



Exclusions Policy 2023-24

This policy is underpinned by the commitment of Discovery Schools Academy Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

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1. Aims

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

Our Trust aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help Board members, colleagues, parents and children understand the exclusions process
- Ensure that children in school are safe and happy
- Prevent children from becoming NEET (not in education, employment or training)
- Ensure 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 child 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 child.”

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

- Without following the statutory procedure or formally recording the event.
- 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

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 child referral units in England, including child movement](#).

It is based on the following legislation, which outlines schools' powers to exclude Children:

- Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(child Exclusions and Reviews\) \(England\) Regulations 2012](#)
- In addition, the policy is based on:
 - Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for suspended and excluded Children
 - Section 579 of the [Education Act 1996](#), which defines 'school day'
 - The [Education \(Provision of Full-Time Education for Excluded Children\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Children\) \(England\) \(Amendment\) Regulations 2014](#)
 - [The Equality Act 2010](#)
 - [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

3. Definitions

- Suspension – when a child is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- Permanent exclusion – when a child is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.
- Off-site direction – when an Advisory Board of a maintained school requires a child to attend another education setting temporarily, to improve their behaviour.
- Parent – any person who has parental responsibility and any person who has care of the child.
- Managed move – when a child 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.

4. Roles and Responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

Only the Headteacher can suspend or permanently exclude a child from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a child will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the child to remain in school would seriously harm the education or welfare of others

Before discussing the decision on whether to suspend or exclude a child with the Deputy Trust Leader, the headteacher will:

- Complete the checklist ([MS Form](#)) in considering all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the child to give their version of events.
- Consider whether the child has special educational needs (SEN) and ensure relevant advice and information from SENCo has been followed.
- Consider whether the child is especially vulnerable (e.g. the child has a social worker, or is a looked-after child (LAC)) and what measures have been put in place.
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

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

Children 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 Headteacher will not reach their decision until they have heard from the child and will inform the child of how their views were taken into account when making the decision.

The Headteacher will discuss considerations with the Deputy Trust Lead before the decision is taken to suspend or exclude.

In the case of a permanent or suspension over 5 days

The Headteacher will arrange a Team Around the Child (TAC) meeting with the Deputy Trust Leader and Trust Safeguarding Lead for a case review prior to making the decision.

All the above bullet points in 'Deciding whether to suspend or exclude' will have been completed by Headteacher before the TAC meeting takes place.

Informing parents

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

If the Headteacher decides to suspend or exclude a child, 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 suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- [Information about parents' right to make representations](#) (section 75 page 29) about the suspension or permanent exclusion to the Advisory Board and how the child may be involved in this
- How any representations should be made
- Where there is a [legal requirement](#) for the Advisory Board to hold a meeting to consider the reinstatement of a child, and that parents (or the child if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Headteacher 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 duty 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 the child needs in order to identify the person they should report to on the first day

If the Headteacher 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 later, 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' consent.

Informing the Advisory Board

The Headteacher will, without delay, notify the Advisory Board of:

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

The Headteacher will notify the Advisory Board once per term of all suspensions and exclusions including any that have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA) and Trust

The Headteacher will notify the LA and Trust 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 child lives outside the LA in which the school is located, the headteacher will also, without delay, inform the child's 'home authority' of the exclusion and the reason(s) for it.

Informing the child's social worker and/or virtual school head (VSH)

The Headteacher will notify the child's social worker and/or virtual school head (VSH) of all suspensions and permanent exclusions for **children with a social worker** and **looked-after children (LAC)** at risk of suspension or exclusion. This is in order to work together to consider what factors may be affecting the child's behaviour, and what further support can be put in place to improve the behaviour. The headteacher will outline;

- The decision to suspend or permanently exclude the child
- The reason(s) for the decision

- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Any effect on the child’s ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to the TAC meeting preceding any decision to permanently exclude a child, this is so they can provide advice on how the child’s background and/or circumstances may have been of influence. The social worker should also help ensure safeguarding needs and risks and the child’s welfare are taken into account.

Providing education during the first 5 days of a suspension or permanent exclusion

All children with social worker / VSH will receive education from school starting on the second day of suspension or exclusion. This is to minimise disruption to their education and support re-integration, online pathways such as TEAMS, Century, Reading Progress may be used and schools will ensure that any work set is accessible and achievable by the child outside school.

Cancelling suspensions and permanent exclusions

The Headteacher 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 Child Disciplinary Committee. Where there is a cancellation:

- The parents, Advisory Board, CDP and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- As referred to above, the Headteacher will report to the Advisory Board once per term on the number of cancellations
- The child will be allowed back in school

4.2 Child Discipline Panel

Responsibilities regarding the consideration and review of exclusions are delegated to the Trust child Discipline Committee. Where a review is requested or legally required, a Child Discipline Committee meeting will be coordinated by the Trust Clerk.

(See [Appendix 5: Children Discipline Committee Terms of Reference](#); [Appendix 6: Child Discipline Committee Guidance](#), [Appendix 7: Child Discipline Committee template agenda](#)).

Type	Committee to meet?	Decisions open to the Committee	Notification of outcome of panel
<i>Permanent Exclusion</i>	Yes - by the 15th school day after receiving notice of the exclusion.	Decline to reinstate the child or direct reinstatement	In writing without delay of the hearing. Relevant

<i>Permanent Exclusion resulting in a child missing a national curriculum test</i>	Yes – The Committee should try to meet before the date of the test and by the 15th school day after receiving notice of the exclusion.	immediately or by a particular date	paperwork should be recorded in the child’s file for future reference.
<i>Permanent Exclusion as a result of suspension ≥ 15 days in a term (either a ‘one off’ or cumulatively)</i>	Yes - by the 15th school day after receiving notice of the suspension.	Decline to reinstate the child or direct reinstatement immediately or by a particular date. (Particular date not applicable if suspension has been served – can only annotate child file)	
<i>Suspension > 5 but less than 15 days in a term (either one of or cumulatively)</i>	Only if the parent requests a meeting should the Committee then meet to consider representations within 50 school days after receiving notice of the exclusion	Uphold the suspension or direct reinstatement (where practical) immediately or by a particular date. (Particular date not applicable if suspension has been served – can only annotate child file)	
<i>Suspension: 5 days or fewer in a term</i>	If the parent submits representations, the Committee must consider them. The Committee is not required to arrange a meeting with parents.	The Committee cannot direct reinstatement	

Child Discipline Panel Meeting

The proceedings for a Child Discipline Panel (PDC) meeting are set out in [Appendix 6: Child Discipline Panel Guidance](#).

