

# Cambridgeshire Guidance on Suspension and Exclusion from maintained schools and academies

June 2023

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## Part one: About this guidance

### Explanation of Guidance

This guidance is to be used to complement the Department for Education (DfE) Guidance on Suspensions and Permanent exclusions from maintained schools, academies, and pupil referral units in England, including pupil movement July 2022 [DFE Guidance](#). All decisions about suspension and exclusion must be made with reference to this document which outlines statutory responsibilities and guidance.

### Details of Local Authority Officer contacts:

#### **For primary pupils at risk of suspension/exclusion schools should contact Special Educational Needs and Disabilities (SEND) Services:**

Exclusions Hotline between 2-4pm – Tel: 01353 612812

For more urgent enquires please contact your relevant SEND District team

- South Cambridgeshire & City – 01223 728311
- East Cambridgeshire & Fenland – 01353 612802
- Huntingdonshire – 01480 373470

#### **For secondary pupils at risk of suspension/exclusion schools should contact:**

Education Inclusion Officer (EIO):

Anna Wahlandt – County Alternative Education Provision Manager - 01354 750369

[anna.wahlandt@cambridgeshire.gov.uk](mailto:anna.wahlandt@cambridgeshire.gov.uk)

Michael Kaoura – Deputy County Alternative Education Provision Manager - 07770 583259 /

[Michael.kaoura@cambridgeshire.gov.uk](mailto:Michael.kaoura@cambridgeshire.gov.uk)

#### **If the pupil is a child in care you must also contact the relevant Virtual School:**

Cambridgeshire Virtual School – 01223 699883 / [virtualschool@cambridgeshire.gov.uk](mailto:virtualschool@cambridgeshire.gov.uk)

If you do not have the contact details for the relevant Virtual School, please contact Cambridgeshire's Virtual School, who will assist you in locating the contact details.

## Aim

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education.

For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. Therefore, this guidance should only be necessary when strategies, practices and interventions have not been successful in improving a pupil's behaviour.

This document, to be read alongside the DfE Guidance Suspensions and Permanent exclusions from maintained schools, academies, and pupil referral units in England, including pupil movement July 2022, also provides statutory guidance to which headteachers, governing boards, local authorities, academy trusts, independent review panel (IRP) members and special educational needs (SEN) experts, social workers and Virtual School Heads (VSHs) must have regard when carrying out their functions in relation to suspension and permanent exclusions. [DFE Guidance](#)

Where relevant, this document refers to other guidance in areas such as behaviour, safeguarding, special educational needs and equalities law, but is not intended to provide detailed guidance on these issues.

This guidance should not be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate.

This document replaces the Cambridgeshire exclusions guidance 2021.

## Review date

This guidance will be kept under review and updated as necessary.

## Terminology

- The term **must** refer to what headteachers/governing boards/academy trusts/local authorities/parents and others are required to do by law and must have regard to when carrying out their duties. The term should refer to recommendations for good practice as mentioned in the suspensions and permanent exclusions guidance and should be followed unless there is good reason not to.
- Use of the term **suspend** in this guidance is a reference to what is described in the legislation as an exclusion for a fixed period.
- The term **headteacher** in this document means the headteacher of a maintained school, the teacher in charge at a PRU and the principal of an academy.

- The term **governing board** means the governing body of a maintained school, the management committee of a PRU and academy trust.
- The definition of a **parent** can be found in the Education Act 1996, and this applies to all the legislation to which this guidance relates. In addition to the child's birth parents, references to parents in this guidance include any person 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) who has care of the child. To reflect this, this guidance uses 'parent' to refer to both parents and carers. Where practical, all those with parental responsibility should be involved in the suspensions and permanent exclusions process.
- The **relevant person** – a parent or the pupil, aged 18 or over.
- **Alternative Provision (AP)** refers to suitable full-time education that is 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. In other circumstances, AP may refer to education arranged for pupils who are unable to attend mainstream or special school and who are not educated at home, whether for behavioral, health, or other reasons. AP includes Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, as well as a variety of independent, registered, unregistered and further education settings.
- **Academic year** means a school's 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.
- Where a school's academic year consists of three terms or fewer, a reference to a '**term**' in this guidance means one of those terms. Where a school's academic year consists of more than three terms, then a reference to '**term**' means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.
- '**School**' in this document is used to describe any school to which the guidance applies. Where the term '**academy**' is used it refers to any category of academy to which the guidance applies.

## Who is this guidance for?

This guidance is for:

- Headteachers, governing boards, local authorities, academy trusts, independent review panel (IRP) members, IRP clerks, social workers, virtual school heads and individuals appointed as Special Educational Needs (SEN) experts.
- Except where specifically stated, this guidance applies to all maintained schools, academy schools (including free schools but not 16-19 academies or 16-19 free schools), alternative provision academies (including alternative provision free schools), and PRUs.

- This guidance and the law described applies to all pupils, including those who may be below or above compulsory school age, and those attending nursery classes or school sixth forms, except where the age of the pupil is specifically referred to.
- This guidance does not apply to independent schools (other than the academies listed above), city technology colleges, city colleges for the technology of the arts, sixth form colleges, 16-19 academies or 16-19 free schools, all of which have separate suspension and permanent exclusion procedures.
- The regulations as amended, and this guidance applies to exclusions that occur on or after 1 September 2022. The previous guidance applies to exclusions that occurred before this date.
- Within the guidance the term '**parent**' refers to parents or carers.

## Further information

This guidance should not be read in isolation. It is important for schools to consider the following guidance: [Behaviour in Schools guidance; Keeping Children Safe in Education; Mental health and behaviour in schools; Understanding Your Data: a guide for school governors and academy trustees](#); and other relevant advice and guidance as part of their approach to using school suspensions and permanent exclusions well.

## What legislation relates to this guidance?

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011.
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- the Education and Inspections Act 2006.
- the Education Act 1996; and
- 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.

### Links to relevant legislation and guidance:

[SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](#).

[Educations and Inspections act 2006 Chapter 1 school Discipline](#)

[Education and Inspections act 2006 chapter 2 Parental responsibility and excluded pupils](#)

<https://www.gov.uk/government/publications/alternative-provision>

[Understanding your data: a guide for school governors and academy trustees - GOV.UK \(www.gov.uk\)](#)

[Convention on the Rights of the Child | OHCHR](#)

[Children and Families Act 2014](#)

[Special Educational Needs and Disability Regulations 2014](#)

[School inspection handbook - GOV.UK \(www.gov.uk\)](#)

[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

## Part two: What has changed in this edition?

The following is a list of updates:

- Headteachers may cancel an exclusion that has not been reviewed by the governing board.
- When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or virtual school head, as applicable.
- When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay.
- Guidance on the role of a social worker and virtual school head, during governing board meetings and independent review panel meetings.
- Clarified guidance on the use of off-site direction as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.
- Guidance for governing boards to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary as a last resort.

## Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected



characteristic and people who do not; and

- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with Special Educational Needs (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings) using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice. [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/721222/SEND_Code_of_Practice_0_to_25_years.pdf).

## **Part three: The headteacher's responsibility/power when suspending or permanently excluding**

***Please read in conjunction with the DfE Suspension and Permanent Exclusion Guidance 2022***

Cambridgeshire County Council views exclusion/suspension from school as a last resort when other approaches have been unsuccessful and would encourage Headteachers and senior staff to carefully consider alternatives.

For many pupils exclusion/suspension is viewed as a rejection, and often an opportunity for a day away from an environment they already find difficult. This sometimes has the unintended consequence of pupils repeating or escalating their inappropriate behaviour in order to have more time away from school.

To support a student deemed to be at risk of exclusion/suspension, it would be appropriate to consider having a Pastoral Support Plan (Appendix 4), Cambridgeshire Steps Risk Management Plan and/or an Early Help Assessment (EHA) to enable a range of strategies and support to be implemented.

Information on the use of these documents will be available from your Education Inclusion Officer / SEND Services, Early Help District Manager or The County Alternative Education Provision Manager

Where in-school interventions have been unsuccessful schools have powers to direct pupils to offsite provision for reasons of behaviour.

### **The headteacher's powers to use exclusion**

Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision, the headteacher 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.' The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

## Suspension

A suspension, where a pupil is temporarily removed from the school.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period, e.g. if a pupil returns to school following a 3-day fixed period suspension and is issued immediately with a further suspension that amounts cumulatively to 6 days or more, full-time education provision should be in place by the sixth day.

A suspension may be used as a last resort to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour. Incidents of multiple suspensions should be discussed with external professionals who support inclusion such as 'Access and Inclusion coordinators (primary) or Education Inclusion Officers (secondary).

It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising secure online pathway(s). The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilize online pathways should always be recorded as a suspension.

A suspension can also 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. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or 'converting' a suspension into 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.

## Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; **and**
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.

## Cancelling exclusions

The headteacher may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and virtual school head;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight; and
- The pupil should be allowed back into school.

## Setting a clear process for exclusions

Headteachers should consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

## Reasons and recording exclusions

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The Department for Education collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. Schools must provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms. Up to three reasons can be recorded<sup>17</sup> for each suspension or permanent exclusion (where applicable):

- Physical assault against a pupil.
- Physical assault against an adult.
- Verbal abuse or threatening behaviour against a pupil.
- Verbal abuse or threatening behaviour against an adult.
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy.
- Bullying.
- Racist abuse.
- Abuse against sexual orientation or gender reassignment.
- Abuse relating to disability.

## Off rolling and unlawful exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents.

A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

If a parent(s) feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints

procedure with the governing board and in the case of a maintained school, the local authority. Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this.

## **Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)**

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 governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to [Keeping Children Safe in Education](#).

Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Section 5 of [Keeping Children Safe in Education](#) sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in [Keeping Children Safe in Education](#).

## **Reintegration after a suspension or off-site direction**

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that offers the pupil a fresh start. During the period of suspension schools should, alongside other professionals (where relevant) and parents, plan for the student's return. This should include strategies and approaches that will enable the student to reintegrate successfully.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as

an obstacle to future success. Where possible this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.



## Part four: Factors to consider before making a decision to exclude

Please read in conjunction with **Part four of the DfE Suspension and Permanent Exclusion Guidance 2022**.

For pupils who are vulnerable to suspension and permanent exclusion schools should consider the use of high quality and quality assured alternative provision, outreach from specialist provision and support and advice from local authority teams such as Education Inclusion Officers (Secondary) and Access and Inclusion Coordinators (Primary).

**It is important to consider the following questions before deciding to suspend or exclude a pupil:**

	YES	NO
Did the pupil's behaviour directly result in the incident?		
Was the behaviour significantly out of line with the school's behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of pupils/others?		
Is this as a last resort following a wide range of other strategies that have been unsuccessful? Or Is this a serious first or 'one off' incident?		
Is suspension or exclusion the appropriate response?  Factors to consider: <ul style="list-style-type: none"> <li>• Suspension or Exclusion has not been considered in the heat of the moment?</li> <li>• Has a thorough exploration of circumstances been carried out?</li> <li>• Has the situation been considered in light of policies and discrimination?</li> <li>• Has the pupil's perspective and account of events been encouraged / heard / recorded?</li> <li>• Are there any mitigating circumstances or any provocation relevant (bullying, harassment etc)?</li> </ul>		
Has this pupil had multiple suspensions and if so, have they proved an effective intervention?		
Has there been involvement from Education Inclusion Officer (Secondary) / SEND Services (Primary)?		
Has a Pastoral Support Plan or Individual Risk Management Plan been implemented?		
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion, alternative provision, managed move)?		
Standards of proof: On the balance of probabilities, did the pupil do it?		



<b>Special Considerations (SEN/Disability/Vulnerable Groups)</b>		
Has the pupil been treated less favourably? Have reasonable adjustments been made for this pupil? Has your school reviewed policies, practices and procedures?		
Does this pupil have Special Educational Needs / Disabilities? Have issues of SEN or a disability been considered, and reasonable adjustments put in place? (Equality Act 2010)		
Does this pupil have an EHCP? If so, have you contacted the SAT Casework Officer? Has an emergency annual review been called?		
Is this pupil a (LAC/CIC) looked after child/Child in care? If so, have you contacted the social worker and Virtual School to discuss?		
Safeguarding: If this pupil is subject to a Safeguarding or a Child in Need Plan? Have you spoken to the Social Worker?		
Is there an Early Help Assessment (EHA) for this young person? Is the EH District Team or SEND Services involved?		
Where the family's first language is not English – Have you taken steps to ensure that the process is fully understood?		
<b>Appropriate length of exclusion considered? Is this for the shortest possible time?</b>		

## Preventative measures to school exclusion

In addition to using thorough assessment, individual strategies, targeted intervention and alternative provision to meet need, schools may consider use of an off-site direction or managed move.

Any use of alternative provision (AP) should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in alternative provision.

The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the provider upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

## Off-site direction

Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an AP or another mainstream school. During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school.

When possible, in-school interventions or targeted support from AP schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational.

Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction.

The governing board must comply with the Education (Educational Provision for Improving Behaviour) Regulations 2010 and must show regard to the [Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies](#). Whilst the alternative provision guidance section does legally apply to maintained schools, academy trusts are also encouraged to follow this guidance.

