

# SUSPENSION AND PERMANENT EXCLUSION POLICY 2024

## CONTENTS

<b>1. Policy statement</b> .....	<b>2</b>
<b>2. Reasons for suspension or permanent exclusion</b> .....	<b>3</b>
<b>3. Deciding to suspend or permanently exclude</b> .....	<b>4</b>
<b>4. The suspension and exclusion process</b> .....	<b>5</b>
4.1 Suspension.....	5
4.2 Off-site direction.....	7
4.3 Managed move .....	7
4.4 Cancelling exclusions .....	8
<b>5. Re-instatement</b> .....	<b>9</b>
<b>6. Appealing to an Independent Review Panel (IRP)</b> .....	<b>10</b>
<b>7. Requests for remote access meetings for Board meetings or IRPs</b> .....	<b>11</b>
<b>8. Safeguarding</b> .....	<b>11</b>
<b>9. Reintegration</b> .....	<b>11</b>
<b>10. Suspension or exclusion of a child who has special educational needs or disabilities (SEND)</b> .....	<b>12</b>
<b>11. Marking attendance registers and off-rolling pupils</b> .....	<b>12</b>
<b>12. Making a complaint</b> .....	<b>12</b>
<b>13. Appendices</b> .....	<b>13</b>
Appendix A - Summary of Appointed Local Governing Body Exclusion Panel [ALGB] Procedure .....	14
Appendix C - Appointed Local Governing Body Exclusions Panel Checklist.....	19
Appendix D - Independent Exclusion Appeal Panel .....	24
Appendix E – Model Letters.....	29
Appendix F - DFE Exclusions from maintained schools, Academies and pupil referral units in England .....	42
Appendix G - Support for Devon schools including Annex R to return to the LA .....	42

The Link Academy Trust is a company limited by guarantee and an exempt charity, regulated by the Education & Skills Funding Agency (ESFA). All Members of the Board of Trustees of the exempt charity are also Directors of the company; the term 'Trustee' used in this Policy also means Director. This Policy applies to all academies within the Link Academy Trust.

## 1. Policy statement

The Link Academy Trust is committed to a positive approach to encouraging good behaviour which is essential to ensure all pupils can benefit from the educational opportunities we provide and reach their full potential.

The Government supports schools in using suspension, direction off-site, managed moves, and permanent exclusion as essential behaviour management tools when warranted as part of creating and a calm, safe, and supportive environment that brings out the best in every pupil and in which all pupils and staff can work in safety and are respected. This means that suspension or permanent exclusion is sometimes a necessary last resort of our system, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others including staff and pupils in the school and/or in response to a serious breach or persistent breaches of the Trust's behaviour policy.

We recognise our responsibility to communicate clearly to pupils, staff, and parents, our behaviour expectations, and the responsibility of all individuals working with pupils to ensure that no suspension or exclusion will be initiated without first exhausting other strategies, or in the case of a serious incident, a thorough investigation. Information about this Policy and procedures is included in the induction process for new admissions to school, is published on the school website, and a copy can be obtained by contacting the school office.

Whilst suspension or exclusion may be an appropriate sanction, our Academy Heads will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues, or bullying. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services including the Trust's Improvement and Inclusion Hub (IIH), Devon Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement. For more information about the strategies we use and resources available to help us manage behaviour, please see our behaviour policy.

This Policy describes the arrangements and procedures for suspending or permanently excluding a pupil from one of our Academies on disciplinary grounds and is in line with the statutory guidance [Suspension and permanent exclusion from schools including pupil movement](#). It should be read in conjunction with the Academy's Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or exclusion and others where relevant including our Equality Opportunities Policy, Equality statement and Special Educational Needs and Disabilities (SEND) Policy.

During a local or national emergency which significantly impacts on the ability of our Board of Trustees to meet to discharge their legal duties regarding suspensions and exclusions, an Addendum to this Suspension and Exclusion Policy may become necessary and we will follow relevant Department for Education (DfE) statutory guidance in place at that time to devise it. It will describe any temporary changes made to our school suspension or exclusion process due to the emergency and must be read in conjunction with this Policy.

## Policy Definitions

<b>Parent</b>	A child's birth parents or anyone who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives ( <a href="#">Education Act 1996</a> ). Where possible, all those with parental responsibility will be involved in the suspension or exclusion process.
<b>Relevant person</b>	The parent that this school has legal obligations to under <a href="#">The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012</a> .
<b>Term</b>	The autumn, spring, or summer terms of the academic year.
<b>Academic year</b>	Our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.
<b>Suspension</b>	"Exclusion (from school) for a fixed period" <sup>1</sup> for a pupil for one or more fixed periods of time up to a maximum of 45 school days in a single academic year.
<b>Permanent exclusion</b>	When a pupil is no longer allowed to attend a school (unless the pupil is reinstated) <sup>1</sup> .
<b>Cancelled exclusion</b>	Exclusion that has been cancelled before the Trustees have met to consider whether the pupil should be reinstated.
<b>Managed move</b>	A voluntary process which leads to the transfer of a pupil to another mainstream school permanently.
<b>Remote access</b>	Refers to a meeting arranged by the Board of Trustees or arranging authority that is carried out via electronic means such as a live video link.
<b>Off-site direction</b>	When the Governing Body of a maintained school requires a pupil to attend another education setting to improve their behaviour. The Board of Trustees of an academy or multi-academy trust, not included in the legislation, can also use 'off-site direction'.
<b>Alternative Provision (AP)</b>	Suitable full-time education arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion under s100 of the <a href="#">Education and Inspections Act 2006</a> OR Education arranged for pupils who are unable to attend a mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Either can include Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, or independent, registered, unregistered, and further education settings.

## 2. [Reasons for suspension or permanent exclusion](#)

Only the Academy Head, Headteacher or Executive Head responsible for that Academy can suspend or permanently exclude a pupil on disciplinary grounds. **Prior to making a decision, this should be discussed with the CEO, or if not available a Director of the Trust.**

We use suspension to clearly signal what is unacceptable behaviour in line with our Relational Approach (behaviour) policy to show a pupil that their current behaviour is putting them at risk of permanent exclusion.

The decision to suspend or permanently exclude a pupil will only be taken:

- in response to a serious breach or persistent breaches of our Relational Approach (behaviour) policy, or
- where allowing the pupil to remain in school would seriously harm the education or welfare of other people or the pupil themselves in the school.

While the following is not a definitive list, examples of the types of circumstances that may warrant a suspension or permanent exclusion include:

- Physical assault against an adult or pupils
- Verbal abuse or threatening behaviour against an adult or pupils
- Use, or threat of use, of an offensive weapon or item prohibited by our Behaviour Policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

These circumstances can relate to incidents both on the school site and when the pupil is off-site, including on trips and visits. When reporting to the DfE (via Devon Local Authority), we can give up to 3 reasons for each suspension or permanent exclusion.

