



Suspensions & Permanent Exclusions Policy

Review Responsibility: Headteacher

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1. Aims and Introduction

- a. The government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe and supportive environment in which pupils can learn and thrive.
- b. Borden Grammar School views any suspension or permanent exclusion as a significant sanction. Students will normally be excluded after other sanctions have been used to try to modify a student's behaviour; or for more serious breaches of the behaviour standards expected or if allowing a student to remain in school would harm the education or welfare of the student or others in the school.
- c. The aims of this policy are to explain Borden Grammar Schools approach to using exclusion in achieving this end.
- d. Borden Grammar School will ensure that any suspension or permanent exclusion is applied fairly and consistently, and that the process is understood by all stakeholders.

2. Legislation and Statutory Guidance

- a. This policy is based on statutory guidance from the Department for Education, Suspension and Permanent Exclusion guidance August 2024
- b. From 2022 the DFE guidance uses the term "suspension" to describe a 'fixed term exclusion' as used in legislation
- c. The behaviour of a pupil outside school can be considered grounds for an exclusion.
- d. This policy complies with our funding agreement and articles of association.
- e. Reference should also be made to,
 - The School's Behaviour and Safeguarding Policies
 - Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for suspended students.
 - Section 579 of the Education Act 1996, which defines 'school day'
 - Section 52 of the Education Act 2002, as amended by the Education Act 2011
 - *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*
 - Sections 54-68 of the School Standards and Framework Act 1998

3. The Decision to Exclude

- a. The decision to either suspend or permanently exclude will only be made by the Headteacher, or the Deputy Headteacher in the Headteacher's absence. An internal exclusion (see section 4 below for definition) may only be decided by a head of year or a member of the senior leadership group.
- b. Any decision made by the headteacher will be made in line with the principles of administrative law i.e. that it is legal, fair and proportionate.
- c. When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.
- d. Before a child is suspended or permanently excluded, the pupil's view will be taken into account and they will be informed of the reason for the action being taken.
- e. The headteacher will take account of their legal duty of care when sending a pupil home following an exclusion.

4. Internal Exclusion

- a. Internal exclusion is where a student remains on the school premises but is removed from lessons for a fixed period of time (anywhere from less than a day to no more than 5 days). An internal exclusion may also be referred to as 'reflection'.
- b. We use internal exclusion for a serious misdemeanour or repetitive poor behaviour where we are attempting to avoid a suspension, for example, where learning has been persistently disrupted, adult authority defied, a student has been subject to a minor assault, or where we feel that a child might deliberately wish to be fixed-term excluded.
- c. Internal exclusions are also expected for a student on their return from a suspension, so that their behaviour can be 'reset' and restoration take place.
- d. Internal exclusion may have different start and end times of the school day and different expected codes of conduct which are made clear to students.
- e. Failure to meet the expectations of conduct when internally excluded/placed in the reflection room are likely to result in escalation to a suspension. We will aim to warn students if their behaviour is failing to meet our expectations, but this is not a prerequisite for escalation.
- f. Internal exclusions must always be served. If a child escalates his behaviour so that a suspension is given, the internal exclusion will be served when they return.
- g. As per the 2024 updated attendance guidance which reinforces the importance of attendance for students, an internal exclusion may be used as an alternative to suspension where poor attendance or safeguarding are a consideration.

5. Suspension (Fixed Term)

- a. Any period of time in which a student is excluded from school for any length of time will be classed as a suspension.
- b. A Fixed Term Suspension will normally be for a short period of time of between one and five days, but may be up to a period of 15 days. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year).
- c. Students on Fixed Term Suspension are forbidden from attending school or being in the vicinity of the school for the term of their exclusion. Parents are legally required to ensure that their child is not present in a public place during school hours. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- d. Parents will be notified as soon as possible of the decision to exclude a student and the reason for the suspension. This will be done before or on the day of suspension being authorised by either direct phone contact or a face- to-face meeting wherever possible. A written confirmation of the reason(s) for the suspension will be sent to parents as soon as possible. If a student has a social worker, or if a student is looked-after, the Headteacher will also notify the social worker and/or VSH, as applicable.