In reaching a decision, the CDC will consider whether the suspension or exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 child's educational record. All records are kept in line with the records management policy.

The CDC will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay. (See [Appendix 8: Exclusions sample letter](#))

Where it is a permanent exclusion, the letter 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 child's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded child has recognised SEN, parents have a right to require the Discovery Schools Academy 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.

4.3 The Board of Trustees

The responsibilities of Board of Trustee are to:

- Regularly review this policy to ensure it is fit for purpose and is compliant with statutory regulations;
- Delegate powers to the Child Discipline Panel to consider an exclusion.
- Monitor exclusions through reports submitted to the Board or its committees.

4.4 Advisory Board

Monitoring and analysing suspensions and exclusions data

The Advisory 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 Advisory Board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where Children receive repeat suspensions
- Interventions in place to support Children 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 Children, and why this is taking place
- Whether the placements of Children directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that Children are benefiting from it
- The cost implications of directing Children off-site

4.5 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 children 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.

5. Considering the reinstatement of a child

The child Discipline Committee will consider and decide on the reinstatement of a suspended or permanently excluded child 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 child's total number of days out of school to more than 15 in a term; or
- It would result in a child missing a public exam or National Curriculum test

Where the child has been suspended, and the suspension does not bring the child's total number of days of suspension to more than 5 in a term, the child Discipline Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the child.

Where the child has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, The child Discipline Committee will consider and decide on the reinstatement of a suspended child within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the child.

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

The following parties will be invited to a meeting with the child Discipline Committee and allowed to make representations or share information:

- Parents, or the child if they are 18 or over (and, where requested, a representative or friend)
- The child, 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 Headteacher
- The child's social worker, if they have one
- The VSH, if the child is looked after
- A representative of the local authority if the child has an EHCP.

The child Discipline Committee 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 child Discipline Committee can either:

- Decline to reinstate the child, or
- Direct the reinstatement of the child immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

- In reaching a decision, the child Discipline Committee will consider:
- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the child and their peers
- Any evidence that was presented to the Advisory Board

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

Minutes will be taken of the meeting by the trust Clerk, and a record kept of the evidence that was considered. The outcome will also be recorded on the child's educational record, and copies of relevant papers will be kept with this record.

Child Discipline Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the child, if they are 18 or older
- The Headteacher
- The child's social worker, if they have one
- The VSH, if the child is looked after
- The local authority
- The child's home authority, if it differs from the school's

Where an exclusion is permanent and the child Discipline Committee has decided not to reinstate the child, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (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 child's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded child has recognised SEN, parents have a right to require the [LA/academy 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 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 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

6. Independent Review Panels

If parents apply for an independent review, Discovery Schools Trust will make the necessary arrangements. The role of the Independent Review Panel is to review the decision of the PDC not to reinstate a permanently excluded child.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the child Discipline Committee of its decision to not reinstate the child **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 governor category and 2 members will come from the Headteacher category.

At all times during the review process there must be the required representation on the panel.

- 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
- Current or former 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 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 academy trust of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the academy trust, or the governing 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 academy trust, school, governing board, parents or child, 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 child, including the circumstances in which the child was permanently excluded, and have regard to the interests of other Children and people working at the school.

Taking into account the child's age and understanding, the child or their parents will be made aware of their right to attend and participate in the review meeting and the child 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 child'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 child's experiences, needs, safeguarding risks and/or welfare may be relevant to the child's permanent exclusion.

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

A clerk will be appointed to the panel.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the child Discipline Committee's decision
- Recommend that the child Discipline Committee reconsiders reinstatement
- Quash the child Discipline Committee'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 Advisory Board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Advisory 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 Advisory 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 Advisory 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 Advisory Board does not subsequently decide to offer to reinstate the child within 10 school days
- Any information that the panel has directed the Advisory Board to place on the child's educational record

7. School registers

A child's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the child Discipline Committee's decision to not reinstate the child 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 school days, the school will wait until that review has concluded before removing a child's name from the register.

While the child's name remains on the school's admission register, the child's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded child and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

Where a child'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 child's full name
- The full name and address of any parent with whom the child normally resides
- At least 1 telephone number at which any parent with whom the child 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 child will attend, including the name of that school and the first date when the child attended or is due to attend there, if the parents have told the school the child is moving to another school
- Details of the child's new address, including the new address, the name of the parent(s) the child is going to live there with, and the date when the child is going to start living there, if the parents have informed the school that the child 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 child's name.

8. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the child, parents, a member of senior team and other colleagues, where appropriate. (**See Appendix 10: Reintegration Meeting Template**).

The following measures may be implemented when a child returns from a suspension:

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

- Where necessary, the school will work with third-party organisations to identify whether the child 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:
- The points below are suggestions only and should be adapted to your school's specific circumstances.
- Maintaining regular contact during the suspension or off-site direction and welcoming the child back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the child and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the child, parents, and colleagues of potential external support
- Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

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

8.1 Reintegration meetings

- The school will explain the reintegration strategy to the child in a reintegration meeting before or on the child's return to school. During the meeting the school will communicate to the child that they are getting a fresh start and that they are a valued member of the school community.
- The child, parents, a member of senior team, and any other relevant colleagues 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 Children and their parents to attend their reintegration meeting, but Children who do not attend will not be prevented from returning to the classroom.

9. Monitoring

The Trust School Improvement Leads and local advisory board monitor the number of exclusions. This policy will be reviewed by the Deputy Trust Leader every year.

Appendix 1: example Exclusion Letters

FEX.1 Fixed Term Suspension Letter from HT – 1 to 5 days or an accumulation of 5 to 15 days in a term

Dear (*Name of Parent/Guardian*)

Re: (*Name of child Fixed Term Suspension*)

I am writing to inform you of my decision to suspend (*name of child*) for a fixed period of (*specify period*), beginning on (*date*) and ending on (*date*). This means that (*name of child*) will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend has not been taken lightly. (*Name of child*) has been suspended for this fixed period because of (*reason for suspension*).

