Harbour Schools Partnership

A guiding light for education

# Suspension and Permanent Exclusions Policy

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**NB.** 'Trustees' means the Directors referred to in the Trust's Articles of Association.

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## 1. Definitions of Terms

| Term | To mean |
|---|---|
| **School** | Any setting within The Harbour school's Partnership.College, Academy,<br><br>Infant, Junior or Primary School |
| **Suspension** | Use of the term suspend in this policy is a reference to what is described in the<br>legislation as an exclusion for a fixed period. |
| **Exclusion** | There are 2 kinds of exclusion - fixed period (suspended) and permanent (expelled).<br>Permanent exclusion means your child is expelled. Your local council must arrange full-time education from the sixth school day. |
| **Excluding school** | The school in which the pupil is registered on roll. |
| **Appointed Local Governing Body Exclusions Panel (ALGB)** | Panel consisting of 3 members constituted from The Harbour Schools Partnership 's Local Governing Bodies |
| **Independent Review Panel (IRP)** | Panel consisting of 3 members:<br>• 1 governor from a Local Governing Body of a THSP school (not having been a member of the ALGB of the permanent exclusion appealed against) and who has not worked in any THSP school in a paid capacity<br>• a 2nd governor from a Local Governing Body of a THSP school (not having been a member of the ALGB of the permanent exclusion appealed against) and who has been a governor for at least 12 months in the last 5 years but not a teacher or Headteacher during that time and<br>• 1 Headteacher from any THSP school different to the permanently excluding school.<br><br>Or an appropriate IRP Body |
| **Managed Move** | A voluntary permanent transfer to another school agreed by all parties. Managed moves cannot be used on a trial basis. |
| **Off-Site Direction** | Temporary placement at another education setting to improve behaviour while remaining on roll at the school. |
| **Cancelled Exclusion** | An exclusion cancelled by the Headteacher before governing body consideration. |
| **Separation for Safeguarding Purposes** | Temporary removal from school premises for safeguarding reasons. This is not a suspension or exclusion. |

## 2. Rationale

This policy deals with the practice which informs the use of suspension and exclusion at schools within THSP. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.

The second is to realise the aim of reducing the need to use suspension or permanent exclusion as a sanction.

THSP schools will have regard to the statutory guidance on suspensions and exclusions drafted by the Department of Education in applying the law on suspensions and permanent exclusions and in conducting any permanent exclusion procedures and processes.

We are committed to following all statutory permanent exclusions procedures to make sure that every child receives an education in a safe and caring environment.

Our school aims to:

- Make sure that the suspensions and permanent exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the suspension and permanent exclusions process
- Make sure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Make sure all suspensions and permanent exclusions are carried out lawfully

### A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension

The Trust also recognises the following as forms of off-rolling:

- Moving a pupil into alternative provision where this is not demonstrably in the child's best interests.
- Sending a pupil home for part or all of a school day without formally recording a suspension.
- Using a part-time timetable for behavioural reasons rather than educational or medical need.
- Removing a pupil from the admission register without following statutory processes.
- Encouraging a pupil or family to seek alternative education to protect school performance measures.

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or permanent exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or permanently excluded on the above grounds, this will also be considered as 'off-rolling'.

## 3. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education:

- Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement.

It is based on:

- Education Act 2002 (Section 51A)
- Education Act 2011
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026
- Equality Act 2010
- Children and Families Act 2014

The Trust will have regard to all relevant statutory guidance relating to suspension, permanent exclusion, alternative provision, pupil movement and inclusion.

## 4. Introduction

The decision to suspend or exclude a pupil can only be made on disciplinary grounds.
Where a pupil has a social worker, is looked after or is previously looked after, the school will seek to notify the relevant social worker and/or Virtual School Head at the earliest opportunity where behaviour may place the pupil at risk of suspension or permanent exclusion.

Suspension and permanent exclusion are extreme sanctions and only administered by the Headteacher. Suspension or permanent exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the schools' Behaviour Policies:

- Verbal abuse to staff, other adults or pupils
- Physical abuse to/attack on staff or pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that suspension or permanent exclusion is an appropriate sanction.

## 5. Suspension and permanent exclusion procedure

- Suspensions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfE regulations allow the Headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year and also to exclude a pupil permanently.

The DfE regulations allow the Headteacher to exclude a pupil permanently for a serious breach or persistent breaches of the school's Behaviour Policy or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Following any suspension or permanent exclusion parents are contacted immediately where possible by phone or face to face to be informed of the period of suspension/permanent exclusion and the reasons for it. In addition, a letter will be sent by hand delivery or email giving details of the permanent exclusion and parents' rights.

An Appointed Local Governing Body Exclusions Panel (ALGB) must consider the reinstatement of a suspended/permanently excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent or
- it is a fixed period suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test

Where a pupil would be suspended from school for more than five school days, but not more than 15, in a single term, an ALGB must consider the reinstatement of a suspended/excluded pupil within 50 school days of receiving notice of the suspension/exclusion, if requested to do so by the parents.

In respect of a suspension of under 5 days the ALGB must consider any representations made by the parents but cannot direct reinstatement and is not required to hold a meeting with the parents.

The decision of the ALGB will be notified in writing to all relevant parties and will include the reasons for the decision that has been reached. The notification will also include details of the circumstances in which the decision may be referred for independent review by an Independent Review Panel (the IRP).

A return to school meeting will be held following the expiry of the suspension. This meeting will be recorded in the form of minutes.

If the suspension is greater than five days or an accumulation of suspensions exceeds five days, a pastoral support plan will be drawn up. This will be agreed with the school, pupil and parents.

During the course of a suspension, where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/ guardians.

During the course of a suspension, where a pupil is to be at home, the school is responsible for providing work for the pupil to complete each day and for ensuring that it is marked.

**Temporary Separation from Site for Safeguarding Reasons**
In exceptional circumstances, the Headteacher may temporarily prevent a pupil from attending the school site for safeguarding reasons.
This is not a suspension or exclusion and will not be recorded as such.
This measure will only be used where:

- There are legitimate safeguarding concerns.
- There is no reasonable alternative to maintain safety.
- Decisions have been informed by the Designated Safeguarding Lead and, where appropriate, other agencies.

Parents will be informed without delay and arrangements made for education and reintegration.

Any period of separation will be subject to regular review and will last no longer than is necessary to manage the identified safeguarding risk.

## 6. Reintegration Strategy

Following suspension, cancelled suspension, off-site direction, separation required for safeguarding purposes or permanent exclusion review outcomes , the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

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

The following measures may be implemented, where appropriate, to support successful reintegration:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Support as necessary for lunchtimes and breaktimes
- Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents/carers and staff of potential external support

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

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

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

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

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

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

## 7. Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon (Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.")
- Arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

## 8. General factors the school considers before making a decision to suspend or permanently exclude

Suspension or permanent exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil permanently or suspend them for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out.

- Consider all the evidence available to support the allegations taking into account the Behaviour and Equality Policies.
- Where possible allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

Prior to reaching a decision, the Headteacher will additionally consider:

- Whether the pupil has identified SEND.
- Whether the pupil has an Education, Health and Care Plan.
- Whether reasonable adjustments under the Equality Act 2010 have been made.
- Whether the pupil is Looked After or Previously Looked After.
- Whether the pupil has a social worker.
- Whether unmet SEND, safeguarding or welfare needs may be contributing to behaviour.
- Whether further support, intervention or alternative provision should be explored before exclusion.
- Whether an early annual review of an EHCP should be convened.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, suspension or permanent exclusion will be the outcome.

## 9. Exercise of discretion

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy and
- the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff

Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to consider a permanent exclusion.

In reaching a decision on whether or not to reinstate a pupil the ALGB should consider whether the decision to suspend/exclude the pupil was lawful, reasonable and procedurally fair. The ALGB will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to suspension/exclusion.

## 10. Alternatives to suspension/permanent exclusion

Alternative strategies to suspension or permanent exclusion are included in the Behaviour Policy. The threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

**Off-Site Direction**

Where appropriate, the school may direct a pupil off-site to another educational setting for the purpose of improving behaviour.

This measure will only be used:

- Following consideration of alternative interventions.

- Where it is in the pupil's best interests.
- Following consultation with parents, the pupil and relevant professionals.

Before directing a pupil off-site the school will:

- Consider and record the pupil's views.
- Share relevant information with the receiving provider.
- Set clear objectives and review arrangements.
- Inform the Local Authority where required.