- e. Upon readmission, a student who has been suspended will have the reason for his/her suspension explained to them by a member of staff so that they understand the nature of their misbehaviour.
- f. The local authority will be notified without delay if a student is suspended.
- g. Students will be provided with work for completion during the first 5 days of suspension. This may be set via Google classroom where it will be monitored and marked, with any reasonable adjustments made to aid completion.
- h. The law does not allow for converting a fixed term exclusion into a permanent exclusion. However, in exceptional cases i.e. where further evidence has come to light, a further fixed term suspension or a permanent exclusion may follow immediately afterwards.
- i. If a student has had Fixed Term suspensions which amount to 15 days or more in a term, parents/guardians will be required to attend a meeting with the Board of Trustees to discuss the student's behaviour.

6. Reasons and Timing for Fixed Term Suspensions

- a. Fixed-term suspension is the result of behaviour so poor that a continuation may mean that a student's place at the school would be at risk.
- b. We use fixed-term suspension in accordance with statutory guidance. This says that a decision to suspend a student for a fixed period should be taken in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention or being placed in the reflection room are considered inappropriate. Further details of unacceptable behaviour can be found in the school's behaviour policy.
- c. Fixed term suspensions may also be used where the students have already been placed in the reflection room but this has seemingly failed to rectify the misbehaviour or where they refuse to comply with the rules of the reflection space.
- d. Individual fixed-term suspensions will aim to be for the shortest time necessary. However, the time given for a fixed term suspension will be decided based on the seriousness of the event and/or any previous exclusions for similar misbehaviour.
- e. Sometimes a child may be repeatedly suspended for an offence while still being supported to change his or her behaviour, in order to safeguard the integrity of the school community.
- f. Any act of violence against another person where injury is caused (whether intended or unintended) is highly likely to result in suspension. The type and length of suspension will take into account the extent of the violence, the intent, the seriousness of the injury and the context, as well as the prior behaviour of the perpetrator.
- g. Borden has higher expectations for students in the 6th form than for the rest of the school. This is explained in the 6th form appendix contained in the school's behaviour policy.

7. Return from a Fixed Term Suspension

- a. We expect that a child returns from fixed-term suspension through a formal reintegration meeting ideally attended by a parent or carer. This will provide students with a fresh start, helping them understand the impact of their behaviour on themselves and others, teaching them how to meet the high expectations of behaviour in line with the school culture, fostering a renewed sense of belonging within the school community and building engagement with their learning.
- b. This meeting will usually be led by the student's Head of Year and where relevant attended by a member of the leadership team and other agencies. The meeting will review the

- support in place, their Behaviour Plan, and establish targets, knowing that the failure to meet those targets may result in further suspension or permanent exclusion.
- c. A student will spend the first day back from a suspension in the reflection space. If there are outstanding internal exclusion days remaining to be served, those must also be served in reflection. During this time, where appropriate, a restorative meeting will be held with staff involved in the incident and other behavioural strategies may be put into place.
 - d. The school will consider whether alternative strategies need to be considered where a student receives multiple fixed term exclusions. A student in this position may expect to meet with a Trustees panel (particularly if they have had 15 days in one term) to set or review targets. Parents would be expected to attend this meeting.
 - e. Where it is clear that fixed-term exclusions are not being effective in deterring poor behaviour, alternative strategies will be considered.
 - f. Where intervention after repeated exclusion proves unsuccessful, a referral to the In Year Fair Access Panel (IYFAP) may be made for a managed move to another local authority school or alternative provider (see below).
 - g. The headteacher has the power to direct a pupil off-site for education to improve their behaviour

8. Off Site Direction

- a. The school recognises the impact that a permanent exclusion may have on a young person and will therefore consider the possibility of alternatives before taking this decision.
- b. Off-site direction is when a pupil is required to attend another education setting to improve their behaviour under section 29(3) Education Act 2002.
- c. Due regard will be shown to the guidance "*Alternative Provision: statutory for local authorities, headteachers and Trustee bodies*"
- d. Off-site direction to another school or alternative provision may be used as a way to improve the future behaviour of a pupil. The direction should be for a temporary period where in school interventions have proven unsuccessful.
- e. Where off site direction is used, the nature of the intervention, objectives and timeline will be clearly agreed with the provider. This plan will then be regularly monitored and reviewed, with the pupil continuing to receive a broad and balanced education supporting reintegration.
- f. The school will follow the DFE guidance in fulfilling its duties, to be found at <https://www.gov.uk/government/publications/school-exclusion>

9. Managed Moves

- a. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. This may enable a student to make a fresh start, dependent on the student successfully demonstrating the desire to meet the expectations of the "receiving" institution.
- b. Managed moves are voluntary and agreed by all parties involved (including parents) and occur when it is in the pupil's best interests.
- c. The school works with the LA and other local schools via the "In year fair access panel" which supports both the managed move and off site direction process.
- d. A managed move is a planned intervention after in school interventions and support (including multi agency support) have been unsuccessful.
- e. Ultimately, the final sanction the school will impose is a Permanent Exclusion. The decision

to exclude a student permanently is a serious one and will never be taken lightly. In doing so the School recognises that such an exclusion will have a serious impact upon a student's life chances.

