. Headteachers or individuals who have been a Headteacher within the last five years.

In addition, a Clerk must be appointed who should not have served as Clerk to the GDC meeting. He/she should have the training required by law and an up-to-date understanding of developments in case law, legislation and guidance which are relevant to permanent exclusion.

The Role of the SEN Expert on the Independent Review Panel

- When parents apply for an IRP to be held, they may request that a SEN expert attend the panel.
- Parents have a right to request the attendance of a SEN expert at an IRP regardless of whether the school / academy recognise that the child has SEN.
- Arrangements must be made to indemnify a SEN 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.
- Individuals may not serve as an SEN expert if they have, or at any time have had, a connection with the Local Authority, academy, school, student or parent or the incident leading to the permanent exclusion which might reasonably be taken to raise doubts about their ability to act impartially. (However, an individual is not taken to have such a connection solely because he/she is an employee of the Local Authority/school/academy).
- The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.
- Reasonable steps should be taken to ensure that the parents have confidence in the impartiality and capability of the SEN expert and when possible this may include offering parents a choice of SEN expert.
- The SEN expert's role is analogous to an expert witness to provide impartial advice to the IRP about how SEN could be relevant to the permanent exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.
- The SEN expert's role does not include making an assessment of the student's SEN.
- The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN expert believes that this was not the case he/she should, where possible, advise the panel on the possible contribution which could have been made to the student's exclusion.
- The SEN expert should not criticise school policies or actions simply because he/she believes a different approach should have been followed or because different schools might have taken a different approach.

The Remit of the Independent Review Panel

An IRP does not have the power to direct a governing body to reinstate a permanently excluded student.

An IRP can make one of three decisions. It can:

1. Uphold the decision to exclude;
2. Recommend that the GDC reconsiders its decision; or
3. Quash the decision and direct the GDC to reconsider its decision.

If following a direction from the IRP, the GDC does not subsequently offer to reinstate a student; the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the LA towards the costs of providing alternative provision for the student.

Which letter to send notifying parents of suspension/permanent exclusion

Which circumstances?	Which model letter?	Who is the letter from?
A FTS (suspension) of 5 days or fewer in one term	1	Headteacher
A FTS (suspension) of more than 5 but not more than 15 days in one term	2	Headteacher
A FTS (suspension) of more than 15 days in one term OR if a public examination is missed due to the FTS (suspension)	3	Headteacher
Invitation to a Governors Discipline Committee for a Fixed Term Suspension	4	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Fixed Term Suspension	5	Clerk to the Governors
Lunchtime exclusions of up to 5 days in one term (Lunchtime exclusions count as 0.5 days)	6	Headteacher
Notification of a Permanent Exclusion	7	Headteacher
Invitation to a Governors Discipline Committee for a Permanent Exclusion	8	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Permanent Exclusion	9	Clerk to the Governors
Withdrawing/Rescinding either a Fixed Term, or a Permanent Exclusion	10	Headteacher

MODEL LETTER 1

NOTIFICATION OF SUSPENSION FROM SCHOOL

Student: XXXX

Year: XX

Tutor Group: XXX

Type of Suspension: Fixed term of X day(s)

From DATE to DATE inclusive.

Total number of days suspended this term - X. This school year - X.

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend Child's Name has not been taken lightly. Child's Name has been suspended for this fixed period due to the following reasons:

- Enter the reason for the suspension

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on date 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.

We will set work for Child's Name to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. Please ensure that work set by the school, which will be available on Google Classroom, is completed and promptly submitted for marking.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact Mr A Hirst, c/o Headlands School, Sewerby Road, Bridlington, YO16 6UR, Contact number: 01262 676198. Email: headlands.governors@headlandsschool.co.uk, as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

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

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU
Fax: 0870 739 4017 Email: sendistquiries@hmcts.gsi.gov.uk If you need to contact us by telephone our number is: 01325 289350

You and Child's Name are requested to attend a reintegration interview with ???? and ???? at Headlands School on Date at Time. If that is not convenient, please contact the school within the next 10 days to arrange a suitable alternative date and time. 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 Susan Pearce, Exclusion & Reintegration Officer, Room FT44, County Hall, Beverley, HU17 9BA who can provide advice on the Exclusion guidance.

Telephone 01482 392182, susan.pearce@eastriding.gov.uk

You may also find it useful to contact the Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

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

Parents of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Child's Name's suspension expires on Date and we expect Child's Name to be back in school on Date at Time.

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

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

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU
Fax: 0870 739 4017 Email: sendistqueries@hmcts.gsi.gov.uk If you need to contact us by telephone our number is: 01325 289350

You and Name are requested to attend a reintegration interview with ??? & ??? at Headlands School on date at time. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

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sendiass@eastriding.gov.uk

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Name's suspension expires on date and we expect Name to be back in school on date at time.

MODEL LETTER 3

From head teacher notifying parent of a fixed period suspension of more than 15 school days in total in one term

Dear Parents Name

NOTIFICATION OF SUSPENSION FROM SCHOOL

Student:

Year:

Tutor Group:

Type of Suspension: Fixed term of day(s)

From Date to Date inclusive.

Total number of days suspended this term - .

This school year - .

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

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

[for pupils of compulsory school age – next 3 paragraphs]

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

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

[if the individual suspension is for more than 5 days]

From the **[6th school day of the pupil's suspension]** **[specify date]** until the expiry of his suspension we **[For PRUs the local authority – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**.

