



SUSPENSION AND EXCLUSION POLICY

Approved and signed by the Board of Trustees

AUTUMN 24

CHANGES

Sept 2022	Policy implemented
July 2023	Changes made inline with the DfE guidance May 2023
Sept 2023	Changes made inline with the DfE guidance Sept 2023
Dec 2023	Minor changes
March 2023	Minor changes (governance)
December 2024	Minor changes

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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Discovery MAT governance, staff, parents and pupils
- Pupils in school are Ready, Respectful and Safe
- Pupils do not become NEET (not in education, employment or training)

2. 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 (Sept 2022)

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England](#) DfE Sept 2023

This policy should accompany the Discovery MAT Managing and Supporting Positive Behaviour Policy.

3. The decision to exclude

Only the CEO, Head of School, or Acting Head of School, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

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

A decision to exclude a pupil will be taken only:

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period (Suspension), the

Head of School will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Review existing provision planning and whether this has been followed
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of suspensions, 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.

5. Roles and responsibilities

5.1 The Head of School

The Head of School should take responsibility for implementing measures to secure acceptable standards of behaviour. The ambition is to create high standards of behaviour.

The expectation is aligned with Ofsted's 'Good' grade descriptor for behaviour and attitudes and covers six themes:

High expectations that are commonly understood and applied consistently

Visible leaders that support staff to follow the policy

Measures and interventions are in place to improve behaviour

Behaviour does not normally disrupt teaching, learning or routines and disruption is not tolerated

Bullying is not tolerated, and the environment is safe and respectful

Incidents of bullying, aggression and discrimination are dealt with quickly and effectively.

It is the responsibility of the Head of School to take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways. They should make reasonable adjustments in how they support disabled pupils during this period.

Informing parents

The Head of School will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion/suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Discovery MAT governance panel and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Discovery MAT governance panel to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- Parents have the opportunity to request that the meeting be virtual however other than this request the meeting should only be virtual where there is an extraordinary or unforeseen

circumstance.

The Head of School will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

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

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

The Head of School should encourage and enable the excluded pupil to participate at all stages of the suspension/exclusion.

Informing Discovery MAT governance and local authority

The Head of School alongside the CEO will immediately notify Discovery MAT governance and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil

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

Discovery MAT governance will be informed if:

- A child has received over 5 days of suspension in a term.

5.2 Responsibility of Governance

Responsibilities regarding exclusions are delegated to Discovery MAT Governance. They have a duty to consider the reinstatement of an excluded pupil (see section 6):

The Discovery MAT governance has a duty to consider the reinstatement of an excluded pupil (see section 6) the Discovery MAT governance should be offered guidance to ensure they review data to ensure the sanction is only used when necessary as a last resort.

For a suspension of more than 5 school days, the Discovery MAT governance will arrange suitable full time education for the pupil. This provision will begin no later than the 6th day of the suspension.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

A suspension or exclusion can be cancelled by the HOS/CEO prior to the governing board meeting. However an exclusion can not be cancelled if the child has received over 45 days of suspensions within the academic year. If a suspension/exclusion is cancelled a letter needs to be sent to the parent, Local Authority, governing board, social worker (if appropriate) and virtual school (if appropriate) explaining the decision without delay. The child should be allowed back to school. Parents should be offered a meeting with the HOS to discuss the decision.

The Discovery MAT governance will consider the reinstatement of an excluded pupil within 15 school days of receiving the 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 exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Discovery MAT governance will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

The Discovery MAT governance can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Discovery MAT governance will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head of School followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Discovery MAT governance will notify, in writing, the Head of School, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Discovery MAT governance decision will also include the following:

- 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 date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

➤ That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

7. An independent review

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Discovery MAT governance not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the Headteacher category.

