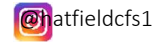




To inspire, enrich and nurture so each individual reaches their full potential

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The HCFS is a company limited by Guarantee Registration number 07648654

Exclusion Policy

September 2025

To be reviewed annually in the Autumn Term

Next Review: September 2026

History of Document:

Issue No.	Date Issued	Prepared By	Approved By	Comments
Issue 1	September 2021	Victoria Hobson	Outcomes Committee	New policy adopted
Issue 2	September 2022	Victoria Hobson	Trust Board	<ul style="list-style-type: none">Policy updated with 2022 changes from model policyLetter templates added from HCC models
Issue 3	September 2023	Sian Hammond	Trust Board	<ul style="list-style-type: none">Policy updated with 2023 changes from model policy
Issue 4	September 2024	Ellen Summers	Trust Board	<ul style="list-style-type: none">Policy remains compliant with model policyLink to new documentation for exclusions added to appendix 2
Issue 5	September 2025	Ellen Summers	Trust Board	<ul style="list-style-type: none">Replaced the term 'school roll' with 'school admission register'Policy checked alongside Model Policy 2025

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Hatfield Community Free School (HCFS) is an inclusive school, which aims to promote equality in all aspects of school life. This policy is to be read alongside the school's Behaviour Policy and Equality Information.

HCFS takes a positive approach to encouraging and rewarding good behaviour and recognises that appropriate behaviours in school are essential to ensure that all pupils can benefit from the opportunities provided by education. Where poor behaviour choices are displayed that impact the learning and safety of others, the Government supports Principals in using exclusion as a sanction where it is warranted.

HCFS states that the exclusion of a pupil, either for a fixed period or permanently, will only be used as a last resort as we are aware of the devastating impact that permanent exclusion can have on children and their families. It is for this reason that we will not give up on any child and will only use this measure in the most extreme circumstances.

Aims

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

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently;
- The exclusions process is understood by trustees, staff, parents and pupils;
- Pupils in school are safe and happy;
- Pupils do not become NEET (not in education, employment or training);
- All suspensions and permanent exclusions are carried out lawfully.

A Note on Off-Rolling

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

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

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off';
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support;
- Due to poor academic performance;
- Because they haven't met a specific condition, such as attending a reintegration meeting;
- By exerting undue influence on a parent to encourage them to remove their child from the school.

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 - from September 2024](#).

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011;

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

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](#);
- [The Equality Act 2010](#);
- [Children and Families Act 2014](#);
- The [School Inspection Handbook](#), which defines 'off-rolling';
- This policy complies with our funding agreement and articles of association.

Definitions

Suspension: when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion: when a pupil is removed from the school permanently and taken off the school admission register. This is sometimes referred to as an 'exclusion'.

For the purposes of suspensions and permanent exclusions, a 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.

Off-site direction: when a trust board of a school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carer: any person who has parental responsibility and any person who has care of the child.

Managed move: when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Roles and Responsibilities

The Principal

Deciding whether to Suspend or Exclude

Only the Principal, or acting Principal, can exclude a pupil from school. A permanent exclusion will only be taken as a last resort.

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 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, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;

- Allow the pupil to give their version of events;
- Consider if the pupil has special educational needs (SEN) and/or disabilities;
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC));
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves;
- Discuss the decision with the Chair of Trustees (in the case of permanent exclusion).

The Principal will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Principal will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing Parents

If the pupil is at risk of suspension or exclusion, the Principal will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Principal decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the exclusion;
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- Information about parents'/carer's/pupil's right to make representations about the suspension or permanent exclusion to the Trust Board and how the pupil may be involved in this;
- How any representations should be made;
- Where there is a legal requirement for the Trust Board to hold a meeting to consider the reinstatement of a pupil, parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and are able to bring a friend.

The Principal will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this applies;
- 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, if possible:

- 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.

If the Principal does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents'/carer's consent.

Informing the Trust Board

The Principal will, without delay, notify the Chair of Trustees of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil;
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 sessions) in a term;
- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam.