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. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for (*name of child*) to be completed during the suspension period. (*Detail the arrangements for this*). Please ensure that this work is completed and returned for marking.

[If the suspension is less than 5 days in one term include]

You have the right to make representations about this decision to the Child Discipline Committee. If you wish to make representations please contact (*Insert contact details*), as soon as possible. Whilst the Committee 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.

OR

[If the suspension is for less than 5 days but the child has received cumulative suspensions up to to 15 days in one term include]

You have the right to request a meeting of the school's Child Discipline Committee to whom you may make representations, and the decision to suspend can be reviewed. If you request a meeting, the committee must meet by [*insert Date – no later than 50 school days from the date the child discipline committee is notified of the suspension*]. If you wish to be accompanied by a friend or representative please contact [*insert*], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

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 First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

You and your child are requested to attend a reintegration meeting with (*colleagues name*) at (*Name of school*) on (*date*) at (*time*). If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to discuss how best your child's return to school can be managed.

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

Child Law Advice - telephone 0300 330 5485 or visit www.childlawadvice.org.uk

ACE Education - telephone 0300 0115 142 or visit www.ace-ed.org.uk

County: You may wish to contact the Inclusion Service at Leicestershire County Council on 0116 305 2071, who can provide advice. ***DELETE AS APPROPRIATE***

City: You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. ***DELETE AS APPROPRIATE***

Rutland: You may wish to contact the Inclusion Service at Rutland County Council on 01572 722 577, who can provide advice. ***DELETE AS APPROPRIATE***

Yours sincerely

[Name]

Headteacher

Cc Clerk to the Trust

FTE.2 Fixed Term Exclusion Letter from HT – 6 to 15 day period

Dear *(Name of Parent/Guardian)*

Re: *(Name of child Fixed Term Exclusion)*

I am writing to inform you of my decision to exclude *(name of child)* for a fixed period of *(specify period)*, beginning on *(date)* and ending on *(date)*. This means that *(name of child)* will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude has not been taken lightly. *(Name of child)* has been excluded for this fixed period because of *(reason for exclusion)*.

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 unless there is reasonable justification for this. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for *(name of child)* to be completed on for the first 5 days of the exclusion. *(Detail the arrangements for this)*. Please ensure that this work is completed and returned for marking.

The school will provide suitable full-time education from the 6th school day of the exclusion until the expiry of the exclusion. On **[specify date]**, **[child's name]** should attend at **[provide details of where, when and colleagues name]**. **(If applicable, say something about transport arrangements from home to the alternative provider)**.

You have the right to request a meeting of the school's child Discipline Committee to whom you may make representations, and the decision to exclude can be reviewed. If you request a meeting, the committee must meet by **[insert Date – no later than 50 school days from the date the discipline committee is notified of the exclusion]**. If you wish to be accompanied by a friend or representative please contact **[insert]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

If you think the exclusion 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 First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

You and your child are requested to attend a reintegration meeting with *(colleagues name)* at *(Name of school)* on *(date)* at *(time)*. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to 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.

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

child Law Advice - telephone 0300 330 5485 or visit www.childlawadvice.org.uk

ACE Education - telephone 0300 0115 142 or visit www.ace-ed.org.uk

County: You may wish to contact the Inclusion Service Leicestershire County Council on 0116 305 2071, who can provide advice. **DELETE AS APPROPRIATE**

City: You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. **DELETE AS APPROPRIATE**

Rutland: You may wish to contact the Inclusion Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely

Yours sincerely

[Name] Headteacher cc Clerk to the Trust

FTE.3 Fixed Term Exclusion Letter from HT – a single exclusion of greater than 15 days or an accumulation of more than 15 days in one term

Dear (*Name of Parent/Guardian*)

Re: (*Name of child Fixed Term Exclusion*)

I am writing to inform you of my decision to exclude (*name of child*) for a fixed period of (*specify period*), beginning on (*date*) and ending on (*date*). This means that (*name of child*) will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude has not been taken lightly. (*Name of child*) has been excluded for this fixed period because of (*reason for exclusion*).

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 unless there is reasonable justification for this. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for (*name of child*) to be completed on for the first 5 days of the exclusion. (**Detail the arrangements for this**). Please ensure that this work is completed and returned for marking.

The school will provide suitable full-time education from the 6th school day of the exclusion until the expiry of his/her exclusion. On [*specify date*], [*child's name*] should attend at [**provide details of where, when and colleagues name**]. (**If applicable, say something about transport arrangements from home to the alternative provider**).

As the length of exclusions brings the total to more than 15 school days, the school's child Discipline Committee must meet to consider the exclusion. You will be invited to attend the meeting to make representations to the governing board if you wish. The committee must meet by [**insert Date – no later than 15 school days from the date the discipline committee is notified of the exclusion**]. If you wish to be accompanied by a friend or representative please contact [**insert**], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

If you think the exclusion 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 First Tier Tribunal, Special

Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

You and your are requested to attend a reintegration meeting with (*colleagues name*) at (*Name of school*) on (*date*) at (*time*). If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to 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.

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

child Law Advice - telephone 0300 330 5485 or visit www.childlawadvice.org.uk

ACE Education- telephone 0300 0115 142 or visit www.ace-ed.org.uk

County: You may wish to contact the Inclusion Service Leicestershire County Council on 0116 305 2071, who can provide advice. **DELETE AS APPROPRIATE**

City: You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. **DELETE AS APPROPRIATE**

Rutland: You may wish to contact the Inclusion Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely **[Name]** Headteacher cc Clerk to the Trust

PEX.1 Permanent Exclusion Letter from HT

Dear (*Name of Parent/Guardian*)

Re: (*Name of child Permanent Exclusion*)

I regret to inform you of my decision to exclude **[child's Name]** permanently from **[Date]**. This means that **[child's Name]** will not be allowed back to this school unless he/she is reinstated by the child Discipline Committee or by an Independent Review Panel.

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(s) for exclusion – include any other relevant previous history]**.