[School and PRU] As the length of the suspension is more than 15 school days in total in one term the governing body/management committee must meet to consider the suspension. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date on which the governing body/management committee 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/management committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee of the time, date and location of the meeting. Please advise if you have a disability or

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

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

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU
Fax: 0870 739 4017 Email: sendistqueries@hmcts.gsi.gov.uk If you need to contact us by telephone our number is: 01325 289350

(If the Headteacher chooses to hold a reintegration interview)

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

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer Room FT44, County Hall, Beverley, HU17 9BA who can provide advice on the Exclusion guidance.

Telephone 01482 392182, susan.pearce@eastriding.gov.uk

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

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

Parents of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

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

Model Letter 4

From Headteacher notifying the parent of a permanent exclusion

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

Dear [Parent's Name]

I regret to inform you of my decision to permanently exclude [Child's Name] with effect from [date]. This means that [Child's Name] will not be allowed in this school/this PRU unless he/she is reinstated by the governing body/the discipline committee (management committee in case of a PRU).

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

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils of compulsory school age]

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date] the local authority East Riding of Yorkshire of Council will provide suitable full-time education. If not known say that the arrangements will be notified shortly by a further letter.

[For pupils of compulsory school age]

[Where pupil lives in a local authority other than the excluding school's local authority] I have also today informed [name of officer] at [name of local authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth school day of exclusion. You can contact them at [give contact details]. 01482 392182.

As this is a permanent exclusion the governing body (or management committee in case of a PRU) must meet to consider it. At the review meeting you may make representations to the governing body/PRU management committee if you wish and ask them to reinstate your child in school. The governing body/PRU management committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Review Panel. The latest date by which the governing body/PRU management committee must meet is [specify the date – the 15th school day after the date on which the governing body/PRU management committee was notified of the exclusion]. If you wish to make representations to the governing body/PRU management committee and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details – address, phone number, email], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/PRU management committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the

meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

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

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer Room FT44, County Hall, Beverley, HU17 9BA who can provide advice on the Exclusion guidance.

Telephone 01482 392182, susan.pearce@eastriding.gov.uk

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

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

Parents of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

MODEL LETTER 5

Model letter 5 - from the Clerk to the Governing Body to Parent upholding a Permanent Exclusion.

From the governors of a primary, secondary or special school notifying the parent(s) of the decision to uphold a pupil's permanent exclusion

Dear [Parent's Name]

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

Set out the reasons in sufficient detail to enable all parties to understand why the decision was made

You have the right to appeal against this decision. If you wish to do so, you should advise the school or the Local Authority, in writing, by (date - 15 school days after the day on which notice in writing was given of the governing body's decision. Where the notice is sent by first class post it is treated as being given on the second working day after it was posted). Your notice of appeal should state the grounds on which it is made. Although you may wish to take a few days to consider whether you wish to appeal, I should stress that your right to appeal does expire at the end of the 15th school day.

The Local authority will convene an Independent Review Panel no later than the 15th school day after the day on which the appeal was lodged.

Whether or not a school recognises that a pupil has special educational needs (SEN) all parents have the right to request an SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to legal duties when excluding (name). Parents/carers will not incur any costs if they request that the Local Authority appoints an SEN expert to attend the review.

Please make it clear if you would like an SEN expert appointed to attend the review.

Parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel. They may also bring a friend to the review.

If there is an allegation of discrimination (under the Equality Act 2010) in relation to this exclusion, parents/carers can make a claim to the First-tier Tribunal or a County Court (for other forms of discrimination). A claim of discrimination should be made within 6 months of the date on which discrimination is alleged to have taken place.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer Room FT44, County Hall, Beverley, HU17 9BA who can provide advice on the Exclusion guidance.

Telephone 01482 392182, susan.pearce@eastriding.gov.uk

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm

Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

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sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link: -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Advice on making a claim of discrimination to the First-tier Tribunal can be found by following this link:-

<http://www.justice.gov.uk/tribunals/send/appeals>

MODEL LETTER 6

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] during lunchtimes for a fixed period of [specify period]. This means that [child's name] will not be allowed in school at lunchtimes for this period. This exclusion begins on [date] and ends on [date].

I realise that his 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 [specify full reason(s) for exclusion].

This exclusion covers the lunchtime period only from [time] to [time] and you should ensure that arrangements are in place for [child's name]'s supervision away from school during this period. You should also ensure [child's name] returns to school in time for the start of the afternoon session at [time].

[The following paragraph should be inserted if applicable]

As [child's name] is eligible to receive a free school meal, I have made arrangements for a packed lunch to be provided for the period of the lunchtime exclusion.

[The following paragraph apply only to students of compulsory school age]

You have a duty to ensure that [child's name] is not present in a public place during the period of this exclusion between [specify period] inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if [child's name] is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish to make representations please contact [name of contact] at [contact details - to include address, telephone number, e-mail], as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on [child's name]'s school record.

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

You may also find it useful to contact the Children's Legal Centre. They can be contacted on 0845 345 4345 or <http://www.childrenslegalcentre.com/>. The advice line is open from 9am to 6.30pm Monday to Friday when they offer information and support on state education in England and Wales, including on exclusion from school.

You may wish to refer to relevant sources of information about exclusions. The guidance form the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[Child's name]'s lunchtime exclusion expires on [date of last day of lunchtime exclusion] and [child's name] can return for lunchtime in school as from [date of first school day following the last day of lunchtime exclusion].