The Principal will notify the Trust Board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions that have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The Principal will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. The notification will include:

- The reason(s) for the suspension or permanent exclusion;
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

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

Informing the Pupil's Social Worker and / or Virtual School Head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the Principal will inform **the social worker** as early as possible;
- **Pupil who is a child looked after (CLA)** is at risk of suspension or exclusion, the Principal will inform **the VSH** as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Principal decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil;
- The reason(s) for the decision;
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant).

The social worker / VSH will be invited to any meeting of the Trust Board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling Suspensions and Permanent Exclusions

The Principal may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Trust Board. Where there is a cancellation:

- The parents, Trust Board and LA will be notified without delay;
- Where relevant, any social worker and VSH will notified without delay;
- The notification must provide the reason for the cancellation
- Parents/carers will be offered the opportunity to meet with the Principal to discuss the cancellation without delay;
- The Board's duty to hold a meeting and consider reinstatement ceases;
- As referred to above, the Principal will report to the Trust Board once per term on the number of cancellations;
- The pupil will be allowed back in school without delay.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing Education during the First 5 Days of a Suspension or Permanent Exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the Principal will make sure that reasonable adjustments are made to the provision.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange alternative provision from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

The Trust Board

Considering Suspensions and Permanent Exclusions

Responsibilities regarding exclusions are delegated to the Trust Board. The Trust Board has a duty to consider parents'/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

Within 14 days of receiving a request, the Trust Board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Local Authority (LA) will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Monitoring and Analysing Suspensions and Exclusions Data

The Trust Board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Trust Board will consider:

- How effectively and consistently the school's behaviour policy is being implemented;
- The school register and absence codes;
- Instances where pupils receive repeat suspensions;
- Interventions in place to support pupils at risk of suspension or permanent exclusion;
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary;
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working;
- The characteristics of suspended and permanently excluded pupils, and why this is taking place;
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it;
- The cost implications of directing pupils off-site.

The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

Considering the Reinstatement of a Pupil

A designated panel of the Trust Board (consisting of three trained, impartial¹ trustees) will be created to consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or 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; or
- It would result in a pupil missing a public examination or national curriculum test.

Where the pupil has been suspended for more than 5 days, but not more than 15 school days, in a single term, and the parents make representations to the board, the Trust Board will consider and decide the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. The board may also consider and decide on reinstatement if the parents do not make representations.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Trust Board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, a sub-committee of the Trust Board may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension or permanent exclusion to more than 5 in a term, the Trust Board:

¹ Should have no connection to the pupil and no prior involvement with the exclusion.

- Must consider any representations made by parents;
- Must arrange the meeting to consider the representations within a reasonable amount of time;
- Can consider reinstatement in the absence of representations from parents.

The following parties will be invited to a meeting of the Trust Board and allowed to make representations or share information:

- Parents/carers (and, where requested, a representative or friend);
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend);
- The Principal;
- The pupil's social worker, if they have one;
- The VSH, if the pupil is looked after.

The Trust Board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Trust Board 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 Trust Board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair;
- Whether the Principal followed their legal duties;
- The welfare and safeguarding of the pupil and their peers;
- Any evidence that was presented to the Trust Board.

They will decide whether or not a fact is true 'on the balance of probabilities'.

An independent clerk will be appointed who will conduct the meeting, take the minutes and make a record of the evidence considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Trust Board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers;
- The Principal;
- The pupil's social worker, if they have one;
- The VSH, if the pupil is looked after;
- The local authority;
- The pupil's home authority, if it differs from the school's.

Where an exclusion is permanent and the Trust Board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion;
- Notice of parents'/carer's right to ask for the decision to be reviewed by an independent review panel;

- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents);
- The name and address to which an application for a review and any written evidence should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent 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 advise the review panel;
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review;
- That parents/carers 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/carers believe that the permanent exclusion has occurred as a result of unlawful 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. Also, that any 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.

An Independent Review

If parents/carers apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Trust Board 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 by the Trust Board of its decision to not reinstate a pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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 trustee category and 2 members will come from the headteacher category.*

- A lay member (a neutral member of the public who holds relevant skills) to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor/trustee or volunteer;
- School governors/trustees who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers 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 Principal of the excluding school, or have held this position in the last 5 years;
- Are an employee of the trust, or the Trust Board, of the excluding school (unless they are employed as a headteacher at another school);
- Have, or at any time have had, any connection with the trust, school, Trust Board, 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 1 for what training must cover).