You have a duty to ensure that your child is not found in a public place during the first 5 school days of this exclusion, that is on **[specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is found in a public place during school hours on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

Alternative arrangements for **[child's Name]**'s education 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 name of the 'home' authority]** will provide suitable full-time education. They will be in touch with you about these arrangements, you can contact them at **[give details of relevant local authority's contact details]**.

As this is a permanent exclusion the child Discipline Committee must meet to consider the exclusion. At the review meeting you may make representations if you wish. The committee has the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you may request for the decision to be reviewed by an independent review panel. The latest date on which the child Discipline Committee can meet is **[Date – no later than 15 school days from the date the exclusion]**. If you wish to make representations to the child Discipline Committee and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[Contact details – Address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be of the time, date and location of the meeting. Please contact **[Name of Contact]** if you have a disability or special needs which would affect your ability to attend the meeting.

If you think the exclusion 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 First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

child Law Advice - telephone 0300 330 5485 or visit www.childlawadvice.org.uk

ACE Education- telephone 0300 0115 142 or visit www.ace-ed.org.uk

County: You may wish to contact the Inclusion Service Leicestershire County Council on 0116 305 2071, who can provide advice. **DELETE AS APPROPRIATE**

City: You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. **DELETE AS APPROPRIATE**

Rutland: You may wish to contact the Inclusion Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely **[Name]** Headteacher

Enc Notes of Guidance cc Clerk to the Trust Board

Appendix 2: PEX.2 Child Discipline Panel Meeting Invite

Dear (*Name of Parent/Guardian*)

Re: (*Name of child* Permanent Exclusion)

I am writing to inform you that a meeting of the child Discipline Committee will be held on **[Date]** at **[Time]** following the decision to permanently exclude **[Name of child]** from **[Name of School]**.

The meeting will enable the Committee to consider the Headteacher's decision, hear your views and decide whether **[child's Name]** should be reinstated to the school or to uphold the exclusion. You may bring a friend or supporter to the meeting and arrangements can be made for an interpreter to be present if required.

I am, therefore, inviting you to attend the meeting which will provide an opportunity for you to express your views and for questions to be asked by those present. I attach a copy of the procedure which the Committee will use at the meeting. A copy of the Headteacher's report is enclosed **OR** will follow, no later than 5 days the meeting.

I would be grateful if you could email me at **[insert]** or telephone **[insert]** indicating whether or not you will be attending the meeting.

Yours sincerely

Clerk to the Child Discipline Panel

Enc Permanent Exclusion Guidance for Parents
Headteacher's report (if appropriate)

cc Headteacher

Appendix 3: PEX.3 Permanent Exclusion Guidance for Parents

A guide to permanent exclusions for parents

To exclude a child permanently is a very serious decision and should only be used as a last resort. Your child should only be excluded from school:-

- If they seriously or persistently breach the school's behaviour policy

- Seriously harm the education or welfare of themselves or others in the school if they remained in school.

Who can exclude?

The Headteacher is the only person who can make the decision to exclude your child. (If the Headteacher is absent the Deputy Head Teacher or most senior teacher who is acting as Head can exclude your child.)

How will I be told about the exclusion?

Ideally, the Headteacher should telephone you immediately to inform you that your child is being excluded, followed by a letter within one school day. You will be invited to attend a Child Discipline Committee meeting set up to review your child's exclusion. The Committee decide whether or not your child can return to school.

Should my child be out of the house whilst he / she is excluded?

You have a duty to ensure that your child is not found in a public place during the first 5 days of exclusion unless there is a reasonable justification for this.

Will the school set work?

The school must provide work for your child during the first 5 days of the exclusion. The school will give you the name of the teacher who is providing the work and the arrangements for marking the work. You should ensure that the work is returned for marking and advise the school if your child needs more work. From the 6th day of exclusion onwards the Local Authority will provide suitable supervised full-time education.

What happens at meetings of the Child Discipline Committee?

This will be your opportunity to state any views you have on your child's exclusion. Therefore, it is in your interest to make every effort to attend the meeting. If you are unable or unwilling to attend the meeting, you can still put your views in writing.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting. If you would like to be accompanied by a friend or representative, you should contact the school to advise them.

The Headteacher will provide you and the Committee with a written report at least 5 days in advance of the meeting outlining the reasons why your child has been excluded and the evidence collected during the school's investigation of the incident(s) for which your child has been excluded.

The Committee will consider the evidence provided in the Head Teacher's report and any information that you provide at the meeting. They can decide to end the exclusion and allow your child to return to the school if they believe that the exclusion was not appropriate or uphold the decision of the Headteacher to permanently exclude your child.

Who will be there and what role will they play?

Parent/Guardian

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

Your child

Dependent of the age and understanding of your child it may be appropriate for them to attend the meeting. Your child, if present, will be given the opportunity to give their view.

Child's social worker

If your child has a social worker then they encouraged to support during the meeting.

Virtual School Headteacher

VSH may attend if your child is LAC.

The Headteacher

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling colleagues as witnesses.

The Clerk to the Committee

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the clerk does not take part in the decision-making process.

Preparing for the meeting

You should read through the Headteacher's report and make a note of any questions that you may wish to ask or anything that you do not understand, or you do not agree with. You can then raise these at the meeting.

You do not have to attend the meeting as the exclusion can be considered without you. If you are unable to attend, you can send a letter to the Committee with any information or points which you would like them to consider.

What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure to make sure that every school deals with exclusion in the same way. The meeting is likely to follow a similar process to the one described below:

1. The Clerk starts the meeting by inviting all other parties to enter the room at the same time.
2. The Chair will welcome everyone and explain of the role of the discipline committee.
3. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes.
4. The Chair will explain the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Adjournments can be requested by either party or suggested by the chair if required.

5. The Headteacher explains why the decision has been taken to exclude the child, referring to supporting evidence, and then be open to questions from all present.
6. You will state your child's case, and the reasons why you disagree with the exclusion and then be open to questions from all present.
7. Your child, if present, will also be given the opportunity to comment.
8. You and the Headteacher will both be asked to sum up
9. The committee will ask all parties other than the clerk to leave to make their decision.