### **3. Deciding to suspend or permanently exclude**

When we decide to suspend or permanently exclude a pupil from school, we will:

- Ask Academy Heads to discuss their views with the CEO, or if not available a Director of the Trust;
- take account of our legal duty of care when sending a pupil home;
- establish the facts in relation to the decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- take care in the process not to discriminate against, harass or victimise pupils because of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a child or parent's first language;
- communicate with parents without delay in person or by telephone in the first instance to give them an opportunity to ask questions or raise concerns with the Academy Head. Parents will be directed to the DfE guidance '[School exclusions: guide for parents](#)';
- communicate decisions clearly and in writing by delivering any written notification of the decision to suspend or permanently exclude a pupil in-person directly to their parents, by leaving it at their usual or last known home address, or by posting it to that address but with all due regard for necessary reasonable adjustments as above.
- Notify, without delay, the Board of Trustees, the Local Authority, and the pupil's home Authority, regardless of the length of a suspension, so that they can arrange, where necessary, continuing education if different from the school's (to include reporting to Trustees once per term of any other suspensions they have not previously been notified of).
- within 14 days of a request, provide the Secretary of State for education (via the Local Authority), with information about any exclusions within the last 12 months.

## 4. The suspension and exclusion process

### 4.1 Suspension

A suspension, where a pupil is temporarily removed from an academy and must stay at home can be for one or more fixed periods of time, up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A suspension can be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a Board of Trustees meeting is triggered.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of Policy that led to it.

A suspension cannot be extended or 'converted' to a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

#### **When the decision is made to suspend a pupil from school, the Academy Head will:**

- 1) **Inform parents without delay** explaining the reason(s) for the suspension and how long it will last. This is usually done in person or by telephone by the end of the afternoon session on the first day of the suspension (or permanent exclusion) at the latest.
- 2) **Notify parents in writing** without delay of the following information:
  - the reason(s) for the suspension and how long it will last;
  - that during the first 5 days of any suspension, the pupil must not be in a public place during school hours and if parents fail to ensure this without reasonable justification, they will be committing an offence and may be given a fixed penalty notice or be prosecuted;
  - If alternative provision of full-time education is being arranged and, if it can reasonably be found out within the timescale, the following details:
    - the start date for any provision,
    - the start and finish times, including the times for morning and afternoon sessions if relevant, – the address at which the provision will take place, and
    - any information the pupil needs to identify the person they should report to on the first day.
  - the parents' right to make representations about the suspension to the Board of Trustees and how the pupil can be involved in this;
  - The parents' right to make a request to hold the meeting via the use of remote access and how, and to whom, to make this request (further guidance on other information this should include can be found in Annex A: Key principles when conducting meetings via the use of remote access of the DfE statutory guidance [Suspension and permanent exclusion from schools including pupil movement](#) );
  - how any representations should be made; and
  - where there is a legal requirement for the Board of Trustees to consider the suspension, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

The Trust understands how important it is to write legally correct letters about suspension and permanent exclusion and the process so we will use templates provided by Devon Local Authority or recommended to us by our Local Authority. We also understand that failure to notify a parent regarding being in a public place and the penalties, or about alternative provision by the required time does not relieve our Academy Head of the duty to serve the notice.

A notice will not be considered invalid solely because it has not been given by the required time.

- 3) **Provide information** about relevant sources of free and impartial information including:
- [Independent Provider of Special Education Advice \(IPSEA\)](#) website, a registered charity offering free and independent information, advice, and support to help get the right education for children and young people with all kinds of special educational needs and disabilities (SEND).
  - The SEN or SEND Information Advice & Support Services Network (formerly known as the local parent partnership e.g. [DIAS](#) and links to other relevant local services for families.
- 4) **Ensure that the pupil still receives their education** by taking steps to ensure that work is set and marked for the first five school days of a suspension (or until the start date of any full-time alternative provision or the end of the suspension if this is earlier). This can include online resources.
- 5) **Ensure that arrangements are in place for Alternative Provision (AP) of education** for a pupil from the 6th day of their suspension if it is for more than 5 days (or if consecutive shorter suspensions have now accumulated to more than 5 days).

If information about this alternative provision was not communicated to parents because it was not available by the end of the afternoon session on the first day of the suspension (or permanent exclusion), we will ensure they receive written notice without delay and no later than 48 hours before the AP is due to start. The only exception is where AP will be provided *before* the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

- 6) **Inform other key workers** such as the Virtual School Head (VSH) if the pupil is a Looked After Child and their social worker if they have one, without delay after the decision.

Both the social worker and/or VSH, will be informed when a Board of Trustees meeting is taking place, so that they can share information with us. The social worker and/or the VSH can also attend the Trustee's meeting where parents make representation if they want to.

- 7) **Inform the Board of Trustees** without delay of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
  - any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
  - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.
- 8) **Inform the Local Authority** without delay of all school suspensions (regardless of length) or permanent exclusions, including the reason(s) and the duration of suspension or, in the case of permanent exclusion, the fact that it is permanent. Annex G can be found here: <https://www.devon.gov.uk/support-schools-settings/inclusion/education-inclusion-service/forms-3/>

For a permanent exclusion, if the pupil lives outside the Local Authority area in which the school is located, the Academy Head will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it.

- 9) **Arrange a re-integration meeting** on the pupil's return to school where all those concerned can discuss the best way forward to support future behaviour.
- 10) **Remove permanently excluded pupils from the school roll** at the right time.

When a pupil has disabilities or special educational needs we will make reasonable adjustments in how we support them during this period.

Any time a pupil is sent home due to disciplinary reasons, including when asked to use online learning instead of coming to school, will always be recorded as a suspension.

Where suspensions are becoming a regular occurrence for a pupil, we will consider whether suspension alone is an effective sanction for them and whether additional strategies need to be put in place to address behaviour.

## 4.2 Off-site direction

Off-site direction is when Trustees require a pupil to attend another education setting to improve their behaviour because interventions or targeted support to do so in school have not been successful. This school uses it to arrange time-limited placements at Alternative Provision (AP) or another mainstream school for the shortest time necessary.

When possible, we will use in-school interventions or targeted support from AP to meet a pupil's individual needs and circumstances, whether behavioural or special educational. A part-time timetable will not generally be used to manage a pupil's behaviour and where it is, it will only be in place for the shortest time necessary. Academy Heads are required to complete Devon's Annex R for a part-time timetable.

Off-site direction into AP can be full-time or a combination of part-time support with AP and continued mainstream education for a proposed maximum period of time to be agreed on as part of the planning phase. Plans will also consider alternative options once the time limit has been reached, including a managed move on a permanent basis on review of the time-limited placement.

The Board of Trustees will notify the parents (and the Local Authority if the pupil has an Education, Health, and Care Plan - EHCP) in writing and provide information about the placement as soon as is practical after the direction has been made and no later than two school days before the start date.

Parents and, where the pupil has an EHCP, the Local Authority can request, in writing, that Trustees hold a review meeting. When this happens, we must comply with the request as soon as is practical, unless there has already been a review meeting in the previous 10 weeks.

The length of time a pupil spends in another mainstream school or AP and the reintegration plan will be kept under review by the Board of Trustees through review meetings at suitable intervals throughout the placement.

We will write to invite parents (and the Local Authority if the pupil has an EHCP) to attend a review meeting or to submit in writing before the date of the meeting their views as to whether off-site direction should continue, no later than six days before the meeting date. The meeting will include arrangements for reviews, including how often, when the first review will be, and who should be involved e.g. school, parents, the pupil, and other agencies such as a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews will be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.