The statutory guidance covers objectives and timeframes with appropriate monitoring of progress. Off-site direction by maintained schools.

The governing body of a maintained school directing a pupil off-site for education to improve behaviour should have regard to all of the statutory guidance set out in this document. This covers objectives and timeframes with appropriate monitoring of progress and reviews. These should all be agreed and set out at the time a direction is made and include arrangements for reviews – including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews. Parents and, where the pupil has a statement of special educational needs, the local authority, can request, in writing, that the governing body review the placement. When this happens, governing bodies must comply with the request as soon as reasonably practicable, unless there has already been a review in the previous 10 weeks.

Where possible, parents should be engaged in the decision taken by the school to direct a pupil off-site. Once a pupil is directed off-site, information about reviews should be provided to the pupil's parents and to the local authority where it maintains a pupil's statement of SEN. This should include outcomes of the reviews and of the placement.

The focus should remain on ensuring that a child continues to receive a good education on par with their mainstream peers whilst the needs which require intervention are being addressed. Therefore, the length of time a pupil spends in alternative provision will depend on what best supports the pupil's needs and potential educational attainment.

The length of time a pupil spends in another mainstream school or AP and the reintegration plan must be kept under review by the governing body, who must hold review meetings at such

intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect. Not later than six days before the date of any review meeting.

## Managed moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described above) should be used. Managed moves should only occur when it is in the pupil's best interests.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and 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. Please refer to the section on reintegration practice.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school's formal complaints procedure with the governing board and, where appropriate, the local authority. Within the school inspections framework under leadership and management, Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off-rolling and is likely to judge a school as inadequate on the basis of such evidence.

Please see Appendix three: Managed Move Guidance.

## Variation in exclusion rates

There are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion. All of these factors will differ for each child, and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends. Local leaders will be best placed to effectively plan and put in place additional and targeted action based on their own context. If they identify any gaps, they are also in the position to act to ensure those who work with children have the training, services and support they need to address these.

## **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

## **Pupils who have a social worker, including looked-after children, and previously looked-after children**

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect. For children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

Headteachers must inform parents of children as early as possible for children with an EHC plan or who are on a child protection plan, child in need plan, children who are looked after or previously looked after (CIC) and the following professionals:

- Social workers.

- Virtual school headteacher.
- Casework officers.
- Education Inclusion Officers (secondary).
- SEND Service district staff (Primary - usually Access and Inclusion coordinators).

Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the virtual school head on strategies to support the pupil.

## Part five: The headteacher's duty to inform parties about an exclusion

***Please read in conjunction with Part five of the DfE Suspension and Permanent Exclusion Guidance 2022.***

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring. As well as communicating with the child where relevant throughout the exclusion process, this section sets out how and when schools should and must share information with parents, social workers, virtual school heads, local authorities, and governing boards.

When a Headteacher has decided to suspend/permanently exclude a pupil they must:

- Inform the parent/carer, local authority and for a Child In Care and children open to social care, the Social Worker by telephone straight away.
- Write the appropriate letter on school headed paper to the parents/carers (see model letters Appendix 2). It is a requirement to inform parents that their child should not be in a public place during school hours – Head Teacher may wish to use their discretion to amend the suggested wording in line with the age and needs of the pupil.
- This letter should be sent by first class post to arrive the following day or be hand delivered, and must contain the following information:
  - The reasons for the exclusion.
  - The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent.
  - Parents/carers right to make representations about the exclusion to the governing body (in line with the requirements set out in DfE Guidance page) and how the pupil may be involved in this.
  - How any representations should be made.
  - Where there is a legal requirement for the governing body to consider the exclusion, that parents/carers have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
  - A link to the statutory guidance on exclusions.

### [Statutory DfE Guidance Exclusions and Suspensions](#)

- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre can be contacted on 01206 714650 ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)) or ACE Education (<http://www.ace-ed.org.uk>) - the advice line number is 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time) (please note, this is a

limited service and doesn't always run) is this still relevant

- Where considered relevant by the Headteacher, SEND Service links to local services, such as The Early Help District Team, The Special Education Needs and Disability Information, Advice and Support Service (SENDIASS) (formerly known as the local parent partnership). SENDIASS offers impartial advice and support to parents and carers of children with SEND as well as Children and young people with SEND themselves. Information and support is offered regarding exclusions as well as educational, health and social care provision. Please phone 01223 699214 or email [pps@cambridgeshire.gov.uk](mailto:pps@cambridgeshire.gov.uk) for advice and support.
- (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).
- Inform the Local Authority and governing body as appropriate (see page 42 of DfE Exclusion/Suspension Guidance 2022).
- It is important that as much information about the decision to exclude is detailed in the letter that is sent to parents/carers. This should include all the strategies that have been used to prevent an exclusion occurring. It should also clearly state how any SEN or disability has been taken into account. Providing this information at the outset helps to make the situation clear for all parties. It also demonstrates that the exclusion has been thoroughly considered and all circumstances taken into account.

## Duty to inform parents about an exclusion

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the governing board (in line with the requirements set out in paragraphs 95 to 105) and how the pupil may be involved in this
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old



have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

Where a suspended or permanently excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
- 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; and
- any information required by the pupil to identify the person they should report to on the first day.

An Individual Alternative Education Plan must be drawn up with the family highlighting all the above information regarding the child's alternative provision plan.

Any alternative provision package commissioned must be done so with best interests of the child to ensure its appropriate and meets the learners needs.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

The failure of a headteacher to give notice of the information stated above by the required time does not relieve the headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.

If a child is suspended again following their original suspension, or is subsequently permanently excluded, the headteacher must inform parents and where relevant, the pupil's social worker or



local authority if the pupil has an EHCP, without delay and issue a new exclusion notice to parents and the social worker.

## Informing parents about an exclusion

For notifications of suspension or exclusions, although this must not delay notification, notification should be in person or by telephone in the first instance as this would allow parents to ask any initial questions or raise concerns directly with the headteacher. Headteachers should consider the following:

- Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- Does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
- Has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?
- Letter templates are available as part of this guidance. Please see Appendix One letter examples.

When notifying parents about a suspension or permanent exclusion, the headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance in part six.

Effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the suspended or permanently excluded pupil. Where information is sent home with the pupil, the headteacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

When notifying parents about a suspension or permanent exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This information should include:

- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 [from](#) Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers 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 (SEN) and disabilities.
- SEN Information Advice & Support Services Network (formerly known as the local parent partnership). Where considered relevant by the Headteacher, SEND Service links to local services such as the Early Help District Team, Special Education Needs and Disability Information, Advice and Support Service (SENDIASS) (formerly known as the local parent partnership). SENDIASS offers impartial advice and support to parents and carers of children with SEND as well as Children and young people with SEND themselves. Information and support is offered regarding exclusions as well as educational, health and social care provision. Please phone 01223 699214 or email [pps@cambridgeshire.gov.uk](mailto:pps@cambridgeshire.gov.uk) for advice and support.

## Informing social workers and virtual school heads (VSH) about an exclusion

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Schools should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. [Keeping children safe in education](#) and [Working Together to Safeguard Children \(2018\)](#) set out the requirements for schools and colleges about information sharing in more detail.

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a Looked After Child (LAC) / Child In Care (CIC), of the period of the suspension or permanent exclusion and the reason(s) for it. The information stated above must be provided in writing to the local authority. Best practice would be to alert the Virtual School prior to issuing a suspension or permanent exclusion.

Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so. Further guidance to social workers and VSHs on attending a governing board meeting can be found in on page 40

## Informing the governing board about an exclusion

The headteacher must, without delay, notify the governing board 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.
- When removing a pupil from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.

## Informing the local authority about an exclusion

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion. This can be actioned via the Cambridgeshire County Council automated email address [exclusion.suspensionrecording@cambridgeshire.gov.uk](mailto:exclusion.suspensionrecording@cambridgeshire.gov.uk).

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. In relation to Cambridgeshire County Council children accessing their school out of county, for primary exclusions/suspensions contact needs to be made via the exclusions helpline – 01353 612812, for secondary out of county exclusions contact needs to be made via email to [anna.wahlandt@cambridgeshire.gov.uk](mailto:anna.wahlandt@cambridgeshire.gov.uk). The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.<sup>40</sup> The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this places on schools.

## Guidance to the headteacher on informing the governing board about an exclusion

The headteacher should ask the chair of the governing board whether there are clear processes in place for considering suspensions and permanent exclusions, such as:

- Ensuring parents and pupils are aware of their right to consideration by the governing board.
- Asking whether the governing board have taken steps to find a convenient date that the parent, other relevant parties, the local authority representative (if relevant) and the headteacher can attend, within the legal time limits.
- Asking the governing board whether they have considered how to involve the pupil in the consideration process.
- Collecting all relevant documents, anonymising them, if required, and providing them to all parties.

The headteacher should ensure that they have informed the governing board about reinstatement and specify the correct timescale. They should also make clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations.

A headteacher should ensure a process is in place for a governing board when considering reinstatement following a permanent exclusion:

- Do governors understand the suspension and permanent exclusion process to enable a review within deadlines?
- Would governors benefit from additional training, including on behaviour management, routines, norms and consequences, disability awareness, the Equality Act 2010, the Children and Families Act 2014 and SEN provision?
- Is there a clear and timely system in place to enable parents to make representations?
- Are there up-to-date templates for notifying parents of the decision and explaining the next steps?

## Part six: The governing board and local authority's duties to arrange education for excluded pupils

Please consult **Part Six of the DfE Suspension and Permanent Exclusion Guidance 2022**

Governing boards and local authorities play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration into education or meets their long-term needs.

Headteachers need to make sure that work is provided and marked for the first 5 days of any exclusion. If a pupil is fixed term excluded for more than 5 days the Headteacher is responsible for their full time education from the 6<sup>th</sup> consecutive day.

Looked After pupils (Children in Care) should have provision from the first day of any exclusion.

For pupils in Primary Schools who are permanently excluded the Local Authority becomes responsible for the full time education from the 6<sup>th</sup> day.

For pupils in Secondary Schools the devolution of EOTAS funding means that the LA responsibilities to arrange provision from the 6<sup>th</sup> day have been transferred and the individual school or **as set out in the Service Level Agreement**.

### The education of pupils from the sixth day of an exclusion

For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age.

For permanent exclusions, at primary school age the local authority will arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.<sup>42</sup> For students in secondary schools the responsibility is retained by the school as part of service level agreement for devolved funding.

In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

Where a looked after child is excluded, the school should document the provision of immediate suitable education in the child's Personal Education Plan (PEP).

Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

### The education of pupils prior to the sixth day of an exclusion

In the case of a looked after child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or

permanent exclusion.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school should take reasonable steps to set and mark work for the pupil.

The chair of the governing board should ensure that there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension. This includes:

- Checking that there is a process in place for the governing board to assure itself that the education provided is suitable and full-time.
- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the pupil may have.
- Checking whether there is a process in place to monitor the pupil's attendance and behaviour at the provision.
- Checking whether the correct attendance code is being used.
- Checking whether the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible, in line with [Keeping children safe in education 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/keeping-children-safe-in-education-2021.pdf)

## Part seven: The governing board's duty to consider an exclusion

Please consult *Part seven of the DfE Suspension and Permanent Exclusion Guidance 2022*

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

### Guidance for governing boards on considering an excluded pupil's reinstatement

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (these requirements are illustrated by the diagram on page 34 (A summary of the governing board's duties to review the headteacher's exclusion decision)).

The governing board must 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 headteacher if:

- it is a permanent exclusion;
- it 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
- it would result in the pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must 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, the governing board can consider reinstatement on their own.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU)<sup>48</sup>



- the child's social worker if the pupil has one; and
- the virtual school head if the child is looked after.

Ideally the governing board should be clerked by a person who is not a member of the school staff and will have had appropriate training (please contact Governor Services for details of courses).

The County Alternative Education Provision Manager (secondary) or SEND Manager (primary) should be invited to all Governing Board meetings where the exclusion is permanent. The County Alternative Education Provision Manager and/or a representative from SEND Services may on request be able to attend other governing board meetings where the situation is particularly complex.

The governing board is responsible for reviewing the decision of the Headteacher to exclude a pupil. It may be useful to use the Headteacher checklist (Page 16) in reviewing the suspension/exclusion as well as considerations below.

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

In the case of a suspension which does not bring the pupil's total number of days of suspension or permanent exclusion to more than five in a term, the governing board must consider any representations made by parents. There is also no deadline for this meeting to be arranged, however, if this does occur then it should happen within a reasonable amount of time. In the absence of any representations from the parents, the governing board can consider reinstatement on their own.

Taking into account the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they wish to do so.



## Guidance for governing boards on using data on suspensions and permanent exclusions

Governing boards should already be challenging and evaluating what their school's data is telling them about their school or academy trust. Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary as a last resort.

Governing boards should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, academy or trust may wish to consider reviewing its SEN support.