The outcome of the child Discipline Committee

There are two possible outcomes following the meeting:

1. The Committee decide to reinstate your child

This means that the Committee has decided that your child can return to the school. You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

2. The Committee decide to uphold the exclusion

This means that the Committee have decided that your child should be permanently excluded from the school. In such circumstances, your child's education will continue to be provided by the Local Authority.

What happens next

The Clerk should send the decision of the meeting to you in writing without delay. The letter will include the reasons for the decision and any further relevant information on educational provision for your child.

Where the Committee decide to reinstate your child, the decision letter will include the date your child should return to school. The Headteacher may provide further information on any arrangements to support your child's successful re-integration. If the Committee decides to uphold your child's permanent exclusion the decision letter will also explain that you have the right to request a review by an Independent Review Panel.

Can I appeal against the decision?

You do not have the right of appeal against the decision; however, you do have the right to ask for the decision to be reviewed by an independent review panel.

To ask for an independent review, you must send your request in writing within 15 school days, otherwise you will lose your right to do so.

Where to go for further advice

Leicester City Council - Exclusions Team

Telephone: (0116) 454 5520

Leicester County Council - Inclusion Service

Telephone: (0116) 305 2071

Rutland County Council - Inclusion Service

Telephone (01572) 722 577

Other organisations you can contact include:

Child Law Advice - telephone 0300 330 5485 or visit www.childlawadvice.org.uk

ACE Education- telephone 0300 0115 142 or visit www.ace-ed.org.uk

Appendix 4: HT Report for Child Discipline Panel

Report for Child Discipline Panel: [child]

Please send this report with the following attachments:

- School Behaviour Policy or relevant pages
- Witness statements
- IEP/PSP or relevant behaviour plans
- CDC agenda including list of people attending at least 5 days in advance of the Child Discipline Committee meeting to the:
 - Parent / Carer
 - Members of the child Discipline Committee
 - Clerk to the Trust

Contextual Information:	
Year Group:	Date of Birth:
Pen Portrait:	
Family Circumstances:	Attendance and Punctuality: (you can attach a printout)
Circle all that apply: Pupil Premium LAC Child Protection Plan SEN	
Look after child? Yes/No <i>Outline how the school has the school worked with foster carers and the LA virtual school. What additional support or alternative placements have been considered?</i>	
SEN / Code of Practice: <i>Brief outline of child's identified special needs (including if appropriate stage of the SEN Code of Practice and date):</i> <i>Brief description of how these identified needs are being met (attach an IEP/PSP to the report) – see notes for further guidance</i>	

Information regarding the (suspension or exclusion):		
Type: Exclusion or Suspension and length		
Reasons as contained in the letter to parent:		
Circumstances leading to the decision: <i>Attach all supporting and relevant documentation arising from the investigation e.g. reports, statements from witnesses, teachers, Children and excluded child's statement, photographs or any appropriate physical evidence.</i>		
Witness Statements for the suspension or exclusion: [can be attached, make sure they are signed and dated] <i>Original child witness statements should be retained but can be kept anonymous within the Headteacher's report.</i>		
Mitigating factors taken into consideration:		
Policies		
The following polices are relevant to the suspension or exclusion and have been attached: <ul style="list-style-type: none"> ▪ Behaviour Policy dated xx.xx.xx ▪ Add any other relevant policies to the exclusion e.g SEND, Physical restraint etc 		
Dates	Length	Reason

Behaviour Incidents/ Recording:		
Type of log:	Summary of incidents	
Support		
School Provision		
•		
External Agency involvement		
•		
Support for parents		
•		
Timeline of support		
Dates	School or Name of Agency	Provision/advice provided (attach reports where relevant)
Educational Attainment		
Current Teacher Assessments:		
Reading:		
Writing:		
Maths:		
Previous Academic Results:		
Reading:		

Writing:
Maths:
Phonics:
Please add GCSE's and other associated progress measures relevant...

Notes:

Child with SEND

The report should identify how the school has engaged proactively with parents in supporting the behaviour if the child has additional needs. How the school has worked in partnership with others (including the local authority as necessary), to consider additional support or alternative placements. This should involve assessing the suitability of provision for a child's SEN. Where a child has an EHC plan, schools should consider requesting an early annual review or interim/emergency review – has this been actioned?

Appendix 5: Child Discipline Committee Terms of Reference

Terms of Reference

Committee membership

The Committee shall consist of not less than three members drawn from the Trust Governance Structure, none of whom shall be the Headteacher.

If any committee member has a connection with the child, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

Quorum

3 members of the Committee

Frequency of meetings

As and when required and in accordance with statutory time limits.

Chairing

The Chair for any meeting will be elected by the Committee.

Clerking

The meeting will be clerked by the Discovery Clerk or Head of Governance. The committee may appoint an alternative clerk if this is not possible. The Clerk will take confidential notes of the meetings.

Confidential minutes will be circulated to members of the committee within seven days. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Trust Board meeting if and when the matter has been resolved.

Terms of Reference

The committee will act in accordance with statutory guidance from the Department for Education "*Exclusion from maintained schools, Academies and child referral units in England*" which can be found on the DFE website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

The committee will act in accordance with the relevant school Behaviour Policy and the *Child Discipline Committee (CDC) Guidance*.

Committee Tasks

1. To consider representations from parents in the case of suspensions of 5 days or less.
2. To consider representations from parents in the case of suspensions totalling more than 5 but not more than 15 school days in one term.

3. To consider the appropriateness of any permanent exclusion or any exclusions where one or more fixed period suspensions total more than 15 school days in one term or where a student is denied the chance to take a public examination.
4. To make recommendations where necessary on the effectiveness and application of the school's Behaviour Policy
5. To consider the actual or potential implications on:
 - a. safeguarding;
 - b. special educational needs;
 - c. student achievement;
 - d. equality and diversity;
 - e. health and safety;
 - f. finance;
6. Prepare the statement of the Child Discipline Committee for any appeals made by a parent to the Independent Appeals Panel and represent the committee at the hearing of the Independent Appeals Panel.

Permanent exclusions

It is the duty of the Child Discipline Committee to inform parents of a child who has been permanently excluded of their right to ask for the case to be considered by an Independent Review Panel.