The Board of Trustees will give written notification of their decision on whether the requirement to attend the placement should continue and if so, for what period of time including the reasons for it to the parent no later than six days after the date of the review meeting.

To support a pupil with reintegration back into school here, the focus of intervention while off-site will be on ensuring they continue to receive a broad and balanced curriculum in line with any reasonable adjustments needed due to SEND whilst any inappropriate behaviours requiring intervention are being addressed.

The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

## 4.3 Managed move

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently, this could be within the Trust or outside of it. Managed moves will only be offered as part of a planned intervention when we have evidence that it is in the pupil's best interests. It is voluntary, to be agreed with all parties involved, including the parents and the admissions authority of the new school. For temporary moves, see Off-site Direction above.

Where a pupil has an EHCP, the relevant statutory duties on the new school and Local Authority will apply. If we are thinking about a managed move, we will contact the Local Authority before it goes ahead as they will be the authority to coordinate this move. If the Local Authority, both schools and parents are in agreement that there should be a managed move, the Local Authority will follow the statutory procedures for amending the EHCP.

We will share information with the new school, including data on prior and current attainment, academic potential, a risk assessment, and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy. For information on reintegration see section 7 below.

If a parent believes they are being pressured into a managed move or is unhappy with the plan, they can complain to the Board of Trustees using our formal complaints procedure and, where appropriate, the Local Authority using their complaints procedure.

### **Permanent exclusion**

A permanent exclusion is when a pupil is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Academy Head will consult with the CEO or if not available, senior leaders in the Trust as soon as possible in a case when considering permanent exclusion.

**We will follow the same procedure to decide on and initiate a permanent exclusion for a pupil as for a suspension (see above), including using appropriate template letters from our Local Authority.**

However, where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the pupil by the Local Authority responsible for their continuing education (from the 6<sup>th</sup> day after exclusion), so that a long-term re-integration plan for a new placement can be put in place.

We will also draw attention to a pupil's EHCP if they have one because the Local Authority must ensure that an appropriate full time placement is identified in consultation with parents, who retain their rights to express a preference for the school they want their child to attend or make representations for a placement in any other school.

#### **4.4 Cancelling exclusions**

- The Academy Head can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Board of Trustees has *not* yet met to consider whether the pupil should be reinstated.
- The Academy head must notify, without delay, (in writing or via email/text to an address that the parent has agreed can be used for notifications of this kind) the parent, the Board of Trustees, the Local Authority and the pupil's social worker and/or Virtual School Head teacher as applicable. The notification must also provide the reason for the cancellation.
- The Board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- Parents should be offered the opportunity to meet the Head teacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged 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 (see 4.1 above).

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.



## 5. Re-instatement

The formation of the committee considering the suspension or permanent exclusion of a pupil from school is the responsibility of the Link Academy Trust Governance Professional and can consist of Trustees or Local Advisory Council (LAC) members.

The Board of Trustees has a duty to consider parents' representations about a suspension or permanent exclusion but does not have the power to decide whether to reinstate the pupil in all cases.

The requirements on a Board of Trustees to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors illustrated by the flowchart below, 'A summary of the Board of Trustee's duties to review the Head teacher's exclusion decision' (from p39 of statutory DfE guidance '[Suspension and permanent exclusion from schools including pupil movement](#)').

The panel appointed by the Board of Trustees will consider and decide on the reinstatement of a suspended or permanently excluded pupil **within 15 school days** of receiving notice of a suspension or permanent exclusion from the Head teacher if it:

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

If the pupil would be suspended for more than five but less than 16 school days in a term *and* if parents make representations, Trustees will consider and decide **within 50 school days** of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, our Board of Trustees is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, Trustees will consider and decide on the suspension or permanent exclusion **before the date of the examination or test where possible**. If it is not practical for enough Trustees to consider the reinstatement before the examination or test, the Chair of Trustees alone (or vice chair if the chair is unavailable) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Board of Trustees will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents. If a meeting is considered, it should happen within a reasonable amount of time.

We will make the pupil and/or their parents aware of their right to attend and participate in the Trustee's meeting. The pupil will also be enabled and encouraged to participate at all stages of the process, considering their age and understanding, including to make a representation on their own behalf if they want to.

The following parties will be invited to a meeting of Trustees to make representations or share information:

- parents (and, where requested, a representative or friend);
- the Academy Head;
- a representative of the Local Authority ;
- the child's social worker if the pupil has one; and
- the Virtual School Head if the child is Looked After.

When conducting the review meeting, we will follow DfE statutory guidance [paragraphs 112-130](#).

Trustees will either decline to reinstate the pupil or direct reinstatement of the pupil immediately or on a particular date.

If Trustees decide against the reinstatement of a pupil who has been permanently excluded the parents can ask for the decision to be reviewed by an Independent Review Panel (IRP) which will include representatives from the

Board of Trustees. Parents can request an IRP even if they did not make representations to or attend the meeting at which the Board of Trustees considered reinstating the pupil.

If a reinstatement meeting would make no practical difference because for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the Board of Trustees will still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and before the pupil is back in school.

## 6. **Appealing to an Independent Review Panel (IRP)**

If applied for by parents within the legal time frame and regardless of whether they have made any representation to school, our Local Authority/Academy Trust will, at their/our expense, arrange for an Independent Review Panel hearing to review the decision of a Board of Trustees not to reinstate a permanently excluded pupil. IRPs can be held via the use of remote access (e.g. via live video link) if requested by parents (due to extraordinary events or unforeseen circumstances), but this will not be the default option.

The legal time frame for an application is:

- within 15 school days of notice being given to parents by the Board of Trustees of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame will be rejected by the Local Authority/Academy Trust.

The Local Authority/Academy Trust will identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin **within 15 school days** of the day on which a parent's application for a review was made (panels have the power to adjourn a hearing if required). The venue should also be reasonable accessible to everyone who needs to attend.

Parents have a right to request the attendance of a SEN or SEND expert (SENDIAS service) at a review, regardless of whether the school recognises that their child has SEN or a disability. This role is provided by the Local Authority and their role is to provide impartial advice to the panel on how special educational needs or disability might be relevant to the exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. Every exclusion letter should include details of the [local SENDIAS service](#).

The meeting will be held in private unless the Local Authority/Academy Trust directs otherwise.

The meeting can be adjourned at any time and more than once, providing the effect of an adjournment on the parties to the review, the permanently excluded pupil and their parents, and any victim(s) has been considered.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the Board of Trustees' decision not to reinstate;
- recommend that the Board of Trustees reconsiders reinstatement; or
- quash the Board of Trustees' decision and direct that the Board of Trustees' reconsiders reinstatement.

The IRP's decision is binding on the: pupil; parents; Board of Trustees; Academy Head/Head teacher; and Local Authority. The decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

The panel may only quash our Board of Trustees' decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (see DfE statutory guidance, [paragraphs 225 to 230](#)).

New evidence may be presented to the panel, but we, the school may not introduce new reasons for the permanent exclusion or the decision not to reinstate the pupil.

In deciding whether the Board of Trustees' decision was flawed, and whether to quash the decision not to reinstate, the panel will only take account of the evidence that was available to the Board of Trustees at the time of making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the Board of Trustees 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 Board of Trustees to have been aware of at the time of its decision, the panel can still take account of the evidence when deciding whether to recommend that Trustees reconsider reinstatement.

