



Exclusion Policy

Written by:	Ian Dewes
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Introduction

The Odyssey Trust (The Trust) takes seriously its commitment to supporting pupils to achieve and succeed. The Trust behaviour policies details the procedures in place to ensure pupils behave in a suitable way which ensures they and their peers are making good progress both academically and socially. Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by our academies. On rare occasions it may be necessary to exclude a pupil on a temporary or permanent basis.

This policy provides information and an overview of the exclusion process followed by the Trust and within our schools. It is not intended to replace the Department of Education (DFE) Exclusion Guidance issued in May 2023, which must be followed in all cases. This policy should, therefore, be read in conjunction with that statutory guidance: -

‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England
Department for Education, 2023

The procedures in the DFE Exclusion Guidance apply to all our schools and all registered pupils in them whether below or above compulsory school age.

Behaviour policies are widely publicised within our schools so that pupils, parents, and all staff are aware of the standards of behaviour expected and the range of sanctions that may be applied. DFE Exclusion Guidance contains information on promoting positive behaviour and early intervention.

Headteachers, the Trust, local authorities (LA), independent review panel members, clerks, and Special Educational Needs (SEN) experts must by law have regard to the DFE guidance when deciding whether to:

- Suspend/exclude a pupil
- uphold an exclusion/suspension
- direct reinstatement
- recommend or direct that the Board of Trustees consider the exclusion/suspension again

The Trust is committed to following all statutory exclusion procedures to ensure that every pupil receives an education in a safe and caring environment and that any exclusion/suspension is lawful, reasonable, and fair. As a Trust, will ensure that no pupil is discriminated against based on protected characteristics, such as race or disability, and particular consideration will be given to the fair treatment of pupils from groups who are vulnerable to exclusion/suspension.

A headteacher will only use suspension/exclusion as a sanction when a range of other strategies have been tried and exhausted. A permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school’s behaviour policy and were allowing the pupil to remain in the school would seriously harm the education or welfare of others in the academy.

Records should be kept for all instances of suspensions/exclusions to facilitate monitoring by trustees.

Before deciding whether to seclude/suspend/exclude a pupil, the headteacher will consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked; allow the pupil to give their version of events and consider any special educational needs. In

establishing the facts, the headteacher must apply the civil standard of proof – ‘on the balance of probabilities’ is it more likely than not that a fact is true, rather than the criminal standard of ‘beyond reasonable doubt’. The headteacher should take the appropriate amount of time to gather this information and make an evidenced based decision.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school’s wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the ‘Special educational needs and disability code of practice: 0 to 25 years’, ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil’s suspension or exclusion on these grounds.

There are situations where a pupil may be secluded/suspended/excluded by the headteacher for behaviour outside of the academy. In such instances, the headteacher will seek advice from the appropriate Local Authority Behaviour and Attendance Service.

General advice

Only the most senior person in the school can make the decision to seclude/suspend/exclude a pupil (unless exceptional circumstances such as sickness apply). Headteachers should follow the procedures set out in the DFE Exclusion Guidance and this policy document.

Where practical, headteachers should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to suspend/exclude. A decision will be made on the ‘balance of probabilities’ which differs from the criminal standard ‘of beyond reasonable doubt’. Exclusion/suspensions should not be imposed in the heat of the moment unless there is an immediate threat to the safety of others in the school or the pupil concerned.

Any decision of a headteacher, governors or the Trust in relation to suspension/exclusion must be made in line with the principles of the Equality Act – that it is lawful, rational, reasonable, fair, and proportionate.

It is unlawful to exclude a pupil for a non-disciplinary reason. For example, it is unlawful to suspend/exclude a pupil simply because the pupil has additional needs or a disability that the school feels it is unable to meet, or for a reason such as academic attainment/ability, or the action of a pupil’s parents, or the failure of a pupil to meet specific conditions before they are reinstated - such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys a teachers’ academic instructions could be subject to suspension/exclusion.

‘Informal’ or ‘unofficial’ suspensions, such as sending a pupil home ‘to cool off’, are unlawful regardless of whether they are done with the agreement of parents or carers.

Any suspension/exclusion of a pupil, even for short periods of time, must be formally recorded.

Whilst suspension/exclusion may still be an appropriate sanction, headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it becomes known that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or provocation and the seriousness and/or persistence of the pupil’s behaviour. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any special educational needs (SEN)

or disability that a pupil may have. Headteachers should also consider the use of a multi-agency assessment (including Early Help) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs, but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems. The use of off-site direction should be considered for any child at risk of repeated suspensions. See also section 36-47 of 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement; Guidance for maintained schools, academies, and pupil referral units in England May 2023'

Headteachers should consider that the suspension/exclusion rates for pupils from vulnerable groups are consistently higher than average. This includes pupils with SEN, pupils eligible for free school meals, looked after children (LAC), post looked after children (PLAC) and pupils from certain ethnic groups. The ethnic groups with the highest rates of suspension/exclusion are Gypsy/Roma, Travellers of Irish Heritage and Caribbean pupils. Particular consideration should be given to pupils designated as Children in Need (CIN) or with Care Plans (CP) to ensure that the process of excluding them is not causing or increasing a safeguarding issue.

The Trust has a statutory duty to do its best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with an Education, Health, and Care Plan (EHCP). Where a pupil has an EHCP and is at risk of suspension/exclusion, the headteacher and the Trust should look at provision, assess whether additional support or alternative provision is needed and urgently consider holding an early annual review or interim/emergency review.

The Trust has a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent exclusions and suspensions.

LAC and PLAC are at risk of low attainment in school and suspension/exclusion. Headteachers, governors and the Trust must be especially sensitive to exclusion issues where LAC are concerned. Every practicable means should be tried to avoid suspension/exclusion and headteachers should seek Local Authority (LA) and other professional advice as appropriate, including the Virtual Headteacher.

The Trust has the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also be transferred to another school as part of a 'managed move/fresh start'. Any move should initially be carried out on a temporary basis to assess likely success. These actions require the consent of the parents/carers. The local authority must be kept informed of and arrangements made regarding a pupil moving to another school. The CEO should be contacted immediately before any temporary or permanent moves to pupil placements are made.

The Trust cannot force a parent to remove their child permanently from the school or to keep their child out of the school for any period of time without formally excluding. The threat of exclusion cannot be used to influence parents to remove their child from the academy.

The process of disciplinary suspension/exclusion from the school and criminal proceedings can and should run parallel and decisions should not be postponed merely because the police investigation has not been concluded.

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

For the purposes of exclusions, 'school day' is defined as any day on which there is a school session – therefore, INSET or staff training days do not count as a school day.

