



LEAGRAVE PRIMARY SCHOOL

'Striving for Excellence, Learning for Life'

Suspension and Permanent Exclusion Policy

Ratified by Governors

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STATUTORY

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations

Suspension and Permanent Exclusion Policy

1. Introduction

This policy deals with the policy and practice which informs the school's use of suspension and permanent exclusion. It is a shared commitment of all members of the school community to achieve two important aims:

To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.

2. Aims

The aims of this policy are to define the behaviours and incidents that may lead to exclusion and the procedures the school will follow in the event of an exclusion. We recognise that parents/carers and pupils have a vital role to play in supporting the standards of behaviour and safety expected by the school. The school's response to challenging and disruptive behaviour will be made in the context of the Behaviour Policy, and will encompass a range of strategies, with exclusion as one option.

3. Definitions

Exclusion, within this policy may be one of the following types:

- Internal Exclusion (where a pupil is excluded within the school);
- Partnership Exclusion (where a pupil is excluded within another West Area Partnership school temporarily);
- Suspension (when a pupil is excluded from the school for a fixed period);
- Permanent Exclusion (where steps are taken to permanently remove the pupil from the school);
- Managed Move (when a pupil is transferred to another school all parties, including parents and the admission authority for the new school, should consent before a managed move occurs. Whilst the trial is in place, the pupil will be dual registered at the home school and host school. If the trial is successful, the pupil will be taken on roll at the host school and taken off roll from the home school)

4. Statutory Position

When considering exclusion, account will be taken of the current guidance from the DfE and the personal circumstances of the pupil.

Only the Headteacher or, in their absence, a senior member acting with his or her authority, can exclude a pupil from the school. A decision to exclude a pupil will be taken only:

- in response to a serious breach or persistent breaches of the school's Behaviour Policy; **and**
- where allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school

Exclusion is a formal sanction; it is unlawful to:

- exclude a child for a non-disciplinary reason
- informally or unofficially exclude a child from school by, for example, sending him/her home early to 'cool off', even if the parents agree to this

Any exclusion of a pupil, even for a short period of time, must be formally recorded.

The decision to exclude a pupil is a matter of judgement for the Headteacher, who will take into account the likely impact of the misconduct on the life of the school. The decision to exclude a

pupil must be lawful, reasonable and fair. The school has a statutory duty not to discriminate against pupils on the basis of protected characteristics such as disability or race. The school will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. This may include behaviour on or off school premises, which is in breach of the standards of behaviour expected by the school.

The school recognises that disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, the school will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Under the law, the Headteacher, Governing Body and Independent Review Panel must have regard to the relevant DfE guidance when deciding:

- whether to exclude a pupil or (where applicable) to uphold an exclusion
- the period of exclusion

- (where applicable) whether to direct the Headteacher to reinstate an excluded pupil

Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – August 2024](#)

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil exclusions and Reviews\) \(England\) Regulations 2023](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

8. Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
9. Section 579 of the [Education Act 1996](#), which defines 'school day'
10. The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

5. Policy Detail

5.1 Before reaching a decision to suspend or permanently exclude, the Headteacher will:

- consider all the relevant facts and such evidence as may be available to support the allegations made, taking into account the school's Behaviour Policy
- allow the pupil to give his or her version of events
- check whether the incident may have been provoked, for example by bullying, racial or sexual harassment

If the Headteacher is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion will be the outcome.

Where necessary, the Headteacher will consult others, being careful not to involve anyone who may have a role in any statutory review of their decision; for example, members of the Governing Body Discipline Committee.

5.2 Causes for Exclusion, whether a suspension or permanent exclusion, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy:

- Actions which put the pupil or others in danger
- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to attack staff
- Physical abuse to attack pupils
- Indecent behaviour
- Damage to property
- Possession and/or supply of illegal drugs
- Possession of banned items or substances considered to present a danger or health risk to the school community
- Behaviour outside of the school (e.g. fighting and inappropriate or misuse of social media) which subsequently impacts on school life
- Threats of violence against another pupil or a member of staff
- Sexual misconduct, abuse or assault
- Carrying/using an offensive weapon (or the use of any item as a weapon)
- Arson
- Unacceptable persistent behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

5.3 Exclusion Procedures

5.3.1 Internal Exclusion (including Internal and Partnership school exclusion)

An Internal exclusion or Partnership school exclusion will be implemented for behaviour that is so serious that it warrants a pupil being removed from lessons, but not so serious as to warrant removal from the school. As stated above, all efforts will be made to keep the pupil in the school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to suspension or permanent exclusions.