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker, in collaboration with the VSH, of how any of the child's background, education and safeguarding needs were considered by the Principal in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do one of the following:

- Uphold the Trust Board's decision;
- Recommend that the Trust Board reconsiders reinstatement;
- Quash the Trust Board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Trust Board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the trust Board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Trust Board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Trust Board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it;

- Where relevant, details of any financial readjustment or payment to be made if the Trust Board does not subsequently decide to offer to reinstate the pupil within 10 school days;
- Any information that the panel has directed the Trust Board to place on the pupil's educational record.

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 Trust Board'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 within 15 schools days, the Trust Board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

Making a Return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name;
- The full name and address of any parent with whom the pupil normally resides;
- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion);
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school;
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

Returning from a Fixed-Term Exclusion

Reintegration Strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

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

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

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

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

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

Reintegration Meetings

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

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

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

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

Monitoring Arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions;
- Use of pupil referral units, off-site directions and managed moves;
- Anonymous surveys of staff, pupils, trustees and other stakeholders on their perceptions and experiences.

The data will be analysed termly by the Principal. The Principal will report back to the Trust Board.

The data will be analysed from a variety of perspectives including:

- At school level;
- By age group;
- By time of day/week/term;
- By protected characteristic.

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

Remote Access to Meetings

Parents, can request that a Trust Board meeting, or independent review panel be held remotely. If the parents do not express a preference, the meeting will be held in person. In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely. Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The Trust Board should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

Links with Other Policies and Guidance

This exclusions policy is linked to our:

- Behaviour policy
- Relationships Agreement
- SEND policy
- Attendance policy

Further Herts guidance on exclusions can be found via The Grid, detailed in the [HCC Exclusions Guidance Supplement](#).

Appendix 1: Independent Review Panel Training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making;
- The need for the panel to observe procedural fairness and the rules of natural justice;
- The role of the chair and the clerk of a review panel;
- The duties of headteachers, governing boards and the panel under the Equality Act 2010;
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Appendix 2: Model Letters and Forms for Permanent Exclusion and Suspension Overview

	Description
Model Letter 1	From the Principal or Teacher In Charge notifying parents of a suspension of 5 days or fewer in one term, or which brings the child's total number of days or suspension to no more than 5 days in one term, and where a public examination or national curriculum test is not missed.

Model Letter 2	From the Principal or Teacher In Charge notifying parents of a suspension of more than 5 days and up to/equal to 15 days in one term, or which brings the child's total number of days or suspension to more than 5 days and up to/equal to 15 days in one term, and where a public examination or national curriculum test is not missed.
Model Letter 3	From the Principal or Teacher In Charge notifying parents of a suspension of more than 15 days in one term, or which brings the child's total number of days or suspension to more than 15 days in one term, or where a public examination or national curriculum test would be missed.
Model Letter 4	From the Clerk of the Trustees' committee inviting parents to a meeting of the Trustees' committee in respect of a suspension.
Model Letter 5	From the Clerk of the Trustees' committee informing parents of the committee's decision in respect of a suspension.
Model Letter 6	From the Principal or Teacher in Charge notifying parents of lunchtime exclusion of up to 5 days in one term, a lunchtime suspension counting as 0.5 days of suspension towards this total.
Model Letter 7	From the Principal or Teacher in Charge notifying parents of a permanent exclusion.
Model Letter 8	From the Clerk of the Trustees' committee inviting parents to a meeting of the Trustees' committee in respect of a permanent exclusion.
Model Letter 9	From the Clerk of the Trustees' committee informing parents of the committee's decision in respect of a permanent exclusion.
Model Letter 10	From the Principal or Teacher In Charge notifying the withdrawal of a suspension or permanent exclusion.
X1 – Permanent Exclusion <i>(must be completed via online form</i> https://surveys.hertfordshire.gov.uk/s/ZWFJ88/)	From the Principal or Teacher In Charge notifying the Local Authority of a permanent Exclusion.
X1 – Suspension Notification <i>(form available on Herts Grid)</i>	From the Principal or Teacher In Charge notifying the Local Authority of a suspension. (Lunchtime, 1-5 Days, 5-15 Days, 16+Days)

Model Letter 1

Dear [parent(s)/carer(s) name(s)]

I am writing to inform you of my decision to suspend [child's name] for a period between the dates [specify period] inclusive. This means that [child's name] will not be allowed in school during this period. The suspension begins/began on [date] and ends on [date]. [child's name] should return to school on [first school day following the end of the suspension].