The Trust may delegate decision making to the Chief Executive of the Trust or their representative. The Trust can also delegate some or all its functions in respect of suspension/exclusions to a board of governors consisting of at least three governors.

Suspension/exclusion - types and clarifications

Suspensions

This is an exclusion for a fixed number of days as determined by the headteacher of the school. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). During this fixed period, the pupil is barred from the school and parents must ensure that the pupil is not present in a public place during normal school hours without reasonable justification. If this is not adhered to the parents may be prosecuted or receive a penalty notice from the LA.

A suspension does not have to be for a continuous period. Such a suspension can also be for parts of the school day. A pupil may also be suspended during lunchtimes only for a fixed number of days. Each lunchtime suspension is equivalent to half a day fixed period exclusion.

If a lunch time suspension takes place arrangements should be made to provide a lunch if the pupil is entitled to free school meals. If a parent refuses to co-operate with a properly given lunchtime suspension by refusing to collect (or arrange to have collected) his or her child, the school must have due regard for the pupil's safety in deciding what action to take.

During the first 5 days of a suspension the child must remain at home and be supervised appropriately. The school will set work from day one and arrange for it to be marked. If the suspension extends beyond 5 days, the school must ensure the pupil is offered full time alternative education provision and parents must be provided with full details of any arrangements. Consecutive suspensions which total more than 5 days also require full time alternative provision to be made from the 6th day. A pupil is entitled to return to the school once the period of suspension has ended.

At the end of every suspension a reintegration meeting should be held with the pupil and parents to ensure all parties are fully aware of the behaviour and circumstances that led to the suspension. Discussion should be held to clarify that the pupil and parents understand the school's behaviour policy and behaviour expectations from the pupil. Any support to be provided should also be identified at this point. A reintegration meeting record will be made to record any agreed actions and a copy should be given to both the parents and a copy will be placed on the pupil file for record purposes.

In the case of one or more suspensions totalling 5 days or less in a school term, the parents can make written representations about the decisions to the Trust. The governors must consider such representations but has no power to direct reinstatement and is not required to arrange a meeting with the parents before reaching any conclusions.

If the pupil receives a suspension which results in them having been suspended for 5 days or more in a school term but not more than 15 school days, the parents can choose to make representations about the suspension. If such a request is received, then the governors must meet within 50 school days of receiving the notice of representations to review the decisions of the headteacher and consider

whether they were lawful and procedural correct and if the pupil is still suspended whether reinstatement should take place. In the absence of any representations from the parents, the governors are not required to meet and cannot direct reinstatement of the pupil.

If the pupil's suspensions total more than 15 days in a term then the governors must meet within 15 school days of receiving notification of the suspension to review the suspensions. The governors are required to meet to ensure that the correct procedures have been implemented and that the suspensions that have contributed to the 15 plus days are proportionate and in line with the school's Behaviour Policy. Parents can make verbal representations to the governors if they so wish.

Where a suspension would result in a pupil missing a public examination or national curriculum test, the governors must, as far as is reasonably practicable, meet within 15 school days and consider the suspension before the date of the examination or test and decide whether to reinstate the pupil. If there is insufficient time for the governors to meet, the Chair of the Board of Governors can consider the suspension independently and decide whether to reinstate the pupil. Parents have the right to make representations to the governors or the Chair as appropriate. In all cases the headteacher must make alternative arrangements to enable the pupil to complete the test.

Internal suspensions

Internal suspensions may be given for the same reason as a standard suspension, but they involve a pupil being educated in school away from their peers instead of at home. This type of suspension is only to be used where a standard suspension is not in the interests of the child in question. For example, for some children there may be concerns about the level of supervision given at home, or safeguarding issues relating to home life and therefore it is better for the child to be in school. In such cases, parents must be informed that their child is being given an internal suspension and records kept making clear the number of cumulative days the child has been internally suspended for. The CEO of the Trust must be informed of every internal suspension and reports to local governors and trustees will be made. The same requirements for normal suspensions as outlined above, e.g. reintegration meetings and parental rights to make representations apply to internal suspensions too.

Permanent Exclusion

This is where the headteacher's intention is that the pupil should not be allowed to return to the school and the pupil is permanently barred from the school premises. The decision should only be taken:

- in response to a serious breach/persistent breaches of the school's behaviour policy and
- if allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school

In most cases, this will be after a wide range of alternative strategies have been tried without success but there will be exceptional circumstances where, in the headteacher's judgement, it might be appropriate to permanently exclude a pupil for a serious breach (one-off or first offence). These might include serious actual or threatened violence, sexual abuse/assault, supplying an illegal drug or carrying an offensive weapon.

The governors have a duty to meet within 15 school days of receiving notification of a permanent exclusion to consider the case of the headteacher for carrying out the exclusion and to consider any representations made by the parents.

Suspension or Permanent Exclusion

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

In this case, a headteacher may issue a suspension for a short period (a maximum of 5 days is advised). Parents must be made aware that the suspension is in place to enable investigations to take place to enable the headteacher to determine if a permanent exclusion is required. A paragraph to this effect must be inserted into the suspension notification letter. If, during the investigation further evidence comes to light which requires a further suspension or permanent exclusion, the headteacher should issue this to run consecutively. If the further evidence leads the headteacher to decide to issue a permanent exclusion the suspension that was originally put in place to enable the investigation to take place cannot be extended or converted to a permanent exclusion. The permanent exclusion must be issued from the date following the day the suspension ended.

Informing parents

Once a decision to suspend/exclude has been reached, the parents must be notified without delay. This should be through a conversation at the school or by telephone and the pupil should be collected from the school. A letter to inform of the decision should be sent by the headteacher within one school day.