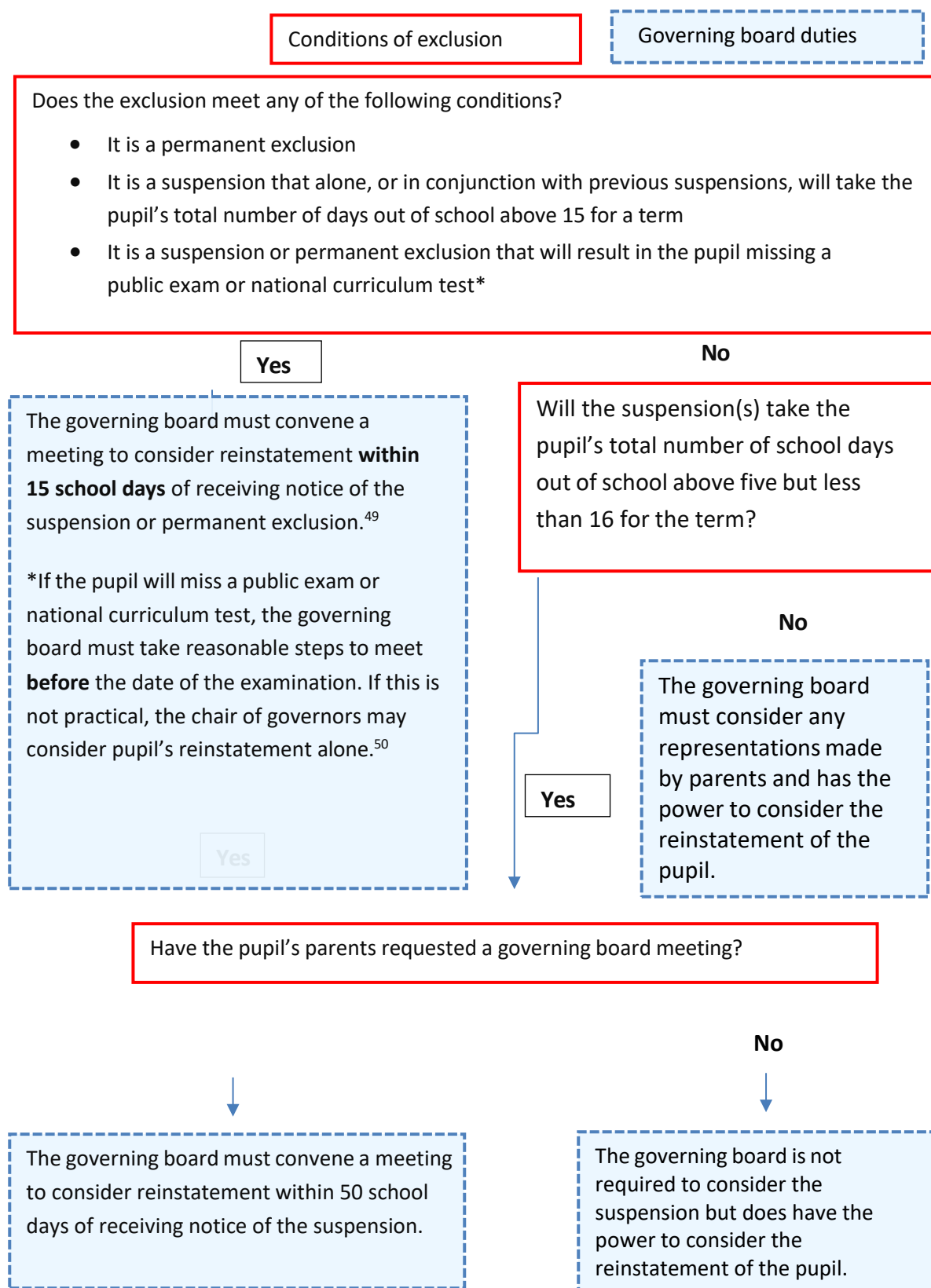
Multi-academy trusts (MATs) may also choose to work with their academies to consider this information, and whether there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis.

Governing boards should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- 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 ensure 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
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

Further information can be found here: [Understanding your data: a guide for school governors and academy trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-your-data-a-guide-for-school-governors-and-academy-trustees)  
[school governors and academy trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-your-data-a-guide-for-school-governors-and-academy-trustees)

## A summary of the governing board’s duties to review the headteacher’s exclusion decision



<sup>49</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>50</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.

## **A summary of the governing board's duties to review the headteacher's exclusion decision**

### **Is it a permanent exclusion?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

### **Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term**

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension.

If the answer is no, go to step 3.

### **Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

If the answer is no, go to step 4.

### **Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?**

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents and has the power to consider the reinstatement of the pupil.

### **Have the pupil's parents requested a governing board meeting?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

If the answer is no, the governing board is not required to consider the suspension but does have the power to consider the reinstatement of the pupil.

## Preparing for the consideration of a suspension or permanent exclusion

Where the governing board is legally required to consider the reinstatement of a suspended or permanently excluded pupil they should:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record;
- 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 the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent);
- invite the pupil's social worker, if they have one, and if the pupil is looked after, the virtual school head to attend;
- comply with their duty to make reasonable adjustments for people who use the school 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 with mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their 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 suspended or permanently excluded pupil may feed in their views by other means if attending the meeting is not possible.

## Pupils who may miss a public examination or national curriculum test if they are suspended or permanently excluded

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

## Considering the reinstatement of a suspended or permanently excluded pupil

Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.

The governing board **must** also consider any representations made by or on behalf of:

- parents or the pupil if they are over 18 years old;
- the headteacher;
- the pupil's social worker if the pupil has one;
- if the pupil is looked after, the virtual school head; and
- the local authority (in the case of a maintained school or PRU).

Taking into account the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing board 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 its consideration, the governing board can either:

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

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 governing board must 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 should ideally be held before the pupil is back in school.

If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

It is important that the Discipline Committee provides all parties with a fair hearing and that the rules of natural justice are adhered to. Every effort should be made to ensure that this happens.

- Case should be clearly stated and evidence produced.
- Confidentiality should be respected.
- All parties should:
  - Have time to prepare and right of reply;
  - Have the right to be represented or accompanied;
  - Be able to ask questions and call witnesses;
  - Be given reasonable opportunity to state case without unreasonable interruption;

- All written material presented must have been seen by all parties;
- If a new issue arises during the hearing, parties should be offered the opportunity to consider/comment;
- No panel member should have:
  - Any involvement in earlier stage of proceedings; or
  - Been party to the original decision; or
  - Have vested interest in the outcome of the proceedings.

It is recommended that governors should consider:

**Quality of Evidence** - have the facts been established? Was a full exploration of circumstances involving relevant people involved, carried out? To what extent are the facts agreed between the relevant parties? How did the incident relate to the School's Code of Conduct / Behaviour Policy? Was the pupil responsible for the behaviour that led to the exclusion? If there is serious doubt (governors should consider matters on 'the balance of probabilities') a reinstatement should be directed.

**Proportionate Response** - Was exclusion a reasonable and proportionate response to the behaviour? Was it fair in respect of sanctions imposed on any other pupils involved in the incident?

**Alternative Strategies** - If the exclusion was a response to an ongoing pattern of behaviour causing concern, was it used as a 'last resort' after other strategies, including the involvement of outside agencies and support services, had failed?

**Mitigating Circumstances** - are there any factors arising from parental/carer representation e.g. special/medical needs, domestic circumstance, genuine remorse, loss of external examination opportunity?

It is particularly important that the Discipline Committee consider issues relating to disability, SEN, race, children in need and looked after children.

## Guidance on considering the reinstatement of a suspended or permanently excluded pupil

The governing board should agree the steps they will take to ensure all parties will be supported to participate in its consideration and have their views heard.

The governing board should ensure that clear and accurate minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.

The governing board should ask all parties to withdraw from the meeting before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether a pupil should be reinstated, the governing board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the

pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude.

The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

In cases where the governing board considers parents' representations but does not reinstate the pupil, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

Claims of discrimination to the First-tier Tribunal (Special Educational Needs and Disability), in relation to disability, or County Court, for all other forms of discrimination, can be made up to six months after the discrimination is alleged to have occurred. Schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

## **Guidance to social workers and Virtual School Heads on attending the governing board meeting**

### **Social workers**

It is likely that pupils with a social worker have experienced or are experiencing adversity or difficulties. Social workers can provide important information that helps the governing board understand the experiences of a pupil and their welfare.

Social workers should, as far as possible, attend the governing board meeting to share information. This should include helping to identify how the pupil's circumstances may have influenced the circumstances of the pupil's suspension or permanent exclusion and ensuring that safeguarding needs and risks and the child's welfare are taken into account.

### **Virtual School Head (VSH)**

The VSH should, as far as possible, attend the governing board meeting to share information where the pupil is a looked-after child. This should include helping the governing board to understand the pupil's background and circumstances. They should also be able to advise the board on the possible contribution that the pupil's circumstances could have made to the suspension or permanent exclusion.

## **The governing board's duty to notify people after its consideration of reinstatement**

Where legally required to consider reinstating a suspended or permanently excluded pupil, the governing board must notify parents or the pupil if they are 18 years or over, the headteacher, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.

In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel (IRP) and the following information:

- 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 governing board's decision is given to parents – ( see para 134 page 45 DFE guidance)
- where and to whom an application for a review (and any written evidence) should be submitted;
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be



relevant to the permanent exclusion;

- that, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint a SEN expert to advise the review panel;
- details of the role of the SEN expert; and
- that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

That, in addition to the right to apply for an IRP, if parents believe that there has been unlawful discrimination in relation to the permanent exclusion 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

That a claim of discrimination under the Equality Act 2010 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 permanently excluded).

The governing board may provide the information by delivering it directly to parents in person or to their last known address or posting using first class mail to that address.

Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

### **Providing information to parents following its decision on reinstatement**

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

Where relevant, it will be for the governing board to confirm the details of where the parents' application for an IRP should be sent. This is normally the clerk of the IRP. The notice should make it clear that parents are entitled to bring a friend to the review.

In providing details of the role of the SEN expert, the governing board should refer to the statutory guidance provided to SEN experts. (page 55) The notice should explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for a SEN expert to be appointed in any application for a review.

Where the governing board declines to reinstate the pupil, it 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 not to reinstate a permanently excluded pupil, which should also include the information set out on page 25 and 26.

## **Part eight: The governing board's duty to remove a permanently excluded pupil's name from the school register**

Please consult *Part Eight of the DfE Suspension and Permanent Exclusion Guidance 2022*

The correct removal of pupils from the school admission register is critical to ensuring that permanent exclusions are carried out lawfully and that pupil movements can be effectively monitored. By carrying this role out properly, governing boards can reduce opportunities for the illegal off-rolling of children and make this issue easier to identify and tackle.

### **Guidance for governing boards on removing an excluded pupil's name from the school register**

The governing board must ensure that a pupil's name is removed from the school admission register if:

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

The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.

Where an application for an IRP has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority.

The return must include:

- the pupil's full name;
- the full name and address of any parent with whom the pupil normally resides;
- at least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency;
- and the grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion);
- if the pupil's parent or parents have told the school that the pupil is going to live with one or more of them at a new address, the return must also include the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there;
- if the pupil's parent or parents have told the school that the pupil is already registered at another school or is going to go to another school, the return must also give the name of that school and the first date when the pupil attended or is due to attend there; and

- this return must be made as soon as the grounds for deletion is met and no later than the deletion of the pupil's name. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.

## **Guidance on providing exclusion data**

In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, certain information about any pupils suspended or permanently excluded within the last 12 months.

## **Guidance to schools on marking attendance registers following permanent exclusion**

Whilst a permanently excluded pupil's name remains on a school's admission register, the pupil should be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate attendance code, such as Code D (Dual Registered - at another educational establishment) or Code B (Off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E.

## **Guidance on common transfer files**

The common transfer file should be transferred within 15 school days of the pupil ceasing to be registered at the school.

## **Guidance to schools on sharing child protection information when a child is permanently excluded**

Where pupils leave the school (including in-year transfers) the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and special educational needs coordinators (SENCOs) or the named person with oversight for SEN in colleges, are aware as required.

## **Part nine: The local authority/academy trust's duty to arrange an independent review panel (IRP)**

IRPs contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. This section sets out how and when local authorities and academy trusts should organise such reviews when requested.

### **Arranging a date and venue**

If applied for by parents within the legal time frame, the local authority or (in the case of an academy) the academy trust must, at their own expense, arrange for an IRP hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil (in accordance with the requirements summarised on page 40); 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 permanent exclusion.

Any application made outside of the legal time frame must be rejected by the local authority / academy trust.

The local authority / academy trust must not delay or postpone arranging an IRP where parents also make a claim of discrimination in relation to the permanent exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.

The local authority / academy trust must take reasonable steps to 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 the parents application for a review was made (panels have the power to adjourn a hearing if required).

The venue must be reasonably accessible to all parties.

The local authority / academy trust must arrange a venue for hearing the review. Whatever the venue, the panel must hold the hearing in private unless the local authority / academy trust directs otherwise.

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.

## Guidance to the local authority and academy trust on arranging a date and venue for a review

The local authority / academy trust should take all reasonable steps to ensure the venue for the review is appropriate and has a suitable area for the parties to wait separately from the panel before the review.

Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews, the local authority / academy trust should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

### Appointing panel members

The local authority / academy trust must constitute the panel with either three or five members (as decided by the local authority / academy trust) representing each of the three categories below. A five-member panel must be constituted with two members from each of the categories of school governors and headteachers. These must be:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Current or former school governors (of a maintained school, members of a PRU management committees and directors of academy trusts) 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 that 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 of the local authority, if the excluding school is a maintained school or pupil referral unit
- are a director of the academy trust of the school, if the excluding school is an academy
- are the headteacher of the school who has permanently excluded the pupil or anyone who has held this position in the last five years
- are an employee of the local authority / academy trust, or the governing board, of the school who has permanently excluded the pupil (unless they are employed as a headteacher at another school)
- have, or at any time have had, any connection with the local authority / academy trust, school, governing board, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are employed by the local authority / academy trust as a headteacher at another school); or

- have not had the required training within the last two years

In relation to panel members appointed by the local authority, sections 173(4) and 174(1) of the Local Government Act 1972 apply when determining allowances for financial loss, travel, or subsistence. It is for the academy trust to determine its own payment arrangements for panel members.

The local authority/academy trust must make arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith.

## **Guidance to the local authority/academy trust on appointing independent review panel members**

Care should be taken to avoid bias or an appearance of bias. The local authority / academy trust should request that prospective panel members declare any conflict of interest at the earliest opportunity.

Where possible, panel members who are governors or headteachers should reflect the phase of education (primary/secondary) and type of school from which the pupil was permanently excluded, for example: special school; boarding school; PRU; academy or maintained school.

The local authority / academy trust should consider whether the chair should be someone with a legal qualification or other legal experience. This is particularly important where a clerk will not be providing legal expertise to the panel.

To meet their duties within the statutory time frame, the local authority / academy trust should identify several eligible individuals in each of the different categories required to constitute an IRP in advance of an application for a review.

## **Appointing a clerk and the clerk's role**

The local authority / academy trust may appoint a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.

Where appointed the clerk must perform the following additional functions:

- Make reasonable efforts to inform the following people that they are entitled to: make written representations to the panel; attend the hearing and make oral representations to the panel; be represented:
  - i. the parents or pupil if they are 18 years old
  - ii. the headteacher
  - iii. the governing board; and
  - iv. the local authority (in the case of a maintained school or PRU).

- Make reasonable efforts to circulate to all parties copies of relevant papers at least 5 school days before the review. These papers must include:
  - i. the governing board's decision
  - ii. the parents' application for a review; and
  - iii. any policies or documents that the governing board was required to have regard to in making its decision.
- Give all parties details of those attending and their role, once the position is clear.
- Attend the review and ensure that minutes are produced following instructions from the panel.

Where a clerk is not appointed, the functions mentioned above become the responsibility of the local authority / academy trust.

### **Guidance to the local authority/academy trust on appointing an independent review panel clerk**

The clerk should not have served as a clerk to the governing board in the meeting at which the decision was made by the governing board not to reinstate the pupil.

In addition to the training required by law, clerks should have an up to date understanding of developments in case law which are relevant to suspension and permanent exclusion.

Where a clerk is not appointed, the local authority / academy trust should consider what additional steps it may need to take to ensure that the IRP is administered properly.

### **Guidance to local authority/academy trust regarding the clerk's role on preparing for an independent review**

The local authority/academy trust should ensure the clerk follows the advice below.

The clerk should identify in advance of the meeting whether the pupil will be attending. Where a permanently excluded pupil is attending the hearing, consideration should be given in advance as to the steps that will be taken to support their participation. If the permanently excluded pupil is not attending, it should be made clear that they may feed in their views through a representative or by submitting a written statement.

The clerk should inform the parents of their right to bring a friend to the hearing.

To review the governing board's decision, the panel will generally need to hear from those involved in the incident, or incidents, leading to the permanent exclusion. The clerk should also try to ascertain whether an alleged victim, if there is one, wishes to be given a voice at the review. This could be in person, through a representative or by submitting a written statement.



In the case of witnesses who are pupils of the school, it will normally be more appropriate for the panel to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and, if they are under 18, with their parent's consent. In such cases, that pupil's parents should be invited to attend the meeting in support of their child.

Where character witnesses are proposed, the clerk should seek the agreement of the panel; but this should be allowed unless there is good reason to refuse.

All written witness statements should be attributed, signed, and dated unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

The general principle remains that permanently excluded pupils are entitled to know the substance behind the reason for their permanent exclusion and the school should communicate this effectively with the pupil. Whilst carrying this out it is important to ensure that any reasonable adjustments are made and recognise that the pupil may have additional needs (e.g., speech, language and communication needs, cognition difficulties or English as an additional language).

Parties (who are parents, the pupil if they are 18 years or over, the headteacher of the school, the responsible body, and the arranging authority) attending the hearing have the right to be represented. Representatives may make written or oral representations to the panel. If any of the parties wish 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 review. All parents may attend if they wish to do so, and each can make representations and be represented.

In addition to written witness statements, the clerk should request written evidence from the school to circulate it in advance of the meeting, such as policies and documents of the school which the governing board would reasonably have been expected to take account of in reaching its decision on reinstatement.

Where the school'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 panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements should be used.

Where the headteacher who permanently excluded the pupil has left the school, the panel may use its discretion in deciding whether to also invite this person to make representations.



The clerk should notify the panel where requested documents have not been provided so that the panel can decide on whether to adjourn the hearing to allow for the documents to be provided.

## **Ensuring that panel members and clerks are trained**

The local authority/academy trust must ensure that all panel members and clerks have received training within the two years before the date of the review. This training must have covered:

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

## **Appointing a Special Educational Needs (SEN) expert**

### **Guidance to the local authority and the academy trust on appointing a SEN expert**

If requested by parents with their application for an independent review, the local authority / academy trust must appoint a SEN expert to attend the review and must cover the associated costs of this appointment.

The local authority / academy trust must make arrangements to indemnify the SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents or a pupil if they are 18 years or over have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEN.

The SEN expert's role is set out below.

Individuals may not serve as a SEN expert if they have, or at any time have had, any connection with the local authority, academy trust, school, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially. However, an individual should not be assumed to have such a connection simply because they are an employee of the local authority / academy trust.

The SEN expert must be someone who has expertise and experience of special educational needs considered by the local authority / academy trust as appropriate to perform the functions specified in the legislation.

The SEN expert should be a professional with first-hand experience in the assessment and support of SEN, as well as an understanding of the legal requirements on schools concerning SEN and disability. Examples of suitable individuals might include educational psychologists; specialist SEN teachers; SENCOs; and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role, though the local authority / academy trust would need to assure themselves that the individual had a good understanding of current practice and the legal requirements on schools in relation to SEN and disability. Additionally, they should also be able to demonstrate that they have experience working in schools.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, a local authority or academy trust, they should not have had any previous involvement in the assessment or support of SEN for the permanently excluded pupil, or siblings of the permanently excluded pupil. The local authority / academy trust should request that prospective SEN experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEN expert is for the local authority / academy trust to make but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN experts. To meet its

duties within the statutory time frame, the local authority / academy trust should consider maintaining a list of individuals capable of performing the role of SEN expert in advance of a request.

It is for the local authority / academy trust to determine the amount of any payment in relation to the appointment of the SEN expert, such as financial loss, travel, and subsistence allowances.

## **Part ten: The roles of independent review panel members, the clerk, the SEN expert, the social worker, and the Virtual School Head in the conduct of an independent review**

Please consult *Part ten of the DfE Suspension and Permanent Exclusion Guidance 2022*

The role of the Independent Review Panel (IRP) is to assess whether a pupil's exclusion has been lawful, reasonable, and procedurally fair and what further action might need to be taken. This section offers guidance on how IRPs should be conducted, and the roles of relevant experts and advocates, to achieve this.

### **Guidance on the independent review process**

Panel members and, if appointed, the SEN expert must declare any known conflict of interest to the local authority/academy trust before the start of the review.

The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. 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 permanently excluded, and have regard to the interests of other pupils and people working at the school.

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

The panel must apply the civil standard of proof i.e., 'on the balance of probabilities' which means that it is more likely than not that a fact is true. This should be applied rather than the criminal standard of 'beyond reasonable doubt'.

Following its review, the panel can decide to:

- uphold the governing board's decision not to reinstate;
- recommend that the governing board reconsiders reinstatement; or
- quash the governing board's decision and direct that the governing board reconsiders reinstatement.

The panel's 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 IRP's decision is binding on the: pupil; parents; governing board; headteacher; and local authority.

The panel may only quash a governing board's 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 (statutory guidance on this consideration is provided on page 54 and paragraphs 223 to 227 DFE Guidance.) [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-suspensions-and-permanent-exclusions)

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

In deciding whether the governing board's decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board 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 governing board and that it ought to have considered if it had been acting reasonably.

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

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

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

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

The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to a permanent exclusion does not preclude an IRP from considering issues of discrimination in reaching its decision.

If a panel directs a governing board to reconsider reinstatement it may order the local authority to adjust the school's budget or (in the case of an academy) the academy trust to make an equivalent payment to the local authority in whose area the school is located unless, within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. Page 55 provides guidance to panels on the circumstances under which this payment should not be ordered. The sum of this adjustment/payment must be £4,000 and would be in addition to any funding that would normally follow a permanently excluded pupil. The panel does not have the power to order a financial readjustment or payment in circumstances where it has only recommended that the governing board reconsiders the reinstatement of the pupil.

Following the review, the panel must issue written notification to all parties without delay. This

notification must include:

- the panel's decision and the reasons for it;
- where relevant, details of any financial readjustment/payment to be made if a governing board does not subsequently decide to offer to reinstate a pupil within ten school days; and
- any information that the panel has directed the governing board to place on the pupil's educational record.

## **Guidance to independent review panel members on the conduct of an independent review panel**

The chair should outline the procedure to be followed and explain to all parties that the panel is independent of the school, the local authority and (in the case of an academy) the academy trust. The panel should support all parties to participate in the review and ensure that their views are properly heard. The independent review should be conducted in an accessible, unthreatening, and non-adversarial manner.

Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until a SEN expert can attend.

It is for the panel to decide whether any witnesses should stay after giving evidence for the rest of the review, but they should not be present before giving evidence.

In the interests of fairness and transparency, care should be taken to ensure that no one, other than the clerk, is present with the panel in the absence of the other parties. This includes the SEN expert. The panel should ask everyone, apart from the clerk, to withdraw before the panel makes a decision. The clerk may stay to help the panel by referring to the notes of the meeting and providing advice on the wording of the decision letter.

Where parents are not seeking reinstatement for their child, this fact should be acknowledged by the panel, but it should not affect the conduct of the panel or its decision. Recording of the panel's findings on a child's educational record and an acknowledgement by the governing board that it would be appropriate for it to offer to reinstate the pupil are both potential outcomes in these circumstances.

## **Guidance to independent review panel (IRP) members on coming to a decision**

The panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision that the pupil should not be reinstated.

Public law principles underpin good decision-making. All decisions of a governing board must be made in accordance with public law. Panels are expected to understand the legislation that is

relevant to suspensions and permanent exclusions and the legal principles that apply.

When considering the governing board's decision in light of the principles applicable in an application for judicial review, the panel should apply the following tests:

- Illegality – did the governing board act outside the scope of its legal powers in deciding that the pupil should not be reinstated?
- Irrationality – did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?
- Procedural impropriety – was the governing board's consideration so procedurally unfair or flawed that justice was clearly not done?

Procedural impropriety means not simply a breach of minor points of procedure but something more substantive that has a significant impact on the quality of the decision-making process. For further information see page 62 of the DFE Guidance.

Where the criteria for quashing a decision not to reinstate has not been met, the panel should consider whether it would be appropriate to recommend that a governing board reconsiders its decision not to reinstate the pupil. This should not be the default option but should be used where evidence of procedural flaws has been identified that do not meet the criteria for quashing the decision, but which the panel believes justify a reconsideration of the governing board's decision. This could include when new evidence presented at the review hearing was not available to the governing board at the time of its decision.

In all other cases the panel should uphold the governing board's decision.

## **Guidance to independent review panel (IRP) members on the financial readjustment/payment**

In the case of a maintained school or PRU, where a panel has quashed the governing board's decision and directed that it reconsiders, the panel should order that a readjustment must be made to the school's budget, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. In the case of an academy, where the panel has quashed the governing board's decision, the panel should order that the academy trust must make a payment directly to the local authority in whose area the academy is located, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil.

## **Guidance to Special Educational Needs (SEN) experts on their conduct during an independent review**

The SEN expert's role is analogous to an expert witness, providing impartial specialist advice to the panel on how SEN might be relevant to the permanent exclusion. The SEN expert should base



their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the permanently excluded pupil, were lawful, reasonable, and procedurally fair (in line with the guidance to panels on page 54). If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's permanent exclusion.

Where the school does not recognise a pupil as having SEN, the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable, and procedurally fair way with respect to the identification of any SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's permanent exclusion.

The SEN expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

## **Guidance to social workers on their attendance at an independent review**

The focus of the social worker's advice should be on whether the pupil's welfare, safeguarding needs and risks were considered in the lead up to the permanent exclusion. If the social worker believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

## **Guidance to Virtual School Head (VSH) on their attendance at an independent review**

The focus of the VSH role for any looked after child should be on helping the panel consider whether the child's background and educational needs were considered by the headteacher in the lead up to the permanent exclusion, including whether any additional support to the pupil could be provided to improve their behaviour and avoid exclusion where possible. If the VSH believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

## **Guidance to the clerk and local authority/academy trust on the record of the proceedings of a review panel**

The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting, and the decision.