- f. A panel of Trustees may interview the parents of students whose behaviour is likely to lead to a Permanent Exclusion. The student would be expected to attend this meeting.

10. Permanent Exclusion

- a. We follow the 2022 [DFE guidance](#) on exclusions in maintained schools.
- b. Permanent exclusion marks the end of a child's time at Borden. It is the final sanction and one which we do not use lightly. However, we are prepared to take this step to protect our orderly, safe and secure community.
- c. National guidance tells us that

A decision to exclude a pupil permanently should 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 the pupil or others in the school.
- d. Only the headteacher can exclude a pupil permanently and the headteacher will consult the chair of trustees to inform them of the reasons for taking this action.
- e. A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been clearly established using the balance of probabilities.
- f. It will usually be the last resort in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success.
- g. There will, however, be exceptional circumstances where, in the headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:
 - i. Serious actual or threatened violence against another pupil or member of staff;
 - ii. Abuse or assault of a protected characteristic
 - iii. Supplying an illegal drug;
 - iv. Possession, use, or threat of use, of an offensive weapon.
- h. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.
- i. We will consider whether or not to inform the police where a criminal offence may have taken place. We will also consider whether or not to inform other agencies such as youth offending teams or social workers.
- j. In cases where the headteacher has permanently excluded a pupil for one of the above offences; or persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on school premises and where the basic facts of the case have been clearly established on the balance of probabilities, the Secretary of State would not normally expect the Trustee Board or an Independent Appeal Panel (IAP) to reinstate the pupil.

11. Safeguarding

- a. All decisions regarding a permanent exclusion will be made with regard to Keeping Children Safe in Education guidance.
- b. The school, and specifically the designated safeguarding lead (DSL), will fully engage with safeguarding partners where relevant, including children's social care and the police.
- c. Where a report of sexual violence has taken place, the DSL will make an immediate risk and needs assessment, keeping the best interests of the child and safeguarding principles at the centre of its decision making.

12. Exclusion Communication

12.1 Parents

- a. Parents will be informed of any exclusion as soon as possible and will receive the following information in writing,
 - the reason(s) for the suspension or permanent exclusion;
 - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the suspension or permanent exclusion to the Trustee board and how the pupil may be involved in this and how any representations should be made;
 - that there is a legal requirement for the Trustee board to consider the exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend;
 - the days on which the parents must ensure the pupil is not present in a public place during school hours. Any parent who fails to comply with this duty without reasonable justification commits an offence and will be given a fixed penalty notice or prosecuted. Parents will be notified as soon as possible and not later than the first afternoon of the first day of the exclusion;
 - relevant sources of free and impartial information including the SENDIAS service, Coram's Child Law Advice service, Ace education, Independent Advisor of special education advice and SEN information, advice and support service network.
- b. If alternative provision is provided during the exclusion, then parents should also be informed of the start date, the start and finish times, the address and who they should report to. This should be provided no later than 48 hours before the alternative provision begins. The only exception to this is when it counts as the 6th day of an exclusion period.

12.2 Other Agencies

- a. The headteacher without delay will inform the social worker, if a student has one or the virtual school if they are a looked after child.
- b. The relevant information must also be provided to the local authority.
- c. Both the social worker and/or VSH, must be informed when a Trustee board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.

12.3 Board of Trustees

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

- a. any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- b. any suspension or permanent exclusion which would result in the pupil being suspended

- for a total of more than five school days (or more than ten lunchtimes) in a term; and
- c. any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.
 - d. When removing a pupil from the school roll, the Trustee board must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.
 - e. The headteacher should ask the chair of trustees whether there are clear processes in place for considering exclusions and their reinstatement. The headteacher should also ascertain whether further training is needed for the trustees for them to fully apply their responsibility.
 - f. The Headteacher must also inform the Trustee board once per term of any other suspensions of which they have not previously been notified.