The following information must be included in the letter:

- the reason(s) for the suspension/exclusion. It is important for the headteacher to carefully consider the reason(s) for suspension/exclusion and clearly state them in the letter, as further reasons cannot be introduced at a later stage
- the period of suspension or, for a permanent exclusion, the fact that it is permanent
- if a suspension is used to facilitate further investigation because a permanent exclusion is being considered then this must be set out and made clear in the letter to the parents
- information for the parents about their right to make representations about the suspension/exclusion to the governors and how the pupil may be involved in the process
- how any representations can be made by the parents
- where there is a legal requirement for the governors to consider suspension/exclusion, explain that the parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend

The letter should also draw attention to relevant sources of free and impartial information, regarding exclusions, namely:

- the DoE statutory guidance on suspensions/exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
(DoE reference 00184 2017)
- the DoE statutory guidance on school discipline and exclusion from school at:
<https://www.gov.uk/school-discipline-exclusions>
- complaint against a school at:
<https://www.gov.uk/complain-about-school/state-schools>

- the Coram Children’s Legal Centre which promotes children’s rights at: <https://www.childrenslegalcentre.com> (telephone advice line service 0345 345 4345 – available Monday to Friday 9am -8pm and Saturday 9am – 12.30pm).
- ACE Education Advice for Parents at: <https://www.ace-ed.org.uk> (telephone advice line service 03000 115 142 - available Monday to Wednesday from 10am to 1pm during term time)
- Independent Provider of Special Education Advice at: <https://www.ipsea.org.uk>
- the Council for Disabled Children, which also incorporates the Information Advice and Support Services Network (formerly known as parent partnerships) at: <https://www.councilfordisabledchildren.org.uk>
- the National Autistic Society Schools Exclusion Service (England) at: <https://www.schoolsexclusions@nas.org.uk> (telephone advice line 0808 800 4002 – available Monday to Friday 10am – 3pm)
- if considered relevant by the headteacher (depending on the pupil concerned) links to other local services, such as Traveller Education Support Service.

Further information can be obtained from the appropriate local authority – as follows:

- Derby City Council – <https://derby.gov.uk/education-and-learning/schools-and-colleges/exclusion-of-pupils/>

Informing governors, trustees and the appropriate local authority (la)

When any decision is made regarding implementing an external seclusion, suspension or exclusion, the headteacher should inform the CEO to make them aware of the plan. The local authority should be also be notified of:

- all planned suspensions and permanent exclusions, (if the pupil resides in another authority, the home LA should also be informed)
- attention should be drawn to suspensions that would result in the pupil missing a public examination or a national curriculum test

The Trust must keep a record of all suspensions/exclusions for reporting to the DfE Census.

Registers

Pupils will be marked as code E during a period of the suspension. (This does not apply to internal suspensions.) Other codes may be used if alternative provision has been made. Headteachers can discuss this with the local Education Attendance Service.

Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed (see Section 9 of this policy), or the deadline for review is reached. Headteachers will be informed via letter when an exclusion has reached its effective date and the pupil can be removed from the academy/school roll.

Education provision for excluded pupils

The school's obligation to provide education continues while the pupil is on roll. In all cases of suspension, work should be set from day one and marked.

During the initial period of up to five school days, the parents are solely responsible for their child and must ensure that he/she is not present in a public place during normal school hours without reasonable justification.

From the sixth day of a suspension, the Trust has a responsibility to provide full-time alternative provision for the remainder of the exclusion. For LAC or SEN pupils with an EHCP, this should be from Day 1 where at all possible.

For permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full-time education is provided from the 6th day of the permanent exclusion. Headteacher's must ensure that the LA is notified on day one of any permanent exclusion. Wherever possible, the LA should be informed by telephone as soon as a decision to permanently exclude has been made and before any paperwork is completed.

Once a headteacher has decided to permanently exclude a pupil, the LA will arrange to assess the pupil's needs and how to meet them (even though the exclusion decision might be overturned by the governing body).

The discipline committee/governors

a) Legal duty to consider Suspensions/Exclusions

Details of requirements for governors to review suspensions/exclusions are set out in Section 6 of the DFE Statutory Guidance. Trustees/governors must by law, review certain suspensions/exclusions and must consider any representations about a suspension/exclusion made by the parents of the excluded pupil.

The Governors/Discipline Committee's role is to review suspensions/exclusions imposed by the headteacher. The governors can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

A period of suspension cannot be extended or be substituted with a permanent exclusion.

The governors must consider reinstatement of any suspended/excluded pupil within 15 school days of receiving notification of the exclusion if –

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

Where reinstatement would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension, or the parents make it clear that they do not want their child to be reinstated, the governors must still consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded, parents can request an independent review.

The Committee, which meets to consider any suspension/exclusion must be made up of at least three governors/trustees, none of whom have any connection with the pupil or incident that would affect their ability to act impartially. The Chair has the casting vote in all cases where an even number of trustees/governors are considering the case.

A clerk will be appointed by the Trust to handle the administrative arrangements of the committee.

In all suspension/exclusion cases, the governors committee should comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

Action prior to the meeting of the Discipline/Governors Committee

The governors will arrange for the clerk to the Committee to invite the parents, the headteacher and the LA to the meeting, at a time and place convenient to all parties. The parents can be accompanied by a friend or legal representative at their request.

A parent may invite an LA Representative to attend the meeting as an observer, but representations can only be made by the LA with the consent of the Committee. The LA does not have any decision-making role in the suspension/exclusion process. The governors may ask the LA for specific technical advice on the procedure if required.

The pupil is also entitled to attend the meeting, and should be encouraged to participate, considering their age and understanding.

Where the governors are legally required to consider the reinstatement of a suspended/excluded pupil they should:

- not discuss the suspension/exclusion with any party outside 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 the pupils to be accompanied by a friend or representative (where a pupil under 18 is invited to be a witness, this must be with consent of the parents who have the right to accompany their child)
- comply with 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
- identify the steps they will take to enable and encourage the suspended/excluded pupil to attend the meeting and speak on their own behalf, considering the pupil's age and understanding; or how the suspended/excluded pupil may feed in their views by other means if attending the suspension/exclusion meeting is not possible

Committee members/governors must familiarise themselves with the DFE Exclusion Guidance, read all the paperwork and prepare relevant questions to assist them in making a decision.

c) Possible Supporting papers

If a meeting is to be held, the headteacher should prepare all supporting papers for the suspension/exclusion and pass them to the clerk for circulation to all parties at least five days in advance of the

meeting. Headteachers should share all paperwork related to the current and previous suspensions, which could include:

- a contents page including page numbers
- a copy of the suspension/exclusion letter of notification to parent
- key timeline of events.
- chronology of breaches of the behaviour policy
- copies of any other suspension/exclusion letters
- copy of Exclusion/Suspension reporting form
- attendance records
- copies of all witness statements (redacted and signed where possible and dated)
- any evidence e.g. screen shots, still photographs (ensuring that there is no way another pupil can be identified)
- excluded pupil statement (redacted and signed where possible and dated)
- copies of notes of any reintegration meetings
- School Discipline/Behaviour Policy; Trust Exclusion Policy and any other relevant policies
- Pastoral Support Programme – or Individual Education Plan with clearly identified behaviour targets
- details if the pupil is on the SEN list but does not have an EHCP
- details of any bespoke timetable
- proof that work has been sent home for the first 5 days of the suspension/exclusion and details of any alternative education provision offered if the suspension/exclusion has gone on beyond 5 days
- copies of any suspension/exclusion information sent to the LA
- records of interventions and support provided historically
- details of any alternative or enhanced curriculum
- information from LA support services and agencies
- any other document that the headteacher feels would be of assistance to the Committee

d) Procedure for the meeting of the Discipline Committee

The committee/governors must ensure that clear minutes are taken of the meeting as a record of the evidence that was considered in reaching a decision. These minutes will be made available to all parties as soon as possible after the meeting.

e) Discipline Committee/Governors Decision

Once the Committee has considered the cases and representations of the headteacher and parents and reached a decision, the headteacher, the parents and the LA will be informed of the decision without delay, and preferable within one school day of the meeting, stating the reasons for the decision. Any telephone contact will be followed up by letter within three school days. Where the pupil resides in a different LA area, that LA will also be informed.