## **7. Requests for remote access meetings for Board meetings or IRPs**

Parents can request a meeting to be held via the use of remote access (e.g. video link) but this will not be a default option. The Board of Trustees or arranging authority must hold the meeting via the use of remote access, if the request has been made correctly as set out in the Head's written notification (described in 4.1 (2) above) or the Trustee's written notification to the parents that they can request an IRP (described in 6. Above). Holding meetings via remote access will only be done if the Trustee Board or arranging authority is satisfied that the meeting is capable of being held fairly and transparently. Further advice and guidance is provided in Part eleven of the DfE statutory guidance ['Suspension and permanent exclusion from schools including pupil movement'](#).

## **8. Safeguarding**

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a Board of Trustee's review, important decisions will need to be made alongside the school's duty to safeguard and support children and our duty to provide an education. As part of this duty, we will have regard to guidance issued by the DfE outlined in the statutory guidance [Keeping Children Safe in Education](#), and in particular, Section 5 which details with cases of sexual violence and child on child abuse.

## **9. Reintegration**

We will support pupils to reintegrate successfully into school life and full-time education following a suspension, a period of off-site direction or where suspensions have ended or been cancelled or where permanent exclusions have been cancelled. We will work to provide them with a fresh start designed to help them understand the impact of their behaviour on themselves and others; teach them to how meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community; and builds engagement with learning.

Measures might include:

- maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- daily contact with a designated pastoral professional in-school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- planned pastoral interventions;
- mentoring by a trusted adult or a local mentoring charity;

- 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.

Our reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school and where possible this meeting should include the pupil's parents. No pupil will be prevented from returning to school if parents are unable or unwilling to attend.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties, including to identify if the pupil has any SEND and/or health needs.

## **10. Suspension or exclusion of a child who has special educational needs or disabilities (SEND)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can apply to both the suspension and permanent exclusion process and to disciplinary sanctions imposed. Under the Children and Families Act 2014, Trustees must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND, which includes support in relation to behaviour management needed because of their SEND.

This school is committed to working proactively with parents in supporting the behaviour of pupils with additional needs. In partnership with others (including the Local Authority where appropriate and always when a pupil has an EHCP), we will consider what additional support or alternative placement may be required.

This process will involve assessing the suitability of provision for a pupil's SEN or disability and, when an EHCP is in place, we will contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review of the EHCP before making the decision to suspend or permanently exclude the pupil.

For those with SEN but without an EHCP, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may trigger an EHCP assessment or a review of the pupil's current package of support.

## **11. Marking attendance registers and off-rolling pupils**

Any exclusion of a pupil, even for short periods, will be formally recorded. When a pupil is suspended, they will be marked as absent from this school using Code E (excluded but no alternative provision made) for up to 5 days of a period of suspension.

Where alternative provision is made, and pupils attend it, they will be marked as absent from this school using either code B (education off site) or code D (dual registration).

The Board of Trustees will ensure that a pupil's name is removed from our school admission register (and make the appropriate return to the Local Authority about it) if:

- 15 school days have passed since the parents were notified of the Board's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

## **12. Making a complaint**

Parents who want to make a complaint about their child's suspension or permanent exclusion should follow our school complaints procedure, starting at the Formal Stage 2 by writing to Trustees c/o [governanceprofessional@thelink.academy](mailto:governanceprofessional@thelink.academy).

This is because actions that are equivalent to the informal stage of our complaints procedure and the Formal Stage 1 will already have happened during our ordinary suspension and exclusion process. Therefore, the complaint can go straight to Trustees for their consideration based the nature of the complaint and their examination of the established evidence from the completed suspension and exclusion process.

This policy will be reviewed annually by Standards and Curriculum and approved by Board of Trustees.

*Reviewed by S&C: 25<sup>th</sup> January 2023*

*Approved by Full Board: 6<sup>th</sup> February 2023*

**Reviewed by S&C: 18<sup>th</sup> March 2024**

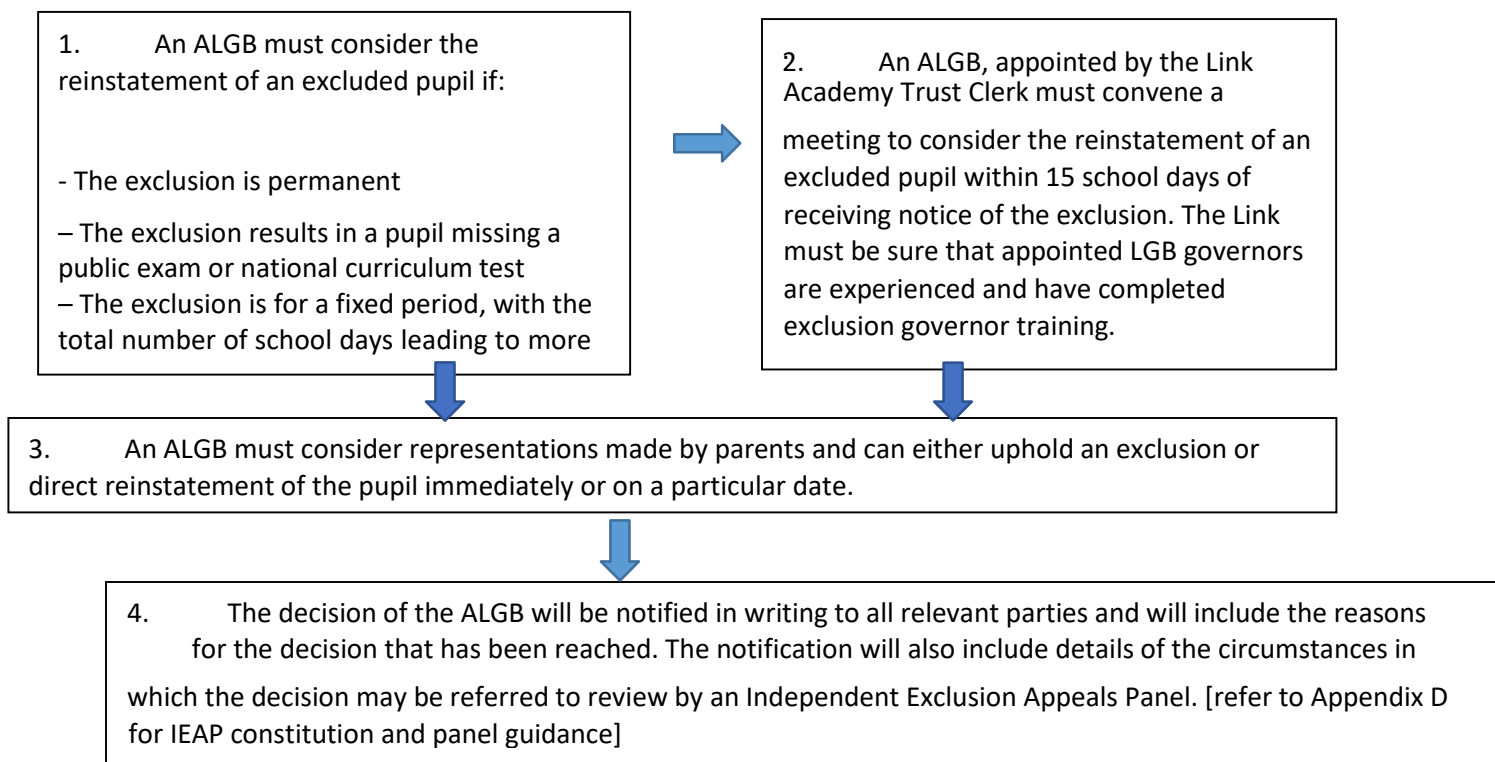
Approved by Board of Trustees: 25<sup>th</sup> March 2024

**Next Review:** Spring 2025

## **13. Appendices**

## Appendix A - Summary of Appointed Local Governing Body Exclusion Panel [ALGB] Procedure

### For exclusions of 15 or more days in a single term



### For Exclusions of more than 5 school days but not more than 15, in a single term

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

Q – Have the parents requested the ALGB to consider reinstatement of an excluded pupil?