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 because [specify full reason(s) for suspension].

[The following two paragraphs apply only to pupils of compulsory school age]

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

We will set work for [child's name] to complete on the days specified in the previous paragraph, i.e. the school days during the period of the suspension when you must ensure that he/she is not present in a public place without reasonable justification. [Detail the arrangements for this]. Please ensure that the work set is completed and returned promptly to us for marking.

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

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

[The following paragraph applies to all suspensions of primary-aged pupils and may be used for suspensions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview].

You are requested to attend a reintegration interview with [child's name] at the school on [date] at [time]. If that is not convenient, please contact [enter name of person to be contacted] as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by [enter "me" or the name and position of the person who will conduct the reintegration interview]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note

that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact **[name of area Inclusion Officer]**, Inclusion Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion>. Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

[Child's name]'s suspension expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]
Principal

Model Letter 2

Dear [parent(s)/carer(s) name(s)]

I am writing to inform you of my decision to suspend [child's name] for a period between the dates [specify period] inclusive. This means that [child's name] will not be allowed in school during this period. The suspension begins/began on [date] and ends on [date]. [child's name] should return to school on [first school day following the end of the suspension].

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 because [specify full reason(s) for suspension].

[The following three paragraphs apply only to pupils of compulsory school age]

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

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

[If the individual suspension to which this letter applies is for more than 5 days, or immediately and consecutively follows another suspension which would bring the total number of days of suspension to more than five days, include the following paragraph]

From the [6th school day of the pupil's single suspension or, if there have been two or more consecutive suspensions, the 6th school day of all of these suspensions combined - specify date] until the expiry of this suspension we will arrange suitable alternative full-time education for [child's name]. Between the dates of [dates between which suitable alternative full-time education has been arranged] [child's name] should attend [name and address of the alternative provider if not the home school] between the hours of [specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)] and report to [staff member's name]. [If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

You have the right to make representations about this suspension to the Trustees' [committee name] Committee. If you wish you have the right to request a meeting of the Trustees' [committee name] Committee to review my decision to suspend [child's name] and make representations at that meeting as the period of this suspension brings [child's name]'s total number of days of suspension to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting the latest date by which the Trustees' [committee name] Committee must meet is [specify date, which must be no later than the 50th school day after the date on which the Trustees' [committee name] Committee was notified of the suspension to which

this letter relates]. If you wish to make representations to the Trustees' **[committee name]** Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible and within the deadline specified. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Making a claim would not affect your right to make representations to the Trustees' **[committee name]** Committee. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

[The following paragraph applies to all suspensions of primary-aged pupils and may be used for suspensions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the suspension to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact **[name of area Inclusion Officer]**, Inclusion **[lead]** Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion> Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

[Child's name]'s suspension expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]

Principal

Model Letter 3

Dear [parent(s)/carer(s) name(s)]

I am writing to inform you of my decision to suspend [child's name] for a period between the dates [specify period] inclusive. This means that [child's name] will not be allowed in school during this period. The suspension begins/began on [date] and ends on [date]. [child's name] should return to school on [first school day following the end of the suspension].

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 because [specify full reason(s) for suspension].

[The following three paragraphs apply only to pupils of compulsory school age]

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

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

[If the individual exclusion to which this letter applies is for more than 5 days, or immediately and consecutively follows another suspension which would bring the total number of days of suspension to more than five days, include the following paragraph]

From the [6th school day of the pupil's single suspension or, if there have been two or more consecutive suspensions, the 6th school day of all of these suspensions combined - specify date] until the expiry of this suspension we will arrange suitable alternative full-time education for [child's name]. Between the dates of [dates between which suitable alternative full-time education has been arranged] [child's name] should attend [name and address of the alternative provider if not the home school] between the hours of [specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)] and report to [staff member's name]. [If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent, then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