The Committee can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

A note of the Committee's views on the suspension/exclusion must be placed on the pupil's school record with copies of relevant papers.

If the governors directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil.

Where the governors upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents.

If the decision is to uphold the permanent exclusion the parents have a right to ask for a review by an Independent Review Panel as laid down in Part 8 of the DFE Exclusion Guidance. The Trust must, at their own expense, make arrangements for the panel to be constituted and meet if such a request is received from parents.

Full details of the process and timescales in which to ask for a review will be contained within the letter sent to parents.

Templates for headteacher's letters to parents can be found in the appendices.

f) Notifying parents of the decision

When a permanent exclusion is upheld by the governors, the decision letter to the parent should be sent within 3 working days. The letter must state the reasons for the decision, give the last day for lodging a request for an independent review (within 15 school days), provide the name and contact details for the clerk to the review panel and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the Trust must reject the application.

The independent review panel

a) The timing of the hearing

The panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

b) Composition of independent review panels

Panels must consist of 3 or 5 members. A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer, one must be a headteacher or was one within the last 5 years (two for panels of 5 members), and one must be a governor or trustee who has served for 12 consecutive months in the last 5 years (two for panels of 5 members).

The Trust must set up the panel, appoint an independent clerk and ensure that all the panel members and the clerk have received suitable training within the previous 2 years. (Section 8 of the DFE Guidance on Exclusions refers).

c) Role of the clerk

The clerk provides an independent source of advice on procedures for all parties. Their role and training requirements can be found in section 8.3 of the DFE Guidance on Exclusions.

d) In advance of the meeting of the independent review panel

The Trust must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available to ensure that all parties are able to attend. The Trust must also arrange a suitable venue for the panel hearing.

The following are entitled to make written representations, appear, and make oral representations, and be represented (including legally):

- the parent
- the headteacher
- the Trust/ School Governors
- the LA
- the SEN expert

The pupil is also entitled to attend the review, but if not attending then their views can be presented through a representative or by written statement.

The clerk should circulate all written evidence to all parties at least 5 working days before the hearing, including information about the parties attending.

e) Request for a SEN Expert (see DFE Exclusion Guidance)

If requested by the parents, the Trust must appoint a SEN Expert to attend the panel hearing. Parents have a right to a SEN expert regardless of whether their child has recognised or identified SEN.

SEN Experts could include specialist SEN teachers, educational psychologists, School SENCOs, and behaviour support teachers.

The SEN Expert's role is to provide impartial advice to the panel on how special educational needs may be relevant to the exclusion, whether Trust policies in relation to SEN were legally reasonable and procedurally fair, whether the school acted in a legal, reasonable, and procedurally fair way with regards to identification of SEN and any contribution that this could have made to the circumstances of the pupil's suspensions/exclusion.

The SEN Expert's role does not include assessing the pupil's special educational needs.

f) Conduct and role of the independent review panel

It is for the panel to decide how to conduct the proceedings, which should be reasonably formal so that all parties can present their case effectively. The meeting could take a similar form to that of the Discipline Committee/Governor's meeting.

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

g) Reaching a decision

Information on what the panel should consider when coming to their decision can be found in the DFE Guidance on exclusions.

A panel can decide to;

- uphold the exclusion decision

- recommend that the Discipline Committee reconsiders their decision
- quash the decision and direct that the Discipline Committee considers the suspension/exclusion again

The panel's decision does not have to be unanimous and can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the suspension/exclusion was flawed when considered in the light of the headteacher applicable on an application for judicial review - illegality, irrationality and procedural impropriety.

h) Financial Penalties

Where a panel directs a Trust to reconsider an suspension/exclusion it has the power to order that a readjustment of the school's budget be made if the Trust does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

i) Reconvening the Discipline Committee

If the panel directs or recommends that the Discipline Committee/Governors reconsider the suspension/exclusion, this must be done within 10 school days of notification. The Committee must conscientiously reconsider whether the pupil should be reinstated. Whilst the Committee may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil without strong justification.

Where a Governors Committee has reconsidered a suspension/exclusion decision it must inform the relevant person, the headteacher and the appropriate LA of its reconsidered decision and the reasons for it without delay. The Governors Committee must comply with any direction from the panel with respect to placing a note on the pupil's record.

j) After the independent review panel hearing

The panel is independent. Its decision is binding on the parents, the Governors' Committee, the headteacher, the Trust and its school. The panel cannot revisit its decision once made.

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

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

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 panel hearing.

Remedies after the independent review

a) Complaint to the Secretary of State

A parent can make a complaint to the Secretary of State via the Education Funding Agency at the Department for Education.

b) Judicial review

Decisions of the Trust, the Governors Committee and the Independent Review Panel can be subject to judicial review.

c) Claims of Discrimination in relation to the exclusion

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

RELATED LEGISLATION AND GUIDANCE DOCUMENTS

This policy is related to the following legislation and guidance:

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)
- This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
 - [Updated] DfE (2024) ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’
 - DfE (2024) ‘Behaviour in Schools’
 - DfE (2015) ‘Special educational needs and disability code of practice: 0 to 25 years’
 - DfE (2018) ‘Mental health and behaviour in schools’

Links with other odyssey trust policies

This policy is linked with other Trust policies, particularly:

- Behaviour Policy
- Safeguarding/Child Protection Policy
- Equality and Diversity Policy
- Complaints Policy
- Special Educational Needs Policy and Information Report

All staff involved in managing pupil behaviour and exclusions must be aware of the contents of these policies and the relevant systems and procedures in place within our Academies.

Equality impact assessment

Under the Equality Act 2010 the Trust has a duty not to discriminate against people because of their age, disability, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe that it is in line with the Equality Act as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality in our academies.