YES

Follow above procedure [2 onwards]

NO

The ALGB is not required to consider the exclusion and does not have the power to overturn the decision.

### For exclusions of less than 5 days

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

## Appendix B – Duties of Appointed Local Governing

### Body Exclusions Panel

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

The requirement to form an ALGB is the responsibility of the Governance Professional to the Link Academy Trust. Selected members should ensure they are aware of the Department for Education guidance *'Exclusion from maintained schools, Academies and pupil referral units in England'*. The Governance Professional, in conjunction with the Trustees and the CEO, should ensure appointed governors have undertaken relevant training. The panel does not have to consist solely of LGB chairs as long as relevant training has been completed, however good practice would suggest forming a panel of LGB chairs to ensure effective chairing.

The Governance Professional will ensure the ALGB is appropriately clerked. The appointed clerk will assist the ALGB with taking minutes of the proceedings, the attendance, voting and decision in a format approved by The Link Academy Trust. The minutes are not public documents but should be retained by the Trust for a period of at least 5 years. This duty is mirrored by the clerk appointed to the Independent Exclusions Appeal Panel [refer to Appendix D].

#### 2 *Statutory Guidance, Rules and Regulations*

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

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

- the exclusion is permanent.
- it is a fixed period exclusion 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

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

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

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

- parents (and where requested, a representative or friend);
- the Academy Head; and
- an invited representative of the local authority.

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

The ALGB must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. Arranging the meeting will be undertaken by

the Trust Clerk. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The meeting should take place at a neutral location and not at the academy of the excluded pupil.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the ALGB must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

### *3. Statutory guidance to the ALGB in preparing for the consideration of an exclusion decision*

Where the ALGB is legally required to consider the decision of the Academy Head to exclude a pupil they should:

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

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

Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding academy's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

### *5. The requirements on an ALGB when considering the reinstatement of an excluded pupil*

Where the ALGB is legally required to consider an exclusion, they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the academy.

When establishing the facts in relation to an exclusion decision the governing body must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the governing body can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing body must, in any event, consider whether the Academy Head's decision to exclude the child was justified based on the evidence.



## 6. *Statutory guidance to ALGB on the consideration of an exclusion decision*

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

The ALGB should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the ALGB. These minutes should be made available to all parties on request.

The ALGB should ask all parties to withdraw before making a decision. Where present a clerk may stay to help the ALGB by reference to his / her notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the ALGB should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Academy Head's legal duties.

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

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

## 7. *An ALGB's duty to notify people after their consideration of an exclusion.*

Where legally required to consider an exclusion the ALGB must notify parents, the Academy Head and the local authority of their decision, and the reasons for their decision in writing without delay.

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

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an Independent Exclusion Appeals Panel and the following information:

a) the date by which an application for a review must be made (i.e., 15 school days from the date on which notice in writing of the ALGB decision was given to parents).

b) the name and address to whom an application for a review (and any written evidence) should be submitted.

c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.

d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the Link Academy Trust to appoint an SEN expert to attend the review.

e) details of the role of the SEN expert and that there would be no cost to parents for this appointment.

f) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and

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

h) Any formal meetings must not be recorded without the full agreement of all parties.

In addition to the right to apply for review, to an Independent Exclusion Appeals Panel, if parents believe that the exclusion has occurred as result of discrimination, then they may make a claim under the Equality Act 2010 to

the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

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

The ALGB may provide the information in paragraph 7.1 via the Clerk to the ALGB by arranging delivery to parents directly or posted to last known address and 7.2 by arranging delivery through the Clerk to the Trust to parents directly or posted to last known address. In both cases, it is deemed Notice to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

*8. Guidance to ALGB on providing information to parents following their consideration of an exclusion*

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

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

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

- a link to this statutory guidance on exclusions: <https://www.gov.uk/government/publications/school-exclusion>
- a link to guidance on making a claim of discrimination to the First-tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>;
- a link to the Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
- 08088 020 008; and,
- where considered relevant by the ALGB, links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk))

**Appendix C - Appointed Local Governing Body Exclusions Panel Checklist**

**Checklist for ALGB Review of Exclusions**

Issues to Consider	Evidence
Were parents/carers, ALGB and LA (including home LA) informed of the exclusion and within stated timescales? Could it be useful to add the timescales here for reference?	
Was the appropriate information provided in writing?	
Has the academy taken steps to set and mark work or arranged alternative provision from day 6 of a longer exclusion?	
Were the papers (written evidence and information) sent (to whom) at least 5 school days before the meeting, including a copy of the academy’s Behaviour Policy?	
Were the parents, Academy Head and LA officer invited to the meeting? (A parent may invite a representative of the local authority to attend a meeting of an Academy’s Governing Body as an observer: that representative may only make representations with the Governing Body’s consent.)	
Has a clear reason for the exclusion decision been given – what happened? Is it clear whether the exclusion was for a first or one- off offence or serious breach/es of the academy’s Behaviour Policy? If a Permanent Exclusion was the decision taken: <ul style="list-style-type: none"> <li>• In responses to a serious breach or persistent breaches of the academy’s Behaviour Policy: and</li> <li>• Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the academy?</li> </ul> If in an exceptional case, a further suspension or a permanent exclusion has been issued to begin immediately after, has the Academy Head written again to the parents explaining the reasons for the change and providing any additional information required?	
Whether the exclusion was for behaviour on or off the academy premises? (Disciplining beyond the school gate covers the academy’s response to all non-criminal misconduct and bullying which occurs anywhere off the academy premises and which is witnessed by a member of staff or reported to the academy.)	
Whether the police were involved? How does this affect the evidence and decision? (Evidence may be limited by a police investigation or criminal proceedings)	