5.3.2 Suspension

In the case of suspensions, the Headteacher may suspend a pupil for up to 45 days, in any one academic year. Pupils on suspension will be forbidden from attending the school, or being in the vicinity of the school for the term of their suspension.

Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is suspended and ensure that they are not in a public place without good reason, during school hours within the first five school days of any suspension. Where a parent/carer refuses to comply with the terms of suspension, the school may notify the Social Services Department and the police if, in the Headteacher's view, the pupil or any other person may be at risk as a result of a failure to meet the terms of the suspension.

Parents/carers must also ensure that their child attends the suitable full time education provision, provided by the Governing Body, or the school, from the sixth day of suspension.

In all cases, parents/carers will be informed in writing on the day or prior to the date/s to be served.

The Local Authority

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

Considering the Reinstatement of a Pupil

The Governing Body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- the exclusion is permanent

- it is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term

- it would result in a pupil missing a public examination

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

Where an exclusion would result in a pupil missing a public examination, the Governing Body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing Body (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Headteacher can cancel a suspension or exclusion provided the Governing Body have not yet met to consider any reinstatement.

All parties must be provided with the reasons for cancellation.

Note that a permanent exclusion cannot be cancelled if a pupil has already been suspended for more than 45 days in a school year.

The Governing Body can either:

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

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

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

The Governing Body will notify, in writing, the Headteacher, parents or carers and the local authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governing Body's decision will also include the following:

- the fact that it is permanent
- notice of parents' or carers' right to ask for the decision to be reviewed by an independent review panel, and:
- the date by which an application for an independent review must be made

- the name and address to whom an application for a review should be submitted
- that any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
- that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority to appoint an SEN expert to attend the review, details of the role of the SEN expert and that there would be no cost to parents for this appointment
- that parents or carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- that parents or carers may, at their own expense, appoint someone to make written and / or oral representations to the panel, and parents may also bring a friend to the review
- that if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the First-Tier Tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place

An Independent Review

If parents or carers apply for an Independent Review, the local authority will arrange for an Independent Panel to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Applications for an Independent Review must be made within 15 school days of notice being given to the parents by the Governing Body of its decision to not reinstate a pupil.

A panel of three or five members will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school governors' category and two members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

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

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

- are a member or director of the local authority, or Governing Body of the excluding school
- are the Headteacher of the excluding school, or have held this position in the last five years
- are an employee of the local authority, or the Governing Body, of the excluding school (unless they are employed as a Headteacher at another school)
- have, or at any time have had, any connection with the local authority, school, Governing Body, parents, carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- have not had the required training within the last two years

A Clerk will be appointed to the panel.

The Independent Panel will decide one of the following:

- uphold the Governing Body's decision
- recommend that the Governing Body reconsiders reinstatement
- quash the Governing Body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

School Registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an Independent Review Panel, or

- The parents have stated in writing that they will not be applying for an Independent Review Panel

Where an application for an Independent Review has been made, the Governing Body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded pupils are not attending alternative provision, code E (absent) will be used.

5.3.3 Informing Parents/Carers

The school will inform parents by phone call when the decision has been taken to exclude a pupil. This will be followed, subsequently by a meeting and a letter (Appendix 1) in which the terms of the exclusion are set out, together with the time and date of the reintegration meeting (see below). Exclusions may not run for an indefinite period of time. Parents/carers are also informed that they have a right to make representations to the Governing Body. Parents can request any meetings are held remotely. Remote meetings will also be allowed in unforeseen or extraordinary circumstances e.g. fire, floods, infectious illnesses. Where remote meetings are not requested, or applied due to unforeseen circumstances, meetings will be held in person. If technical issues occur, the meeting will be rearranged in person.