12.4 The Local Authority

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

- a. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.
- b. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion, the fact that it is permanent. The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this places on schools.

13. Permanent Exclusion Procedure

- a. In the case of a Permanent Exclusion parents will be notified by the Headteacher, preferably in a face-to-face meeting.
- b. The Headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first 5 days where the student will not be attending alternative provision. Appropriate referrals to support services or notifying key workers will also be considered.
- c. Where an exclusion is permanent, the information to parents should include:
 - The fact that it is permanent
 - Notice of parents' right to ask for a Trustee Board review
 - 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 and the name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
 - Regardless of whether the excluded student has recognised SEN, parents have a right to require Borden Grammar School to appoint a SEN expert to attend the review and that there would be no cost to parents for this appointment. Also, that parents must make clear if they wish for a 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 exclusion has occurred as a result of discrimination, they

may make a claim under the Equality Act 2010. A 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.

14. Cancelling Exclusions

The headteacher may cancel an exclusion which has already begun where it has yet to be reviewed by the trustees. Examples of where this may be appropriate is if new evidence has come to light or if the student has been withdrawn from the school by parents.

Where an exclusion is cancelled the pupil will be allowed back into school and,

- a. parents, the trustee board, the local authority and any relevant external bodies should be notified without delay, with the reason for cancellation.
- b. Parents should be offered the opportunity to meet with the headteacher to discuss the reasons for the cancellation.
- c. Cancelled exclusions should be reported to the trustee board termly with circumstances and reasons.
- d. The pupil must be allowed back into the school from which they were excluded without delay.
- e. Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school.
- f. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

15. Trustees and Local Authority Review

15.1 The Trustees and LA's Duties to Arrange Education for Excluded Pupils

- a. For a suspension of more than five school days, the Trustee board must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension.
- b. For permanent exclusions, the local authority (or Fair Access Panel/ FAP) must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.
- c. In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.
- d. Where a looked-after child is excluded, the school should document the provision of immediate suitable education in the child's PEP.
- e. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.
- f. In the case of a looked-after child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following an exclusion.
- g. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school should take reasonable steps to set and mark work for the pupil.
- h. The Trustee board will make certain that the systems and processes for educating an excluded pupil meet the requirements of the DFE guidance.

15.2 The Trustee Board's Duty to Consider an Exclusion

- a. The Trustee board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a Trustee board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (Illustrated in appendix 1).
- b. The Trustee board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:
 - it is a permanent exclusion;
 - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
 - it would result in the pupil missing a public examination or national curriculum test.
- c. The following parties must be invited to a meeting of the Trustee board and allowed to make representations or share information:
 - parents (and, where requested, a representative or friend);
 - the pupil if they are 18 years or over;
 - the headteacher;
 - a representative of the local authority (in the case of a maintained school or PRU)
 - the child's social worker if the pupil has one; and
 - the VSH if the child is a Looked After Child (LAC).
- d. In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Trustee board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- e. The trustee board will follow all other DFE guidance in assuring that its duties are met with regard to preparing for and considering an exclusion. This includes the consideration for reinstating an excluded pupil. See [DFE guidance](#).
- f. If the pupil is reinstated by the trustee board, the board will notify all relevant parties in line with the [DFE guidance](#).
- g. In the case of a permanent exclusion where the Trustee board decides not to reinstate the pupil, the Trustee board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel (IRP). Again, the trust board will follow all the [DFE guidance](#) in this regard.
- h. The trustee board will follow the [DFE guidance](#) in removing a permanently excluded pupil from the school register and providing exclusion information to relevant bodies.

16. Monitoring Arrangements

- a. The school regularly monitors the number of exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.
- b. The Equality Act 2010 requires schools make reasonable adjustments for pupils with disabilities. The school will use its 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, including relevant support for managing their behaviour. Where a student with SEN is excluded or at risk of being excluded, the school will consider what additional support or alternative placement may be required to meet their needs. The school will be proactive in communicating with the local authority should a child with an EHCP be at risk of exclusion and regular reviews will take place for any student with SEN at risk of exclusion.
- c. Where a pupil at risk of exclusion is a looked after child or has a social worker, the

headteacher and/or DSL will proactively communicate with the social worker and parents. The designated teacher will also contact the virtual school as soon as possible. A review will take place of any additional assessments needed and support arrangements in place in the context of the termly PEP review.