- 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
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Head of Schools during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a member of the Trust of the excluding school
- Are the Head of School of the excluding school, or have held this position in the last 5 years
- Are an employee of Discovery MAT, or on the Discovery MAT governance, of the excluding school (unless they are employed as a Head of School at another school)
- Have, or at any time have had, any connection with a Discovery MAT school, Discovery MAT governance, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix A for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Discovery MAT governance decision
- Recommend that the Discovery MAT governance reconsiders reinstatement
- Quash the Discovery MAT governance decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

8. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Discovery MAT governance will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a suspension (see Managing and Supporting Positive Behaviour Policy):

- Completing the restorative conversation reintegration form which outlines targets and support for the for the student to return successfully,
- Consideration of planning a review of any involvement of outside agencies.
- A risk assessment if required.

If there are 15 or more days of Suspension the HOS will request a Suspension Panel meeting. This will be organised and led by the Trust Inclusion Lead and members of Trust Governance will be invited. The Governance group will listen to evidence provided by the school regarding the nature of the suspensions and what support has been provided for the child to prevent further suspensions. After the panel meeting a letter of recommendations will be sent to the parents and the HOS within 5 days.

10. Monitoring arrangements

The Trust Inclusion Lead monitors the number of exclusions every term and reports back to the Head of School and CEO. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by The Trust Inclusion Lead every 2 years. At every review, the policy will be shared with the Discovery MAT governance.

11. Managed moves

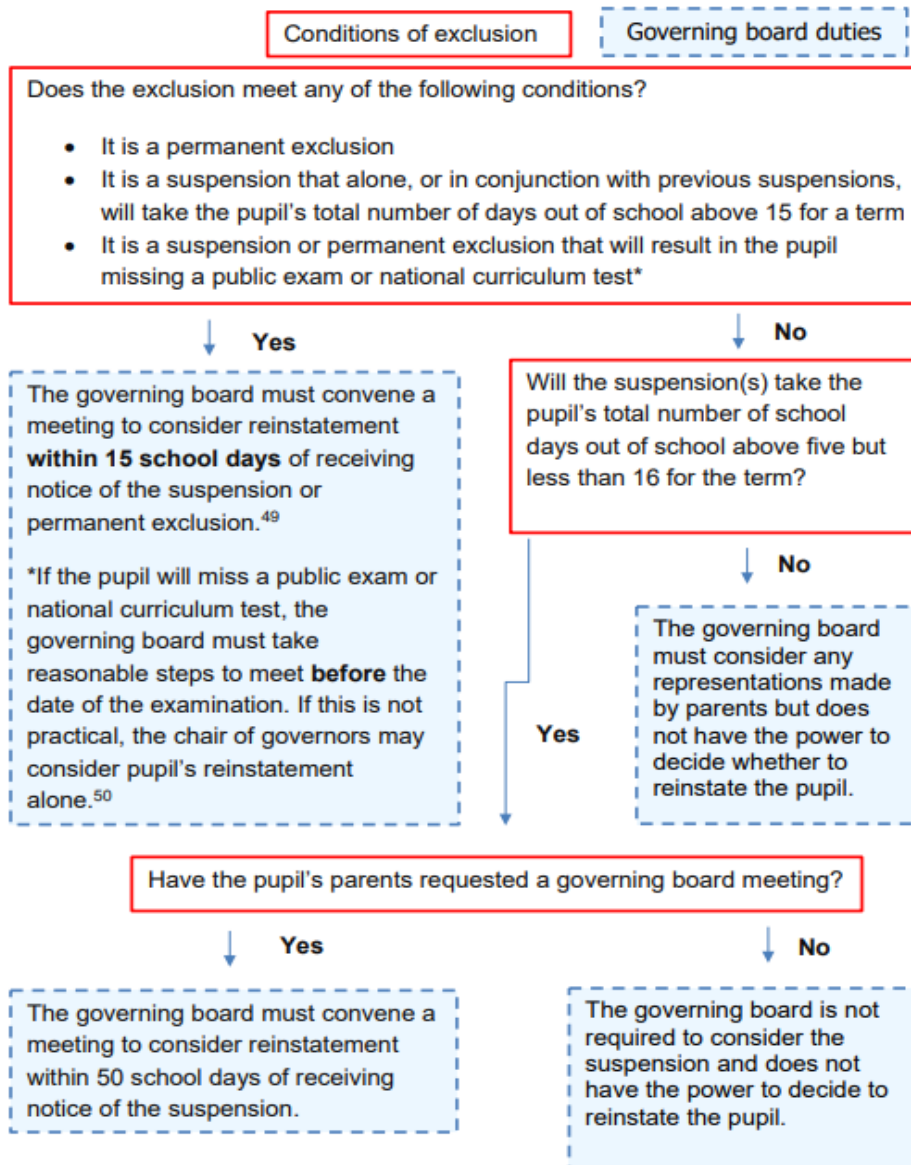
A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. This must be agreed by all parties and on a voluntary basis.