The Headteacher will immediately provide the following information, in writing, to the parents or carers of an excluded pupil:

- the reason(s) for the exclusion
- the length of a suspension or, for a permanent exclusion, the fact that it is permanent
- information about parents' or carers' right to make representations about the exclusion to the Governing Body and how the pupil may be involved in this
- where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents and carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

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

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

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

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

5.3.4 Provision of Learning Materials During a Period of Exclusion

The Headteacher will ensure the provision of an alternative education provision for all pupils on roll who are excluded for a period of six consecutive school days, and which will set out:

- how the pupil's education will continue during the period of exclusion
- how the time might be used to address the pupil's problems
- the educational arrangements will best help with the pupil's reintegration into the school at the end of the exclusion

This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive exclusions, these are regarded as a cumulative period of suspensions for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one suspension or more than one suspension.

5.3.5 Reintegration

The school requires parents/carers to attend a reintegration meeting where their son/daughter has had a suspension. Parent/carers are invited to attend the reintegration meeting. The meeting will establish a risk assessment of the pupil (where necessary) and identify the resources needed to provide the necessary support to the pupil on their return from suspension.

Where a pupil's behaviour at the reintegration meeting is unacceptable, this may result in an additional suspension.

6. Permanent Exclusions

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a pupil's life chances. In addition, permanent exclusion will not be sought, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted. Please note that before a permanent exclusion is considered, a 'Managed Move' or off-site direction may be discussed, if appropriate. In exceptional circumstances, the Headteacher might consider it appropriate to permanently exclude a pupil for a first or one-off offence. Such circumstances might include:

- where there has been serious actual or threatened violence against another pupil or member of staff
- sexual misconduct
- supplying an illegal substance (alcohol, tobacco, drug)
- carrying an offensive weapon (Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.")

The school will consider police involvement for any of the above offences.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.

In the case of a permanently excluded pupil, the Headteacher will plan for the pupil's continued education pending the Governing Body panel meeting to consider the exclusion. If an Independent Review Panel decides not to direct reinstatement, the pupil's name will be deleted from the school roll.

A 'Permanent Exclusion Notification' template letter can be found in Appendix 2.

7. Exercise of Discretion

In reaching a decision on temporary or permanent exclusion, the Headteacher will always look at each case on its own merits. It is for this reason that a points based system, fixing a standard penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- The seriousness of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy; **and**
- The effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff

In line with its statutory duty, this same test of appropriateness will form the basis of the deliberations of the Governing Body when it meets to consider the Headteacher's decision to permanently exclude. This panel will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's record, witness statements and the strategies used by the school to support the pupil prior to permanent exclusion.

The school will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a pupil. This will be followed, subsequently by a letter in which the terms of the exclusion are set out. Parents/carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below).

Informing the Governing Body and Local Authority

The Headteacher/Principal will **immediately** notify the Chair of the Governing Body and the Local Authority (LA) and the social worker and / or Virtual School Head, if appropriate, of:

- A permanent exclusion, including when a suspension is made permanent
- Any suspension or permanent exclusion which will result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which will result in the pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled, including the reason for cancellation

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

The Headteacher should inform the LA of any exclusions without delay regardless of the length of the exclusion.

The Headteacher should also inform the Governing Body of any suspensions at least once a term.

The Governing Body

Responsibilities regarding exclusions are delegated to a Governing Body consisting of at least three governors.

The Governing Body has a duty to consider the reinstatement of an excluded pupil (see 'Considering the Reinstatement of a Pupil')

8. Review of a Permanent Exclusion

Where parents dispute the decision of a Governing Body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an Independent Review Panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a suspension or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An Independent Review Panel does not have the power to direct a Governing Body to reinstate an excluded pupil. However, where a panel decides that a Governing Body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Governing Body to reconsider its decision. If the Governing Body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the pupil's local authority towards the costs of providing alternative provision.

9. Review of Exclusions

The Senior Leadership Team review all permanent exclusions and suspensions, termly.