- d. The school also liaises with the local authority, the In Year Fair Access Panel and other educational partners to ensure suitable education for excluded students.
- e. The Local Authority Inclusion Officer will be notified of all exclusions and will receive a copy of the exclusion letter.
- f. This policy will be reviewed every year. At every review, the policy will be shared with the Trustee Board.
- g. All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Trustee Board against the decision to exclude.
- h. Trustee boards will follow the [DFE guidance](#) in monitoring and scrutinising exclusions, those taken off roll and those educated off site with a mind to any patterns or trends. A summary of the Trustee boards duties to review the headteachers exclusion decision is found in Appendix 2. Further information can be found here: Understanding your data: a guide for school governors and academy trustees - GOV.UK (www.gov.uk)

17. Independent Review

17.1 The Academy Trust's Duties Regarding an Independent Review Panel

- a. If applied for by parents within the legal time frame the academy trust must, at their own expense, arrange for an Independent Review Panel (IRP) hearing to review the decision of a Trustee board not to reinstate a permanently excluded pupil.
- b. The legal time frame for an application is:
 - within 15 school days of notice being given to the parents by the Trustee board of its decision not to reinstate a permanently excluded pupil (in accordance with the requirements summarised earlier); or
 - where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.
- c. Any application made outside of the legal time frame must be rejected by the academy trust.
- d. In all other regards to setting up an IRP, appointing panel members and a clerk, a SEN expert, the board will follow the [DFE guidance](#). The board will also assure that the clerk and panel members are adequately trained in line with this guidance and that the panel runs in line with this guidance.
- e. Where the IRP directs or recommends that the Trustee board reconsider whether a pupil should be reinstated, the Trustee board must reconvene to do so within ten school days of being given notice of the panel's decision.
- f. It is important that the Trustee board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the Trustee board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.
- g. The reconsideration provides an opportunity for the Trustee board to look afresh at the question of reinstating the pupil, in light of the findings of the IRP. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The Trustee board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented, or information is considered that is irrelevant to the decision at hand.

- h. In regards to this reconsideration and decision making, the trustee board will follow the DFE guidance.

17.2 Police Involvement and Parallel Criminal Proceedings

The headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time.

In all cases, the school will follow general safeguarding principles as found in Keeping children safe in education 2021 (publishing.service.gov.uk).

Where the evidence is limited by a police investigation or criminal proceedings, the headteacher should consider any additional steps they may need to take to ensure that the decision to suspend or permanently exclude is fair. However, the final decision on whether to suspend or permanently exclude is for the headteacher to make.

Where the Trustee board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.