12. Links with other policies

This exclusions policy is linked to our

- Managing and Supporting Positive Behaviour policy
- Inclusion policy and information report
- Mental Health and Wellbeing policy

APPENDIX A: SUMMARY OF DISCOVERY MAT GOVERNANCE DUTIES



APPENDIX B: FURTHER INFORMATION & LINKS

Annex A: Further information

Guidance	Link
Behaviour in Schools	Behaviour in Schools
Governance handbook and competency framework	Governance Handbook
Alternative Provision	Alternative Provision: Statutory guidance for local authorities, as well as headteachers and governing bodies of settings providing alternative provision Education for children with health needs who cannot attend school
Mental health in schools	Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	SEND Code of Practice: 0 to 25 years Children with special educational needs and disabilities (SEND): Overview
Departmental Advice on attendance	School attendance guidance
Departmental Advice on safeguarding and child protection	Keeping children safe in education Children Missing Education Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	Promoting the welfare of looked-after and previously looked-after children Adverse Childhood Experiences training and resources (funded by the Home Office) The designated teacher for looked-after and previously looked-after children
Sharing and publishing information	School to school service: how to transfer information What maintained schools must publish online What academies, free schools and colleges should publish online

APPENDIX C: HOS DECISION

The HOS decision check list (can not be delegated)

Things to consider

- ✓ Have I investigated specific incidents with all parties in a sensitive and fair way?
- ✓ Did I consider factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account?
- ✓ Is exclusion the most appropriate and reasonable sanction, and consistent with the school's behaviour policy?
- ✓ Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?
- ✓ Is relevant evidence properly recorded/retained/documented? (e.g. summaries of interviews, past behaviour, sanctions and support provided.)

Checklist of appropriate evidence/procedure (dependent on circumstances)

Incident happens

- ✓ Consider safety/first aid for all involved
- ✓ Collect statements from staff witness
- ✓ Collect statements from students
- ✓ Collect perpetrators statement/interview where possible
- ✓ Check for any available CCTV or other evidence

Following incident

- ✓ Place student in a safe space (IE) pending investigation
- ✓ Student remains in IE while evidence is being collected and considered. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- ✓ Where possible, Headteacher informs parents of decision to PX on the day. This may go onto the next school day where evidence is still being collected. Student will return to school the next day until a final decision is made

Communication

- ✓ Parents informed first preferably by phone or in person in the first instance. Clear reasons for exclusion are given.
- ✓ When a permanent exclusion has been issued, Devon Inclusion are informed 'without delay'
- ✓ Inform Chair of Governors without delay.
- ✓ Permanent Exclusion letter given/emailed/posted to parents on the same day as final decision which clearly states the reason which meets the two legal tests.
- ✓ Annex G completed within 24 hours of final decision where possible.

APPENDIX D: SUSPENSION LETTER

DATE

Dear NAME,

Further to your conversation on DATE with NAME (HOS) I am writing to inform you of my decision to suspend NAME for a period of TIME. This means that he will not be allowed in school for this period. The suspension begins on DATE and ends at the end of his school day at DATE.