As this suspension brings [child's name]'s total number of days of suspension to more than 15 days in total in one term the Trustees' [committee name] Committee must meet to review my decision to suspend [child's name]. You may attend the review meeting and make representations to the Trustees' [committee name] Committee if you wish. The latest date by which the Trustees' [committee name] Committee must meet is [specify date, which must be no later than 15 school days after the date on which the Trustees'

[committee name] Committee was notified of the suspension to which this letter relates]. You will be notified by the Clerk to the Trustees' **[committee name] Committee** of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Trustees' **[committee name] Committee** please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Making a claim would not affect your right to make representations to the Trustees' **[committee name] Committee**. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

[The following paragraph applies to all suspensions of primary-aged pupils and may be used for suspensions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the suspension to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact **[name of area Inclusion Officer]**, Inclusion **[lead]** Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion> Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

[Child's name]'s suspension expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]

Principal

Model Letter 4

Dear **[parent(s)/carer(s) name(s)]**

I am writing to advise you that the meeting of the Trustees' **[committee name]** Committee to review the Principal's decision to suspend **[child's name]** from school during the period **[start date and end date of the period of suspension]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Trustees' **[committee name]** Committee, please contact **[enter "me" or the name of contact]** at **[contact details – address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied, please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

You have the right to request that a representative of the Local Authority be present at the hearing, in which case you should let **[enter "me" or the name of contact]** know. The Local Authority's position will be one of neutrality where the representative in attendance would not give his/her view on the merits of the particular suspension, however, the LA will, where appropriate draw the attention of the panel to issues where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. In essence, the LA representative will aim to act as an impartial third party, providing objective and dispassionate representations to assist the process.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Principal.

The committee will consider the representations made by all parties and decide whether to uphold the suspension or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

If the Trustees' **[committee name]** Committee cannot direct reinstatement due to the period of suspension having expired and **[child's name]** having already returned to school, they will place a copy of their findings on **[child's name]** school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

[Name]

Clerk to the Trustees' [committee name] Committee

Enc.

Formal suspension hearing – order of proceedings

Suspension hearings follow a formal procedure as follows:

1. The Principal, the parent(s)/carer(s) and the suspended pupil and/or their representatives (if present), the suspended child (if present) and a representative of the Local Authority (if present) and are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Trustees' [committee name] Committee.
3. The Principal presents his/her reasons for the suspension and calls such witnesses as he/she considers appropriate*.
4. The Principal and his/her witnesses are questioned by the parent(s)/carer(s), or the suspended pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may make oral representations.
6. The parent(s)/carer(s), or the suspended pupil if 18 years of age or over, and/or their representatives, may make representations to the Trustees' [committee name] Committee. Unless there are strong reasons to refuse, the Chair of the Trustees' [committee name] Committee should allow the suspended pupil to make a statement if he/she wishes. The suspended pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
7. The parent(s)/carer(s), or the suspended pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Trustees and the Principal.
8. Summing up by the Principal.
9. Summing up by the parent(s)/carer(s), or the suspended pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Trustees' [committee name] Committee and the clerk, withdraw before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the suspended pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Principal and the Integration Manager of the Local Authority.

*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.

Model Letter 5

Dear [parent(s)/carer(s) name(s)]

I am writing to confirm the decision reached by the Trustees' [committee name] Committee at their meeting on [date of Trustees' [committee name] Committee meeting] to review the Principal's decision to suspend [child's name] from school during the period [start date and end date of the period of suspension].

After careful consideration of all the evidence available and the representations made to the Trustees' [committee name] Committee, the committee has decided to

EITHER

uphold the Principal's decision to suspend for the following reason(s) [inset reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement from [specify date] for the following reason(s)
[inset reasons in as much detail as possible explaining how they were arrived at]

[Where reinstatement cannot be directed because the period of suspension has expired, add the following sentence]

As the period of [child's name] suspension has expired the committee's findings will be placed on your child's school record.

[Where the Principal's decision to suspend has been upheld, add the following three paragraphs]

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, for example the day on which the pupil was suspended. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

You may wish to contact [name of area Inclusion Officer], Inclusion Officer, Children's Services at [contact details – address, telephone number, e-mail], who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” is available at <https://www.gov.uk/government/publications/school-exclusion>. Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

Yours sincerely

[Name]

Clerk to the Trustees’ **[committee name]** Committee

Model Letter 6

Dear [parent(s)/carer(s) name(s)]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [child's name] has not been taken lightly. [Child's name] has been suspended because [specify full reason(s) for suspension].