Monitoring arrangements

The monitoring of this policy and the number of exclusions in our schools will be undertaken by the CEO and Education Committee of Trustees. The CEO will submit a termly report to the Trustees

The practical application of this policy will be reviewed every two years or earlier if the need arises, by the CEO.

Data protection statement

The procedures and practice created by this policy have been reviewed in the light of our Data Protection Policy. All data will be handled in accordance with the Trust's policy.

Appendix 1: Model letters

Suspensions

Model Letter 1 - From the Headteacher notifying parents/carers of a suspension of 5 School days or fewer in one term, and where a public examination is not missed

Model Letter 2 - From the Headteacher notifying parents/carers of a suspension where the total number of days suspended from school (including this suspension) is more than 5 and up to and including 15 days in a term

Model Letter 3 - From the Headteacher notifying parent of a suspension of more than 15 School days in total in one term or where the pupil is missing a public examination

Model letter 4 - From the LGB clerk notifying parents/carers and other parties of the date of the Governors' Discipline Committee meeting to review suspension

Model letter 5 - From the Clerk to the LGB to parents/carers upholding a suspension

Model letter 6 - From the Clerk to the governors' committee notifying the parents/carers of a suspension not upheld

Permanent exclusions

Model Letter 7 - From the Headteacher notifying parents/carers of a permanent exclusion

Model letter 8 - From the Headteacher notifying parents/carers of the decision to withdraw a permanent exclusion or suspension

Model Letter 9 - From the clerk to the LGB to parents/carers informing them of the meeting of the Governors' Discipline Committee to review a permanent exclusion

Model Letter 10 - From the Clerk to the LGB advising parents/carers of the reinstatement of the pupil

Model Letter 11 - From the Clerk to the LGB to parents/carers upholding a permanent exclusion

Model Letter 1

From the Headteacher notifying parents/carers of a suspension of 5 School days or fewer in one term, and where a public examination is not missed.

Dear [Parents/carers' name]

[child's name] [date of birth]

I am writing to inform you of my decision to suspend [Child's name] for a fixed period of [specify period]. This means that [he/she] will not be allowed into the School for this period. The suspension [begins/began] on [date] and ends on [date]. Your child should return to the School on [date].

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

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

We will set work for [Child's name] to be completed on the above specified days [detail the arrangement for this]. Please ensure that work set by the School is completed and returned to us promptly for marking.

You have the right to make written representations about this decision to the Local Governing Body. If you wish to make representations please contact [Name of contact (clerk)] [on/at] [Contact details (address, phone number, email)], as soon as possible. The LGB must consider any representations you make and may place a copy of their findings on your child's School record.

[Add details here about any specific support provided by your local authority]

You and [Child's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the School by [date within the next 10 days] to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the School can be managed.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>
- Ace Education has a free confidential telephone adviceline. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) - Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>

- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on suspensions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>

[Child's name] suspension expires on [date] and we expect [Child's name] to return to the School on [date] and [time].

Yours sincerely

[Name]

Headteacher

cc: [Name] Clerk to the LGB

[Name] Chair of the LGB

Child's School file

[Name] [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Model Letter 2

From the Headteacher notifying parents/carers of a suspension where the total number of days suspended from school (including this suspension) is more than 5 and up to and including 15 days in a term.

Dear [Parents/carers' name]

[Child's name] [date of birth]

I am writing to inform you of my decision to suspend [Child's name] for a fixed period of [specify period]. This means that [Child's name] will not be allowed in the School for this period. The suspension start date is [date] and the end date is [date]. Your child should return to the School on [date].

I realise that this suspension may well be upsetting for you and your family, but my decision to exclude [Child's name] has not been taken lightly. [Child's name] has been suspended for this fixed period of [specify period] due to [specify reasons for suspension].

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

We will set work for [Child's name] during the [first five or specify other number as appropriate] School days of [his/her] exclusion [specify the arrangements for this]. Please ensure that work set by the School is completed and returned to us promptly for marking. From the [specify date of the 6th School day of the pupil's suspension] until the expiry of [his/her] suspension we [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter] will provide suitable full-time education. On [date] [Child's name] should attend at [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 — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].

You have the right to make representations about this suspension to the Local Governing Body. As the number of school days [Child's name] has been suspended has accumulated to more than five school days in a term, the governors must meet if you request them to do so. The latest date by which the governors must meet, if you request a meeting, is [specify date — no later than the 50th School day after the date on which the LGB was notified of this suspension].

At the meeting you have the right to be accompanied by a friend or representative. Taking account of your child's age and understanding, [he/she] may also attend the meeting to speak on [his/her] own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate [his/her] views by other means and we encourage them to do so.

If you do wish to make representations to the governors and wish to be accompanied by a friend or representative, please contact [Name of clerk] [on/at] [contact details — address, phone number, email], as soon as possible.

[Add details here about any specific support provided by your local authority].

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the School. Also, please inform [Name of clerk] if it would be helpful for you to have an interpreter present at the meeting.

You and [Child's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that

is not convenient, please contact the School before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the School can be managed.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>
- Ace Education has a free confidential telephone advice line. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) – Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>
- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on suspensions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>.

[Child's name] suspension expires on [date] and we expect [Child's name] to return to the School on [date] at [time].

Yours sincerely

[Name]

Headteacher

Cc: [Name] Clerk to the LGB

[Name] Chair of the LGB

[Name] [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

Model Letter 3

From the Headteacher notifying parent of a suspension of more than 15 School days in total in one term or where the pupil is missing a public examination.

Dear [Parents/carers' name]

[Child's name] [date of birth]

I am writing to inform you of my decision to suspend [Child's name] for a fixed period of [specify period]. This means that [Child's name] will not be allowed in the School for this period. The suspension [begins/began] on [date] and ends on [date]. Your child should return to the School on [date].

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

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

For the first five School days of the suspension we will set work for [Child's name] and would ask you to ensure that the work is completed and returned promptly to school for marking. [specify the arrangements for this].

From the [sixth School day of the pupil's suspension] [specify date] until the expiry of [his/her] suspension we will provide suitable full-time education. [set out the arrangements if known at time of writing.] On [date] [he/she] should attend [give name and address of the alternative provider] at [specify the time — this may not be identical to the start time of the home School] and report to [staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter].

[If the LGB has authorised the pupil to return to the premises to take a public exam or a national curriculum test whilst suspended, add a sentence here].

[Either] As the length of the suspension is more than fifteen (15) School days in total in one term the Local Governing Body (LGB) must meet to consider the suspension. **[Or]** As your child will miss a public examination or national curriculum test as a result of this suspension, the LGB must meet to consider the suspension. The latest date by which the governors must meet, if you request a meeting, is [specify date — no later than fifteen (15) School days from the date the LGB was notified of this suspension].