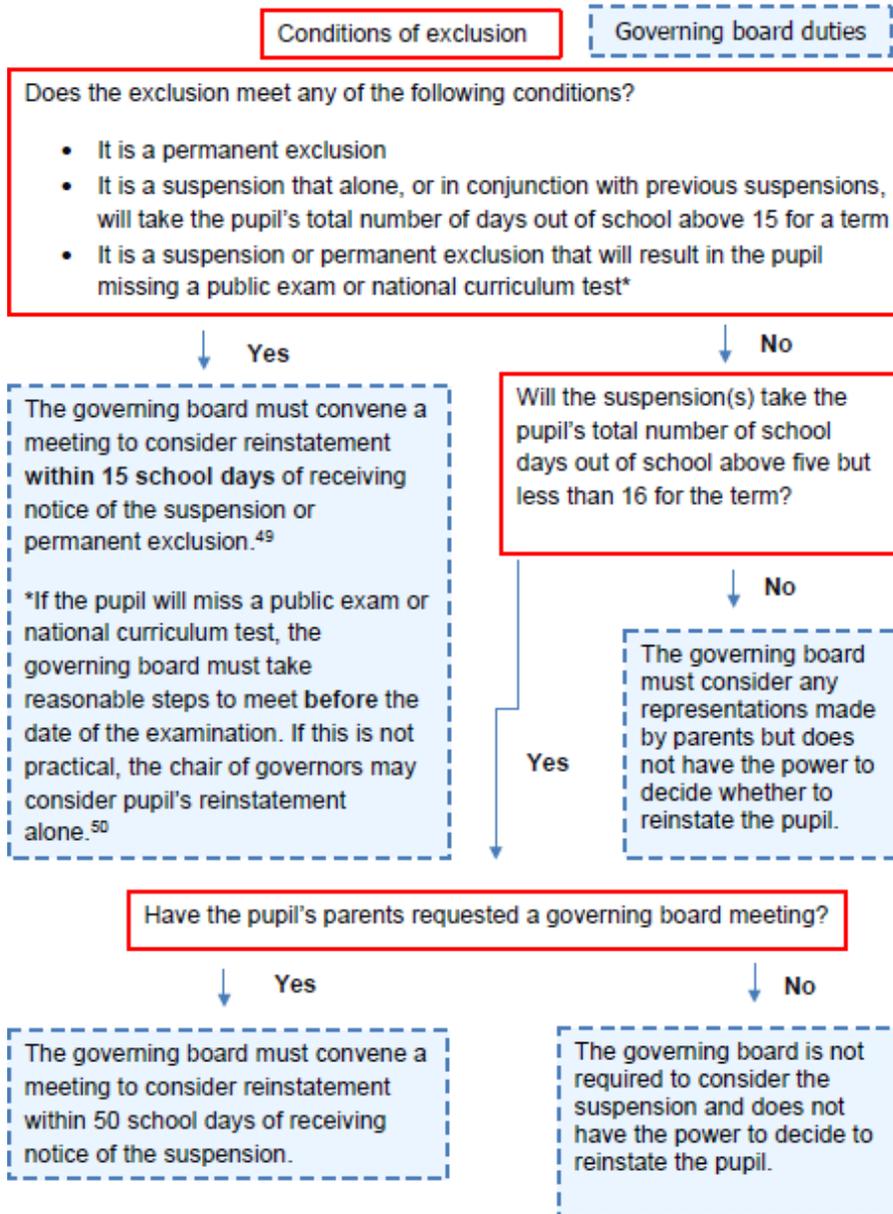
The fact that parallel criminal proceedings are in progress should also not directly determine whether an IRP should be adjourned. Relevant factors for the panel to consider will include:

- whether any charge has been brought against the pupil and, if so, what the charge is;
- whether relevant witnesses and documents are available;
- the likely length of delay if the hearing were adjourned and the effect it may have on the suspended or permanently excluded pupil, the parents, any victim, or the school;
- whether an adjournment or declining to adjourn might result in injustice.

Where a panel decides to adjourn, the clerk (or local authority/academy trust where a clerk is not appointed) should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary, the panel may adjourn more than once.

Appendix 1

A summary of the governing board's duties to review the headteacher's exclusion decision



Appendix 2

A summary of the governing board's duties to consider reinstatement⁶⁴

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions / exclusions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension. This includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days.

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents⁶⁵ but does not have the power to decide whether to reinstate the pupil.

5. Has the parent made representations?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

If the answer is no, the governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

⁶⁴ The governing board may delegate its functions to consider an exclusion to a designated committee.

⁶⁵ Parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

Appendix 3 - Model Letters

Model Letter 1: 5 school days or fewer in one term (no public examination missed)

Date

Dear **parental salutation**

I am writing to inform you of my decision to exclude **child's name** for a fixed period of **xx** day/s and **xx** sessions. This means that he will not be allowed in school for this period. The exclusion begins/ began on **date** and expires on **date**. **Child's name** will also sit an internal isolation on the reintegration day, **date**.

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. He has been excluded for this fixed period for **reason**.

We will set work for **child's name** on Google Classroom to be completed on the days specified in the previous paragraph, as school days during the period of his exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

You have the right to make representations about this decision to the School Trust Board. If you wish to make representations please contact Mr C Browne, Chairman of the Trustees' Disciplinary Committee as soon as possible, Mr Browne may be contacted through the school. Whilst the School Trust Board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent exclusions and suspensions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel. If you believe that suspension occurred as a result of discrimination other than in relation to disability (e.g in relation to race) you can make a claim to the County Court.

You and **child's name** are requested to attend a reintegration interview with members of staff on **date** at **time**. If this 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.

If you require a copy of your child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

You may also find it useful to contact

- 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.
- 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..
- You may wish to contact IASK (Information, Advice and Support Kent) on <https://www.iask.org.uk/> or 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found at <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- You may wish to contact **Michelle Slater**, Exclusion Intervention Adviser, Kent PRU and Attendance Service. Telephone number : 03000 414932, michelle.slater@kent.gov.uk who can provide advice.