Has the pupil been enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding? (The decision on whether to exclude is for an Academy Head to take. However, where practical, Academy Heads should give pupils an opportunity to present their case before taking the decision to exclude.)	
Has the Academy Head taken into account any contributing factors that are identified after an incident of misbehaviour has occurred? (E.g., where it comes to light that a pupil has suffered bereavement or has mental health issues or has been subject to bullying.)	
Has the academy taken account of pupils with additional needs, statements of Special Educational Needs (SEN) or Looked After Children? (Academy Heads should, as far as possible, avoid excluding permanently any pupil with an EHCP, recognised SEN or a Looked After Child; Where a pupil has a statement of SEN, academies should consider requesting an early annual review or interim/emergency review)	
Has the Academy Head had regard to the Equality Act 2010? Is there evidence of discrimination, harassment, or victimisation because of; sex; race; disability; religion or belief; sexual orientation; or a gender reassignment? Has the academy taken any positive action to deal with particular disadvantages affecting one group?	
Has the Academy Head taken account of their statutory duties in relation to Special Education Needs (SEN), including the SEN Code of Practice? (For disabled children, this includes a duty to make reasonable adjustments to policies and practices)	
Has the academy engaged proactively with parents and foster carers?	
Has the academy tried to identify whether there are any causal factors and intervened early in order to reduce the need for a subsequent exclusion e.g., a multi-agency assessment that goes beyond the pupil's educational needs, including seeking to identify mental health of family problems? (Disruptive behaviour can be an indication of unmet needs)	
Is there evidence that the Academy Head has considered extra support needed to identify and address the needs of pupils in order to reduce that risk of exclusion? (Early intervention including multi-agency assessment e.g., Devon Assessment Framework)	
Is there clear evidence of the strategies used and support provided by the academy – do the papers include current and previous plans with dates, reviews and outcomes e. g. an Individual Education Plan, Integrated Support Plan, Pastoral Support Programme? (Are there identified targets and clear outcomes?)	
LA or other agencies/services involved e.g. Education Psychology, Behaviour Support Teams, PRU (Schools Company), Special Educational Needs, Youth Offending Team, Social Car, Ethnic Minority and Traveler Achievement Service, CSW. (A re details provided of the referrals to other services or professionals, the support provided and dates of plans/reviews and outcomes?)	

<p>Has the academy followed agreed partnership processes e. g. Local Area Partnerships (Secondary), Primary Support Partnerships (Primary)? (Dates and details, including support provided e.g. through DAF)</p>	
<p>Have alternatives to exclusion been considered? For example: 1. Mediation, restorative justice, internal exclusion</p>	
<p>2. Curriculum alternatives at Key Stage 4 – college placement or other form of alternative provision 3. Temporary placement in an in-school Learning Support Unit 4. Temporary or part time placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider 5. A managed move (Supported Transfer) to another school 6. Assessment of special educational needs</p>	
<p><b>Have you (the ALGB):</b></p> <ul style="list-style-type: none"> <li>• Considered the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and had regard to the interests of other pupils and people working at the academy.</li> <li>• Considered any representations made by parents and the Academy Head</li> <li>• Established the facts ‘on the balance of probabilities’</li> <li>• Considered whether the decision to exclude the pupil was lawful reasonable and procedurally fair, taking account of the Academy Head’s legal duties. (In reaching a decision on whether or not to reinstate a pupil)</li> <li>• Decided to direct reinstatement of the pupil immediately or on a particular date</li> <li>• (Where legally required to consider an exclusion) Notified parents, the Academy Head and the Local Authority of your decision, giving reasons, in writing and without delay. (Also inform the pupil’s ‘Home Authority’)</li> <li>• Informed parents, if a Permanent Exclusion, of their rights to apply for an independent review of your decision and to make a discrimination claim.</li> <li>• Ensured that clear minutes of the meeting were taken as a record of the evidence that was considered (these minutes should be made available to all parties on request)</li> <li>• Noted the outcome of your consideration of the pupil’s educational record, along with copies of relevant papers for future reference</li> <li>• Made arrangements to retain records and evidence relating to an exclusion for at least six months in case a discrimination claim is made.</li> <li>• Also: (Where recommended or directed by an Independent Review Panel) reconsidered your decision and notified parents, the Academy Head and Local Authority of your reconsidered decision, and the reasons for it, in writing and without delay.</li> </ul>	

Academy Head Checklist:

<b>Academy Head's documents for the Appointed Local Governing Body Exclusions Panel</b>
---

Child's Name :

Date:

Documents	Date	Included	Page number
<b>Appendix G – Reason for Exclusion</b>			
Academy Head Statement			
Statement of Child Involved			
Witness Statements			
Behaviour Log			
Behaviour Management Plan			
Strategies Used			
Pastoral Support Programme			
Individual Education Plan			
Statement of SENDCo			
Education and Health Care Plan			
Educational Psychology Report (attached with parental consent)			
Certificate of Attendance			
Academic Report			
Others (Please specify below)			
Department for Education document: Exclusion from maintained schools, Academies and pupil referral units in England <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a>			
School Behaviour Policy			
SEND Policy			
Exclusion Policy			

**AGENDA – ALGB Meeting to consider an exclusion. Date and Time:**

**Venue:**

**Postcode:**

**Tel:**

**Attendees:** Parents, Pupil, Parents Friend/ Representative, [Local Authority Representative], 3 Governors from Appointed Local Governing Body Exclusions Panel and Clerk to Appointed Local Governing Body Exclusions Panel.

1.	Introductions, apologies and explanation of the procedure. Declarations of interest. Note of any adjournments (if relevant)	Chair Clerk
2.	Invitation to the Academy Head to present the case for the exclusion.	Academy Head
3.	Questions to the Academy Head about the case presented, from the Appointed Local Governing Body Exclusions Panel, parents and pupil.	All
4.	Invitation to Parents/pupil to give their views about the exclusion.	Parents/pupil
5.	Questions to parents and pupil by the ALGB and Academy Head.	All
6.	[Possible Invitation to Local Authority representative to comment.]	LA Representative
7.	[Questions to Local Authority representative by all.]	All
8.	Invitation to the Academy Head to sum up.	Academy Head
9.	Invitation to Parents to sum up.	Parents
10.	Chair to advise the meeting about how the decision will be communicated to all.	Chair
11.	Chair to invite the Academy Head, parents, parent's friends or representatives, pupil, Local Authority representative to leave the room together.	Chair
12.	ALGB to make their decision. Clerk to advise on guidance and procedures.	ALGB and Clerk

## Appendix D - Independent Exclusion Appeal Panel

### 1. Notifying parents

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

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

### 2. The timing of the hearing

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

### 3. Combined appeals

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

### 4. Composition of the IEAP

The Governance Professional must constitute the IEAP and appoint a clerk.

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

The IEAP will be chaired by one of the members.

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

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

### 5. Role of the clerk

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

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



## **6. In advance of the hearing**

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

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

- the parents, who may be represented by a legal or other representative
- the Academy Head
- a nominated member of the ALGB
- A SEN expert if requested by parents in their application for an independent review

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

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

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

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

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

The clerk should circulate all written evidence to all parties 5 working days before the hearing. This must include the statement of decision by the ALGB and the notice of appeal from the parent which gives the grounds for the appeal. The Academy Head, the ALGB and the Link Academy Trust may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the statement of decision or the notice of appeal, they should be asked to submit these to the clerk in good time before the hearing.

## **7. Conduct of the appeal hearing**

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

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

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

should generally be taken at the end of each party's statement and following questioning by the other parties.

Sufficient time must be allowed for each party to put their case. The panel should ensure that the parent is given the opportunity to comment on relevant information obtained from The Link Academy Trust or the ALGB.