At the meeting you have the right to be accompanied by a friend or representative. Taking into account your child's age and understanding, [he/she] may also attend the meeting to speak on [his/her] own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate [his/her] views by other means and we encourage them to do so.

If you do wish to make representations to the governors and/or wish to be accompanied by a friend or representative, please contact [Name of clerk] [on/at] [contact details — address, phone number, email], as soon as possible.

[Add details here about any specific support provided by your local authority]

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 the clerk [contact] if it would be helpful for you to have an interpreter present at the meeting.

You and [Child's name] are invited to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the School before your child is due to return to arrange a suitable

alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the School can be managed.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>
- Ace Education has a free confidential telephone advice line. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) – Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>
- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on suspensions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>

[Child's name] suspension expires on [date] and we expect [Child's name] to return to the School on [date] at [time].

Yours sincerely

[Name]

Headteacher

cc: [Name] Clerk to the LGB

[Name] Chair of the LGB

[Name] [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

Model letter 4

From the LGB clerk notifying parents/carers and other parties of the date of the Governors' Discipline Committee meeting to review suspension.

Dear [Parents/carers' name]

[Child's name] [date of birth]

I refer to the Headteacher's letter dated [date of letter informing parents/carers of suspension] and wish to inform you that the Governors' Discipline Committee (GDC) will meet to review the decision to suspend [Name of child] for [number] days on [time and date] at [location].

You are invited to attend this meeting and you may bring a friend or representative with you. Taking into account your child's age and understanding, [he/she] may also attend the meeting to speak on [his/her] own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate [his/her] views by other means.

If you do wish to make representations to the governors and wish to be accompanied by a friend or representative, please contact me [on/at] [contact details — address, phone number, email], as soon as possible.

[Add details here about any specific support provided by your local authority].

If you wish for a local authority representative to be present at the LGB meeting, to observe the proceedings, **you** must request them to do so. You must contact the Clerk advising that you would like the Local Authority to be in attendance and you must contact the Local Authority on the number provided below. A Local Authority representative may be present if the School has invited them independently.

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 us if it would be helpful for you to have an interpreter present at the meeting.

If you wish to attend, please contact [name of contact] on/at [contact details — address, phone number, email] or alternatively please complete and return the reply slip at the bottom of this letter.

Yours sincerely

[Name]

LGB clerk

To: The LGB Clerk [Name and address of School]

[Child's name] [date of birth]

Meeting of the Governors' Disciplinary Committee on [insert time and date] to review the Headteacher's decision to suspend [Child's name] from the [Name] School.

- I wish/do not wish* to attend the meeting to review my child's suspension.
- I will/will not be* accompanied by a friend and/or representative, whose name is
- My child will/will not be* attending. (if applicable)
- I do/do not* require an interpreter.
- I do/do not* require the presence of the local authority representative.

* please delete as applicable

Signed:Date:

Model letter 5

From the Clerk to the GDC to parents/carers upholding a suspension.

Dear [Parent/carers' name]

Re: [Child's name] [date of birth]

The meeting of the Governors' Discipline Committee (GDC) at the [School] on [date] considered the decision by the Headteacher to suspend [Child's name] for [number] days. The GDC, after carefully considering the representations made and all the available evidence, has decided to uphold [Child's name] suspension.

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

There is no further right of representation about this suspension and a copy of this letter will be placed on your child's School record.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>
- Ace Education has a free confidential telephone advice line. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) - Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>
- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on suspensions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>

Yours sincerely

[Name]

Clerk to the Governors' Disciplinary Committee

cc: [Name] - Headteacher

[Name] - Local Authority Inclusion Officer

Child's school file

Model letter 6

From the Clerk to the governors' committee notifying the parents/carers of a suspension not upheld.

Dear [Parents/carers' name]

[Child's name] [date of birth]

The meeting of the Governors' Disciplinary Committee (GDC) at the [Name of School] on [date] considered the Headteacher's decision to suspend (fixed period exclusion) [Child's name] for [number] days. The GDC, after carefully considering the representations made and all the available evidence, has decided not to uphold [Child's name] suspension.

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

Your child may therefore return to school on [time & date]. A copy of this letter will be placed on [his/her] curriculum record. Please note that it is not possible to delete all records of this suspension having been imposed, but [Child's name] file will make it clear that it was subsequently overturned by the governors.

Yours sincerely

[Name]

Clerk to the Governors' Disciplinary Committee

cc: [Name] - Headteacher

[Name] - Local Authority Inclusion Officer

Child's school file

Model Letter 7

From the Headteacher notifying parents/carers of a permanent exclusion.

Dear [Parents/carers' name]

[Child's name] [date of birth]

I regret to inform you of my decision to permanently exclude [Child's name] with effect from [date]. This means that [Child's name] will not be allowed in this School unless [he/she] is reinstated by the Governors' Discipline Committee (GDC).

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

[Child's name] has been excluded in response to a serious breach [or persistent breaches] of the School's Behaviour Policy and allowing [Child's name] to remain in the School would seriously harm the education or welfare of [Child's Name] or others in the School.

The reasons for the permanent exclusion are outlined below:

- [reasons for the exclusion — bullet points].

You have a duty to ensure that your child is not present in a public place during School hours during the first five (5) School days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [Child's name] education to continue will be made. For the first five School days of the exclusion, we will set work for [Child's name] and would ask you to ensure this work is completed and returned promptly to the School for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth School day of the exclusion onwards — i.e. from [specify the date] the local authority [give the name of the 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 pupil lives in a local authority other than the excluding School local authority]

I have also today informed [Name of officer] at [Name of local authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth School day of exclusion. You can contact them at [give contact details].

[Where pupil has a social worker or is a looked after child] I have also today informed [Name of social worker or Virtual School Head] at [Name of local authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth School day of exclusion. You can contact them at [give contact details].

You have the right to make representations about this decision to the Governors' Disciplinary Committee (GDC) and ask them to reinstate your child. As this is a permanent exclusion the governors must meet to consider it. The GDC has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may ask for the decision to be reviewed by an Independent Review Panel. The latest date by which the GDC must meet is [specify the date — the 15th School day after the date on which the GDC was notified of the suspension].

At the meeting you have the right to be accompanied by a friend or representative. Taking account of your child's age and understanding, [he/she] may also attend the meeting to speak on [his/her] own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate [his/her] views by other means and we encourage them to do so.