I realise that this suspension may well be upsetting for you, but the decision to suspend NAME has not been taken lightly. NAME has been suspended for this fixed period due to REASON.

You have a duty to ensure that your child is not present in a public place in 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 specified dates. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the Local Advisory Board of the Academy. The board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

NAME and yourself are requested to attend a reintegration meeting at DATE with NAME (HOS) at SCHOOL. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of NAME school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of NAME school record. I will be happy to supply you with a copy if you request there may be a charge for photocopying.

You may wish to contact the Inclusion Manager on (01752) 307471, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on suspension from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk. You may also contact PIAS on (01752) 258933.

NAME suspension expires at the end of day on DATE and TIME.

Yours sincerely,

HOS Name and Signature

Alison Nettleship
(Chief Executive Officer)

APPENDIX E: PERMANENT EXCLUSION LETTER

Model Letter 4

FROM HEADTEACHER

For Permanent Exclusion

Where a public examination would be missed, please insert the following text into the letter at **

‘There is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school’s premises. The governing board should consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test or whether this could be facilitated in another way.’

Paragraph 111 DfE guidance

Dear [Parent’s Name]

I regret to inform you of my decision to exclude [Child’s Name] permanently with effect from [Date]. This means that [he/she] will not be allowed in this school unless [he/she] is reinstated by the school’s [governing body/Academy Trust].

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on [specify 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 on the specified dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [child’s name]’s education to continue will be made. For the first five school days of the exclusion we will set work for [child’s name] and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date] the local authority [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 arrangements will be notified shortly by a further letter or by phone].

[Add this paragraph where a pupil lives in a local authority other than the excluding school’s local authority]

I have also today informed [name of officer] at [name of local authority] of your child’s exclusion and they will be in touch with you about arrangements for his/her education

from the sixth school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the governing body must meet to consider it. The meeting must consist of at least 3 Governors, unless the exclusion results in your child missing a public examination or national curriculum test. At the meeting, you may make representations to the governing body and you may wish and ask them to reinstate your child in school. If parents would like the meeting to be virtual they can request this. However in general other than this the school will only meet virtually if there is an extraordinary or unforeseen circumstance. The [Governing Body/Academy Trust] committee have the power to reinstate your child immediately or from a specified date; or, alternatively, they have the power to decline to reinstate your child, in which case you may request an independent review of their decision by requesting an independent review panel.

The latest date on which the governing body/academy trust must meet is [dateno later than 15 school days after the date on which the governing body were notified of this exclusion]. We will endeavour to arrange the meeting at a date and time that is convenient for you to attend within this timeframe. If you wish to make representations to the [governing body/academy trust] and wish to be accompanied by a friend or representative please contact [Name of Contact] on/at [Contact Details – Address, Phone Number, email], as soon as possible. You will, whether you chose to make representations or not, be notified by the Clerk to the [governing body/academy trust] of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

The governing body/academy trust will ask for written evidence from the school 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) and will endeavour to circulate this information to you and all those who will be present at the meeting at least five school days in advance of the meeting. If you have any written evidence that you would like to submit to the governing body/academy trust, please send this to the Clerk to the governing body/academy trust at the earliest opportunity.

[Use if a Maintained school]

The local authority Inclusion, Attendance and Welfare Team will be invited to send a representative to attend the meeting. Where possible, the representative will prepare a statement for the meeting based on the evidence pack circulated by the Clerk. You may wish to contact the local authority's Inclusion, Attendance and Welfare Team to discuss this or if you have any questions about the exclusion procedures on 01752 307405 or by email educationwelfare@plymouth.gov.uk. Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has not been followed.

[Use if an Academy].