Care must be taken to ensure that no party attending the hearing is present alone with the IEAP in the absence of any other party.

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

## **8. Reaching a decision**

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

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

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

Having satisfied themselves as to these issues, the IEAP should consider whether in their opinion permanent exclusion was a reasonable response. If they conclude it was not, they should then go on to consider whether this is an exceptional case where reinstatement is not a practical way forward (see section 10.4).

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

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

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

## **9. Evidence and witnesses**

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

All parties may put forward new evidence about the event that led to the exclusion, including evidence that that was not available to the Academy Head or the ALGB. However, the academy may not introduce new reasons for the exclusion.

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

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

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

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

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

## **10. The decision**

An IEAP may uphold the decision to exclude or recommend that the ALGB reconsiders their decision or quash the ALGB decision and direct that the ALGB reconsiders the exclusion.

## **11. Record of the proceedings of an IEAP**

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

## **12. After the hearing**

The IEAP is independent. Its decision is binding on the parents, the ALGB, the Academy Head and the Link Academy Trust. The IEAP cannot revisit its decision once made.

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

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

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

## Appendix E – Model Letters

Letter	Panel referred to	Requirement to meet	Contact via	Document
Model Letter 1 – Fixed term exclusion of 5 days or less	Representations can be made to the ALGB by parent No power to reinstate	ALGB must consider representations if made – no requirement to meet with parents	ALGB clerk	
Model Letter 2 – Fixed term exclusion of 5 days or more	ALGB	Must meet within 15 days <b>If</b> requested – do not need to meet if not requested	ALGB clerk	
Model Letter 3 – Fixed term exclusion of more than 15 days in one term	ALGB	ALGB <b>MUST</b> meet within 15 days of notification of exclusion	ALGB clerk	
Model Letter 4 – notifying parents of permanent exclusion	ALGB	Must meet to consider if permanent exclusion was lawful within 15 days of notification	Clerk to the Trust	
Model Letter 5 – Notifying parents of ALGB meeting	ALGB	Must meet for all exclusions > 5 days (inc PEX) Letter can be used for all mtgs of the ALGB	Clerk to the Trust	
Model Letter 6 – Notifying parents that the decision to exclude has been upheld	Notification of decision – no panel	Offers the opportunity to appeal	Clerk to the Trust	
Model Letter 7 – Notifying parents that the child has been reinstated by ALGB	Notification of decision – no panel	N/A	Clerk to the Trust	

### Model Letter 1

From Academy Head notifying parent of a fixed period exclusion of **5 school days or fewer** in one term and where a public examination is not missed.

Dear [Parent's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date].

I realise that this exclusion may be upsetting but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [reason for exclusion].

[for pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that if you fail to comply with this you may receive a penalty notice from Devon County Council or may face prosecution.

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

You have the right to make representations about this decision to the Appointed Local Governing Body Exclusion Panel. If you wish to make representations please contact [whoever is appointed as clerk to the ALGB (name and title)] at [contact details – academy phone number & clerks email] or by writing to her at [address], as soon as possible. The Appointed Local Governing Body Exclusions Panel has no power to reinstate your child but they must consider any representations you make and may place a copy of their findings on your child's record.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination [www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send) or the County Court within 6 months of the alleged discrimination.

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

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name. [Devon County Council Education Inclusion Team](#)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

You can also see the Statutory Guidance on Exclusions by visiting [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

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

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

[Name]  
Academy Head

## Model Letter 2

From Academy Head notifying parent(s) of a fixed period exclusion of **more than 5 school days (up to and including 15 school days) in one term.**

Dear [Parent's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. Your child should return to school on [date].

I realise that this exclusion may 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 for this fixed period because [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, that is [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, it will be for you to show that there is reasonable justification for this.

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

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

You have the right to request a meeting with the Appointed Local Governing Body Exclusion Panel at which you are entitled to make representations about this exclusion. This panel is made up of 3 Governors from other Local Governing Bodies within The Link Academy Trust that [the academy] is part of. The Appointed Local Governing Body Exclusion Panel will review my decision to exclude [child's name] and will consider whether [child's name] should be reinstated.. The latest date by which the Appointed Local Governing Body Exclusion Panel must meet, if you request a meeting, is [specify date – no later than the 50<sup>th</sup> school day after the date on which the Exclusion Panel were notified of this exclusion].

If you do wish to make representations to the Appointed Local Governing Body Exclusions Panel, please contact [whoever is appointed as clerk to the ALGB (name and title)] at [contact details – academy phone number & clerks email] or by writing to her at [address],. as soon as possible. Please advise if you wish to be accompanied by a friend or representative and if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy. Also, please inform [the clerk] if it would be helpful for you to have an interpreter present at the meeting.

[Pupil's name] is also entitled to attend the meeting and explain their version of events to the Panel.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination [www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send) or County Court within 6 months of the alleged discrimination.



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

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name: [Devon County Council Education Inclusion Team](#)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

You can also see the Statutory Guidance on Exclusions by visiting [www.gov.uk/government/publications/school- exclusion](http://www.gov.uk/government/publications/school-exclusion).

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

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

*[Name]*  
Academy Head

### Model Letter 3

From Academy Head notifying parent(s) of a fixed period exclusion of **more than 15 school days in one term.**

Dear [Parent's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. Your child should return to school on [date].

I realise that this exclusion may 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 for this fixed period because [reason for exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during [specify dates], unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, it will be for you to show that there is reasonable justification for this.

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

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

As the exclusion brings your child's total number of school days of exclusion to more than 15 school days in one term, an Appointed Local Governing Body Exclusion Panel must meet to consider the exclusion and you will be invited to attend and can make representations. This panel is made up of 3 Governors from Local Governing Bodies within the Link Academy Trust that [academy] is a member of. You will, be notified by the [ALGB clerk] of the time, date and location of the meeting. Please advise the Clerk, as soon as possible, if you wish to be accompanied by a friend or representative or if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy. Also, please inform [the Clerk] if it would be helpful for you to have an interpreter present at the meeting. You may contact [name of Clerk] by email at [email address] or in writing [address details] or by telephone on [telephone number]

[Pupil's name] is also entitled to attend the meeting and explain their version of events to the Panel.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination [www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send) or County Court within 6 months of the alleged discrimination.

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

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name: [Devon County Council Education Inclusion Team](#)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

You can also see the Statutory Guidance on Exclusions by visiting [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion).

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

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

[Name]  
Academy Head

#### Model Letter 4

From Academy Head notifying parent(s) of a pupil's permanent exclusion.

Dear [Parent's Name]

I regret to inform you of my decision to Permanently Exclude [Child's Name] with effect from [date]. This means that he/she will not be allowed in this academy unless he/she is reinstated as a result of a decision made by an Appointed Local Governing Body Exclusion Panel.

I realise that this exclusion may be upsetting for you and your family but the decision to Permanently Exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [give reasons for the exclusion – include any other relevant previous history].

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 [specify the exact dates], unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, it will be your responsibility to show that there is reasonable justification for this.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first 5 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 6th day]. From the 6th school day of the exclusion onwards i.e. from [specify the date] the Local Authority [give name of the authority] will provide suitable full-time education. [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter].