Monitoring and Analysing Suspensions and Exclusions Data

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

The Governing Body will consider:

- How effectively and consistently the school's Behaviour Policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion

- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefitting from it
- The cost implications of directing pupils off-site

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

10. Other Considerations

The school will implement its Suspension and Permanent Exclusion Policy with due regard to the implications arising from the Special Educational Needs, and Disability Act 2001, the Equality Act 2010, the Human Rights Act 1998 and any other relevant legislation.

11. Exclusions and Pupils with SEN

This policy applies to all pupils including those with identified SEN. The school will endeavour to avoid excluding pupils with SEN where possible by making reasonable adjustments for these pupils. The school recognises that this may not be possible in all cases.

11.1 SEN Students and Permanent Exclusion

Whether or not the school recognises that a pupil has special educational needs (SEN), all parents have the right to request the presence of a SEN expert at an Independent Review Panel.

The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

12. Exclusions and Looked After Children (LAC)

The school will be particularly sensitive to LAC. In all cases, the Virtual School Head for the relevant authority and Social Services will be involved as early as possible and the LAC Coordinator will be fully involved.

13. Staff Training

The school will ensure that the Behaviour Policy is a key element of all staff induction programmes and that appropriate refresh training is incorporated into annual staff development planning.

14. Monitoring, Evaluation and Review

The Governing Body will review this policy every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school. This policy should be considered in conjunction with the following associated documents, policies and procedures:

- Home School Agreement
- Behaviour Policy
- Anti-Bullying Policy and Procedures
- Attendance and Punctuality Policy
- Child Protection and Safeguarding Policy

15. Managed Move / Alternative Education Provision (Off-site Direction)

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. Managed moves should only occur when it is in the pupil's best interests.

16. Behaviour Outside School

Pupil behaviour outside school or when representing the school, for example a trip, travelling to and from the school, 'away' sports fixtures or a work experience placement is subject to the school's Behaviour Policy. Negative behaviour in these circumstances will be dealt with as if it had taken place in the school. Serious infringements of the school Behaviour Policy that occur 'outside of' the school may lead to a suspension or permanent exclusion.

17. Roles and Responsibilities

17.1 The Governing Body is responsible for ensuring that the school complies with legislation, and that this plan and any related procedures and action plans are implemented.

17.2 The Headteacher is responsible for implementing the policy, for ensuring that all staff are aware of their responsibilities, for providing them with appropriate training and support, and for taking appropriate action.