The pupil will remain on roll at the school during the period of off-site direction.

**Managed Moves**

A managed move may be considered where it is believed to be in the best interests of the pupil.

Managed moves:

- Must be voluntary.
- Require agreement from parents and both schools.
- Cannot be used as a threat or alternative to exclusion.
- Cannot be operated on a trial basis.
- Must not be used for the purpose of off-rolling.

Where the pupil has an EHCP, social worker or is looked after, relevant professionals will be involved in discussions at the earliest stage.

Placements will be reviewed regularly to ensure objectives are being met and that the placement remains in the pupil's best interests.

## 11. Lunchtime and clubs

Pupils whose behaviour is disruptive at lunchtime or in before or after school clubs may be suspended from the school premises for the duration of the lunchtime period or the period of the club. This will be treated as a fixed term suspension with each lunchtime suspension being counted as a half day suspended and parents will have the same right to gain information and to appeal.

## 12. Behaviour Outside School

Pupils' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures and events, is subject to the school's Behaviour Policy. Misconduct in these circumstances will be dealt with as if it had taken place in school.

For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole.

If a pupil misbehaves in the immediate vicinity of the school or on a journey to and from school and meets the school criteria for suspension or exclusion, then the Headteacher may decide to apply these sanctions.

## 13. Drug Related Suspensions and Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's Behaviour and Safeguarding Policies and will also seek advice from colleagues in Partner Agencies. The decision will depend on the precise circumstances of the case and the evidence available. In some cases suspension will be more appropriate than permanent exclusion.

## 14. Suspension/Permanent Exclusion resulting in a pupil missing a public examination or national curriculum test

Where a suspension/permanent exclusion results in a pupil missing a public examination or national curriculum test the ALGB will, if practicable, consider the suspension/permanent exclusion prior to the date of the examination or test. If this is not possible, the Chair of the ALGB may consider the suspension or permanent exclusion independently and decide whether or not to reinstate the pupil. Parents will still retain their right to make representations to the ALGB.

## 15. Cancellation of suspension and permanent exclusions

Headteachers can cancel exclusions that **have not started yet**, as well as those which have already begun. (This is all provided that the Appointed Local Governing Body (ALGB) hasn't yet met to consider whether the pupil should be reinstated.)

Notify those involved of a cancelled suspension/permanent exclusion. When an exclusion is cancelled, the headteacher, will notify without delay:

- Parents/carers; **or** the pupil (if they're 18 or older)
- The governing board
- The local authority (LA)
- The pupil's social worker (where relevant)
- The VSH (where relevant)

The headteacher must provide all parties with the **reason** for cancellation.

Parents/carers will be offered the opportunity to meet the headteacher without delay, to discuss the circumstances that led to the cancellation.

## 16. We will offer the same support to pupils whose suspensions/permanent exclusion has been cancelled, as we would to a pupil who has been suspended, on their return to school. Monitoring and Oversight

Trustees will receive regular information regarding:

- Suspensions.
- Permanent exclusions.
- Repeat suspensions.
- Managed moves.
- Off-site direction.
- Alternative provision placements.
- Safeguarding-related separation from site.

Trustees will monitor:

- Trends over time.
- Disproportionality affecting vulnerable groups.
- Pupils with SEND.
- Looked After Children.
- Pupils with social workers.
- Disadvantaged pupils.
- Groups protected under the Equality Act 2010.

Trustees will challenge leaders where patterns suggest interventions are not effectively supporting inclusion.

## APPENDIX A - SUMMARY OF APPOINTED LOCAL GOVERNING BODY SUSPENSION/EXCLUSION PANEL [ALGB] PROCEDURE

**For suspensions of 15 or more days in a single term**

1. An ALGB must consider the reinstatement of a suspended/permanently excluded pupil if:
- The exclusion is permanent
- The suspension/permanent exclusion results in a pupil missing a public exam or national curriculum test
- The suspension is for a fixed period, with the total number of school days leading to more than 15 in a single term

2. An ALGB, appointed by the THSP Company Secretary, must convene a meeting to consider the reinstatement of a suspended/permanently excluded pupil within 15 school days of receiving notice of the suspension/permanent exclusion. Parents have the right to request a remote meeting. THSP must be sure that appointed LGB governors are experienced and have completed exclusion governor training.

3. An ALGB must consider representations made by parents and can either uphold a suspension/permanent exclusion or direct reinstatement of the pupil immediately or on a particular date.

4. The decision of the ALGB will be notified in writing to all relevant parties and will include the reasons for the decision that has been reached. The notification will also include details of the circumstances in which the decision may be referred to review by an Independent Review Board. [refer to Appendix D for IRB constitution and panel guidance]

**For suspensions of more than 5 school days but <u>not</u> more than 15, in a single term**

Where a pupil would be suspended from school for more than 5 school days but no more than 15 in a single term an ALGB must consider the reinstatement of a pupil within 50 school days of receiving notice if requested to do so by the parents.

Q – Have the parents requested the ALGB to consider reinstatement of a suspended pupil?

YES → Follow above procedure [2 onwards]

NO

The ALGB is not required to consider the suspension and does not have the power to overturn the decision. The ALGB is not required to meet with parents.

**For suspensions of less than 5 days**

Where a pupil is suspended for less than 5 days the ALGB must consider any representations made by parents but is not required to hold a meeting with parents and cannot direct reinstatement.

# APPENDIX B – DUTIES OF APPOINTED LOCAL GOVERNING BODY EXCLUSIONS PANEL

## 1. Appointed Local Governing Body Exclusion Panel (ALGB)

The requirement to form an ALGB is the responsibility of the Company Secretary of THSP. Selected members should ensure they are aware of the Department for Education guidance *'School suspensions and permanent exclusions'*. The Company Secretary, in conjunction with the Executive team, should ensure appointed governors have undertaken relevant training. The panel does not have to consist solely of LGB chairs as long as relevant training has been completed, however good practice would suggest forming a panel of LGB chairs to ensure effective chairing.

Parents may request that an ALGB or Independent Review Panel meeting is held remotely.
Remote meetings will normally be accommodated unless:

- Participation cannot be achieved fairly.
- Safeguarding concerns make remote attendance inappropriate.
- Technological limitations would prevent effective consideration.

Social workers and Virtual School Heads may participate remotely regardless of whether the meeting is otherwise held in person. The Executive team will ensure the ALGB is appropriately clerked. The appointed clerk will assist the ALGB with taking minutes of the proceedings, the attendance, voting and decision in a format approved by THSP. The minutes are not public documents but should be retained by THSP for a period of at least 5 years. This duty is mirrored by the clerk appointed to the Independent Exclusions Appeal Panel [refer to Appendix D].

## 2. Statutory Guidance, Rules and Regulations

The requirements on the ALGB to consider a suspension/exclusion depend upon a number of factors, these requirements are illustrated by the diagram in Appendix A, summary of the ALGB's duties to review the Headteacher's decision.

The ALGB must consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent
- it is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test

If requested to do so by the parents, the ALGB must consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if a pupil would be suspended from school for more than five school days, but not more than 15, in a single term.

Where a suspension/permanent exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the ALGB, so far as is reasonably practicable, to consider the suspension/permanent exclusion before the date of the examination or test. If this is not practicable, the chair of the ALGB may consider the suspension/permanent exclusion independently and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the ALGB and allowed to make representations:

- parents (and where requested, a representative or friend)
- the Headteacher; and
- an invited representative of the Local Authority.

- The pupil's social worker if the pupil has one If the pupil is looked after or previously looked after, the Virtual School Head should be notified and invited where appropriate

Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the ALGB meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

The invited representative of the Local Authority is to attend the meeting as an observer; that representative may only make representations with the consent of the ALGB.

The ALGB must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. Arranging the meeting will be undertaken by the Company Secretary. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The meeting should take place at a neutral location and not at the school of the suspended/excluded pupil. Parents have the right to request that the meeting is held remotely.

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 ALGB must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

## 3. Statutory guidance to the ALGB in preparing for the consideration of a suspension/permanent exclusion decision

Where the ALGB is legally required to consider the decision of the Headteacher to suspend/permanently exclude a pupil they should:

- not discuss the suspension/permanent exclusion with any party outside of the meeting
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the ALGB should first seek parental consent and invite the parents to accompany their child to the meeting)
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the suspended/excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding, or how the suspended/excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

## 4. Statutory guidance to an ALGB on suspensions/permanent exclusions that would result in a pupil missing a public examination or national curriculum test.

Whilst there is no automatic right for an excluded pupil to take an examination or test on the suspending/permanently excluding school's premises, the ALGB should consider whether it would be appropriate to exercise their discretion to allow a suspended/permanently excluded pupil on the premises for the sole purpose of taking the examination or test.

## 5. The requirements on an ALGB when considering the reinstatement of a suspended/permanently excluded pupil

Where the ALGB is legally required to consider a suspension/permanent exclusion they must consider the interests and circumstances of the suspended/permanently excluded pupil, including the circumstances in which the pupil was suspended/permanently excluded, and have regard to the interests of other pupils and people working at the school.

When establishing the facts in relation to a suspension/permanent exclusion decision the ALGB 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'. In the light of their consideration, the ALGB can either:

- uphold a suspension/permanent exclusion; or
- direct reinstatement of the pupil immediately or on a particular date

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the ALGB must, in any event, consider whether the Headteacher's decision to suspend/permanently exclude the child was justified based on the evidence.

## 6. Statutory guidance to ALGB on the consideration of a suspension/permanent exclusion decision

The ALGB should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own suspension/permanent exclusion or giving evidence to the panel.

The ALGB should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the ALGB. These minutes should be made available to all parties on request, and the record of discussion should state clearly how the decisions have been reached, which a Clerk.

The ALGB should ask all parties to withdraw before making a decision. A record of discussion should state clearkly how the decisions have been reached which the Clerk should be present for. The Clerk may also help the ALGB by referencing to his / her notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the ALGB should consider whether the decision to suspend/permanently exclude the pupil was lawful, reasonable and procedurally fair, this should consider the welfare and safeguarind of the pupil and their peers, the Headteacher legal duties and any evidence that was presented to the ALGB in relation to the decision to exclude.

The outcome of the ALGB's consideration should be noted on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the ALGB considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

## 7. An ALGB's duty to notify people after their consideration of a suspension/permanent exclusion

Where legally required to consider a suspension/permanent exclusion the ALGB must notify parents, the Headteacher and the Local Authority and where applicable the pupil's social worker and/or the VSH of their decision, and the reasons for their decision in writing without delay.

In the case of a permanent exclusion the ALGB notification must also include the information below.

- The fact that it is permanent

- Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel and the following information:
  a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the ALGB decision was given to parents)
  b) the name and address to whom an application for a review (and any written evidence) should be submitted
  c) that a request to hold the meeting via the use of remote access can be made and the parents know how and to whom to make this request
  d) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant
  e) that, regardless of whether the suspended/excluded pupil has recognised special educational needs, parents have a right to require THSP to appoint an SEN expert to attend the review
  f) details of the role of the SEN expert and that there would be no cost to parents for this appointment
  g) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
  h) that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

In addition to the right to apply for review, to an Independent Review Panel, if parents believe that the suspension/permanent exclusion has occurred as result of discrimination, then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

Any claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was suspended/permanently excluded.

The ALGB may provide the information in paragraph 7. via the Clerk to the ALGB by arranging delivery to parents directly or posted to last known address. It is deemed Notice to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

## 8. Guidance to ALGB on providing information to parents following their consideration of a suspension/permanent exclusion

The ALGB should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

Where the ALGB decides to uphold a suspension/permanent exclusion they should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.

This information should be included in the letter notifying parents of a decision to uphold a suspension/permanent exclusion and should include:

- a link to this statutory guidance on suspensions and exclusions: https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf
- a link to guidance on making a claim of discrimination to the First-tier Tribunal http://www.justice.gov.uk/tribunals/send/appeals;
- a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com
- 08088 020 008; and,
- where considered relevant by the ALGB, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk)

## APPENDIX C - APPOINTED LOCAL GOVERNING BODY EXCLUSIONS PANEL CHECKLIST

### 1. Checklist for ALGB Review of Suspensions/Permanent Exclusions

| Issues to Consider | Evidence |
|---|---|
| Were parents/carers, ALGB and LA (including home LA) informed of the suspension/permanent exclusion and within stated timescales? | |
| Was the appropriate information provided in writing? | |
| Has the school considered whether the pupil has a social worker? | |
| Has the Virtual School Head been involved where applicable | |
| Has the school taken steps to set and mark work or arranged alternative provision from day 6 of a longer suspension/permanent exclusion? | |
| Were the papers (written evidence and information) sent at least 5 school days before the meeting, including a copy of the school's Behaviour Policy? | |
| Were the parents, Headteacher and LA officer and where applicable Social Worker and Virtual School Head invited to the meeting? (A parent may invite a representative of the local authority to attend a meeting of an ALGB as an observer: that representative may only make representations with the ALGB's consent.) Parents can request that the meeting is held remotely by writing to the clerk arranging the meeting. | |
| Has a clear reason for the suspension/permanent exclusion decision been given – what happened? Is it clear whether the exclusion was for a first or one- off offence or serious breach/es of the school's Behaviour Policy?<br>If a Permanent Exclusion was the decision taken:<br>• In responses to a serious breach or persistent breaches of the School's Behaviour Policy: and<br>• Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school?<br>If a suspension has been extended or converted to a Permanent Exclusion has the Academy's Head written again to the parents explaining the reasons for the change and providing any additional information required? | |
| Whether the suspension/permanent exclusion was for behaviour on or off the school premises?<br>(Disciplining beyond the school gate covers the school's response to all non-criminal misconduct and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school.) | |

| | |
|---|---|
| Whether the police were involved? How does this affect the evidence and decision? (Evidence may be limited by a police investigation or criminal proceedings) | |
| Has the pupil been enabled and encouraged to participate at all stages of the process, taking into account their age and understanding? (The decision on whether to suspend/exclude is for an Headteachers to take. However, where practical, Headteachers should give pupils an opportunity to present their case before taking the decision to suspend/permanently exclude.) | |
| Has the Headteacher taken into account any contributing factors that are identified after an incident of misbehaviour has occurred? (E.g. where it comes to light that a pupil has suffered bereavement or has mental health issues or has been subject to bullying.) | |
| Has the school taken account of pupils with additional needs, statements of Special Educational Needs (SEN) or Looked After Children? (Headteachers should, as far as possible, avoid excluding permanently any pupil with an EHCP, recognised SEN or a Looked After Child; Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review) | |
| Has an early annual review of the EHCP been considered? | |
| Have alternatives including off-site direction been considered | |
| Has the school considered whether safeguarding concerns contributed to the incident? | |
| Has any proposed managed move complied with statutory requirements? | |
| Has the Headteacher had regard to the Equality Act 2010? Is there evidence of discrimination, harassment or victimisation because of; sex; race; disability; religion or belief; sexual orientation; or a gender reassignment? Has the school taken any positive action to deal with particular disadvantages affecting one group? | |
| Has the Headteacher taken account of their statutory duties in relation to Special Education Needs (SEN), including the SEN Code of Practice? (For disabled children, this includes a duty to make reasonable adjustments to policies and practices) | |
| Has the school engaged proactively with parents and foster carers? | |

| | |
|---|---|
| Has the school tried to identify whether there are any causal factors and intervened early in order to reduce the need for a subsequent exclusion e.g. a multi-agency assessment that goes beyond the pupil's educational needs, including seeking to identify mental health of family problems? (Disruptive behaviour can be an indication of unmet needs) | |
| Is there evidence that the Headteacher has considered extra support needed to identify and address the needs of pupils in order to reduce that risk of exclusion? (Early intervention including multi-agency assessment e.g. Devon Assessment Framework) | |
| Is there clear evidence of the strategies used, and support provided by the school – do the papers include current and previous plans with dates, reviews and outcomes e. g. an Individual Education Plan, Integrated Support Plan, Pastoral Support Programme? (Are there identified targets and clear outcomes?) | |
| LA or other agencies/services involved e.g. Education Psychology, Behaviour Support Teams, PRU (Schools Company), Special Educational Needs, Youth Offending Team, Social Care, Ethnic Minority and Traveller Achievement Service, CSW. (A re details provided of the referrals to other services or professionals, the support provided and dates of plans/reviews and outcomes?) | |
| Has the school followed agreed partnership processes e. g. Local Area Partnerships (Secondary), Primary Support Partnerships (Primary)? (Dates and details, including support provided e.g. through DAF) | |
| Have alternatives to suspension/exclusion been considered? For example:<br>1. Mediation, restorative justice, internal suspension<br>2. Curriculum alternatives at Key Stage 4 – college placement or other form of alternative provision<br>3. Temporary placement in an in-school Learning Support Unit<br>4. Temporary or part time placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider<br>5. A managed move (Supported Transfer) to another school<br>Assessment of special educational needs | |
| **Have you (the ALGB):**<br>• Considered the interests and circumstances of the suspended/permanently excluded pupil, including the circumstances in which the pupil was suspended/permanently excluded, and had regard to the interests of other pupils and people working at the school.<br>• Considered any representations made by parents and the Headteacher<br>• Established the facts 'on the balance of probabilities'<br>• Considered whether the decision to suspend/permanently exclude the pupil was lawful reasonable and procedurally fair, taking account of the Headteacher's legal duties. (In reaching a decision on whether or not to reinstate a pupil)<br>• Decided to direct reinstatement of the pupil immediately or on a particular date | |

| | |
|---|---|
| • (Where legally required to consider a suspension/exclusion) Notified parents, the Headteacher and the Local Authority and where applicable the Social Worker and Virtual Schools Head of your decision, giving reasons, in writing and without delay. (Also inform the pupil's 'Home Authority')<br>• Informed parents, if a Permanent Exclusion, of their rights to apply for an independent review of your decision and to make a discrimination claim.<br>• Ensured that clear minutes of the meeting were taken as a record of the evidence that was considered (These minutes should be made available to all parties on request)<br>• Noted the outcome of your consideration of the pupil's educational record, along with copies of relevant papers for future reference<br>• Made arrangements to retain records and evidence relating to a suspension/exclusion for at least six months in case a discrimination claim is made.<br>Also: (Where recommended or directed by an Independent Review Panel) reconsidered your decision and notified parents, the Headteacher and Local Authority of your reconsidered decision, and the reasons for it, in writing and without delay. | |

## 2. Headteacher's documents for the Appointed Local Governing Body Exclusions Panel

| Child's Name: | Date: |
|---|---|

| Documents | Date | Included | Page number |
|---|---|---|---|
| Reason for Suspension/Permanent Exclusion (including letter to parent/guardian) | | | |
| Headteacher Statement | | | |
| Statement of Child Involved | | | |
| Witness Statements | | | |
| Behaviour Log | | | |
| Behaviour Management Plan | | | |
| Strategies Used | | | |
| Pastoral Support Programme | | | |
| Individual Education Plan | | | |
| Statement of SENDCo | | | |
| Education and Health Care Plan | | | |
| Educational Psychology Report (attached with parental consent) | | | |
| Certificate of Attendance | | | |
| Academic Report | | | |
| Others (Please specify below) | | | |
| Department for Education document: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units * | | | |
| School Behaviour Policy | | | |
| SEND Policy | | | |
| Suspension and Permanent Exclusion Policy | | | |

**Suspension and permanent exclusion guidance**

## 3. Draft Agenda for Appointed Local Governing Body Exclusion Panel meeting:

**AGENDA – ALGB Meeting to consider a suspension/exclusion**

**Date and Time**:
**Venue**:
**Postcode:**
**Tel:**

**Attendees**: Parents, Pupil, Parents Friend/ Representative, [Local Authority Representative], where applicable Social Worker and Virtual Schools Head, 3 Governors from Appointed Local Governing Body Exclusions Panel and Clerk to Appointed Local Governing Body Exclusions Panel.

| | | |
|---|---|---|
| 1. | Introductions, apologies and explanation of the procedure.<br>Declarations of interest.<br>Note of any adjournments (if relevant) | Chair<br><br>Clerk |
| 2. | Invitation to the Headteacher to present the case for the suspension/exclusion. | Headteacher |
| 3. | Questions to the Headteacher about the case presented, from the Appointed Local Governing Body Exclusions Panel, parents and pupil. | All |
| 4. | Invitation to Parents/pupil to give their views about the suspension/exclusion. | Parents/pupil |
| 5. | Questions to parents and pupil by the ALGB and Headteacher. | All |
| 6. | Where applicable Invitation to the Social Work to give their views about the suspension/exclusion | Social Worker |
| 7. | Questions to the Social Worker by all. | All |
| 8. | Where applicable – Looked after children -- Invitation to the Virtual School Head to give their views about the suspension/permanent exclusion | VSH |
| 9. | Questions to the Virtual School Head by all. | All |
| 10. | [Possible Invitation to Local Authority representative to comment.] | LA Representative |
| 11. | [Questions to Local Authority representative by all.] | All |
| 12. | Invitation to the Headteacher to sum up. | Headteacher |
| 13. | Invitation to Parents to sum up. | Parents |
| 14. | Chair to advise the meeting about how the decision will be communicated to all. | Chair |
| 15. | Chair to invite the Headteacher, parents, parent's friends or representatives, pupil, Local Authority representative, Social Worker and Virtual School Head to leave the room together. | Chair |
| 16. | ALGB to make their decision. Clerk to advise on guidance and procedures. | ALGB and Clerk |

## APPENDIX D - INDEPENDENT REVIEW PANEL

### 1. Notifying parents

When a permanent exclusion is upheld by the ALGB, the ALGB's decision letter (model letter 6) to the parent (or the pupil, if aged over 18) must state the reasons for the decision, give the last day for lodging an appeal and explain that the grounds for the appeal should be set out in writing.

Any appeal made after the latest date for lodging an appeal will be out of time and should be rejected by THSP.

### 2. The timing of the hearing

An Independent Review Panel (IRP) must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged. However, if necessary, the panel may then decide to adjourn the hearing if, having regard to the particular circumstances of the case, they consider that it would not be appropriate for them to proceed to determine the appeal. They may adjourn on more than one occasion if necessary.

### 3. Combined appeals

If the issues raised by two or more appeals are the same or connected, the panel may decide to combine the hearings. In such cases the panel should check that no one objects to this approach.

### 4. Composition of the IRP

The Company Secretary of the THSP must constitute the IRP and appoint a clerk.

The IRP will consist of 3 members as set out in the Definition of Terms.

The IRP will be chaired by one of the members.

No member of the IRP may have, or at any time have had, any connection with an interested party which might reasonably be taken to raise doubts about their ability to act impartially. Doubts about impartiality may arise from the panel member having worked closely with the Headteacher, Local Governing Body of the excluding school, panel member of the ALGB or from being the Headteacher or governor of a school to which the pupil might be admitted if the exclusion is confirmed.

THSP must ensure that all panel members and clerks receive suitable training and that the chair is trained in the specific chairing skills the panel requires. The DfES has issued a training pack for exclusion appeal panel members (for details of how to obtain a copy see the related documents section at the end of Part 1). The Trust will wish to identify and appropriately train chairs, members and clerks to ensure they can arrange hearings within the necessary timescale.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk/governance professional of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010

- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

THSP may elect to outsource the appeals process to an appropriate IRP Body

## 5. Role of the clerk

The clerk provides an independent source of advice on procedure for all parties. The clerk should not have served as clerk to the ALGB hearing.

Following training, clerks should be allowed to develop experience in the conduct of appeals. If the clerk has not received legal training and no member of the panel is legally qualified the THSP should consider whether the panel will require an independent source of legal advice.

## 6. In advance of the hearing

The Harbour Schools Partnership must take reasonable steps to find out when the parents and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the appeal in private. Appeal hearings should never be held at the suspending/excluding school.

The following are entitled to make written representations to the IRP, attend a hearing, make oral representations, be represented and in the case of the parens to bring a friend:

- the parents (or, if aged over 18, the pupil), who may be represented by a legal or other representative
- the Headteacher
- a nominated member of the ALGB
- A SEN expert if requested by parents in their application for an independent review

A suspended/permanently excluded pupil under the age of 18 should normally be allowed to attend the hearing and to speak on his or her own behalf, if he or she wishes to do so and the parents agree. Alternatively, the pupil may submit a written statement or have their views made known via a representative.

The clerk should advise the parent of his or her right to be accompanied by a friend or representative, including a legal representative or advocate. If the parent wishes to bring more than one friend or representative, the clerk should seek the panel's agreement in advance, having regard to a reasonable limit on numbers attending the hearing.

The clerk should also ascertain whether an alleged victim wishes to be given a voice at the hearing either in person, through a representative or by submitting a written statement.

Pupils may voluntarily appear as witnesses with their parents' consent. Such pupil's parents should be invited to accompany their child.

As soon as it is known, the clerk must give all parties details of those attending and their role and notify them of the order of hearing. The IRP cannot compel witnesses to attend the hearing.