The school's Behaviour policy and Suspensions & Permanent Exclusions policy can be found on our school website, under *Information / Policies* tab or you may wish to contact the school for a paper version.

Yours sincerely,
Headteacher's signature
Headteacher's name
Headteacher

Model Letter 1a: 5 school days or fewer but which takes the total days including other suspensions to over 5 in a term (no public examination missed)

Date

Dear **parental salutation**

I am writing to inform you of my decision to exclude **child's name** for a fixed period of **xx** day/s and **xx** sessions. This means that he will not be allowed in school for this period. The exclusion begins/ began on **date** and expires on **date**. **Child's name** will also sit an internal isolation on the reintegration day, **date**.

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. He has been excluded for this fixed period for **reason**.

We will set work for **child's name** on Google Classroom to be completed on the days specified in the previous paragraph, as school days during the period of his exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

You have the right to request a meeting with the School Trust Board to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the School Trust Board must meet if you request it to do so. The latest date by which the School Trust Board must meet, if you request a meeting, is **date(no later than 50 school days after the trust board were notified)**. If you do wish to make representations to the School Trust Board, you have a right to request to hold the meeting via the use of remote access. The meeting will be held in person if you do not specify that you want the meeting to be held remotely. If you wish to be accompanied by a friend or representative, please contact **name** on/at **contact details**, 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 **name** if it would be helpful for you to have an interpreter present at the meeting.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent exclusions and suspensions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel. If you believe that suspension occurred as a result of discrimination other than in relation to disability (e.g in relation to race) you can make a claim to the County Court.

You and **child's name** are requested to attend a reintegration interview with members of staff on **date** at **time**. If this 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.

If you require a copy of your child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

You may also find it useful to contact

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- You may wish to contact IASK (Information, Advice and Support Kent) on <https://www.iask.org.uk/> or 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found at <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- You may wish to contact **Michelle Slater**, Exclusion Intervention Adviser, Kent PRU and Attendance Service. Telephone number : 03000 414932, michelle.slater@kent.gov.uk who can provide advice.

The school's Behaviour policy and Suspensions & Permanent Exclusions policy can be found on our school website, under *Information / Policies* tab or you may wish to contact the school for a paper version.

Yours sincerely,
Headteacher's signature
Headteacher's name
Headteacher

Model Letter 2: More than 5 school days (up to and including 15 days) in a term

Date

Dear **parental salutation**

I am writing to inform you of my decision to exclude **child's name** for a fixed period of **xx** day/s and **xx** sessions. This means that he will not be allowed in school for this period. The exclusion begins/ began on **date** and expires on **date**. **Child's name** will also sit an internal isolation on the reintegration day, **date**.

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. He has been excluded for this fixed period for **reason**.

We will set work for **child's name** on Google Classroom for the first five school days in this exclusion period. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

From the **date (sixth school day of the suspension)** until **date (end of exclusion)**, **detail arrangements (if known)/arrangements will be notified shortly via further letter** will provide suitable full-time education. On **date** he should attend at **name of provider** at **time** and report to **staff members name**.

You have the right to request a meeting with the School Trust Board to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the School Trust Board must meet if you request it to do so. The latest date by which the School Trust Board must meet, if you request a meeting, is **date(no later than 50 school days after the trust board were notified)**. If you do wish to make representations to the School Trust Board, you have a right to request to hold the meeting via the use of remote access. The meeting will be held in person if you do not specify that you want the meeting to be held remotely. If you wish to be accompanied by a friend or representative, please contact **name** on/at **contact details**, 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 **name** if it would be helpful for you to have an interpreter present at the meeting.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent exclusions and suspensions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel. If you believe that suspension

occurred as a result of discrimination other than in relation to disability (e.g in relation to race) you can make a claim to the County Court.

You and **child's name** are requested to attend a reintegration interview with members of staff on **date** at **time**. If this 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.

If you require a copy of your child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

You may also find it useful to contact

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- 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..
- You may wish to contact IASK (Information, Advice and Support Kent) on <https://www.iask.org.uk/> or 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found at <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- You may wish to contact **Michelle Slater**, Exclusion Intervention Adviser, Kent PRU and Attendance Service. Telephone number : 03000 414932, michelle.slater@kent.gov.uk who can provide advice.