If you wish to make representations to the GDC please contact [Name of clerk] [on/at] [contact details — address, phone number, email], as soon as possible. You will, whether

you choose to make representations or not, be contacted by the clerk to discuss the time, date and location of the meeting.

[Add details here about any specific support provided by your local authority].

If you wish for a local authority representative to be present at the Governors' Discipline Committee meeting, to observe the proceedings, **you must** request them to do so. You must contact the clerk advising that you would like the local authority to be in attendance and you must contact the local authority by telephone. A local authority representative may be present if the School has invited them independently.

Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [Name of clerk] if it would be helpful for you to have an interpreter present at the meeting.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>
- Ace Education has a free confidential telephone advice line. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) - Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>
- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on exclusions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>

Yours sincerely

[Name]

Headteacher

cc: [Name] Clerk to the Governors' Discipline Committee

[Name] Chair of the LGB

[Name] [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

Model letter 8

From the Headteacher notifying parents/carers of the decision to withdraw a permanent exclusion or suspension

Dear [Parent/carers name]

[Child's name] [date of birth]

I am writing to inform you of my decision to withdraw your child's suspension/permanent exclusion.

This will mean that the permanent exclusion will be removed from [Child's name] school record.

I would be grateful if you could complete the attached acknowledgement form and return it to me.

Yours sincerely

[name]

Headteacher

cc: Chair of the LGB

[Name] [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

To: The Headteacher, (name and address of School)

[Child's name] [date of birth]

I acknowledge receipt of your letter regarding your decision to withdraw the suspension/permanent exclusion.

Signed:Date:

Model Letter 9

From the clerk to the LGB to parents/carers informing them of the meeting of the Governors' Discipline Committee to review a permanent exclusion.

Dear [Parents/carers' name]

I refer to the Headteacher's letter dated [date of letter informing parent of exclusion] and wish to inform you that the Governors' Discipline Committee (GDC), will meet to review the Headteacher's decision to permanently exclude [Child's name] on [date and time] at [location].

You have the right to make representations about this decision to the GDC and ask them to reinstate your child. You may also bring a friend or representative with you. Taking account of your child's age and understanding, [he/she] may also attend the meeting to speak on [his/her] own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate [his/her] views by other means.

The GDC has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may ask for the decision to be reviewed by an independent review panel.

The GDC will consist of a panel of three Governors/Trustees [insert Names], the Headteacher, [insert anyone else present], and the Clerk, [Name], will also be present.

If you wish for a local authority representative to be present at the GDC meeting, to observe the proceedings, **you must** request them to do so. You must contact the Clerk advising that you would like the Local Authority to be in attendance and you must contact them by telephone. An LA representative may be present if the School has invited them independently.

If you do wish to make representations to the GDC and wish to be accompanied by a friend or representative, please contact [Name of GDC clerk] [on/at] [contact details — address, phone number, email], or alternatively please complete and return the reply slip at the bottom of this letter as soon as possible.

Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform me if it would be helpful for you to have an interpreter present at the meeting.

Yours sincerely

[Name]

LGB clerk

To: The LGB Clerk [Name and address of School]

[Child's name] [date of birth]

Meeting of the Governors' Disciplinary Committee on [insert time and date] to review the Headteacher's decision to suspend [Child's name] from the [Name] School.

- I wish/do not wish* to attend the meeting to review my child's suspension.
- I will/will not be* accompanied by a friend and/or representative, whose name is
- My child will/will not be* attending. (if applicable)
- I do/do not* require an interpreter.
- I do/do not* require the presence of the local authority representative.

* please delete as applicable

Signed:Date:

Model Letter 10

From the Clerk to the GDC advising parents/carers of the reinstatement of the pupil.

Dear [Parents/carers' name]

[Child's name] [date of birth]

The meeting of the Governors' Discipline Committee (GDC) at [Name of School] on [date] considered the Headteacher's decision to permanently exclude [Name of child]. The GDC, after carefully considering the representations made and all the available evidence, has decided to direct re-instatement of [Child's name] to [Name of School] on [specify date].

The reasons for reinstatement are [Add details in full]

Your child may therefore return to [Name of School] on [date] at [time]. A copy of this letter will be placed on [his/her] school record. Please note that it is not possible to delete all records of this permanent exclusion having been imposed, but your child's file will make it clear that it was subsequently overturned by the GDC.

Yours sincerely

[Name]

Clerk to the Governors' Discipline Committee

cc: [Name] - Headteacher

[Name] - [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

Model Letter 11

From the Clerk to the GDC to parents/carers upholding a permanent exclusion.

Dear [Parents/carers name]

[Child's name] [date of birth]

The meeting of the Governors' Disciplinary Committee (GDC) at the [Name of School] on [date] considered the Headteacher's decision to permanently exclude [Child's name]. The GDC, after carefully considering the representations made and all the available evidence, has decided to uphold [Child's name] permanent exclusion. The role of the governors as set out in the Department for Education's statutory guidance for those with legal responsibilities in relation to exclusion (2022) is to look at the circumstances of the exclusion, [Child's name] interests and those of the school community and determine whether the Headteacher's decision to permanently exclude your [son/daughter] was lawful, reasonable and procedurally fair.

In light of the above, the reasons for the governors' decision are as follows:

- The governors determined that the Headteacher's actions in permanently excluding [Child's name] were lawful. The governors considered there was more than sufficient evidence, on the balance of probabilities, to show that there had been [a serious breach/serious and persistent breaches of the school's behaviour policy] [include the reasons here] the governors therefore felt that allowing [Child's name] to remain in the School would seriously harm the education or welfare of the pupils, or others in the School.
- The governors felt there was sufficient evidence that the Headteacher had fully considered all relevant issues prior to making the decision to permanently exclude [Child's name], including any potential Equality Act 2010 implications. [You must include evidence here]
- The governors determined that the Headteacher's actions were reasonable. [Add detail here, for example: the governors noted that the Headteacher did not rush into a decision to permanently exclude [Child's name] and took account of a wide range of issues prior to making that decision. The governors noted that the Headteacher kept you fully informed orally and in writing and has kept the local authority informed at various stages leading up to the exclusion. The governors noted that alternatives to exclusion were considered with the option of a managed move being offered to help and support a managed transfer to another school].
- The governors noted the extensive support offered [if this is for a series of persistent breaches] to [Child's name] during [his/her] time at the [name of School]. The governors noted that [include evidence relied upon, including engagement with external agencies and the fact that all avenues of support have been exhausted] and that in light of this it was reasonable to permanently exclude [Child's name]. The governors were satisfied on the evidence presented to them that there was no further support that the School could reasonably have been expected to put in place.
- The governors did not identify any procedural defects in the Headteacher's approach or in the process leading up to the GDC, which would undermine the decision taken.
- The governors also balanced [Child's name] needs against the needs of the pupils and staff working at the School. The governors felt [add something like...the persistent poor behaviour exhibited or say something about the nature of the serious one-off incident] was detrimental to the education and welfare of other pupils and the welfare of staff in the school and also negatively impacted on [Child's name] education. [Add detail here] As such, the governors believed it was appropriate for the permanent exclusion decision to be upheld.