The clerk should circulate all written evidence to all parties 5 working days before the hearing. This must include the statement of decision by the ALGB and the notice of appeal from the parent which gives the grounds for the appeal. The Headteacher, the ALGB and THSP may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the

statement of decision or the notice of appeal, they should be asked to submit these to the clerk in good time before the hearing.

## 7. Conduct of the appeal hearing

It is for the IRP to decide how to conduct the proceedings which should be reasonably informal so that all parties can present their case effectively. Tape-recording of the hearing should be avoided unless there is good reason and all parties agree.

In opening the appeal hearing it is helpful for the chair to outline the procedure to be followed and to explain to all parties that the panel is independent from both the school and THSP The IRP needs to have regard to legislation and DfES guidance in its conduct and in reaching its decision.

Following introductions, the clerk should explain the order in which the parties entitled to be heard will state their case (as previously notified to them) and that there will be an opportunity for questioning by the other parties after each presentation. The chair should then lead the panel in establishing the relevant facts. Panel members may wish to ask questions to clarify an issue or to elicit more information. Questions from the panel should generally be taken at the end of each party's statement and following questioning by the other parties.

Sufficient time must be allowed for each party to put their case. The panel should ensure that the parent (or, if aged over 18, the pupil) is given the opportunity to comment on relevant information obtained from THSP or the ALGB. Care must be taken to ensure that no party attending the hearing is present alone with the IRP in the absence of any other party.

An appeal cannot continue if the number of panel members drops below three at any stage. In this event, the IRP may need to adjourn until its quorum is restored. Once an appeal has begun, no panel member may be substituted by a new member for any reason. The IRP may continue in the event of the death or illness of one (or even two) of its members, provided all three categories of member are still represented otherwise a new IRP will have to be constituted. In the case of a panel being reduced to four members and there is deadlock, the Chair has the casting vote.

## 8. Reaching a decision

In considering an appeal, the IRP should decide, on the balance of probabilities, whether the pupil did what he or she is alleged to have done. If more than one incident of misconduct is alleged, the panel should decide in relation to each one.

The panel should consider the basis of the Headteacher's decision, and the procedures followed having regard to the following:

- whether the Headteacher and ALGB complied with the law and had regard to the Secretary of State's guidance on suspension/exclusion in deciding, respectively, to suspend/exclude the pupil and not to direct that he or she should be reinstated. While the law states that the panel must not decide to reinstate a pupil solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered or justice was clearly not done.
- the school's published Behaviour Policy, Equality Polices and, if appropriate, Anti-Bullying Policies, Special Educational Needs Policy.
- the fairness of the suspension/exclusion in relation to the treatment of any other pupils involved in the same incident.

Having satisfied themselves as to these issues, the IRP should consider whether in their opinion permanent exclusion was a reasonable response. If they conclude it was not, they should then go on to consider whether this is an exceptional case where reinstatement is not a practical way forward (see section 12).

In making its decision the IRPP must balance the interests of the excluded pupil against the interests of all the other members of the school community.

Where parents appeal against permanent exclusion and makes a claim alleging racial discrimination, the IRP must consider whether there has been discrimination in relation to the Race Relations Act.

Where parents appeal against permanent exclusion and makes a claim alleging disability discrimination, the IRP must consider whether the pupil is disabled and whether there has been discrimination within the meaning of the Disability Discrimination Act. The IRP must consider the Disability Rights Commission's Schools Code of Practice which provides guidance on the Disability Discrimination Act.

## 9. Evidence and witnesses

Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the IRP. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable.

All parties may put forward new evidence about the event that led to the suspension/permanent exclusion, including evidence that was not available to the Headteacher or the ALGB. However, the school may not introduce new reasons for the suspension/exclusion.

To reach a decision, the IRP will generally need to hear from those directly or indirectly involved. They may wish to call witnesses who saw the incident that gave rise to the suspension/permanent exclusion. These may include any alleged victim or any teacher other than the Headteacher who investigated the incident and interviewed pupils.

In the case of witnesses who are pupils of the school, it will normally be more appropriate for the IRP to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and with their parent's consent. The IRP should be sensitive to the needs of child witnesses to ensure that the child's view is properly heard.

All written witness statements must be attributed, dated and signed, unless the school has good reason to wish to protect the anonymity of the witness. The general principle remains that an accused person is entitled to know the substance behind the reason for their exclusion. The IRP must consider what weight to attach to written statements, whether made by adults or pupils, as against oral evidence. They should bear in mind that a written statement may not contain all the relevant issues, nor can the author be interrogated.

The calling of character witnesses is at the discretion of the IRP but should be allowed unless there is good reason to refuse.

It is for the IRP to decide whether any witnesses should stay for the rest of the hearing.

## 10. The decision

An IRP may uphold the decision to suspend/permanently exclude or recommend that the ALGB reconsiders their decision or quash the ALGB decision and direct that the ALGB reconsiders the suspension/permanent exclusion.

## 11. Record of the proceedings of an IRP

The clerk to an IRP should take minutes of the proceedings, the attendance, the voting and the decision in a format approved by the THSP. The minutes are not public documents but should be retained by THSP for a period of at least five years, as they may need to be seen by a court or by the Local Government Ombudsman.

## 12. After the hearing

The IRP is independent. Its decision is binding on the parents, the ALGB, the Headteacher and THSP . The IRP cannot revisit its decision once made.

The IRP must let all parties know its decision by the end of the second working day after the hearing. Model letter 8, Appendix E, is for notifying the parent of the decision of the IRP. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the IRP upholds the permanent exclusion, the clerk should immediately report this to, THSP. If the pupil is of compulsory school age, it is the responsibility of THSP to contact the LA to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the exclusion is upheld, the clerk should also advise the parents to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Headteacher should remove the pupil's name from the school roll the day after the conclusion of the appeal.

## APPENDIX E – MODEL LETTERS

| Letter | Panel referred to | Requirement to meet | Contact via |
|---|---|---|---|
| Model Letter 1 – Suspension of 5 days or less | Representations can be made to the ALGB by parent<br>No power to reinstate | ALGB must consider representations if made – no requirement to meet with parents | ALGB clerk |
| Model Letter 2 – Suspension of 5 days or more | ALGB | Must meet within 15 days **If** requested – do not need to meet if not requested | ALGB clerk |
| Model Letter 3 – Suspension of more than 15 days in one term | ALGB | ALGB MUST meet within 15 days of notification of suspension | ALGB clerk |
| Model Letter 4 – notifying parents of permanent exclusion | ALGB | Must meet to consider if permanent exclusion was lawful within 15 days of notification | Headteacher |
| Model Letter 5 – Notifying parents of ALGB meeting | ALGB | Must meet for Permanent Exclusions Letter can be used for all mtgs of the ALGB | ALGB Clerk |
| Model Letter 6 – Notifying parents that the decision to permanently exclude has been upheld | Notification of decision – no panel | Offers the opportunity to appeal | ALGB Clerk |
| Model Letter 7 – Notifying parents that the child has been reinstated by ALGB | Notification of decision – no panel | N/A | ALGB Clerk |
| Model Letter 8 - From the Clerk notifying the parents of the date and time of the ALGB meeting to consider reinstatement of a suspension that took the number of days out of school to more than 15 school days in a term. | ALGB | ALGB MUST meet within 15 days of notification of suspension | ALGB Clerk |
| Model Letter 9 - From the Clerk notifying the parents of the ALGB's decision to DECLINE TO REINSTATE the suspension that took the number of days out of school to more than 15 school days in a term | Notification of decision – no panel | N/A | ALGB Clerk |
| Model Letter 10 - From the Clerk notifying the parents of the ALGB's decision to REINSTATE the suspension that took the number of days out of school to more than 15 school days in a term. | Notification of decision – no panel | N/A | ALGB Clerk |

## heatherModel Letter 1

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

***Advice to the Clerk (delete before sending):***
***Where a public examination or national curriculum test will be missed, please refer to paragraphs 100, 102 and 113 of the DfE Guidance 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', July 2026 , and re-word your letter accordingly. Please do not hesitate to contact your Inclusion Officer for further advice.***

Dear [Parent's Name]

I am writing to inform you of my decision to suspend [Child's Name] for a period of [number of days] days. This means that he/she will not be allowed in school during this time. The suspension will start on [date] and ends on [date], [Child's Name] should return to school on [date] at [time].

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

**[N.B. The subsequent paragraph can be removed for pupils who are not yet of compulsory school age]**
You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this exclusion [specify dates excluded]. I must advise you that you may be prosecuted or receive a fixed penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification.

We will set work for [Child's Name] to be completed on school days during the period of the suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[The following paragraph may be included to arrange a reintegration meeting]**
You and [Child's Name] are invited to attend a reintegration meeting with [specify the name of member/s of staff] at [place] on [date] at [time]. If this is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to plan and support a successful return to school for [Child's Name]. Please note, [Child Name] is expected to return to school at the end of their suspension, regardless of the date and time of the reintegration meeting.

You have the right to express your views and make representations about this decision to the appointed local governing body. If you wish to make representations, please contact [Name of Contact] on/at [contact details – address, phone number email], as soon as possible. The appointed local governing body must consider any representations you wish to make but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. If you believe that any aspect of this exclusion amounts to unlawful discrimination against your child in relation to disability, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send, or the County Court for all other forms of discrimination. Claims can be made up to six months after the discrimination is alleged to have occurred. You can also raise your concerns directly with the governing body/academy trust. Making a claim would not affect your right to make representations to the school's appointed local governing body.

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' can be downloaded from the Department for Education website at: www.gov.uk/government/publications/school-exclusion

You 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 this. I will be happy to give you a copy however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at: https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/

Please find below sources of free and impartial information:

Devon Information & Advice Service (DIAS) also provides impartial and independent advice for parents and carers of children with additional or special educational needs and can be contacted on telephone number 01392 383080. You can also visit www.devonias.org.uk or email devonias@devon.gov.uk

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.

Yours sincerely

[Name]
Headteacher

Copies to:

- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 2

From the headteacher to notify parent of a suspension of more than 5 (and not exceeding 15) school days in one term, and where a public examination is not missed.

***Advice to the Clerk (delete before sending):***
***Where a public examination or national curriculum test will be missed, please refer to paragraphs 100, 102 and 113 of the DfE Guidance 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', July 2026 , and re-word your letter accordingly. Please do not hesitate to contact your Inclusion Officer for further advice.***

Dear [Parent's Name]

I am writing to inform you of my decision to suspend [Child's Name] for a period of [number of days] days. This means that he/she will not be allowed in school during this time. The suspension will start on [date] and ends on [date], [Child's Name] should return to school on [date] at [time].

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

**[N.B. The subsequent paragraph can be removed for pupils who are not yet of compulsory school age]**
You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this exclusion [specify dates excluded]. I must advise you that you may be prosecuted or receive a fixed penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification.

We will set work for [Child's Name] during the [first 5 school days – or specify other number of days, as appropriate] of the suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[If the suspension is for more than 5 consecutive days: Set out the arrangements for educational provision from Day 6 of the suspension - if not known at the time of writing, say that the arrangements for suitable full-time education will be notified shortly by a further letter.]**
From the sixth day of this suspension [specify date] until the expiry of the suspension we will provide suitable full-time education. On [date] [Child's Name] should attend [give name and address of the alternative provider if not the home school] at [specify the time - this may not be identical to the start time of the home school] and report to [staff member's name]. **[If applicable – you will also need to advise on transport arrangements from home to the alternative provider. If not known, say that the arrangements will be notified by a further letter].**

**[The following paragraph may be included to arrange a reintegration meeting]**
You and [Child's Name] are invited to attend a reintegration meeting with [specify the name of member/s of staff] at [place] on [date] at [time]. If this is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to plan and support a successful return to school for [Child's Name]. Please note, [Child Name] is expected to return to school at the end of their suspension, regardless of the date and time of the reintegration meeting.

As this period of suspension brings the number of school days of exclusion to more than 5 within a term, you have the right to make representations to the school's governing board. The latest date by which the appointed local governing body must meet is [specify date – no later than the 50th school day after the date on which the appointed local governing body were notified of this exclusion]. If you wish to make representations please contact [name of contact and contact details – address, phone number, email] as soon as possible. When doing so, 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.

Should the appointed local governing body decide reinstatement is appropriate, a note will be added to [Child's Name]'s school record. Please be aware that in the absence of any representations, the appointed local governing body is not required to meet and cannot direct reinstatement.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. If you believe that any aspect of this exclusion amounts to unlawful discrimination against your child in relation to disability, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send, or the County Court for all other forms of discrimination. Claims can be made up to six months after the discrimination is alleged to have occurred. You can also raise your concerns directly with the governing body/academy trust. Making a claim would not affect your right to make representations to the school's governing board.

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' can be downloaded from the Department for Education website at: www.gov.uk/government/publications/school-exclusion

You 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 this. I will be happy to give you a copy however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at: https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/

Please find below sources of free and impartial information:

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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.

Yours sincerely

[Name]
Headteacher

Copies to: DCC Inclusion Officer – County Hall, Exeter, Devon

- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 3

From the headteacher to notify parents of a suspension which takes the total days of exclusion to more than 15 school days in one term.

***Advice to the Clerk (delete before sending):***
***Where a public examination or national curriculum test will be missed, please refer to paragraphs 100, 102 and 113 of the DfE Guidance 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', July 2026 , and re-word your letter accordingly. Please do not hesitate to contact your Inclusion Officer for further advice.***

Dear [Parent's Name]

I am writing to inform you of my decision to suspend [Child's Name] for a period of [number of days] days. This means that he/she will not be allowed in school during this time. The suspension will start on [date] and ends on [date], [Child's Name] should return to school on [date] at [time].

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

**[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**
You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this exclusion [specify dates excluded]. I must advise you that you may be prosecuted or receive a fixed penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification.

We will set work for [Child's Name] to be completed on school days during the period of the suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[The following paragraph may be included to arrange a reintegration meeting]**

You and [Child's Name] are invited to attend a reintegration meeting with [specify the name of member/s of staff] at [place] on [date] at [time]. If this is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to plan and support a successful return to school for [Child's Name]. Please note, [Child Name] is expected to return to school at the end of their suspension, regardless of the date and time of the reintegration meeting.

As this suspension brings the number of school days excluded within one term to over 15 in total, the Appointed Local Governing Body (ALGB) must meet to consider reinstatement of this suspension. The latest date by which the appointed local governing body must meet is [specify date – no later than the 15 school days from the date which the appointed local governing body were notified of this suspension].

You will be invited to attend this meeting and will have the right to express your views and make representations to the governing board. [Child's Name] may also attend and participate in the meeting if you feel it is appropriate for them to do so. The clerk to the appointed local governing body will notify you of the time, date, and location of the meeting. In order that we can make suitable arrangements, 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 – usually clerk to the governing board] if it would be helpful for you to have an interpreter present at the meeting.

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

Parents have the right to request that the meeting be held via the use of remote access. For this to be arranged you will need to have an appropriate space, free from other distractions, to enable you to participate fully; the technology we use is [name, e.g. Microsoft Teams]. . Remote meetings will be arranged where they can be conducted fairly and effectively.

Should you wish the meeting to be held via the use of remote access, you can request this in writing (either by email or letter) to [name of contact and contact details – address, phone number, email]. If you do request a remote meeting but then decide to withdraw your request, please notify [contact] without delay.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. If you believe that any aspect of this exclusion amounts to unlawful discrimination against your child in relation to disability, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send, or the County Court for all other forms of discrimination. Claims can be made up to six months after the discrimination is alleged to have occurred. You can also raise your concerns directly with the governing body/academy trust.

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement can be downloaded from the Department for Education website at: www.gov.uk/government/publications/school-exclusion

You 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 this. I will be happy to give you a copy, however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at: https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/

Please find below sources of free and impartial information:

Devon Information & Advice Service (DIAS) provides impartial and independent advice for parents and carers of children **with additional or special educational needs and can be contacted on telephone number 01392 383080. You can also visit www.devonias.org.uk or email devonias@devon.gov.uk**

**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.**

Yours sincerely

[Name]
Headteacher

Copies to:

- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 4

From the headteacher to notify parents of a pupil's permanent exclusion.

***Advice to the Clerk (delete before sending):***
***Where a public examination or national curriculum test will be missed, please refer to paragraphs 100, 102 and 113 of the DfE Guidance 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', July 2026 , and re-word your letter accordingly. Please do not hesitate to contact your Inclusion Officer for further advice.***

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 he/she will not be allowed in this school unless he/she is reinstated by the appointed local governing body.

I realise that this exclusion may 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 in response to a serious breach / persistent breaches [delete as appropriate] of the school's behaviour policy, [give examples – include any other relevant previous history] and allowing [Child's Name] to remain in school would seriously harm the education or welfare of [Child's Name] or others such as staff or pupils in the school.

**[N.B. The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]**
You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this exclusion [specify dates excluded]. I must advise you that you may be prosecuted or receive a fixed penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first 5 schools 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 [N.B. this may be different if supervised education is being provided earlier than the 6th day]. From the 6th school day of the exclusion onwards, [specify the date] the local authority [give name of the local authority] will provide suitable full-time education. [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter].

**[Where the pupil lives in a local authority other than the excluding school's local authority]**
I have also informed [name of Inclusion 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 6th school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the appointed local governing body must meet to consider it. In the light of its consideration, the Appointed Local Governing Body (ALGB) can either: decline to reinstate your child; or direct reinstatement of your child immediately or on a particular date. If the appointed local governing body decides against reinstatement of your child, you can request their decision to be reviewed by an Independent Review Panel.

You will be invited to attend this meeting and will have the right to express your views and make representations to the governing board. [Child's Name] may also to attend and participate in the meeting if you feel it is appropriate for them to do so.

The appointed local governing body should endeavour to meet by [specify the date – this should be the 15th school day after the date on which the appointed local governing body was notified of the exclusion].

If you wish to make representations to the appointed local governing body and/or would like to be accompanied by a friend or representative, please contact [name of contact] on/at [contact details – address, phone number, email], as soon as possible.

You will be notified by the clerk to the appointed local governing body of the time, date, and location of the meeting. In order that we can make suitable arrangements, 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.

Parents have the right to request that the meeting be held via the use of remote access. For this to be arranged you will need to have an appropriate space, free from other distractions, to enable you to participate fully; the technology we use is [name, e.g. Microsoft Teams]. . Remote meetings will be arranged where they can be conducted fairly and effectively. Should you wish the meeting to be held via the use of remote access, you can request this in writing (either by email or letter) to the Clerk to the Discipline Committee, [name]. If you do request a remote meeting but then decide to withdraw your request, please notify the Clerk to the Discipline Committee, [name] without delay.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. If you believe that any aspect of this exclusion amounts to unlawful discrimination against your child in relation to disability, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send, or the County Court for all other forms of discrimination. Claims can be made up to six months after the discrimination is alleged to have occurred. You can also raise your concerns directly with the governing body/academy trust.

Making a claim would not affect your right to make representations to the school's governing board.

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' can be downloaded from the Department for Education's website at: www.gov.uk/government/publications/school-exclusion

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at: https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/
Please find below sources of free and impartial information:
Devon Information & Advice Service (DIAS) also provides impartial and independent advice for parents and carers of children with additional or special educational needs and can be contacted on telephone number 01392 383080. You can also visit www.devonias.org.uk or email devonias@devon.gov.uk

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.

Yours sincerely

[Name]
Headteacher

Copies to:

- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 5

From the Clerk notifying the parents of the date and time of the Appointed Local Governing Body meeting to consider reinstatement following permanent exclusion.

**Please note – everyone with parental responsibility for the child should be invited to attend and make representations at the hearing, even if the child does not live with them. Where a child has a Social Worker, they should also be invited to attend and make representations, as should the Virtual School Head where the pupil is looked after or previously looked after**

.

Dear [Parent's Name]

**Name of Pupil:** [child's full name]
**DOB:** [date]
**Start date of Permanent Exclusion:** [date]

I am writing to let you know that a meeting of the appointed local governing body will be held at the school at [time] on [date]. The purpose of the meeting is for the governors to consider the permanent exclusion and decide whether or not to reinstate [child's name].

This is in accordance with the Government's guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' which can be downloaded from the Department for Education's website at:
www.gov.uk/government/publications/school-exclusion

If a reinstatement meeting would make no practical difference because, for example, you make clear you do not want [child's name] reinstated, the appointed local governing body must still meet to consider whether [he/she] should be allowed back into the school.

You are entitled to attend the meeting and to be accompanied by a friend or legal representative; if you wish, [child's name] may also attend. I have invited [a representative from the Local Authority,] [and] [your social worker, NAME / the Virtual School Head, NAME **- if applicable**,] the Headteacher, [NAME, and names of any other school staff attending] will also be present.

It is important that everyone who will be attending the meeting has the chance to read through any written documents beforehand. If you wish to provide a written statement or letter for the appointed local governing body to consider, please let me have it no later than [date]. I will circulate copies of any written evidence and information to all parties, where possible at least five school days in advance of the meeting.

Parents have the right to request that the meeting be held via the use of remote access. For this to be arranged you will need to have an appropriate space, free from other distractions, to enable you to participate fully; the technology we use is [name, e.g. Microsoft Teams]. Remote meetings will be arranged where they can be conducted fairly and effectively.
Should you wish the meeting to be held via the use of remote access, you can request this in writing (either by email or letter) to the Clerk to the Appointed Local Governing Body, [name]. If you do request a remote meeting but then decide to withdraw your request, please notify the Clerk to the Appointed Local Governing Body, [name] without delay.

Please could you let me know by [date] whether:

- You will be attending the meeting
- You will be bringing a friend or legal representative

- [Child's name] will be attending; and
- If you will be sending a written statement or letter.

I look forward to hearing from you.

Yours sincerely

[Name]
Clerk to the Appointed Local Governing Body

Copies to:

- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 6

From the Clerk notifying the parents of the Appointed Local Governing Body's decision to DECLINE TO REINSTATE a pupil following a permanent exclusion.

Dear [Parent's Name]

The meeting of the Appointed Local Governing Body, held at [school] on [date] considered the decision by [headteacher's name] to permanently exclude [name of child]. After carefully considering the representations made and all the available evidence, the appointed local governing body declined to reinstate [name of child]. The reasons for the appointed local governing body's decision are as follows: [give the reasons in as much detail as possible to explain how governors reached their decision – this should include how the two legal tests have been met – para 11 of the DfE statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement', August 2024]

You have the right to apply for this decision to be reviewed by an Independent Review Panel (subsequently referred to as IRP). **[if not using the Devon School Appeals service, please substitute the following with information on how parents can apply for an Independent Review Panel hearing]** This can be done using the form available at the bottom of the Devon County Council, Education Inclusion Service website: https://www.devon.gov.uk/educationandfamilies/school-information/education-inclusion-service/ or by emailing appeals@devon.gov.uk

The application for an IRP must be made no later than **[specify the latest date – *the 15th school day after receipt of this letter*]**. If you have not lodged an appeal by [repeat latest date] you will lose your right to appeal.

Your appeal will be heard by an IRP, which will review the decision of the governing board; if you have fresh evidence to present to the panel you may do so. The IRP hearing must be scheduled for no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstances an IRP hearing may be adjourned until a later date. You have a right to request the attendance of a Special Educational Needs expert, free of charge, regardless of whether the school recognises that your child has special educational needs.

You will be invited to attend the IRP and to make representations; you may bring a friend or relative with you to the review. You are also entitled, at your own expense, to appoint someone to make written and/or oral representations to the panel.

Please advise the Clerk to the School Appeals Panel if you have a disability or special needs which would affect your ability to attend the hearing; also, please inform them if it would be helpful for you to have an interpreter present at the hearing.

Parents have the right to request that the meeting be held via the use of remote access. For this to be arranged you will need to have an appropriate space free from other distractions to enable you to participate fully; the technology we use is [name, e.g. Microsoft Teams]. . Remote meetings will be arranged where they can be conducted fairly and effectively.
Should you wish the meeting to be held via the use of remote access, you can request this in writing (either by email or letter) to the Clerk to the Independent Review Panel.

Following its review, the panel can decide to:

- uphold the appointed local governing body's decision not to reinstate;

- recommend that the Appointed Local Governing Body (ALGB) reconsiders reinstatement; or
- quash the appointed local governing body's decision and direct that the appointed local governing body reconsiders reinstatement.

In addition to the right to apply for an Independent Review Panel, if you believe that there has been unlawful discrimination in relation to the permanent exclusion then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special
Educational Needs and Disability) in the case of disability discrimination,
http://www.justice.gov.uk/tribunals/send, or the County Court, in the case of other forms of discrimination. A claim made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, in this case, the start date of the permanent exclusion, [enter date].

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' can be downloaded from the Department for Education website: www.gov.uk/government/publications/school-exclusion

You 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 this. I will be happy to give you a copy however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at:
https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/

Please find below sources of free and impartial information:
Devon Information & Advice Service (DIAS) also provides impartial and independent advice for parents and carers of children with additional or special educational needs and can be contacted on telephone number 01392 383080. You can also visit www.devonias.org.uk or email devonias@devon.gov.uk

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.