17.3 Day to day responsibility for co-ordinating and implementing this policy is with the school Headteacher.

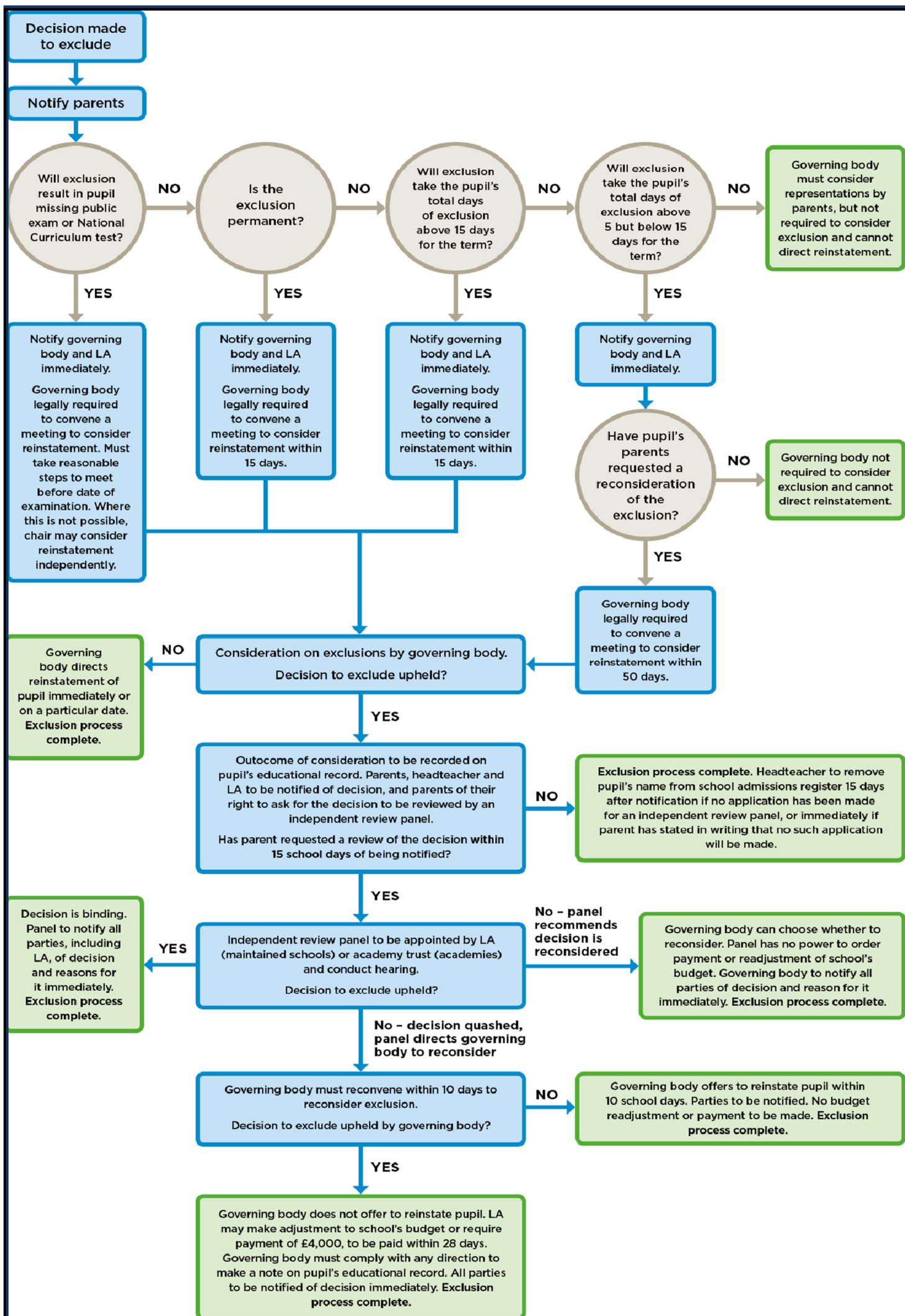
17.4 All staff / others are expected to adhere to this policy, as required by the school Code of Conduct.

18. Monitoring and Review

18.1 This policy will be reviewed every two years.

18.2 Outcomes will be assessed by the Governing Body, in termly reports.

18.3 The impact and effectiveness of this policy will be judged in terms of the positive benefits and any negative consequences arising from its implementation.



Appendix 1

Dear.....

I am writing to inform you of my decision to suspend for a period of This means that he/she will not be allowed in school for this period. The suspension begins on

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend has not been taken lightly. has been suspended for this period because he/she

I must advise you that you may receive a penalty notice from the local authority if is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for during the of the suspension. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to present your case about this decision to suspend to the school's governing body. If you wish to do so, please contact the Clerk to the governing body as soon as possible.

Mrs S Khan, Clerk to the Governing Body
Leagrave Primary School
Strangers Way
Luton
LU4 9ND
Email: skhan@leagraveprimary.co.uk
Tel: 01582 571 951

Whilst the governing body has no power to direct reinstatement, they must consider any existing evidence presented by yourself and may place a copy of their findings on school record.

You should also be aware that if you think this suspension relates to a disability has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability).

The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email sendistqueries@hmcts.gsi.gov.uk Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to present your case to the governing body. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was suspended.

You may wish to contact the local authority's Behaviour & Inclusion Support Service if you have any questions about the suspension procedures on 01582 548385 or by email BISS@luton.gov.uk

Useful contacts for impartial guidance and information to parents on education matters include:

- **The Children's Legal Centre.** They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it's open from Monday – Friday 8am to 6 pm.
- The local area **Special Educational Needs and Disabilities Information and Advice Service (SENDIAS)** offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities you can be contacted by e-mail: sendias@luton.gov.uk or phone 01582 548156
- **ACE Education** - <http://www.ace-ed.org.uk/> who run a limited service, Monday – Wednesday, 10am to 1pm. They can be contacted by phone on 0300 0115 142.
- **Independent Parental Special Education Advice** <http://www.ipsea.org.uk/>.