Appendix 6: Child Discipline Committee Panel Guidance

Child Discipline Committee Guidance

This guidance has been produced to assist members of a child Discipline Committee (CDC) when reviewing the decision of a Headteacher to suspend or exclude a child, either for a fixed period of more than 5 days in a term or permanently. It should be read in conjunction with the Department for Education's (DfE) Guidance entitled, "[Suspension and Permanent Exclusion from maintained schools, academies and child referral units in England, including child movement \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_child_referral_units_in_England_including_child_movement.pdf)"

Where the statutory guidance refers to the responsibilities of the 'governing body', this function has been delegated to the CDC by the Board through the Scheme of Delegation.

The procedures set out here only apply if the committee has a duty to meet. For suspensions of up to 5 days in a term, the committee must consider any representations made by parents, however the committee is not required to meet with the parents and does not have the power to overturn the Headteacher's decision.

Preparation

Only the Headteacher of the school or Head of School can suspend or exclude a child and this must be on disciplinary grounds.

The school is responsible for notifying the Head of Governance (HoG) when a CDC meeting is required. The HoG will make the necessary arrangements to convene the committee and appoint a clerk.

The committee will consist of 3 members who have, so far as possible, no prior knowledge of the case.

The school is responsible for:

- Notifying the parent of the meeting date, their right to bring a friend or representative and the deadline for any written submission to the committee.
- Collating and circulation all written evidence and information for the committee to consider. Suggested information might include:
 - the head teacher's decision letter to parents;
 - a brief report from the head teacher giving any relevant background issues, details of the incident which led to the exclusion, the link with and text of relevant school policies, chronology of support given to the child or strategies used to address behavioural issues;

- any incident reports from colleagues involved in the critical incident;
 - the child's written account of the incident;
 - any other witness statements (all statements/accounts should be signed, attributed and dated unless the school has good reason to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way to distinguish it from other statements) (para.111);
 - the PSP, IEP or formal statement if any of these apply;
 - any written representations from the parents;
 - a behaviour diary and academic reports;
 - attendance records;
 - any other relevant documentation e.g. copies of relevant policies including the behaviour policy;
 - a list of those attending the meeting and an outline of the procedure to be followed at the meeting.
- Ensuring suitable accommodation for the meeting and a place for parents to wait on arrival and during any adjournment. No party must be allowed access to the panel in advance of the meeting. Therefore, it is suggested that parents are provided with a designated waiting area. Parents should not be made to feel at a disadvantage, either physically or psychologically, at what is a difficult meeting for them - which is why it is good practice not to use the Headteacher's office.

The CDC members are responsible for:

Reading through all documentation and being familiar with the DfE Guidance "[Suspension and Permanent Exclusion from maintained schools, academies and child referral units in England, including child movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/suspension_and_exclusion_guidance.pdf)"

- Meeting prior to the formal meeting to elect a chair and discuss any issues identified from the papers to determine any how those issues can be clarified. Also, if the child is attending, decide, based on the age and level of understanding of the child, whether it is appropriate for the child to attend the entire hearing or for a short time and if so, at what point during the proceedings you think this would be appropriate. These deliberations at the pre-meeting should be minuted.
- Maintaining confidentiality. Panel members must NOT discuss the suspension or exclusions with any party outside of the meeting.
- Having regard to the interests and circumstances of the suspended or excluded child and the interests of other Children and people working at the school.

The Clerk is responsible for:

- Co-ordinating the circulation of written evidence including providing an explanation of the meeting procedure in writing and setting the agenda.

- Acting as the point of contact for the parents.
- Checking the room layout immediately before the meeting to make sure there are tables for everyone (if possible try to avoid low coffee tables, which do not allow for easy handling of papers) and, refreshments.
- Attending the CDC pre-meet to ensure a chairperson is appointed and procedures are understood.

Order of the meeting

The panel must allow both parties to state their case, reasonably and without interruption. The chair must act impartially. See [appendix 7 for suggested agenda](#).

The panel must review the Headteacher basis of the suspension or exclusion, including the procedures that were applied.

The Clerk starts the meeting by inviting all other parties to enter the room at the same time - none of the other parties should be alone with the committee members before or after the meeting, to avoid the appearance of any bias.

The Clerk will take minutes and record the names of everyone who is present at the meeting.

1. Chair's welcome and explanation of the role of the child discipline committee which is to consider the reinstatement of the suspended or excluded child (para.63). The Chair explains that the Committee may decide either to (para 66):
 - Decline to reinstate the child or
 - Direct reinstatement either immediately or by a particular date.
2. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes. The Clerk should note whether the parents attend, stating when and how they were invited to attend and whether they had indicated that they would be present.
3. The Chair explains the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Also, that the Committee must have regard to the DfE Guidance in its conduct and reaching a decision. Adjournments can be requested by either party or suggested by the chair if required.
4. The Headteacher explains why the decision has been taken to suspend or exclude the child, referring to supporting evidence.
5. The parent/s and representative ask questions of clarification of the Headteacher
6. The committee ask questions of the Headteacher
7. Parent/s and representative put forward their case.
8. Questions from the Headteacher
9. Questions from the committee.
10. Final clarification – the Chair confirm that all the issues have been clarified/resolved and to allow parent/s and Headteacher a chance to reflect before summing up.

11. Both the school, and then the parent, will have the opportunity to make a closing statement. This should be kept short; it is simply for each party to summarise the points they have already made so that the Committee are left with a clear idea of what the main points are.
12. The Chair explains that the decision will be made with reference to DfE Guidance and that the committee needs to decide whether the child was responsible for the conduct alleged and if so whether exclusion was a lawful, rational, reasonable, fair and proportionate response.
13. Chair advises the meeting about how the decision will be communicated to all.
14. Chair thanks all parties for attending and all parties leave together with only the committee remaining for the decision making (it is not necessary to ask the other parties to wait for a decision). The Clerk remains to advise the committee but may not take part in the decision-making process.
15. The Clerk must record a formal minute of the decision and include a statement of the reasons for it.
16. If the Clerk writes the letter on behalf of the committee the Chair should ensure that the contents are approved before it is sent out.
17. The minutes should be circulated for approval to all of the committee members to ensure that they accurately reflect the hearing and the deliberations. Once they are approved they must be made available to any of the parties who ask for a copy. (para.69)

Reaching a decision

In reaching a decision on whether or not to reinstate a child, the committee should consider whether the decision to suspend or exclude the child was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties. The school should be able to demonstrate that the suspension or exclusion has been carefully considered and is being used as a last resort.