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

[The following paragraph should be inserted if applicable]

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

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

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

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

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this suspension, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Making a claim would not affect your right to make representations to the Trustees' [committee name] Committee. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

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

You may wish to contact **[name of area Inclusion Officer]**, Inclusion Officer, Children’s Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about suspensions. The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” is available at <https://www.gov.uk/government/publications/school-exclusion> Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

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

Yours sincerely

[Name]
Principal

Model Letter 7

Dear [parent(s)/carer(s) name(s)]

I am writing 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 Trustees' [committee name] Committee.

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 permanently excluded because [specify full reason(s) for exclusion].

[The following three paragraphs apply only to pupils of compulsory school age]

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

Alternative arrangements for [child's name] education to continue will be made. We will set work for [child's name] during the first 5 days of this exclusion. [Detail the arrangements for this]. Please ensure that the work set is completed and returned promptly to us for marking.

From the sixth school day of the exclusion onwards, i.e. from [specify the date] the Home Local Authority will provide suitable full-time education. [Where pupil lives in Hertfordshire, enter the name of the local Inclusion Officer], Integration Officer will contact you to let you know the arrangements for this. [Where pupil lives beyond Hertfordshire] I have informed [name of officer] at [name of XXX Local Authority] of your child's exclusion and [he/she] will be in touch with you about arrangements for [child's name] education from the sixth school day of exclusion. You can contact [him/her] at [give contact details].

As this is a permanent exclusion the Trustees' [committee name] Committee must meet to review my decision to exclude [child's name]. You may attend the review meeting and make representations to the Trustees' [committee name] Committee and ask the panel to reinstate your child if you wish. The Trustees' [committee name] Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide to uphold the exclusion in which case you may ask for the Trustees' [committee name] Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Trustees' [committee name] Committee must meet is [specify date, which must be no later than 15 school days after the date on which the Trustees' [committee name] Committee was notified of the exclusion to which this letter relates]. You will be notified by the Clerk to the Trustees' [committee name] Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Trustees' [committee name] Committee please contact [name of contact] at [contact details – address, telephone number, e-mail], as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform [GDC contact at the school] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). Making a claim would not affect your right to make representations to the Trustees' **[committee name]** Committee. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

You also have the right to see a copy of **[child's name]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. There may be a charge for photocopying.

You may wish to contact **[name of area Inclusion Officer]**, Inclusion Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion>. Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

Yours sincerely,

[Name]
Principal

Model Letter 8

Dear [parent(s)/carer(s) name(s)]

I am writing to advise you that the meeting of the Trustees' [committee name] Committee to review the Principal's decision to permanently exclude [child's name] will take place at [place] on [date] at [time].

If you would like to attend the meeting of the Trustees' [committee name] Committee, please contact [enter "me" or the name of contact] at [contact details – address, telephone number, e-mail] as soon as possible. You will have the opportunity to make representations to the panel. [Child's name] may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied, please let [enter "me" or the name of contact] know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform [enter "me" or the name of contact] if it would be helpful for you to have an interpreter present.

A representative from the local authority will be present at the hearing.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by [insert date] so that it may be circulated in advance to the members of the Committee and to all parties including the Principal.

The committee will consider the representations made by all parties and decide whether to uphold the exclusion or to direct [child's name] reinstatement, either immediately or by a particular date.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied [where a child is secondary school age] and if you would like a representative of the Local Authority to be present at the hearing.

Yours sincerely,

[Name]

Clerk to the Trustees' [committee name] Committee

Enc.

Formal exclusion hearing – order of proceedings

Exclusion hearings follow a formal procedure as follows:

1. The Principal, the parent(s)/carer(s) and the excluded pupil and/or their representatives (if present), the excluded child (if present) and a representative of the Local Authority (if present) and are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Trustees' **[committee name]** Committee.
3. The Principal presents his/her reasons for the exclusion and calls such witnesses as he/she considers appropriate*.
4. The Principal and his/her witnesses are questioned by the parent(s)/carer(s), or the excluded pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may make oral representations.
6. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives, may make representations to the Trustees' **[committee name]** Committee. Unless there are strong reasons to refuse, the Chair of the Trustees' **[committee name]** Committee should allow the excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
7. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Trustees and the Principal.
8. Summing up by the Principal.
9. Summing up by the parent(s)/carer(s), or the excluded pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Trustees' **[committee name]** Committee and the clerk, withdraw before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the excluded pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Principal and the Integration Manager of the Local Authority.