Yours sincerely

[Name]
Clerk to the Appointed Local Governing Body

Copies to:
- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]

- Social Worker [where applicable]

## Model Letter 7

From the Clerk notifying the parents of the Appointed Local Governing Body's decision to REINSTATE the pupil following permanent exclusion.

Dear [Parent's Name]

[**Name of Pupil & DOB**]
**Date of Permanent Exclusion:** [Date]

I am writing to confirm the decision of the appointed local governing body following the meeting held on [date] to consider the permanent exclusion of [Child's Name].

At the meeting, the appointed local governing body considered very carefully the Headteacher's reasons for the permanent exclusion, the written evidence provided and [if parent's carers attended] the representations made by yourself [and your social worker / the Virtual School Head – delete as applicable]. The appointed local governing body determined that [Child's name] will be reinstated to the school with immediate effect, therefore, [Child Name] is expected to return to school on [insert the date the pupil is to return to school]. There are no conditions attached to this decision.

**[The following paragraph may be included to arrange a reintegration meeting]**
You and [Child's Name] are invited to attend a reintegration meeting with [specify the name of member/s of staff] at [place] on [date] at [time]. The purpose of the reintegration meeting is to plan and support a successful return to school for [Child's Name]. If this is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time

Yours sincerely

Clerk to the Appointed Local Governing Body

[Name]

Copies to:
- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 8

From the Clerk notifying the parents of the date and time of the Appointed Local Governing Body meeting to consider reinstatement of a suspension that took the number of days out of school to more than 15 school days in a term.

**Please note – everyone with parental responsibility for the child should be invited to attend and make representations at the hearing, even if the child does not live with them. Where a child has a Social Worker, they should also be invited to attend and make representations, as should the Virtual School Head for a looked after child.**

Dear [Parent's Name]

**Name of Pupil:** [child's full name]
**DOB:** [date]
**Date of the suspension under review:** [date]

I am writing to let you know that a meeting of the appointed local governing body will be held at the school at [time] on [date] to consider reinstatement of the suspension on [date of the suspension under review], that took the number of school days out of school to more than 15 within a term. The purpose of the meeting is for the appointed local governing body to review the written evidence and hear representations before deciding whether or not to reinstate [child's name] for this suspension. Should governors decide reinstatement is appropriate, a note will be added to [child name]'s school record.

This is in accordance with the Government's guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' which can be downloaded from the Department for Education's website at:
www.gov.uk/government/publications/school-exclusion

The meeting will also give the opportunity for governors to examine the chronology of events and support in place; to look at the early intervention and multi-agency assessment implemented by the school; to consider if exclusion is providing an effective sanction and whether additional strategies need to be put in place to address behaviour, in accordance with the DfE statutory guidance on Suspension and Permanent Exclusion, August 2024 (para 7).

If a reinstatement meeting would make no practical difference because, for example, [child name] has already returned to school following the expiry of a suspension, or you make clear you do not want [her/him/them] reinstated, the appointed local governing body must still meet to consider whether [child name] should or would have been officially allowed back into the school.

You are entitled to attend the meeting and to be accompanied by a friend or legal representative; if you wish, [child's name] may also attend. I have invited [a representative from the Local Authority,] [and] [your social worker, NAME / the Virtual School Head, NAME **- if applicable**,] the Headteacher, [NAME, and names of any other school staff attending] will also be present.

It is important that everyone who will be attending the meeting has the chance to read through any written documents beforehand. If you wish to provide a written statement or letter for the Appointed Local Governing Body (ALGB) to consider, please let me have it no later than [date]. I will circulate copies of any written evidence and information to all parties, where possible at least five school days in advance of the meeting.

Parents have the right to request that the meeting be held via the use of remote access. For this to be arranged you will need to have an appropriate space, free from other distractions, to enable you to participate fully; the technology we use is [name, e.g. Microsoft Teams]. . Remote meetings will be arranged where they can be conducted fairly and effectively.
Should you wish the meeting to be held via the use of remote access, you can request this in writing (either by email or letter) to the Clerk to the Appointed Local Governing Body, [name]. If you do request a remote meeting but then decide to withdraw your request, please notify the Clerk to the Appointed Local Governing Body, [name] without delay.

Please could you let me know by [date] whether:

- You will be attending the meeting
- You will be bringing a friend or legal representative
- [Child's name] will be attending; and
- If you will be sending a written statement or letter

I look forward to hearing from you.

Yours sincerely

[Name]
Clerk to the Appointed Local Governing Body

Copies to:

- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 9

From the Clerk notifying the parents of the Appointed Local Governing Body's decision to DECLINE TO REINSTATE the suspension that took the number of days out of school to more than 15 school days in a term.

Dear [Parent's Name]

The meeting of the appointed local governing body, held at [school] on [date] considered the decision by [Headteacher name] to suspend [name of child] on [date of suspension under review], as this suspension took the total number of school days excluded to more than 15 days within the [Autumn/Spring/Summer – delete as appropriate] term [YEAR]. After carefully considering the representations made, together with all the available evidence, the appointed local governing body declined to reinstate [name of pupil] for the period of suspension under review.

The reasons for the appointed local governing body's decision are as follows: [give the reasons for declining to reinstate in as much detail as possible, explaining how the panel arrived at their decision; you may additionally wish to add any findings and recommendations for future action].

If you believe that there has been unlawful discrimination in relation to this suspension then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, http://www.justice.gov.uk/tribunals/send, or the County Court, in the case of other forms of discrimination. A claim made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, in this case, the start date of the suspension under review [enter date].

The statutory guidance on 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' can be downloaded from the Department for Education website at: www.gov.uk/government/publications/school-exclusion

You 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 this. I will be happy to give you a copy however there may be a charge for photocopying.

To make contact with the local authority Education Inclusion Service, please email: educate.educationinclusion-mailbox@devon.gov.uk including your child's name, date of birth, and school name in your message so that the correct Inclusion Officer can be allocated. You will find information for Parents and Carers on the Education Inclusion Service website at: https://www.devon.gov.uk/educationandfamilies/school-information/attendance-and-inclusion/education-inclusion-service/

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Yours sincerely

[name]
Clerk to the Appointed Local Governing Body

Copies to:

- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]
- Social Worker [where applicable]

## Model Letter 10

From the Clerk notifying the parents of the Appointed Local Governing Body's decision to REINSTATE the suspension that took the number of days out of school to more than 15 school days in a term.

Dear [Parent's Name]

**[Name of Pupil & DOB]**
**Date of the suspension under consideration:** [Date]

I am writing to confirm the decision of the appointed local governing body following the meeting held on [date], to consider the suspension that took the number of days [Child's name] was suspended from school to more than 15 within a term.

At the meeting, the appointed local governing body considered very carefully the Headteacher's reasons for the suspension, the written evidence provided and [if parent's carers attended] the representations made by yourself [and your social worker / the Virtual School Head – delete as applicable]. The appointed local governing body determined that the suspension dated [insert dates] should be reinstated therefore a note will be added to [child name]'s school record. There are no conditions attached to this decision.

Yours sincerely

[Name]
Clerk to the Appointed Local Governing Body

Copies to:

- Headteacher
- Chair of Governors
- DCC Inclusion Officer – County Hall, Exeter, Devon
- Virtual School Head – County Hall, Exeter, Devon [where applicable]

Social Worker [where applicable]

## APPENDIX F - DFE GUIDANCE SUSPENSION AND PERMANENT EXCLUSION FROM MAINTAINED SCHOOLS, ACADEMIES AND PUPIL REFERRAL UNITS

www.gov.uk/government/publications/school-exclusion

## APPENDIX G – DFE GUIDANCE BEHAVIOUR IN SCHOOLS –

https://www.gov.uk/government/publications/behaviour-in-schools--2

## APPENDIX H – DFE SUSPENSIONS AND PERMANENT EXCLUSIONS IN ENGLAND

https://www.gov.uk/government/collections/statistics-exclusions [gov.uk]

## APPENDIX I – POLICY HISTORY

| Version | Summary of Change | Review Date | Lead Author |
|---|---|---|---|
| 1 | Section on Reintegration added with space for school context. Updated against latest guidance. Harbour Policy following merger. | Dec 2025 | Fran Brinicombe |
| 2 | Updated following July 2026 DfE exclusions guidance. Added off-site direction, safeguarding separation, managed moves, governance oversight and strengthened SEND provisions. | Sept 2026 | Fran Brinicombe |
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