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

Along with information and advice for parents: <https://www.gov.uk/school-discipline-exclusions/exclusions>suspension expires on and we expect to be back in school on

A return to school meeting will take place on at The purpose of the meeting is to discuss how best your child's return to school can be managed. Such interviews are a legal requirement.

Please come to the school reception to sign in.

Yours sincerely

Mrs E Gillespie
Headteacher

Appendix 2

Permanent Exclusion notification to parents

Dear [parents/carers name]

I regret to inform you of my decision to permanently exclude [child's name] from [date]. [if applicable add - I have informed your social worker]. This means that [child's name] will not be allowed back into this school unless [he/she] is reinstated by the governing board. I realise that this exclusion may well be upsetting for [child's name], you and your family, but the decision to permanently exclude has not been taken lightly. [child's name] has been excluded because [reasons for the exclusion — as a *minimum* this should include a summary of the incident and behaviour which led to the decision to exclude the pupil].

Both of the following two thresholds of permanent exclusion have been met:

- a serious breach or persistent breach of the school's behaviour policy has occurred; **and**
- allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school

[NB the next paragraph can be removed for reception pupils who are not yet 5]

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of the first 5 school days of this exclusion [specify the precise date]. I must inform you that you could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [child's name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [child's name.] We ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day (specify the date) of the exclusion onwards, the local authority [give the name of the authority in which the family live] will provide full time education, with face to face and/or online learning, leading to a permanent placement in an appropriate setting. Arrangements for full-time education will be organised by BISS (Behaviour and Inclusion Support Service). The manager, Steven Porter can be contacted on BISS@luton.gov.uk or call 07793 079975.

As this is a permanent exclusion the governing board **must** meet to consider the decision to permanently exclude. The governing board has the power to either uphold the decision to exclude or reinstate your child immediately, or from a specified date. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion. You have the right to attend this meeting, present your views to the governing board and ask them to reinstate your child in school. You also have the right to make a request for this meeting to be held via the use of remote access. If you wish to attend the meeting either in person or via remote access, please contact the clerk to governors [name of contact] on/at

[contact details — address, phone number, email], as soon as possible. **[If applicable add here I have informed your social worker]**.

A friend or representative can attend the meeting with you, if you wish. Your child may also be involved in this meeting to speak on their own behalf if it is appropriate, taking into account their age and level of understanding. Whether you choose to present your views or not, you will be notified by the clerk to the governing board of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform **[above contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can 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. Information on disability discrimination claims are available on the HM Courts and Tribunal Service website at: <http://justice.gov.uk/tribunals/send>. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place. Making a claim would not affect your right to make representations to the governing board.

Useful contacts for impartial guidance and information to parents on education matters include:

- The local area **Special Educational Needs and Disabilities Information and Advice Service (SENDIAS)** who can be contacted by e-mail: sendias@luton.gov.uk or phone 01582 548156
- **The Behaviour and Inclusion Support Service (BISS)** who can be contacted by e-mail: BISS@luton.gov.uk or BISS Manager Steven Porter on 07793 079975
- **Coram's Child Law Advice** - <https://www.childrenslegalcentre.com/who-can-be-contacted-by-phone-on> 0300 3305 485, Monday – Friday, 8am to 6pm.
- **ACE Education** - <http://www.ace-ed.org.uk/> who run a limited service, Monday – Wednesday, 10am to 1pm. They can be contacted by phone on 0300 0115 142.
- **Independent Provider of Special Education Advice (IPSEA)** - <https://www.ipsea.org.uk/> a registered charity.
- **School discipline and exclusions (GOV.UK)** - <https://www.gov.uk/school-discipline-exclusions/exclusions>
- **School suspensions and permanent exclusions (GOV.UK)** - <https://www.gov.uk/government/publications/school-exclusion>

Yours sincerely
[Name]
Headteacher