*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.

Model Letter 9

Dear [parent(s)/carer(s) name(s)]

I am writing to confirm the decision reached by the Trustees' [committee name] Committee at their meeting on [date of Trustees' [committee name] Committee meeting] to review the Principal's decision to permanently exclude [child's name] from [name of school] School.

After careful consideration of all the evidence available and the representations made to the Trustees' [committee name] Committee, the committee has decided to

EITHER

uphold the Principal's decision to permanently exclude for the following reason(s) [insert reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement from [specify date] for the following reason(s)
[insert reasons in as much detail as possible explaining how they were arrived at]

[Where a permanent exclusion has not been upheld and reinstatement has been directed insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]

The Principal or a senior member of staff will contact you shortly to discuss the arrangements to be made for [child's name] to return to school

[Where a permanent exclusion has been upheld insert the following paragraphs]

You have the right to ask for this decision to be reviewed by an Independent Review Panel. If you wish the decision to be reviewed by the Independent Review Panel, you may wish to contact the Customer Service Team on 01992 588548 in the first instance. You should then set out the reasons for requesting a review by completing the form on the website <https://www.hertfordshire.gov.uk/services/schools-and-education/at-school/exclusion-reviews/exclusion-reviews.aspx#> no later than [specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Trustees' [committee name] Committee's decision to uphold the permanent exclusion was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]. If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by [repeat latest date] you will lose your right to have the decision of the Trustees' [committee name] Committee reviewed.

An Independent Review Panel comprises one serving, or recently retired (within the last 5 years) Head Teacher, one serving, or recently serving, experienced governor and one lay member (a neutral member of the public who holds the relevant skills) who will be the Chairman. The review panel will rehear all the facts of the case. If any party has fresh evidence to present to the panel they may do so.

If you ask for Trustees' [committee name] Committee decision to be reviewed by the Independent Review Body you have the right to require that an expert in Special Educational Needs (SEN) attends the review at no cost to you. You may require that an SEN expert attends the hearing irrespective of whether the school

believes your child has special educational needs or not. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. Should you request a review of the Trustees' **[committee name]** Committee's decision and you wish an SEN expert to be appointed please let the Customer Service Team know.

I should also inform you that if you request a review of the Trustees' **[committee name]** Committee's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and/or oral representations to the Independent Review Panel and that you may also bring a friend or supporter to the review. If you intend to be accompanied, please let the Customer Service Team know. Please also advise if you have a disability or any special needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

Where a representative of the LA attended the Trustees' **[committee name]** Committee meeting he/she or another representative will also attend the review and submit a statement in advance.

In determining the outcome of a review, the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the Trustees' **[committee name]** Committee reconsider its decision; or they may quash the decision and direct that the Trustees' **[committee name]** Committee considers the exclusion again. A panel should only quash a decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

In addition to your right to apply to have the Trustees' **[committee name]** Committee's decision to be reviewed by the Independent Review Panel, if you believe that discrimination has occurred as a result of this exclusion, then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (telephone number 01325 289350). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, for example the day on which the pupil was excluded. Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

You may wish to contact **[name of area Inclusion Officer]**, Inclusion Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. 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 state education matters. They can be contacted on 01206 714 650 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <https://www.gov.uk/government/publications/school-exclusion> Further guidance from the Local Authority is available at <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

Yours sincerely,

[Name]

Clerk to the Trustees' **[committee name]** Committee

Model Letter 10

Dear [parent(s)/carer(s) name(s)]

Further to my letter of [date of letter giving notification of exclusion] I am writing to advise you that I am, on this occasion, withdrawing my earlier decision to

EITHER

suspend [child's name] for a period between [insert dates of start and end of suspension]

OR

permanently exclude [child's name] from the school

I have decided to withdraw the [exclusion/suspension] on this occasion for the following reason(s)

[insert reasons]

Yours sincerely,

[Name]

Principal