The minutes are not public documents but should be retained by the local authority/academy trust for a period of at least five years, as they may need to be seen by a court or (in the case of maintained school) by the Local Government and Social Care Ombudsman.

The local authority/academy trust should be aware of its duties under the Freedom of Information Act 2000, the Data Protection Act 2018, and the General Data Protection Regulation (EU) 2016/679 as it forms part of UK law (the UK GDPR) when retaining information.

## **Guidance to the independent review panel and clerk on notifying parties of the outcome of the review**

If the panel upholds the governing board's decision not to reinstate, the clerk should immediately report this to the local authority (who should inform, where a pupil has one, the social worker and virtual school head), and notify the parents and the governing board. If the pupil lives outside the local authority area in which the school is located, the clerk should make sure that the 'home authority' is also informed in writing of the outcome of the review without delay. This includes any situation where parents withdraw or abandon their application for a review.

## Part eleven: The governing board's duty to reconsider reinstatement following a review

Please consult *Part eleven of the DfE Suspension and Permanent Exclusion Guidance 2022*

When an Independent Review Panel (IRP) directs or recommends a pupil's reinstatement, the governing board has the opportunity to look at the pupil's reinstatement afresh. This section offers guidance on how this reconsideration should be undertaken and the necessary next steps.

### Guidance on the governing board's duty to reconsider reinstatement following a review

Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

Following a direction to reconsider, unless within ten school days of receiving notice of the panel's decision the governing board decides to reinstate the pupil, an adjustment will be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school will be required to make an equivalent payment directly to the local authority in whose area the school is located. This payment will be in addition to any funding that would normally follow a permanently excluded pupil.

If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record.

In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the headteacher;
- the local authority; and, where relevant, the 'home authority'.

The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, in light of the findings of the IRP. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented, or information is

considered that is irrelevant to the decision at hand.

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

The governing board should ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

The governing board should note the outcome of its consideration on the pupil's educational record, and copies of relevant papers should be kept with the educational record.

The governing board should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The governing board's decision should demonstrate how they have addressed the concerns raised by the IRP.

## Part twelve: The local authority's role in overseeing the financial readjustment/payment

Please consult *Part twelve of the DfE Suspension and Permanent Exclusion Guidance 2022*

In certain cases, a transfer of funding will take place to ensure that the right resources and support follows a pupil following their permanent exclusion. This section sets out when the local authority is responsible for arranging such funding transfers.

### Guidance to the local authority on overseeing the transfer of funding following a permanent exclusion

The local authority cannot require a maintained school or academy to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations, or the payments which an academy has to make under its funding agreement.

The local authority will be responsible for adjusting the budget share for maintained schools and PRUs with delegated budgets if a pupil is permanently excluded, so funding follows the pupil. The process and requirements are set out in the School and Early Years Finance (England) Regulations, issued on an annual basis.

A local authority may ask an academy trust to enter into an arrangement for the transfer of funding for a pupil who has been permanently excluded, on the same basis as if the academy were a maintained school. The academy trust may be obliged under its funding agreement to comply with such a request.

If a review panel has ordered a financial adjustment, the local authority will be responsible for reducing the budget share for the excluding school by a further £4,000. If the excluding school is an academy, the academy trust must pay £4,000 to the local authority.

If a review panel has made a financial adjustment order and the excluded pupil is given a place at another school, including a PRU, ('the admitting school'), the local authority may, if it chooses, pass any or all of the amount of the financial adjustment (i.e., up to £4,000) to the admitting school.

This financial readjustment should be made within 28 days of notification of a direction from the panel. The academy trust should be expected to make the payment to the local authority in which the academy is located within the same timescale.

If an academy fails to comply with its legal requirement to pay following a direction from an IRP, then the local authority will be responsible for enforcing this requirement. However, the local authority should also inform the Education and Skills Funding Agency.

#### **Transfer of funding for permanently excluded pupils from Primary School**

From April 2017 Cambridgeshire LA will deduct funding in line with school finance regulations (see Appendix 4)

**Local Authority Contact for further advice and support:**

South Cambridgeshire & City – 01223 728311  
East Cambridgeshire & Fenland – 01353 612802  
Huntingdonshire – 01480 373470

**For Secondary pupils at risk of suspension/exclusion schools should contact:**

Their Education Inclusion Officer (EIO)

Anna Wahlandt – County Alternative Education Provision Manager - 01354 750369

[anna.wahlandt@cambridgeshire.gov.uk](mailto:anna.wahlandt@cambridgeshire.gov.uk)

Michael Kaoura – Deputy County Alternative Education Provision Manager-07770583259

[Michael.kaoura@cambridgeshire.gov.uk](mailto:Michael.kaoura@cambridgeshire.gov.uk)

## Appendix One Example letters

Letters can also be found here - [link to Example letters](#)

### Model Letters Exclusion and Suspension 2023

**Letter A:**  
**MODEL LETTER TO PARENTS/CARERS: SUSPENSION (UP TO AND INCLUDING 5 DAYS IN ANY ONE TERM)**

*Square bracket sections to be included/omitted as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am writing to inform you of my decision to suspend (James) for a fixed period of..... days. He has been suspended for the following reasons:

.....  
.....

We have taken the following steps to try to avoid this suspension:

.....  
.....

[This brings the total days suspended this term to .....]

This means that (James) should not attend school until .....

[We are aware of (James') special educational needs (SEN). The following steps have been taken to make reasonable adjustments for this [*include if appropriate*

.....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

I will arrange for (James) to have school work during his exclusion and for this work to be marked. Please contact [.....] regarding these arrangements.

[You are invited to a meeting to discuss how James will be supported on his return to school on ..... at .....

You have a right to make written representations to the Governing Board. If you wish to make representations, you should contact The Clerk to The Governors Governing Board at the school.

You may see your child's school records in advance of the Governing Board Meeting. If you do wish to view them, please contact [my secretary] who will be able to make the necessary arrangements.

[You should also be aware that if you think the suspension relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.)]

I must further advise you that during the period for which your child is suspended you are responsible for ensuring that he is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the Local Authority.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

***(Please delete as appropriate when sending your letter)***

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**

**Hunts – 01480 373470**

**SCC – 01223 728311**

**ECF – 01353 612802**

**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**(for Special Schools) – Statutory Assessment Team 01480 372600**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher  
cc. Chair of Governors



**Letter B**  
**MODEL LETTER TO PARENTS/CARERS FOR A SUSPENSION (MORE THAN 5 DAYS UP TO AND INCLUDING 15 DAYS IN ANY ONE TERM)**

*Square bracket sections to be included/omitted as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am writing to inform you of my decision to suspend (James) for a fixed period of ..... days. He has been suspended for the following reasons:

.....  
.....

We have taken the following steps to try to avoid this suspension

.....

[This brings the total days suspension this term to .....]

This means that (James) should not attend school until.....

[You are invited to a meeting to discuss how James will be supported on his return to school on ..... at .....]

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this)

.....  
.....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

I will arrange for (James) to have school work during the first five days of his suspension and for this work to be marked. Please contact [.....] regarding these arrangements.

*If the suspensions for longer than 6 continuous days the following should be included:*

[From the sixth day (.....) until the end of this suspension (.....) (James) is required to attend (insert details of location/venue) at these times (insert details of times) in order that he might access the full-time education which is being provided whilst he is suspended.]

You have the right to request a meeting of the Governing Board at which you may make representations and the decision to suspend can be reviewed. The latest date the board can meet is ..... [no later than 50 days from the date of the exclusion]. Please let us know as soon as possible if you wish to meet the Governing Board, or make a written statement, by contacting the Clerk to the Governing Board Meeting at the school.

You may see your child's school records in advance of any meeting of the Governing Board Meeting. If you do wish to view them, please contact [my secretary] who will be able to make the necessary arrangements.

[You should also be aware that if you think the suspension relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.)]

I must further advise you that during the first five days of the period for which your child is suspended you are responsible for ensuring that he is not present in a public place during school hours. If your child is

found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the local authority.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

***(Please delete as appropriate when sending your letter)***

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**

**Hunts – 01480 373470**

**SCC – 01223 728311**

**ECF – 01353 612802**

**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**(for Special Schools) – Statutory Assessment Team 01480 372600**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher  
cc. Chair of Governors

**Letter C**

**MODEL LETTER TO PARENTS/CARERS: SUSPENSION IN THE FIRST INSTANCE PENDING FURTHER INVESTIGATION (signals possibility that exclusion may become permanent)**

*Square bracket sections to be included/omitted as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am writing to inform you that I am suspending (James) for a fixed period of ..... days, in the first instance, to give me an opportunity to investigate the incident fully and decide if s/he should be permanently excluded. I shall be writing to you again in the next few days, [following the completion of my investigations], to explain my decision on what the evidence has shown and outline next steps. I must inform you that should the evidence outline that the incident was more serious than first regarded, the suspension may be followed, immediately by a permanent exclusion. (Name of school) is an inclusive and supportive environment and this fixed term exclusion is focused on avoiding the immediate consequence of a permanent exclusion. The earliest that (James) should return to school is.....

(James) has been suspended for the following reasons:

.....

We have taken the following steps to try to avoid this suspension

.....

[This brings the total days suspended this term to .....]

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this)

.....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

I will arrange for (James) to have school work during his exclusion and for this work to be marked. Please contact [.....] regarding these arrangements.

*If the period of suspension is likely to be six or more days this paragraph should be included:*

[From the sixth day (.....) until the end of this exclusion (.....) (James) is required to attend (insert details of location/venue) at these times (insert details of times) in order that he might access the full-time education which is being provided whilst he is suspended.]

You have the right to:

- make written representation to Governing Board Meeting (if 5 days or fewer)
- request a meeting of the Governors' Governing Board (if 6 – 15 days) where you may make representations and the decision to suspend can be reviewed. The latest date the Committee can meet is..... [no later than 50 days from the date of the suspension]. You may make a written statement in addition to, or instead of, meeting with the Committee.

*(school to delete as appropriate)*

You may see your child's school records in advance of the Governing Board Meeting. If you do wish to view them, please contact [my secretary] who will be able to make the necessary arrangements.

[You should also be aware that if you think the exclusion relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.) ]

I must further advise you that during the first five days of the period for which your child is suspended you are responsible for ensuring that he is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the local authority.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

***(Please delete as appropriate when sending your letter)***

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**

**Hunts – 01480 373470**

**SCC – 01223 728311**

**ECF – 01353 612802**

**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**(for Special Schools) – Statutory Assessment Team 01480 372600**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher

cc. Chair of Governors

Anna Wahlandt (for Secondary)

Alex Davies (for Primary)

Statutory Assessment Team (for Special)

**Letter D**  
**MODEL LETTER FROM HEADTEACHER TO PARENTS/CARERS FOR A PERMANENT EXCLUSION**  
**from a Primary School**

*Square bracket sections to be included as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am sorry to have to write informing you of my decision to exclude (James) permanently from this school.

You will appreciate that this is not a decision taken lightly, but I believe it is necessary for the following reasons:

.....  
.....

We have taken the following steps to try to avoid this exclusion

.....  
.....

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this)

.....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

The exclusion comes into effect immediately and (James) should not return to school until the governors' Governing Board Meeting has met to consider the matter.

The Clerk to the Governing Board Meeting will be arranging this meeting within the next 15 school days, and you will be invited to attend. You will have a right to make a statement to the Committee, either orally or in writing. I will also be providing a full report to the meeting which will be forwarded to you by the clerk to the Governing Board Meeting. It is perfectly acceptable if you wish to be accompanied by a friend or be represented.

In the meantime, I am arranging for (James) to have school work to do at home for the first five days of this exclusion, and for this work to be marked. Please contact [.....] who will discuss the practical details with you.

From the sixth day of this exclusion onwards

- (insert date) the Local Authority will provide full-time education for (James). You will be contacted with details of this provision

[(where the pupil lives in a Local Authority other than the excluding school's Local Authority) I have also informed (name of officer) at (local authority) of your child's exclusion and he/she will be in touch with you about arrangements for (James') education from the sixth day of exclusion.]

You have the right to see your child's school records. If you wish to pursue this in advance of any Governing Board Meeting, please contact [my secretary] who will be able to make the necessary arrangements.

[You should also be aware that if you think the exclusion relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.) ]

I must further advise you that during the first five days of the period for which your child is excluded you are responsible for ensuring that he is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the local authority.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

**Alex Davies      01223 728 311**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher

cc Chair of Governors

Alex Davies (SEND Services)

**Letter E**  
**MODEL LETTER FROM HEADTEACHER TO PARENTS/CARERS FOR A PERMANENT EXCLUSION**  
**from a Secondary School**

*Square bracket sections to be included as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am sorry to have to write informing you of my decision to exclude (James) permanently from this school.

You will appreciate that this is not a decision taken lightly, but I believe it is necessary for the following reasons:

.....  
.....

We have taken the following steps to try to avoid this exclusion

.....  
.....

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this]

.....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

The exclusion comes into effect immediately and (James) should not return to school until the governors' Governing Board Meeting has met to consider the matter.

The Clerk to the Governing Board Meeting will be arranging this meeting within the next 15 school days, and you will be invited to attend. You will have a right to make a statement to the Committee, either orally or in writing. I will also be providing a full report to the meeting which will be forwarded to you by the clerk to the Governing Board Meeting. It is perfectly acceptable if you wish to be accompanied by a friend or be represented.

In the meantime, I am arranging for (James) to have school work to do at home for the first five days of this exclusion, and for this work to be marked. Please contact [.....] who will discuss the practical details with you.

From the sixth day of this exclusion onwards (insert date) the school will provide full-time education for (James). You will be contacted with details of this provision by (insert EIO / school staff name)

[(where the pupil lives in a local authority other than the excluding school's local authority) I have also informed (name of officer) at (local authority) of your child's exclusion and he/she will be in touch with you about arrangements for (James') education from the sixth day of exclusion.]

You have the right to see your child's school records. If you wish to pursue this in advance of any Governing Board Meeting, please contact [my secretary] who will be able to make the necessary arrangements.

[You should also be aware that if you think the exclusion relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.) ]

I must further advise you that during the first five days of the period for which your child is excluded you are responsible for ensuring that he is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the local authority.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

**Anna Wahlandt      01354 750369**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher

cc Chair of Governors

Anna Wahlandt - County Alternative Education Provision Manager



**Letter F**  
**MODEL LETTER FROM THE CLERK INVITING PARENTS/CARERS TO GOVERNING BOARD MEETING TO REVIEW A SUSPENSION**

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the letter from the Head Teacher dated ..... concerning James' suspension from school.

The School's Governors' Governing Board Meeting must meet to review any suspension which exceeds fifteen days in any one term, and will meet at the request of parents/carers where an exclusion exceeds five days suspension.

The meeting to review (James') suspension will be held at .....on ..... at the school. You may bring a friend or be represented. (James) will also be welcome to attend.

If you intend to submit a written report, please send it to be received no later than.....  
This will enable me to circulate it to all parties in advance of the meeting, together with relevant information from the Head Teacher, which I will be sending to you at the same time. Please send your report to:

The Clerk to the Governing Board Meeting,  
(School Name and Address here)]

[Please return the slip below to advise us whether or not you will be attending.]

Yours sincerely,

Clerk to the Governors' Governing Board Meeting

***Reply slip here if appropriate***

\*\*\*\*\*

**NOTE**

It is important is to ensure that all parties receive information at the same time, in advance of the hearing. This enables parents/carers the opportunity to prepare fully in response to the Head Teacher's statement.

**Letter G**  
**MODEL LETTER FROM THE CLERK INVITING PARENTS/CARERS TO GOVERNING BOARD MEETING TO REVIEW PERMANENT EXCLUSION**

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the letter from the Headteacher dated ..... concerning James' exclusion from school.

The School's Governors' Governing Board Meeting must meet to review any permanent exclusion in order to decide whether to uphold the Head's decision to exclude or to overturn it.

The meeting to review (James') exclusion will be held at .....on ..... at the school. You may bring a friend or be represented. (James) will also be welcome to attend.

If you intend to submit a written report, please send it to be received no later than.....  
This will enable me to circulate it to all parties in advance of the meeting, together with relevant information from the Head Teacher, which I will be sending to you at the same time. Please send your report to:

The Clerk to the Governing Board Meeting,  
(School Name and Address here)]

[Please return the slip below to advise us whether or not you will be attending.]

Yours sincerely,

Clerk to the Governors' Governing Board Meeting

***Reply slip here if appropriate***

\*\*\*\*\*

**NOTE**

It is important is to ensure that all parties receive information at the same time, in advance of the hearing. This enables parents/carers the opportunity to prepare fully in response to the Head Teacher's statement.

**Letter H**  
**MODEL LETTER TO PARENTS/CARERS FOLLOWING MEETING OF GOVERNING BOARD MEETING TO WHICH PARENTS/CARERS HAVE MADE REPRESENTATION AND GOVERNORS DECIDED SUSPENSION WAS INAPPROPRIATE (signed by the Chair or Clerk)**

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the Governors Governing Board Meeting which took place on.....when the question of (James') suspension from this school was considered.

The Governors Governing Board Meeting considered the case presented by the Head Teacher very thoroughly. They [also considered the representations made by yourself and the representative of the Local Education Authority and] came to the conclusion that in the circumstances the Head Teacher's decision to suspend (James) was inappropriate.

The Governors Governing Board Meeting has therefore asked the Head Teacher to attach the following note to the letter recording (James') suspension on his file.

The Governor's Governing Board Meeting which met on..... to consider the suspension of (James Smith) decided not to support this suspension for the following reasons

.....  
.....  
.....  
.....  
.....

and instructed the Head Teacher to attach this note to the record of exclusion on his file.

[Thank you for taking time to meet with the Governors]. We are pleased that (James) is now back in school and hope that he continues with his school career in a positive and purposeful way.

Yours sincerely

Clerk to the Governors Governing Board Meeting

**Letter I**  
**MODEL LETTER TO PARENTS/CARERS FOLLOWING MEETING OF GOVERNING BOARD MEETING TO WHICH PARENTS/CARERS HAVE MADE REPRESENTATION AND GOVERNORS DECIDED SUSPENSION WAS APPROPRIATE (signed by the Chair or Clerk)**

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the Governors Governing Board Meeting which took place on ....., when (James') suspension was considered.

The Governors Governing Board Meeting considered the case presented by the Headteacher very thoroughly. They [also considered the representations made by yourself and the representative of the Local Education Authority and] came to the conclusion that in the circumstances the Headteacher's decision to suspend (James) was appropriate. The Governors came to this decision for the following reasons:

.....  
.....  
.....  
.....  
.....

[Thank you for taking time to meet with the Governors]. We are pleased that (James) is now back in school and hope that he continues with his school career in a positive and purposeful way.

Yours sincerely

**Chair/ Clerk to the Governors Governing Board Meeting.**

**Letter J**  
**MODEL LETTER FROM CHAIR OF GOVERNORS' GOVERNING BOARD MEETING TO**  
**PARENTS/CARERS CONFIRMING REINSTATEMENT FOLLOWING PERMANENT EXCLUSION**  
**HEARING**

*Square bracket sections to be included as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the Governors Governing Board Meeting on [.....], when the question of (James') exclusion was considered.

I am pleased to be able to inform you that after careful consideration the governors agreed that (James) should be reinstated for the following reasons:

.....  
.....  
.....

I have asked the Headteacher to make contact with you as soon as possible to make the necessary arrangements.

Yours sincerely,

cc. Headteacher

Anna Wahlandt (for Secondary)  
Alex Davies (for Primary)  
Statutory Assessment Team (for Special)

**Letter K**  
**MODEL LETTER FROM THE GOVERNORS' GOVERNING BOARD MEETING TO PARENTS/CARERS**  
**CONFIRMING PERMANENT EXCLUSION (signed by the Chair or Clerk)**

*Square bracket sections to be included as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I refer to the Governors Governing Board Meeting on [.....], when the question of (James') permanent exclusion was considered. You are aware that the governing body has the power to order re-instatement, but I regret to inform you that on this occasion the panel has decided that the Head Teacher's decision to exclude should be upheld.

The governors have come to this decision for the following reasons:

.....

You have a right to make representations to an Independent Review Panel where you can make oral and written statements.

In addition, if you believe the exclusion relates to your child's special educational needs you may request that the Local Authority / Academy Trust should appoint an independent SEN Expert to attend the Panel; this SEN expert's role is to provide impartial advice on how SEN may be relevant to the exclusion.

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**  
**Hunts – 01480 373470**  
**SCC – 01223 728311**  
**ECF – 01353 612802**  
**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**(for Special Schools) – Statutory Assessment Team 01480 372600**

You will need to write to the Local Authority (for Maintained Schools) or The Academy Trust (for academies) (Schools to delete as appropriate and give address for letter)) to confirm your intention to request a review by ..... [please insert date 15 school days from date of this letter)

You have a right to make this request even if you did not attend the Governing Board Meeting.

Yours sincerely,

cc. Headteacher

**Letter L**  
**MODEL LETTER TO PARENTS/CARERS FOR A LUNCHTIME SUSPENSION**

*Square bracket sections to be included/omitted as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am writing to inform you of my decision to suspend (James) **at lunchtime** for a fixed period of ..... days. He has been suspended for the following reasons:

.....

We have taken the following steps to try to avoid this suspension

.....

[This brings the total number of days suspended at lunchtime this term to .....]

This means that (James) should not attend school at lunchtime until .....

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this)

.....]

You have a right to make [written] representations to the Governing Board. If you wish to make representations you should contact The Clerk to The Governing Board at the school.

***(Lunchtime suspensions 'count' as half a day, so if the lunchtime suspension extends for a period in excess of 10 school days the following paragraph should be substituted)***

You have the right to request a meeting of the governors' Governing Board Meeting at which you may make representations and the decision to suspend can be reviewed. The latest date the Committee can meet is ..... [no later than 50 days from the date the Governing board is notified]. Please let us know as soon as possible if you wish to meet the Governing Board meeting, or make a written statement, by contacting the Clerk to the Governing Board Meeting at the school.)

You may see your child's school records in advance of the Governing Board Meeting. If you do wish to view them, please contact [my secretary] who will be able to make the necessary arrangements.

[ (You should also be aware that if you think the suspension relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.) ]

A Local Authority officer, with responsibility for suspensions and exclusions who can provide you with advice on the exclusions process is:

**[\(Please delete as appropriate when sending your letter\)](#)**

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**

**Hunts – 01480 373470**

**SCC – 01223 728311**

**ECF – 01353 612802**

**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

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**(for Special Schools) – Statutory Assessment Team 01480 372600**

*The Headteacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23 )*

Yours sincerely

Headteacher  
cc. Chair of Governors



**Letter M**  
**MODEL LETTER TO PARENTS/CARERS FOLLOWING AGREEMENT OF A MANAGED MOVE**

Dear (Mr and Mrs Smith)

**James Smith**

Following our meeting on [date of meeting where managed move was agreed] I am writing to confirm to you that we will be seeking a managed move for (James). This means that, if successful for the first fifteen weeks, (James) will be permanently transferring to another school.

(James) is being managed moved for the following reasons:

.....

We have taken the following steps to try to avoid this managed move:

.....

[We are aware of (James') Special Educational Needs (SEN). The following steps have been taken to make reasonable adjustments for this)

.....]

Whilst (James') managed move is being arranged he will remain on our roll. His education will be provided (insert here how the student will receive education. It may be that they remain in school, attend off site provision etc. It must be clear how the student will access their education).

A Local Authority officer who can provide you with advice on the managed move process is:

***(please delete as appropriate when sending your letter)***

**Primary schools – SEND Services**  
**Hunts – 01480 373470**  
**SCC – 01223 728311**  
**ECF – 01353 612802**  
**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**Secondary Schools – EIO (Education Inclusion Officer, school to give details)**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see page 9-10)*

Yours sincerely

Head Teacher  
cc. Chair of Governors

**Letter N**  
**MODEL LETTER TO PARENTS/CARERS TO CANCEL OR 'RECIND' AN EXCLUSION or SUSPENSION**

*Square bracket sections to be included/omitted as appropriate*

Dear (Mr and Mrs Smith)

**James Smith**

I am writing to you with regard to my decision to Suspend/Permanently exclude (James) from [name of school]

I am pleased to inform you that I am able to **cancel** the permanent exclusion/suspension for the following reasons

- 
- 
- 

This means that (James) is able to attend school on.....

[You are invited to a meeting to discuss how James will be supported on his return to school on ..... at .....]

[I am aware that James has a social worker/is a child in care/has an Education Health and Care Plan. I have informed.....of my decision]

A Local Authority officer with responsibility for exclusions who can provide you with advice on the exclusions process is:

***(Please delete as appropriate when sending your letter)***

**(for Secondary Schools) - Anna Wahlandt - 01354 750369**

**(for Primary Schools) – SEND Services**

**Hunts – 01480 373470**

**SCC – 01223 728311**

**ECF – 01353 612802**

**ECFSFL [ECFSFL@cambridgeshire.gov.uk](mailto:ECFSFL@cambridgeshire.gov.uk)**

**(for Special Schools) – Statutory Assessment Team 01480 372600**

*The Head Teacher should draw attention to relevant sources of free and impartial information – (see pages 22 and 23)*

Yours sincerely

Head Teacher  
cc. Chair of Governors

## Appendix Two Suggested Governing Board Meeting Agenda

### Suggested Governing Board Meeting Agenda:

- Chair welcomes and introduces all parties
- Head Teacher puts case for exclusion
- Parents/carers may question Head Teacher
- Panel may question Head Teacher
- LA representative may question Head Teacher
- Parents/carers make representation
- Head Teacher may question parents/carers
- Panel may question parents/carers
- LA representative may question parents/carers
- LA may make representation
- Parents/carers may question LA representative
- Head Teacher may question LA representative
- Panel may question LA representative
- Head Teacher's concluding remarks
- Parents'/carers' concluding remarks

Committee makes decision

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## Appendix Three: Managed Move Guidance

### Managed Move Protocol 2019

**Note that this protocol does not apply for students with an Education Health Care Plan who are subject to separate guidance.**

#### 1. Purpose

The purpose of a Managed Move is to provide a positive alternative to permanent exclusion. A carefully planned transfer to another school, with the agreement and cooperation of all involved provides the opportunity to secure a more positive and creative outcome for everyone. It is important to recognise that this process will not happen overnight but that the transfer should not take longer than 6 weeks from initial discussion to beginning at another school. During this period the pupil remains on the roll of the original school and that school retains responsibility for providing appropriate education

Managed Moves will be underpinned by a data collection exercise designed to ensure that, in compliance with the Code of Practice on Admissions, there is fairness in the number of approaches made to individual schools. This data will be available to schools on request and will be published on a termly basis via CPH and CSH groups. No one school is expected to admit a disproportionate number of students with challenging behaviour over time.

This protocol applies to all Cambridgeshire Schools with the exception of Special Schools.

The process of a managed move and request form can be found later in this document.

#### 2. Definition

A Managed Move is where a student may transfer to another school or provider where the Head teacher believes that the criteria for permanent exclusion have been met, but that at the same time believes that the pupil could succeed in another mainstream setting.

Guidance regarding the Managed Move process and the steps which must be followed before a Managed Move can be agreed can be found in the "Exclusions Guidance – September 2019".

It requires the agreement of the parent/carer of the pupil, the current school, and the Local Authority Education Inclusion Officer.

A Managed Move involves the pupil remaining on the roll of their original school while trying a time limited fresh start opportunity at another near-by school. This time limit will usually be for a period of 15 weeks from the time they are admitted on a full-time basis to the new school. However, this period can be extended if all involved believed that this will be appropriate, it is agreed within a review meeting and deemed in the best interests of the young person. If successful the pupil transfers from the roll of their original school to that of the receiving school.

If unsuccessful the pupil returns to their original school where they have remained on roll. Both schools are responsible for the success of the Managed Move and are equally responsible for the Managed Move arrangements alongside the LA.

Prior to a managed move taking place, it is the responsibility of the school and the Education Inclusion Officer / For Primary schools; Access and Inclusion coordinator or Team Leader managing the case, to inform the parents of their rights in this process. Parents, the school and the LA are required to agree to the Managed Move before it can take place. This must be confirmed by both the Managed Move Referral Form being completed and signed by all parties, and the letter confirming the Managed Move being issued by the school. At this stage transport should have been confirmed and agreed before offer is made to parents and school.

Where a managed move is being considered either grounds for permanent exclusion should already apply, or the Head teacher feels that a Managed Move is the last remaining option in order to avoid this eventuality, and it is felt by the parties concerned that the child can succeed in mainstream education. In all cases an Early Help Assessment (EHA) should be considered for the child/family concerned, unless a specialist assessment has already been completed e.g. Social Care Assessment.

Where the parent or the LA does not agree to a Managed Move the school must continue to provide appropriate education. Parents should never be pressured into removing their child via a Managed Move from a school under threat of a permanent exclusion. Discussion around a permanent exclusion or Managed Move should not come as a

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surprise to a parent as they should be involved in any ongoing discussion and planning about their child and his/her behaviour.

The exception to this will be where there has been a one off serious incident that may necessitate a move.

Managed Moves for students from the second term of year 10 and beyond will not be considered by the panel unless it is deemed a one off incident or in extenuating circumstances.

### **3. Situations where a managed move may be appropriate**

A Managed Move will normally only be considered when all of the following are in evidence:

- The Head teacher is confident that the school has done all that it can to support the inclusion of the student and there are valid grounds for permanent exclusion. This should include exhaustion of all school strategies as outlined in the PSP and the Individual Education Plan (IEP) individual risk management plan and Access Plan Do review documents (with involvement from the Education Inclusion Officer or SEND Service 0-25), Personal Education Plan (if the child is looked after) and an EHA is in place. DfE guidance suggests that a PSP / individual plan must have been in place for some time (16 weeks example guide) unless a serious and unexpected breach of the school Discipline Policy occurs.
- The LA must agree with this position. This will be agreed by the Education Inclusion Officer /member of SEND Service 0-25. In this meeting evidence must be provided as previous interventions and assessments undertaken that have led to support in order to prevent permanent exclusion (see appendix A for checklist).
- The parent/carer of the student has agreed to a managed move. A parent can withdraw their support for a Managed Move at any point if they are unhappy. Should this happen the referring school must provide appropriate education.
- Professionals working with the student believe that a change in school may result in behaviour that results in fewer difficulties for the young person and/or improved attendance.
- There is a consensus that mainstream education is still appropriate.

### **4. Process for submitting a Managed Move Referral Form for consideration by the In Year Fair Access Panel.**

All referrals for Managed Move should be sent by email to the Education Inclusion Officer / SEND service Team Leader or A & I coordinator and Clerk to the Fair Access Panel for discussion.

The Clerk to the Panel will check for the completeness of the referral, which includes;

- The fully completed and signed referral form;
- A copy of the letter from the referring school confirming that a Managed Move has been agreed; and
- Further information relevant to the case, including full details of the events which have led up to decision to a Managed Move being made.
- Managed Moves will not be heard by panel unless they are presented by an Education Inclusion Officer or by the referring school after the Managed Move has been agreed by that officer and paperwork completed.

### **5. Criteria for selection of receiving school**

It is important that all schools are asked to admit a balance of pupils under the Fair Access Protocol (FAP). The Managed Move protocol forms part of this Protocol.

The Panel will make a decision on the basis of the following factors and taking account of professional advice from the referring school and “possible” schools, the Managed Move form and appropriate professionals:

- Parental preference;
- Geographical proximity and potential transport costs;
- Frequency of approach to alternative schools.
- The number of inward moves in the relevant year group under FAP
- The number of moves in proportion to the size of the school

A parent does not have a choice of school but parental preference should be taken into account in this process where possible. If a parent is supportive this is more likely to make the placement successful and parents may have relevant reasons for preferring specific schools (e.g. previous relationships between pupils). These considerations should be included on the managed move form that is completed once the move has been agreed. A parent can withdraw their support of a Managed Move at any point. If this happens the child will revert to their original school.

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- Transport will be provided where the alternative provision is beyond statutory walking distance or the walking route to school is deemed unsafe (in accordance with the County Council's Home to School Transport Policy) **and** there is no appropriate provision available within statutory walking distance or via a safe walking route.
- When transfer to the receiving school is agreed by all, the student will be placed on that school's roll from the day they start. Categories of registration are listed below.
- Both schools involved should continue to support the PSP / individual plan (e.g. IRMP and APDR) and/or EHA process to ensure a high level of support for the pupil on transfer. Reviewing the PSP / individual plan and EHA regularly should make up part of agreed transfer meetings to assess how the move is working.

The identified receiving school will be approached by either the EIO or the County and Deputy County lead for Alternative Provision and Inclusion.

## **6. Responsibilities, Funding and Registration arrangements during a Managed Move**

While a managed move is being arranged the original school retains responsibility for full time education of the child.

A plan must be put in place at the beginning of the Managed Move to make clear the roles and responsibilities of all parties, timescales, strategies/sanctions to be used etc. This should be part of the PSP and EHA processes. The EIO (Secondary) or SEND Service 0-25 (Primary) must take a lead on this to support the move.

- EIO's will chair Managed Move meetings both initial and reviews for the duration of the move. EIO's will be responsible for sending meeting notes and agenda to all parties involved.
- For Primary schools the initial meeting will be chaired by a member of SEND Service 0-25, usually the A & I coordinator or Team Leader

A decision must be agreed in regard to school uniform for the transferring child. This agreement should be part of planning prior to the move.

If a child has had any fixed term exclusions at the original school the number of day's exclusion for that academic year must follow the child. It is important that this is clear so that the receiving school are aware of any possible trigger points for calling a Discipline Committee.

During the initial 15 week period the original school maintains the pupil's record with an Enrolment Status of "M" (Main dual-registration).

The receiving school maintains the pupil's record with an Enrolment Status of "S" (Subsidiary dual-registration). The receiving school must liaise with the original school re: provision and attendance so that both rolls can be accurately marked. It is the responsibility of both schools to ensure that the student is correctly registered so that it is clear where the student is attending.

Funding in the form of AWPU will follow the pupil at the current agreed rate. When a student is placed in another school, through a managed move, the receiving school will invoice the referring school for the appropriate pro-rata amount at the end of the next calendar month after transfer.

If the student placement is at risk of breaking down within the agreed timescales, a review meeting must be held in order to discuss support needed for success before the student's return to the original referring school. If the move is successful the student should fully transfer to the roll of the receiving school at the end of the initial 15 week period, or earlier if everyone is in agreement with this. Schools must make sure that their roll is updated accordingly.

## **7. Other school responsibilities**

- **Terminating a managed move**

If it reaches the point where it should prove untenable for the move to continue, the Head teacher of the proposed school must contact the referring school and the Education Inclusion Officer by phone if possible, detailing the reason for considering terminating the arrangement. This should be followed by an emergency review meeting involving all parties where new targets are considered to enable that young person to have every chance of success prior to termination being considered.

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- **The one-off incident**

Occasionally, a Head teacher will be faced with possible incident that warrants a permanent exclusion of a pupil in response to a serious one off offence. Such situations will mean that a Managed Move ends immediately. These incidents may include:

*Serious violence against another pupil or a member of staff (i.e. behaviour which results in another pupil or member of staff being seriously hurt)*

*Sexual abuse or assault (i.e. sexualised behaviours (verbal or physical) resulting in another pupil or member of staff being seriously threatened, intimidated or hurt)*

*Supplying an illegal drug*

*Carrying an offensive weapon with intent to harm*

When such incidents occur the Local Authority requests that a discussion takes place with the EIO to explore the context around the above.

- Schools **must not** suggest to parents that they should seek another school via an In Year Application to avoid permanent exclusion or Managed Move. It is the responsibility of the Head teacher to ensure that this does not happen.
- Schools are expected to respond positively to requests to accept students on managed moves.
- When an exit strategy is thought necessary the Head teacher must discuss this with the EIO before any action is taken in this regard
- It is not expected that a Managed Move would have been deemed to have failed due to low level behaviours or poor attendance. In these instances school should follow their usual process.

## **8. Monitoring and quality assurance arrangements**

The LA will collect and publish information termly on the number of managed moves made and accepted on a school by school basis.

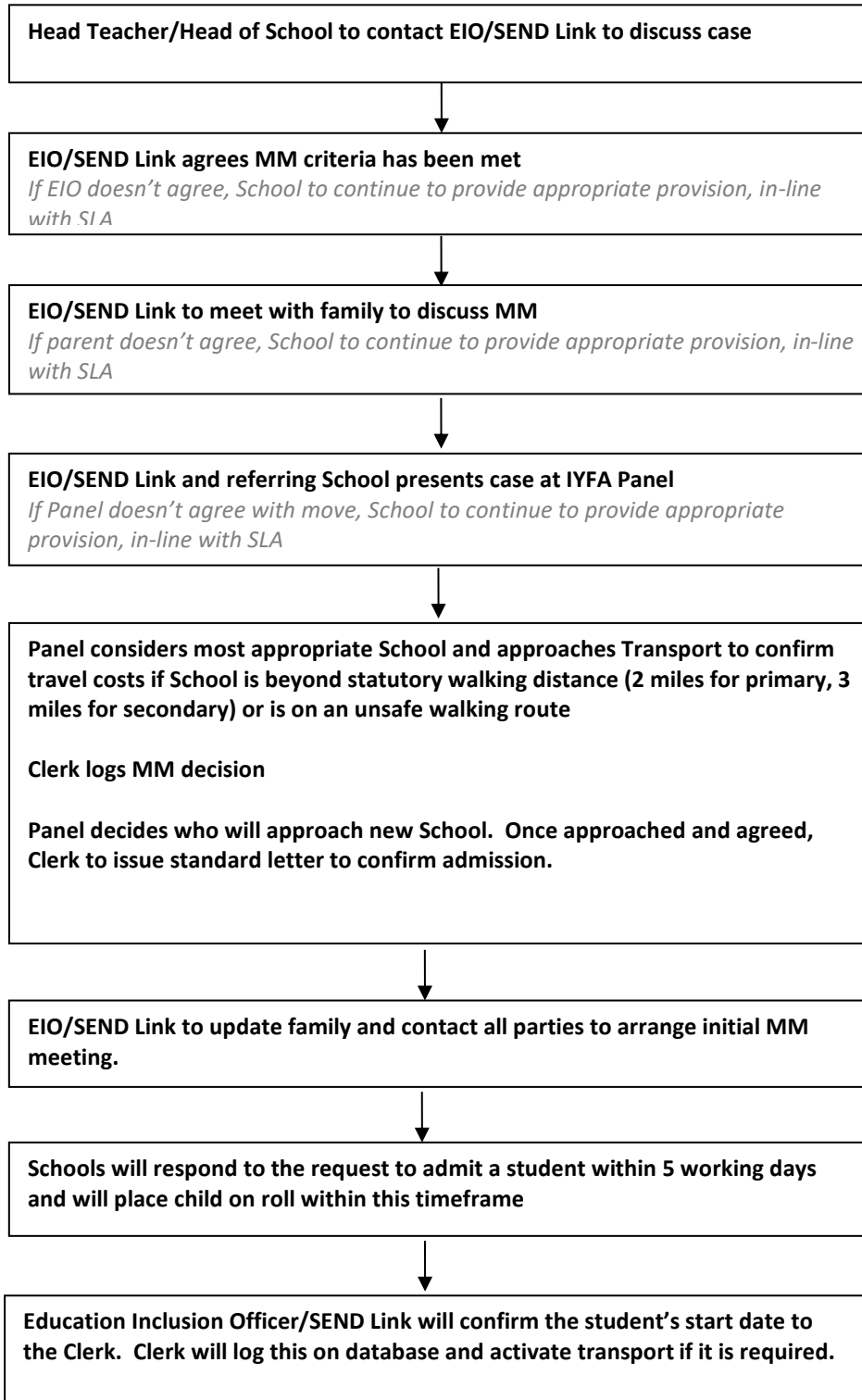
Whilst the principles set out above will continue to apply, the LA will from time to time review the detailed arrangements in consultation with Head teachers.

## **9. Responsibility for the coordination of Managed Moves**

**Secondary: Anna Wahlandt/Michael Kaoura**

**Primary: SEND services 0-25**

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**MANAGED MOVE REQUEST FORM**

<b><u>Type of Move:</u></b>			
<b>Section 1: This section should be completed and passed to Admissions before any school is approached as a possible receiver</b>			
<b><u>Part A - To be filled in by referring school</u></b>			
Date of Request			
LA Managed Move Officer		Head teacher	
Name of Pupil		DOB	
Ethnicity		Gender	
Name of Parent/Carer		Relationship to child	
Address of Parent/Carer			
Contact Numbers: Home: Mobile: Work:			
Current School		School Year	
School Contact Person		Contact Details	
Pupil's SEN Status			
Is the Student Looked After?	Yes / No		
Pupil Premium?	Yes / No		
Date of EHA		Lead Professional:	
Date of PSP			
Number of Reviews		Most Recent Review to Date	

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--	--	--

**Previous schools attended (including those outside of Cambridgeshire) if known:**

Name		To		From	
Name		To		From	
Name		To		From	
Name		To		From	

**Concerns**

Incidents in school that have given rise to concern:

Other (Please specify):

Total number of Exclusions this Academic Year:

**Strategies**

Please briefly outline what positive strategies have been used to support the inclusion of this pupil prior to the Managed Move request and any sanctions that have been used:

Any issues that may affect the success of a Managed Move at any school. Please give reasons:

**Academic Ability – Teacher Assessments**

Please comment upon the pupil's progress in the following subjects with reference to National Curriculum attainment levels. Please also give a general comment.

Please also give a general comment.

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Key Stage Level		
Subject	NC Level	Teacher Assessment/comment
English		
Maths		
Science		
ICT		
Overall Estimate and other appropriate information		
<b>KS4 Only</b>		
GCSE etc. currently being undertaken by the pupil. Please list subjects and include details of examination board/syllabus etc.		
<b>GCSE</b>	<b>BOARD</b>	<b>CURRENT LEVEL</b>
		<b>PREDICTED LEVEL</b>
Current assessment of performance – please indicate most recent assessment results, for example modular tests and portfolio assessments		

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<b>Agency Involvement</b>			
Please indicate if the following agencies are involved with the Student			
Social Care	Yes / No	Contact:	
CAMHS	Yes / No	Contact:	
YOS	Yes / No	Contact:	
Early Help District	Yes / No	Contact:	
Health	Yes / No	Contact:	
Other	Yes / No	Contact:	
<b>Head teacher Signature</b>			
<b>Print Name</b>		<b>Date</b>	
<b>Education Inclusion Officer Signature</b>			
<b>Print Name</b>		<b>Date</b>	
<b>Part B – To be filled in by the Student’s parent/carer</b>			
I have attended a review meeting of my child’s progress and agree that a Managed Move to an alternative school is my preference option. I would like to express a preference for the following school. I understand that my preference will not necessarily be met.			
Preferred alternative school:			
<b>Parent/Carer Signature</b>		<b>Date</b>	
<b>Parent/Carer Signature</b>		<b>Date</b>	
<b>Student Signature</b>		<b>Date</b>	
<b>Section 2. This section should be completed by the Admissions Team with assistance from Education Transport and passed back to Senior Admissions Officer</b>			
Admissions Officer:		Contact Number:	
Possible Receiver Schools _____			

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School	Distance from home (miles)	Place Available?	Method of Transport	Cost – per annum & for planned time at that school

<b>Section 3. This section should be completed by the Senior Admissions Officer</b>	
<b>Part A – to be filled in by Admissions</b>	
Identified School/Schools	Please give reasons as to why this school has been identified to be able to accept this child and any reasons as to why another possible receiver schools should not take this child

<b>Signature of Senior Admissions Officer:</b>	
<b>Date:</b>	

<b>Part B- to be filled in by Admissions</b>	Date
Date of contact with proposed school by Admissions	
Date transfer to proposed school is agreed in principal	
Date Information passed to Managed Move Officer to take forward	

<b>Section 4. This section to be completed by Managed Move Officer and Head teacher of receiving school</b>	
Name of receiving School:	Contact details:
Head teacher:	Agreed start date for pupil:
School contact person:	

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Date of meeting to agree planning and start date for Managed Move:	
<b>Head teacher's signature</b>	<b>Date:</b>
<b>Managed Move Officer signature</b>	<b>Date:</b>

**Appendix A completed and attached**

**Yes / No**

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## Appendix A

### Intervention Checklist to evidence support before request for Managed Move

Intervention	Date completed	Comments
Strengths and difficulties questionnaire		
Social and communication descriptors		
Dyslexia assessment		
Counselling		
Educational Psychologist		
CAMH		
EHA		
Speech and language assessment		
PSP Reports		
Amended timetable		
Discussion with EIO		
Working with external agencies		

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## Appendix B

### Initial Managed Move Meeting Agenda

#### Attendees:

- EIO
- School staff from receiving school
- School staff from referring school
- Parent
- Carer
- Student
- Other agencies e.g. CAMH, YPW, Family Worker

#### Agenda

- Introductions
- Explanation of Managed Move by EIO
- Student view
- Parent view
- Referring school view
- Expectation of receiving school
- Practicalities – transport, school uniform, support to be put in place
- Review dates agreed



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**Appendix C**
**Managed Move Initial Meeting Form**

Name of Student		Year:
Lead Staff for Original School		EIO:
Lead Staff for Receiving School		EIO:
Other Professionals involved (E.g. YPW, School Nurse, CAMH, CASUS)		

PSP and/or EHA (Y/N & state which)		Lead Professional:	
Date of next PSP/TAF Review			

Present at Meeting:	Date:
Name	Role

Student's Strengths (Subjects, extra-curricular etc.)	
Contribution from Student	
Contribution from Original School	

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Contribution from Parent/Carer	
Contribution from EIO (if relevant)	
Strategies/Interventions discussed to support Move (list all strategies)	
Person Responsible	

Any Concerns (from student, parent/carer or School)	What can be done to support/resolve	Person responsible
Uniform to be provided by:		
Transport arrangements:		
Arrangements for first day (including date and start time)	98	

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Staff contact for student/parent (from Receiving School)	

Actions	Person responsible	Timescale
Signature		Date
Original School:		
Receiving School:		
Student:		
Parent/Carer:		
EIO:		

Date of first Managed Move Review

June 2023

**Appendix D**
**Managed Move Review Form**

Name of Student			Year:
Date of next PSP/TAF Review (if relevant)			
Present at Review:	Date:	Week No:	
Name	Role		
Update from Receiving School (Including successes/improvements/progress etc)			
Student's Voice (What's going well? What are they enjoying? Anything they're finding difficult?)			
Contribution from Parent/Carer			
Contribution from EIO (if relevant)			
Strategies/Interventions currently in place to support Move (list all strategies)			

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Additional Strategies /Interventions agreed (if above isn't working)		

What's in place to promote Positive Behaviour	Successful (Y/N)	If No, what else can be done

Any Concerns (from student, parent/carer &/or School)	What can be done to support/resolve	Person responsible
Actions	Person responsible	Timescale

Date of next Managed Move Review:

Signature	Date
Original School:	
Receiving School:	
Student:	
Parent/Carer:	
EIO:	

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## Appendix Four: Transfer of funding re permanent exclusions within schools

Dear Headteacher

<b>Subject</b>	<b>Transfer of funding re permanent exclusions within schools</b>
<b>Audience</b>	<b>To all Cambridgeshire schools</b>

This letter is a reminder of the

arrangements for the transfer of funding in relation to permanent exclusions within schools implemented from 1<sup>st</sup> April 2017.

Within the School and Early Years Finance Regulations there is provision for the Local Authority (LA) to remove funding from schools for excluded pupils. The guidance states:

*“23.—(1) Where a pupil is permanently excluded from a school maintained by a local authority (other than a special school, a pupil referral unit, or a place which the authority has reserved for children with special educational needs) (“the excluding school”) the authority must redetermine the excluding school’s budget share in accordance with paragraph (2).”*

Academies and academy trust will have similar clauses in their individual funding agreements:

*“2.40. If asked to by an LA, the Academy Trust must enter into an agreement with that LA that has the effect that where:*

- a) the Academy admits a pupil who has been permanently excluded from a maintained school, the Academy itself or another Academy with which the LA has a similar agreement; or*
- b) the Academy Trust permanently excludes a pupil from the Academy,*

*The arrangements for payment will be the same as if the Academy were a maintained school, under regulations made under section 47 of the School Standards and Framework Act 1998.”*

To date, due to the relatively low number of permanent exclusions, the LA has not acted under these regulations. However, following the principle of funding following the pupil, these powers will now be enforced from 1<sup>st</sup> September 2018 for Primary Schools only. (This is due to separate arrangements within the Secondary sector in respect of the Service Level Agreement with BAIPs for the devolution of Education Other Than at School (EOTAS) funding).

A proportion of the excluding schools basic entitlement and pupil premium will be deducted from the schools budget share and passed onto the admitting school as per the formula set out in the School and Early Years Finance Regulations. Where a primary aged child is not in school, the funding will pass to SEND Service (0-25) to provide tuition before the child is placed in another school. **Appendix A** provides further details of the unit values and calculation to be applied.

The DfE’s “Exclusion from maintained schools, Academies and pupil referral units in England” guidance state that this financial readjustment should be made within 28 days of notification of a decision from the Discipline Committee. Academies should be expected to make payment within the same timescale. If an Academy fails to comply with its legal requirement to pay following the decision to uphold the permanent exclusion, then the LA will be responsible for enforcing this requirement. However, the LA should also inform the Education Funding Agency.

Top-Up funding relating to High Needs pupils will be managed separately as part of the monthly process to reflect and relevant change in school.

If you have any queries or questions in respect of the process please contact Martin Wade, Schools Finance Manager – [martin.wade@cambridgeshire.gov.uk](mailto:martin.wade@cambridgeshire.gov.uk).

Yours sincerely

June 2023

Jonathan Lewis  
Service Director: Education

June 2023

## **Appendix A – Permanent Exclusions / Managed Moves Funding Methodology**

The excluding school's budget share must be reduced by:

$A \times (B/52) = C$  where:

- A is the amount determined by the authority in accordance with this Part that would be attributable to a pupil of the same age and personal circumstances as the pupil in question at primary or secondary schools maintained by the authority for the full funding period;
- B is either:
  - (i) the number of complete weeks remaining in the funding period calculated from the relevant date; or
  - (ii) where the permanent exclusion takes effect on or after 1st April in a school year(a) at the end of which pupils of the same age, or age group, as the pupil in question normally leave that school before being admitted to another school with a different pupil age range, the number of complete weeks remaining in that school year calculated from the relevant date; and
- C is the amount of the adjustment made to the school's budget share under a financial adjustment order.

The table below shows the funding rates to be applied in the calculation above:

<b>Funding Factor</b>	<b>2019-20 Rate</b>
Primary Basic Entitlement (Years R-6)	£2,763
Pupil Premium Ever6 FSM – Primary	£1,320
Pupil Premium – Ever6 Service Children	£300

### **Illustrative Example**

The following provides an illustrative example of how this would be applied:

- A child in Year 4 who attracts Ever6 pupil premium funding is permanently excluded on the 5th May 2019. The funding deducted from the excluding school is based on the following calculation:
- $A \text{ (Funding)} = \text{Basic entitlement } £2,763 + \text{Ever6 Pupil Premium } £1,320 = £4,083.00$
- $B \text{ (Ratio applied to funding)} = \text{complete weeks remaining } 47 / \text{weeks in the year } 52 = 0.9$
- $\text{Funding recouped from the school} = £4,083.00 \times 0.9 = £3,674.70$

Where the school subsequently reinstates the excluded pupil or where another school admits the pupil a funding adjustment will be made based on the number of complete weeks remaining in the funding period calculated from the relevant date.

- $\text{Funding recouped from the school} = £4,102 \times 0.9 = £3,691.80$

Where the school subsequently reinstates the excluded pupil or where another school admits the pupil a funding adjustment will be made based on the number of complete weeks remaining in the funding period calculated from the relevant date.