You may request that the local authority and/or the home local authority attend the meeting of the academy's governing board as an observer; that representative may only make representations with the governing board's consent. Where possible, the representative will prepare a statement based on the evidence pack circulated by the Clerk. You may wish to contact the Local Authority's Inclusion, Attendance & Welfare Team to discuss this or if you have any questions about the exclusion procedures on 01752 307405 or by email educationwelfare@plymouth.gov.uk. Where possible, the local authority representative will prepare a statement based on the evidence pack

circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

**

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, you can make a claim to the First-tier Tribunal (Special Educational Needs and Disability) in relation to disability, 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.

You may find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com/>. The advice line is open from 8am – 8 pm Monday to Friday, except Bank Holidays and 24th December to 1st January.

PIAS (formerly parent partnership) <http://www.plymouthias.org.uk/> offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities you can call 01752 258933 or 08009531131, or email pias@plymouth.gov.uk.

[Where considered relevant by the head teacher include the following]

Traveller Education Services [insert information], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance can be found Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (publishing.service.gov.uk) July 2022

Along with information and advice for parents: <https://www.gov.uk/school-discipline->

exclusions/exclusions

Requesting personal information

Under the data protection legislation, an individual (the data subject) has a right to request to see their personal information as held by an organisation. In the education setting, an adult with parental responsibility may request the personal information of the child. Any such request will need to be accompanied by proof of identification and address for the adult and child, and of parental responsibility for the adult, and where the child is 13 or over their independent consent. Please be aware that only personal information relating to the individual can be provided.

Yours sincerely

[Name]

Head of School

cc Inclusion, Attendance and Welfare Team (Plymouth City Council)

APPENDIX F

Model Letter 6

FROM CLERK TO THE ACADEMY TRUST GOVERNANCE INVITING PARENTS TO THE ACADEMY TRUST GOVERNANCE EXCLUSION MEETING

Permanent Exclusion

** Add a paragraph at this point to identify the steps you will take to enable and encourage the excluded pupils 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 excluded pupil may feed in his/her views by other means if attending the exclusion meeting is not possible.

Dear [Parent's Name]

PUPIL NAME: [ENTER NAME] D.O.B: 00.00.00

I am writing to inform you that a meeting of school [Academy Trust] will take place on [date] at [time] to consider the Head of School's decision to exclude permanently [pupil's name] from school.

You and your child are encouraged to attend and contribute to the meeting. You are welcome to bring a friend, advocate or legal advisor with you should you wish. Please let me know if you have a disability or special needs which would affect your ability to attend or take part in the meeting or if it would be helpful for you to have an interpreter at the meeting.

If you are unable to attend on the date or at the time of this meeting, please contact me at the earliest opportunity.

If parents would like the meeting to be virtual they can request this. However in general other than this the school will only meet virtually if there is an extraordinary or unforeseen circumstance.

**

Discovery MAT governance committee has the power to reinstate your child immediately or from a specified date; or, alternatively, decline to reinstate your child in which case you may request a review of the decision by an independent review panel.

The Department for Education exclusion guidance states:

'In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Head of School's legal duties and any evidence that was presented to the Discovery MAT governance in relation to the decision to exclude' (Paragraph 71).

The school will provide a pack of evidence about the exclusion which is circulated to all parties invited to the meeting. You should receive the pack of evidence at least 5 school days in advance of this meeting. If you have written evidence that you would like to submit to the meeting, please send this to me at the earliest opportunity so it can be circulated to all parties.

The meeting must consist of at least 3 Discovery MAT Governors unless the exclusion results in your child missing a public examination or national curriculum test or in the case of an academy trust: the trust's articles of association allow them to do so. At this meeting the Chairperson will briefly explain the procedure the meeting will follow and the order in which each party will have the opportunity to put their case to the Discovery MAT governance panel and ask questions. The Head of School will present the reasons for the exclusion and witnesses may be called if appropriate. You and/or your legal representative/friend/advocate can present your case and/or give a written account. You will also have the opportunity to question the Head of School.

At the close of the meeting, the Discovery MAT governance panel will ask all parties to leave the room so they can discuss the evidence presented by all parties and any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has and make a decision on whether they will offer to reinstate your child immediately or on a particular date, or if they will not offer to reinstate your child.

Where reinstatement would make no practical difference because for example, you make clear you do not want your child reinstated, the Discovery MAT governance panel must still consider whether your child should be officially reinstated. If it decides against reinstatement of your child following the permanent exclusion, you can request an independent review.

You may request that the local authority and/or the home local authority attend the meeting of the Discovery MAT governance panel as an observer; that representative may only make representations with the panel's consent. If you would like a Local Authority representative to attend, please inform the Clerk of this and contact the local authority's Inclusion, Attendance & Welfare Team on 01752 307405 or by email educationwelfare@plymouth.gov.uk. Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com/>. The advice line is open from 8am – 8 pm Monday to Friday, except Bank Holidays and 24th December to 1st January.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

[Where considered relevant by the Head of School include the following]

Traveller Education Services [insert information], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at: <https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents: <https://www.gov.uk/school-discipline-exclusions/exclusions>

Please contact me [insert telephone, email and address details] and let me know the following:

- if you will be attending this meeting
- if your child will be attending this meeting
- if you will be bringing a friend, representative or advocate
- if there is any support that we could offer to assist you or your child to attend and contribute to this meeting
- if you wish to call any witnesses – their name and contact details
- if you have any written/documented evidence that you would like to provide ahead of the meeting

[Use if an academy]

- if you would like a local authority representative to be invited to the meeting

Please find enclosed an order of proceedings for the meeting.

Yours sincerely

[Name]

Clerk to the Discovery MAT governance panel

Panels Consideration of Exclusion

The order in which the meeting will be conducted

The Clerk meets with the Discovery MAT governance panel, explains the process, answers questions and asks for a volunteer or nominations to be Chair if one is not already appointed. The Discovery MAT governance panel should not discuss the exclusion with any party prior to the start of the meeting. The Head of School, parents and all others attending the hearing should enter and leave the meeting at the same time. The Clerk ushers in the parent(s), Head of School and others attending. The Clerk makes introductions, explains the purpose and the order of the meeting before handing over to the Chair.

Step 1

- a) The Head of School describes the incident and presents evidence.
- b) The parent(s) may question the Head of School about the evidence they've presented. [Parent(s) have an opportunity to state their case in full at Step 2].
- c) The Discovery MAT governance panel question the Head of School.

Step 2

- a) The parent(s) put their case.
- b) The Head of School may ask questions of the parent(s) about their case.
- c) The Discovery MAT governance panel may ask questions of the parent(s) about their case.

Step 3

- a) The LA representative makes a statement.
- b) The Discovery MAT governance panel question the LA representative.

Step 4

- a) The Head of School sums up his/her case.
- b) The parent(s) sum up their case.

Members close the meeting and clarify how parties will be informed of their decision. Members retire and discuss the case and come to a decision.

APPENDIX G



Suspension Panel

Attendees:

Apologies:

Child:

DoB:

Date:

SEN: Y/N

FSM: Y/N

Number of suspensions this academic year:

What level of behaviour has led to suspensions?
What support is in place for this child?
What changes have been made after suspensions?
Additional Questions from SEN/Safeguarding Governance group?
Any additional points from School Staff.
Governance group recommendations.

APPENDIX H: RETURN TO SCHOOL PROFORMA

Suspension proforma

The returning student should not proceed directly to the classroom. A reintegration plan should start with a meeting with parents and professionals lead by HoS. Formal involvement of parents and outside agencies is crucial in order for the suspension/exclusion cycle to break any recurring patterns of difficulty.

Pupil:	Date:
Attendees:	
What can I change - How can I be ready, respectful and safe?	
What will the school put in place to avoid future suspensions?	
What will the family put in place to avoid future suspensions?	