[Where pupil lives in a Local Authority other than the excluding academy's Local Authority] I have also today informed [name of Officer] at [name of Local Authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the 6th school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion an Appointed Local Governing Body Exclusions Panel must meet to review the decision. This Panel is made up of Governors appointed from Local Governing Bodies within the Link Academy Trust that [academy] is part of. At this meeting you may make representations to the Panel if you wish and ask them to reinstate your child in school. You will be notified by the [clerk to the Panel] of the time, date and location of the meeting. Please advise the Clerk, as soon as possible, if you wish to be accompanied by a friend or representative or if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy. Also, please inform [the Clerk] if it would be helpful for you to have an interpreter present at the meeting. You may contact [name of Clerk] by email at [email address] or in writing [address details] or by telephone on [telephone number].

The Panel has the power to reinstate your child immediately, reinstate from a specified date, or alternatively, to uphold the exclusion in which case you may appeal against their decision to an Independent Exclusions Appeal Panel. Your application for appeal must be made by [specify the date – the 15<sup>th</sup> school day after the date on which the Appointed Local Governing Body Exclusion Panel gave written notice of its decision to the parents].

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination [www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send) or County Court within 6 months of the alleged discrimination.

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

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name: [Devon County Council Education Inclusion Team](#)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

You can also see the Statutory Guidance on Exclusions by visiting [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion).

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

Yours sincerely

*[Name]*  
Academy Head

*Model Letter 5*

From the (Clerk to the Appointed Local Governing Body Exclusion Panel) notifying the Parent/Carer about the meeting of the Exclusion Panel.

Dear [Parent's Name]

[Name of Pupil & DOB]

[Fixed Period Exclusion of X days / Permanent Exclusion]

I am writing to let you know that a meeting of the Appointed Local Governing Body Exclusion Panel, made up of 3 appointed Governors from Local Governing Bodies of the Link Academy Trust, will be held at the academy at [time] on [date]. The purpose of the meeting is for the Exclusion Panel to consider [either] your representations against the exclusion *[in cases where a pupil has been excluded for more than 5 school days but less than 15 in a single term and the parents have made representations about the exclusion]*

[or]

the exclusion and to decide whether to reinstate [child's name] at the academy or to uphold the exclusion *[in cases where the Exclusion Panel MUST consider reinstatement eg. exclusions over 15 days]*

You are entitled to attend the meeting and to be accompanied by a friend or legal representative. [name of child] may also attend. Both you, and your child if attending, will have the opportunity to present your case. I have invited a representative from DCC Inclusion Team and the Academy Head will also be present.

It is important that everyone who will be attending the meeting has the chance to read through any written documents beforehand. If you wish to provide a written statement or letter for the Exclusion Panel to consider, please let me have it **no later than [date]**. I will circulate copies of all the documents I receive to each party before the meeting.

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

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

I look forward to hearing from

you. Yours sincerely

[name]

Clerk to the Appointed Local Governing Exclusion Panel

cc: Academy Head

Chair of Appointed Local Governing Body Exclusion  
Panel DCC Inclusion Officer – County Hall, Exeter,  
Devon

### Model Letter 6

From the clerk on behalf of the Appointed Local Governing Body Exclusions Panel **to parent upholding a Permanent Exclusion.**

Dear [Parent's Name]

The meeting of the Appointed Local Governing Body Exclusion Panel at [location] on [date] considered the decision by [the Academy Head] to Permanently Exclude your child, [name of child] from [name of academy].

After carefully considering the representations made and all the available evidence, the Exclusion Panel has decided to uphold [name of pupil]'s permanent exclusion.

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

You have the right to appeal against this decision. If you wish to appeal, please notify [the Link Academy Clerk to Trustees either by email to [clerk@thelink.academy](mailto:clerk@thelink.academy) or in writing to The Clerk to Trustees, Link Academy Trust, Landscope Schoolhouse, Landscope, Ashburton. TQ13 7LY] of your wish to appeal no later than [specify the latest date – the 15<sup>th</sup> school day after receipt of this letter]. If you have not lodged an appeal by [repeat latest date] you will lose your right to appeal.

You must set out the reasons for your appeal in writing.

Your application to appeal should include reference, if appropriate, to how you consider your child's special educational needs to be relevant to the exclusion and in these circumstances you have the right to require The Link Academy Trust to appoint a SEN expert to attend the appeal hearing. Please inform [the Clerk to Trustees] of your wish that a SEN expert be appointed; you will not incur costs for this.

You also have the right to appoint someone, at your expense, to make written or oral representations to the Appeal Panel on your behalf and you are entitled to be accompanied to the hearing by a friend.

In addition to your right to apply to appeal, you may make a claim under the Equality Act 2010 to the First Tier Tribunal if you believe there has been disability discrimination, or to the County Court if you believe there has been any other form of discrimination. Claims alleging discrimination under the Equality Act 2010 must be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Company Secretary if it would be helpful for you to have an interpreter present at the hearing.

Your appeal will be heard by a Panel (the Independent Exclusions Appeal Panel) consisting of 2 non staff governors from academies other than the academy at which [pupil's name] was excluded and a Headteacher of a school unconnected with the exclusion.

The Independent Exclusions Appeal Panel will review the decision of the Appointed Local Governing Body Exclusion Panel – if you have fresh evidence to present to the Appeal you may do so. The Independent Exclusions Appeal Panel must meet no later than the 15<sup>th</sup> school day after the date on which your appeal is lodged. In exceptional circumstance the hearing may be adjourned to a later date.

Following the hearing the Independent Exclusions Appeal Panel can decide to:

- Uphold the exclusion decision;

- Recommend that the Appointed Local Governing Body Exclusions Panel reconsiders its decision; or
- Quash the decision and direct that the Appointed Local Governing Body Exclusions Panel consider the exclusion again

The arrangements currently being made for **[pupil's name]**'s education will continue. **[Specify details here]**.

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

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name: [Devon County Council Education Inclusion Team](#)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk).

You can also see the Statutory Guidance on Exclusions by visiting [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion).

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

Yours sincerely

*[Name]*

Clerk to Appointed Local Governing Body Exclusions Panel



*Model Letter 7*

From the Clerk notifying the Parent/Carer of the **Appointed Local Governing Body Exclusions Panel's decision to reinstate pupil**

Dear [Parent's Name]

[Name of Pupil &  
DOB] [Permanent  
Exclusion]

I am writing to confirm the decision of the Appointed Local Governing Body Exclusion Panel made at its meeting on [date].

The Panel considered the Academy Head's reasons for the exclusion very carefully and [if parents/ carers attended] the representations you made against the exclusion. The Panel determined that [child's name] should be reinstated at the academy. There are no conditions attached to this decision.

[Child's name] should start back at [ ] School on [date]. [details of a return to school

meeting].

Yours sincerely

Clerk to the Appointed Local Governing Body Exclusion

Panel Copies to:

- Academy Head
- DCC Inclusion Officer – County Hall, Exeter, Devon

**Appendix F - DFE Exclusions from maintained schools, Academies and pupil referral units in England**

<https://www.gov.uk/government/publications/school-exclusion>

**Appendix G - Support for Devon schools including Annex R to return to the LA**

<https://www.devon.gov.uk/support-schools-settings/school-effectiveness/governance/dealing-with-exclusion/>