The school's Behaviour policy and Suspensions & Permanent Exclusions policy can be found on our school website, under *Information / Policies* tab or you may wish to contact the school for a paper version.

Yours sincerely,
Headteacher's signature
Headteacher's name
Headteacher

Model Letter 3: More than 15 school days in a term

Date

Dear **parental salutation**

I am writing to inform you of my decision to exclude **child's name** for a fixed period of **xx** day/s and **xx** sessions. This means that he will not be allowed in school for this period. The exclusion begins/ began on **date** and expires on **date**. **Child's name** will also sit an internal isolation on the reintegration day, **date**.

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. He has been excluded for this fixed period for **reason**.

We will set work for **child's name** on Google Classroom for the first five school days in this exclusion period. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

From the **date (sixth school day of the suspension)** until **date (end of exclusion)**, **detail arrangements (if known)/arrangements will be notified shortly via further letter** will provide suitable full-time education. On **date** he should attend at **name of provider** at **time** and report to **staff members name**.

As the period of this suspension is more than 15 school days in a term the School Trust Board must meet. At the review meeting you may make representations to the School Trust Board if you wish. The latest date by which the School Trust Board must meet, if you request a meeting, is **date(no later than 15 school days after the trust board were notified)**. If you do wish to make representations to the School Trust Board, you have a right to request to hold the meeting via the use of remote access. The meeting will be held in person if you do not specify that you want the meeting to be held remotely. If you wish to be accompanied by a friend or representative, please contact **name** on/at **contact details**, 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 **name** if it would be helpful for you to have an interpreter present at the meeting.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent exclusions and suspensions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel. If you believe that suspension

occurred as a result of discrimination other than in relation to disability (e.g in relation to race) you can make a claim to the County Court.

You and **child's name** are requested to attend a reintegration interview with members of staff on **date** at **time**. If this 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.

If you require a copy of your child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

You may also find it useful to contact

- 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.
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- You may wish to contact IASK (Information, Advice and Support Kent) on <https://www.iask.org.uk/> or 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found at <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- You may wish to contact **Michelle Slater**, Exclusion Intervention Adviser, Kent PRU and Attendance Service. Telephone number : 03000 414932, michelle.slater@kent.gov.uk who can provide advice.

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Yours sincerely,
Headteacher's signature
Headteacher's name
Headteacher

Model Letter 4: More than 15 school days in a term

Date

Dear **parental salutation**

I regret to inform you of my decision to permanently exclude **name** with effect from **date**. This means that **name** will not be allowed in school unless he is reinstated by the School Trust Board.

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. He has been excluded for **reason**.

You have a duty to ensure that your child is not present in a public place in school hours during the period of this suspension 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 – ie from **date** the Local Authority Kent County Council, will provide suitable full-time education. Arrangements will be notified shortly in further communication.

As this is a permanent exclusion the School Trust Board must meet to consider it. At the review meeting you may make representations to the School Trust Board if you wish and ask them to reinstate your child. The School Trust Board has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power not to reinstate your child back into school. In which case you may apply for the School Trust Board's decision to be reviewed by an Independent Review Panel. The latest date by which the School Trust Board must meet, if you request a meeting, is **date(no later than 15 school days after the trust board were notified)**. If you do wish to make representations to the School Trust Board, you have a right to request to hold the meeting via the use of remote access. The meeting will be held in person if you do not specify that you want the meeting to be held remotely. If you wish to be accompanied by a friend or representative, please contact **name** on/at **contact details**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Trust Board, 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 **name** if it would be helpful for you to have an interpreter present at the meeting.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent exclusions and suspensions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel. If you believe that suspension

occurred as a result of discrimination other than in relation to disability (e.g in relation to race) you can make a claim to the County Court.

If you require a copy of your child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

You may also find it useful to contact

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- 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..
- You may wish to contact IASK (Information, Advice and Support Kent) on <https://www.iask.org.uk/> or 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found at <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- You may wish to contact **Michelle Slater**, Exclusion Intervention Adviser, Kent PRU and Attendance Service. Telephone number : 03000 414932, michelle.slater@kent.gov.uk who can provide advice.

The school's Behaviour policy and Suspensions & Permanent Exclusions policy can be found on our school website, under *Information / Policies* tab or you may wish to contact the school for a paper version.

Yours sincerely,

Headteacher's signature

Headteacher's name

Headteacher