For permanent exclusion, the child discipline committee should normally satisfy itself that all possible strategies to improve a child's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme. For children with statements of SEN, revising the statement might be better than resorting to suspension or exclusion.

For permanent exclusions the committee will consider the exclusion and decide whether the child should be reinstated. Such consideration will take account of the child's disciplinary record and the likely impact of their continued attendance.

The Clerk will remain present and help the committee "by reference to the notes of the meeting and with the wording of the decision letter". (para.70).

The following checklist below may help in assisting the committee when considering the exclusion.

The circumstances of the case	Yes	No
Has there been a serious breach or persistent breaches of the school behaviour policy?		

Does the child's presence seriously harm or threaten to harm the education/welfare of children / others?		
Is suspension or exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?		
Is suspension or exclusion the appropriate response? Factors to consider: <ul style="list-style-type: none"> • Has a thorough investigation been carried out? • Has the child's version of events been sought / encouraged / recorded? • Has the evidence been considered in the light of school policies and possible discrimination? • Are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc.)? 		
Standard of proof – "on the balance of probabilities" did the child do what he/she is alleged to have done?		
Has a pastoral support programme been used? The PSP procedure and process are designed to support any child for whom the usual school-based strategies have not been effective. It is a structured intervention for a child at risk of permanent exclusion and ensures that interventions for a child at risk of permanent exclusion are coordinated and targeted to their needs.		
Have alternatives to suspension or exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?		
Special considerations	Yes	No
SEN Does this child have special educational needs? Does the child have a EHCP? Has a review of the EHCP been arranged to establish that the child has the appropriate level of support, or is even the appropriate school for the child to attend? Has the school received external advice on how to manage the child's behaviour? Has the school followed all external advice provided?		

LAC Is this child looked after? Has the virtual school for children in care been contacted?		
SAFEGUARDING Is this child subject to a child protection or a child in need plan?		
Is there a multi-agency referral form (MARF) for this child? What other agencies/services are involved?		
Have issues of SEN or disability been considered and reasonable adjustments put in place?		

Notification of the decision

The Clerk (on behalf of the committee) must write to parents and the LA with the committee’s decision and reasons without delay. This letter may be delivered directly to parents; be left at their last known address; or be posted to their last known address (para.75).

Where a child resides in a different local authority from the one that maintains the school, the Clerk must also inform the child’s “home authority”.

Further action

For a suspension there is no further right of appeal by the parents – the decision of the committee is final unless the child has special educational needs or a disability when they can go to First Tier Tribunal.

In the case of a permanent exclusion, the parents must be informed in the letter from the panel of how they can make an application to an Independent Review Panel. (para.76)

Calculating the date by when the parent must request Independent Review Panel following the Committee’s decision to uphold a permanent exclusion

Parents have 15 school days to appeal to the IRP. Where notice is sent by first class post it is treated as having been given on the second working day after it was posted. Example: The Committee meets on the 24th October, the last day of the 1st autumn term If the clerk is able to send the decision letter by first class post on the same day as the meeting, the first day of the appeal period will be Tues 4th Nov. Parents will have until the end of the day on the Mon 24th Nov to apply for a review to the IRP. The bank holidays, school holidays, inset days and weekends must not be included in this appeal period.

Questions and evidence

Date of meeting:

Child:

Committee members:

Lawful legally sound Decision was made on disciplinary grounds (link to behaviour policy). Procedures followed including informing parents, witness statements as well as any broader legal considerations, Child Protection, SEN Code of Practice, Equalities Act etc.	
Questions to ask:	Evidence:
Rational Time taken to consider the evidence and advice sought from any relevant professionals before decision was made. Child given the opportunity to express their view. Headteacher has meet with parents discuss case and course of action.	
Questions to ask:	Evidence:
Reasonable Based on expectations or demands within the realms of what is possible and achievable for that child. Alternatives considered, and support provided to reduce the risk where appropriate	
Questions to ask:	Evidence:
Fair that any extenuating circumstances were considered as well as any differences in response to other child in the same or similar situation - not biased	

Questions to ask:	Evidence:
Proportionate Why exclusion rather than suspension was appropriate.	
Questions to ask:	Evidence:

Appendix 7: Child Discipline Committee Template Agenda

Agenda for a Meeting of the Child Discipline Committee

Date:

Time:

Place:

Clerk:

Committee Members:

Also in attendance:

1. Apologies for Absence

To receive apologies for absence from the meeting.

2. Welcome, introductions and procedures

Committee members:

3. Suspension or Exclusion of child

To consider the suspension or exclusion of XX from XX.

- a) Headteacher presents the case for the suspension or exclusion
- b) Questions by the parent
- c) Questions by the committee
- d) Parents representations
- e) Questions by the Headteacher
- f) Questions by the committee
- g) Summing up by the Headteacher
- h) Summing up by the parent
- i) Withdrawal of Headteacher and parent
- j) Consideration of the case by committee
- k) Decision of committee

Appendix 8: Permanent Exclusion Sample Letter Following CDC Decision

Sample letter from the (clerk to) the Child Discipline Committee to parent upholding a permanent exclusion

Dear **(Name of Parent or Guardian)**

The meeting of the Child Discipline Committee at **(school)** on **(date)** considered the decision by **(headteacher)** to exclude **(name of child)**. The committee, after carefully considering the representations made and all available evidence, has decided to uphold **(name of child)'s** permanent exclusion.

The reasons for the Child Discipline Committee's decision are as follows: **(give the reasons in as much detail as possible, explaining how the Committee arrived at the decision)**.

You have the right to have this decision reviewed by an independent review panel. To request this, you must set out the grounds for the review in writing, including if applicable, details of how your child's special educational needs (SEN) may be considered relevant to the exclusion. This should be sent to the Clerk to the Trust (clerk@discoverytrust.org) by no later than **[specify the latest date – the 15th school day after receipt of this letter]**. If you have not lodged a review by this date, your right to a review will lapse.

You have a right to request that a Special Educational Needs (SEN) expert also attend the independent review panel. This will be at no cost to you. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion and whether the school's policies or the application of those policies were legal, reasonable and procedurally fair. It is not the SEN expert's role to make an assessment of your child's special educational needs. If you would like a SEN expert to be appointed, please make this clear when you lodge your application for the independent review.

You can make representations to the review panel and may, at your own expense, appoint someone to make written and/or oral representations on your behalf. If you wish to you may also bring a friend to the review. Please advise the Clerk to the Trust if you have a disability or special needs which could affect your ability to attend the hearing. Also, please inform them if it would be helpful for you to have an interpreter present at the hearing.

If you believe that the exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination within six months of the date on which your child was excluded.

There are several sources of advice and support which you might find useful, these include:

- Local Authority
 - Leicester City Council** - Exclusions and Suspensions Team
Telephone: (0116) 454 5520
 - Leicester County Council** – Inclusion Service
Telephone: (0116) 305 2071
 - Rutland Council** - Inclusion Service
Telephone: (01572) 722 577

- Government statutory guidance on suspensions and permanent exclusions www.gov.uk/government/publications/school-exclusion
- Child Law Advice provide free legal advice and information to parents on state education matters. The advice line is open from 8am to 6pm Monday to Friday. Tel: 0300 330 5485 or visit www.childlawadvice.org.uk
- Guidance on making a claim of discrimination to the First-tier Tribunal (should you consider the exclusion relates to a disability) is available at <https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>

Yours sincerely

(Name)

Clerk to the Child Discipline Committee

Sample letter from the (clerk to) the Child Discipline Committee to parent reinstating a child following a permanent exclusion

Dear (Name of Parent or Guardian)

The meeting of the Child Discipline Committee at **(school)** on **(date)** considered the decision by **(Headteacher)** to exclude **(name of child)**. The committee, after carefully considering the representations made and all available evidence, has decided to reinstate **(name of child)** in school.

The reasons for the committee's decision are as follows: (give the reasons in as much detail as possible, explaining how the committee arrived at the decision).

(Name of child) will return to school on **(date)**. **(Name of colleague)** will contact you to discuss the arrangements so that the school can support **(name)** to make a successful return to school.

Yours sincerely

(Name) Clerk to the Child Discipline Committee

Appendix 9: Independent Review Panel Training

The Discovery Schools 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 for 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, Governance 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 10: Reintegration Meeting Template

Reintegration Meeting

Date of Meeting:

Present:

Child Details		
Child Name:	Class:	
Circle all that apply: Child Premium LAC Child Protection Plan SEN		
External agency involvement: i.e. Social services, Police, GP, OT, Pediatrician, PRU other.		
Suspension or Exclusion Details		
Reason for suspension or exclusion:		
Date of suspension or exclusion:	Date of return to school:	Total number of days:
Review of current attendance		
Attendance this term	Attendance this year	
Number of days absent:	Number of days absent:	
Attendance (%):	Attendance (%):	
Re-integration Targets		
Target areas for development: Child;		
1. ..		
2. ..		

<p>3.</p> <p>School;</p> <p>1. ..</p> <p>2. ..</p> <p>3.</p> <p>Parent;</p> <p>1. ..</p> <p>2. ..</p> <p>3.</p>

<p>What strategies will be used?</p>

<p>How will behaviour/progress be monitored and celebrated?</p>
<p>Review date(s):</p>

Additional Comments		
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<p>Child Comments:</p>	<p>Parent/guardian's comments:</p>	<p>School's comments:</p>
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Signed _____
(Child)

Signed _____
(Parent/Guardian)

Signed _____
(School – SLT)

Appendix 11: Headteacher's Step by Step Guide for Permanent Exclusions

Person Responsible	Action	Model Letter	Deadline
Headteacher	<p>Before reaching a decision, the Headteacher should:</p> <ul style="list-style-type: none"> ▪ Ensure that a thorough investigation has been carried out; ▪ Consider all the evidence available to support the allegations, taking account of the school's policies, and, where applicable, the Equality Act 2010 ▪ Allow and encourage the child to give his or her version of events; ▪ Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment; ▪ Take account of the child's Pastoral Support Programme / Individual Education Plan or Provision Map. <p>If the child has a statement of Special Educational Needs:</p> <ul style="list-style-type: none"> ▪ Notify the child's educational psychologist / SEN Team; SW and if LAC VSH and an urgent review of the statement should be considered before suspension or exclusion. ▪ Consult Deputy Trust Lead and review evidence and considerations before making a decision. 		
Headteacher	Contact at the earliest opportunity those with parental responsibility to inform them of suspension or exclusion.		Day of Suspension or Exclusion

Headteacher	Arrange for work to be provided by the 2 nd day for children with a nominated SW or/and SEN, this will be coordinated by a nominated named colleague up until the 5 th day of suspension or exclusion.		Day of Suspension or Exclusion
Headteacher	Send letter to parent/carer giving detailed reasons for the decision to exclude. Enclose guidance for parents.	Example in appendices	Day of Suspension or Exclusion
Headteacher	Notify the Head of Governance and Local Authority immediately and forward a copy of the letter sent to the parent/carer.		Day of Suspension or Exclusion
Clerk	Liaise with the Child Discipline Committee, Headteacher regarding the date for the meeting.		Without Delay
Clerk	<ul style="list-style-type: none"> ▪ Convene a meeting of the Child Discipline Committee within 15 school days; ▪ Invite the parents/carers; ▪ Enclose a copy of the procedure for the meeting including a list of those who will be in attendance 	Example in appendices	Within 15 school days
Headteacher	Prepare a detailed report along with any additional information and send to the clerk for the Child Discipline Committee and parents/carers.		At least 5 days in advance of the meeting
Clerk	Ensure minutes of the proceedings are taken as a record or the evidence and made available to all parties on request.		

	<p>(ii) If the decision is to reinstate</p> <ul style="list-style-type: none">• Send a letter to the parents/carers and copy to the Local Authority to confirm the decision of the CDC to reinstate the child and the date on which the child should return to school.		
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