You have the right to request a review of this decision by an independent review panel (IRP). If you wish to request a review, please notify Clare Colmore, Trust Governance Profesional. You must set out the reasons for your request in writing, either by letter or by completing the enclosed form and send the request to: Clare.Colmore@nottinghamcity.gov.uk

Please note that your letter/form informing the independent review panel of your request must be delivered by no later than [specify the latest date – 15th school day after receipt of this letter].

If you have not lodged a request for a review by [repeat latest date], you will lose your right to a review.

The IRP will be made up of three members, to include:

- A **lay person** to chair the panel. This is someone who has never have worked in a school in a paid capacity.
- A current or former school **Governor** who has served at least 12 consecutive months out of the past five years, provided they haven't been teachers or headteachers during that period.
- A **Headteacher** or someone who have been a headteacher within the past five years.

The IRP will rehear all the facts of the case and if you have fresh evidence, which you have not previously provided to the School or the GDC, you may present it to the Independent Review Panel. Any additional evidence that you wish to submit must be presented with your application for review prior to the hearing.

The review must begin within fifteen (15) school days of the day on which your application was made, but panels have the power to adjourn a hearing if required.

Regardless of whether your child has recognised special educational needs, you have a right to require the School trust to appoint an SEN expert to attend the review. There would be no cost to you. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion and not to not to make an assessment of your child's particular needs. Please indicate on your letter/form whether or not you wish for an SEN expert to be appointed.

Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please indicate in your letter/form whether you would like an interpreter present at the hearing.

You may bring a friend or relative to the review, or at your own expense appoint someone to make written and/or oral representations to the IRP. Please inform the Trust Governance Manager if you intend to bring anyone with you.

If appropriate, you could ask your child if they would like to attend so that their voice can be heard. If this is going to be too challenging for your child, you could gain their views in a different way, perhaps in writing or with a video recording.

Following its review the IRP can decide to:

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

If the review panel either recommends or directs that the governing body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.

For your information the following sources of advice are available to you.

- An LEA Officer: [insert name and contact details]
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be

contacted on 0300 330 5485 or at <http://www.childrenslegalcentre.com/> and <https://childlawadvice.org.uk>

- Ace Education has a free confidential telephone advice line. They can be contacted on 0300 0115 142 (Monday to Wednesday, 10am-1pm, term-time only) or at <http://www.ace-ed.org.uk/advice-about-education-for-parents/>
- The National Autistic Society (education rights helpline/case work service) can be contacted on [0808 800 4102](tel:08088004102) - Leave a message on the answering service and a volunteer adviser will call you back. Contact them at <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>
- Independent Parental Special Education Advice provides legally based information and next step advice on any educational issue that is the result of a child's special educational needs or disability. Contact them on 01799 582030 (Monday to Friday, 9am-5pm) or at <https://www.ipsea.org.uk>
- [where considered relevant by the Headteacher, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].
- Statutory guidance on exclusions can be found on the Department for Education (DfE) website at <https://www.gov.uk/government/publications/school-exclusion>

The arrangements currently being made for [Child's name] education will continue. [specify details here].

Yours sincerely

[Name]

Clerk to the GDC

cc: [Name] - Headteacher

[Name] - Chair of the LGB

[Name] - [Name of local authority]

If child has social worker or is looked after child [Name of social worker or virtual school head] [Name of local authority]

If 'home' LA different [Name] [Name of local authority]

Child's school file

APPLICATION FOR INDEPENDENT REVIEW PANEL (IRP) HEARING

Please return to the Clerk to the LGB

DETAILS OF THE EXCLUDED PUPIL	
Name: Date of birth: Address:	
DETAILS OF THE PERSON REQUESTING THE REVIEW – PARENT/CARER	
Name: Address: Relationship to the pupil: PLEASE NOTE: All parents of a child are entitled to attend and make representations at an IRP hearing. Please therefore provide below details (including name, address and relationship to the pupil) of any other person with whom we should correspond regarding the IRP.	
DETAILS OF THE EXCLUDING SCHOOL	
Name: Address: Date of permanent exclusion:	
ATTENDANCE AT THE IRP HEARING	
Will you be attending the hearing in person? YES/NO*	
If "YES" <ul style="list-style-type: none">Please provide a telephone number so that we can contact you to make arrangements. If you fail to turn up when we are expecting you and we don't know how to contact you to find out why you can no longer attend, it is likely that the hearing will go ahead in your absence. Tel:	If "NO" <ul style="list-style-type: none">Will someone be attending on your behalf? If so, please provide details, including a daytime contact telephone number: Name: Tel:
You are entitled to bring a friend or representative along with you to the hearing. If you do intend to bring someone with you then please provide details (e.g., legal representative, local authority) (Please note that the Panel's permission will be required if you wish to bring more than one person):	
The excluded pupil is entitled to attend the review hearing in person, or to make a statement to be read out at the hearing. Please indicate below whether or not the excluded pupil will be attending YES/NO	

SPECIAL EDUCATIONAL NEEDS

You are entitled to request a Special Educational Needs (SEN) expert to attend the IRP. The SEN expert is there to provide impartial advice to the IRP. Would you like to request a SEN expert to attend the review panel hearing?

YES/NO

REASONS FOR REQUESTING THE REVIEW

Please note that you will have the opportunity to explain your reasons in greater detail at a later date, but when you write your reasons you should consider:

- whether you think the governors acted outside the scope of their legal powers and if so, **why?**
- whether the governors relied on irrelevant points, failed to take into account of all relevant points, or made a decision so unreasonable that no other governors acting reasonably in such circumstances could have made and if so, **why?**
- whether you think the governors' consideration was so *procedurally unfair or flawed that justice was clearly not done? If so, **why?**

*Procedural flaws are not simply breaches of minor points of procedure but something more substantive, that has a significant impact on the quality of the decision making process. For example, bias; failing to notify parents of their right to make representations; the governors making a decision without having given the parents an opportunity to make representations; failing to give reasons for a decision; or being a judge in your own cause e.g. if the Headteacher who took the decision to exclude your child were also able to vote on whether he/she should be reinstated.

My reasons for requesting a review are: