



Suspension And Permanent Exclusion Policy

Date Prepared	September 2024
Author	Emma Campbell
Checked by (Trustee)	Dr Kerry Jordan-Daus
Date ratified	7th November 2024
Review date	September 2025

Contents

1. Aims	2
2. Legislation and statutory guidance	3
3. Definitions	3
4. Roles and responsibilities	3
5. Considering the reinstatement of a pupil	7
6. Independent review	9
7. School registers	11
8. Returning from a suspension	11

9. Remote access to meetings	12
10. Monitoring arrangements	12
11. Links with other policies	13
Appendix 1: independent review panel training	14

1. Aims

This policy sets out the Trust's procedures for suspension and permanent exclusion. The decision to suspend or permanently exclude is only taken after detailed consideration of all factors. The Trust is committed to doing everything it possibly can to meet the needs of our children. The decision to suspend or permanently exclude is never taken without consideration and consultation.

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

Our schools aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents/carers and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

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

- › Section 51a of the Education Act 2002, as amended by the Education Act 2011
- › The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- › Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- › Section 579 of the [Education Act 1996](#), which defines 'school day'
- › The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- › [The Equality Act 2010](#)
- › [Children and Families Act 2014](#)
- › The [School Inspection Handbook](#), which defines 'off-rolling'

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

3. Definitions

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

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

Off-site direction – when a School's Local Academy Committee of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

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

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

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

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

A decision to suspend a pupil will be taken only:

- › In accordance with the school's behaviour policy
- › To provide a clear signal of what is unacceptable behaviour
- › To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- › In response to serious or persistent breaches of the school's behaviour policy, **and**

› If allowing the pupil to remain in school would seriously harm the education or welfare of others Before deciding whether to suspend or exclude a pupil, the headteacher will:

- › Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- › Allow the pupil to give their version of events
- › Consider whether the pupil has special educational needs (SEN)
- › Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- › Consider whether all alternative solutions have been explored, such as:
 - For suspensions, detentions or other sanctions provided for in the behaviour policy
 - For exclusions, off-site direction or managed moves

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

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

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision. **Informing parents/carers**

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

If the headteacher decides to suspend or exclude a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- › The reason(s) for the suspension or permanent exclusion
- › The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- › Information about the parents/carers' right to make representations about the suspension or permanent exclusion to the School's Local Academy Committee and, where the pupil is attending alongside parents/carers, how they may be involved in this
- › How any representations should be made
- › Where there is a legal requirement for the School's Local Academy Committee to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- › That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- › For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- › Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- › The start date for any provision of full-time education that has been arranged
- › The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers without delay and provide a reason for the cancellation.

Informing the School's Local Academy Committee

The headteacher will, without delay, notify the CEO, the Chair the School's Local Academy Committee and the Governance Professional of:

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

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

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

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

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a:

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

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

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

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- › The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- › They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

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

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the School's Local Academy Committee. Where there is a cancellation:

- › The parents/carers School's Local Academy Committee and LA will be notified without delay
- › Where relevant, any social worker and VSH will be notified without delay
- › The notification must provide the reason for the cancellation
- › The School's Local Academy Committee's duty to hold a meeting and consider reinstatement ceases
- › Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- › The pupil will be allowed back in school without delay

Any days spent out of school because of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

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

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

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

4.2 The School's Local Academy Committee

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to School's Local Academy Committee Discipline Group – this can be smaller than 3 governors.

The School's Local Academy Committee Discipline Group has a duty to consider parents/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the School's Local Academy Committee will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the School's Local Academy Committee will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data

The School's Local Academy Committee will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves. This is further scrutinized by the Trust Board Quality of Education and reported to the Trust Board.

The School's Local Academy Committee will consider:

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

4.3 The local authority (LA)

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

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

5. Considering the reinstatement of a pupil

The School's Local Academy Committee Discipline Group will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent

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It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term;
or

> It would result in a pupil missing a public exam or National Curriculum test

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

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, School's Local Academy Committee Discipline Group will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

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

The following parties will be invited to a meeting of the School's Local Academy Committee and allowed to make representations or share information:

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

School's Local Academy Committee meetings can be held remotely at the request of parents/carers.. See section 9 for more details on remote access to meetings.

The School's Local Academy Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The School's Local Academy Committee Discipline Group can either:

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

In reaching a decision, the School's Local Academy Committee Discipline Group will consider:

- > Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- > Whether the headteacher followed their legal duties
- > The welfare and safeguarding of the pupil and their peers
- > Any evidence that was presented to the School's Local Academy Committee

They will decide whether or not a fact is true 'on the balance of probabilities'. The clerk will be present when the decision is made.

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

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The School's Local Academy Committee Discipline Group will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

The parents/carers

- > The headteacher
- > The pupil's social worker, if they have one
- > The VSH, if the pupil is looked after
- > The local authority
- > The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the School's Local Academy Committee Discipline Group has decided not to reinstate the pupil, the notification of decision will also include the following:

- > The fact that it is a permanent exclusion
- > Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel
- > The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the School's Local Academy Committee's decision is given to parents/carers) >
- The name and address to which an application for a review and any written evidence should be submitted
- > That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- > That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the School's Local Academy Trust to appoint an SEN expert to advise the review panel
- > Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- > That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- > That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- > That, if parents/carers believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. Independent review

If parents/carers apply for an independent review within the legal timeframe, the School's Local Academy Committee Discipline Group will, at their own expense, arrange for an independent panel to review the decision of the School's Local Academy Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by School's Local Academy Committee Discipline Group of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

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A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

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

➤ Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time ➤ Headteachers or individuals who have been a headteacher within the last 5 years A person may not serve as a member of a review panel if they:

- Are a member/director of the Multi Academy Trust of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Multi Academy Trust, or the School's Local Academy Committee, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the Trust, school, School's Local Academy Committee, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

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

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

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

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

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion. Following its review, the independent panel will decide to do 1 of the following:

- Uphold the School's Local Academy Committee's decision
- Recommend that the School's Local Academy Committee reconsiders reinstatement
- Quash the School's Local Academy Committee's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the School's Local Academy Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the School's Local Academy Committee 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 School's Local Academy Committee to have been aware of at the time of its decision, the panel can take account of the evidence when

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deciding whether to recommend that the School's Local Academy Committee reconsider reinstatement. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the School's Local Academy Committee does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the School's Local Academy Committee to place on the pupil's educational record

7. School registers

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

- 15 school days have passed since the parents/carers were notified School's Local Academy Committee Discipline Group decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the School's Local Academy Committee will wait until that review has concluded before removing a pupil's name from the register. While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

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

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house

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

8. Returning from a suspension

8.1 Reintegration strategy

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

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

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

- Mentoring by a trusted adult or local mentoring charity
- Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil. Parents/carers and staff of potential external support

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

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

8.2 Reintegration meetings

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

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

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

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

9. Remote access to meetings

Parents/carers can request that a School's Local Academy Committee meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The School's Local Academy Committee and the Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

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

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

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

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

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves

- › Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every term by a senior leading with responsibility for behaviour will report back to the headteacher/governors

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

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

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

The Trust will work with its academies to consider this data, and to analyse whether there are patterns across the Trust, recognising that numbers in any one academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed annually by the Headteachers and the Quality of Education Committee and formally approved by the Trust Board. At every review, the policy will be shared with the Local Academy Committees.

11. Links with other policies

This policy is linked to our:

- › Behaviour policy
- › SEND policy
- › SEN information report

Appendix 1: independent review panel training

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

Training must have covered:

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

Appendix 2: Model letters

MODEL LETTER (1)

SUSPENSION LENGTH TOTAL SUSPENSION DAYS IN TERM

LESS THAN 5 DAYS LESS THAN 15

Dear [parent(s) name(s)]

I am writing to inform you of my decision to suspend [pupil's name] for a period of [specify period in days and sessions]. This means that [pupil's name] will not be allowed in school for this period. The suspension [begins/began] on [date] and expires on [date].

I realise that this suspension may be upsetting for you and your family, but my decision to suspend [pupil's name] has not been taken lightly. [Pupil's name] has been suspended for this period because [reasons for suspension and category of suspension].

The school will set work for [pupil name] to complete during the period of this suspension [detail the arrangements for this]. Please ensure the work is returned promptly for marking.

You have a duty to ensure that your child is not present in a public place in school hours during the period of this suspension. Failure to comply with this duty without reasonable justification means an offence is being committed and you may be given a fixed penalty notice or be prosecuted.

As the suspension does not bring your child's total number of days of exclusion to more than five in a term, the School's Local Academy Committee must consider any representations you wish to make, but it cannot direct reinstatement and is not required to hold a meeting. However, if you wish to make representation, please contact [name and contact details of Clerk to Governors] as soon as possible. The [School's Local Academy Committee] may place a copy of their findings on your child's school record.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may wish to make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk). The Tribunal can consider claims about suspensions and permanent exclusions.

If you believe that this suspension occurred because of discrimination other than in relation to disability (e.g. in relation to race) you can make a claim to the County Court.

You and [pupil's name] are invited to attend a reintegration interview with [me / or state alternative member of staff from the SLT] at [venue] on [date] at [time]. If this is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

If you require a copy of child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

I would like to draw your attention to a range of sources of free and impartial information. As the school is duty bound to inform the Local Authority of all suspensions, you may wish to contact Michelle Slater, Inclusion and Attendance Adviser from Kent County Council via 03000 414932 or michelle.slater@kent.gov.uk. The Coram Children's Legal Centre is a registered charity <https://www.childrenslegalcentre.com/> and can be contacted on 0300 330 5485. ACE Education <http://www.ace-ed.org.uk/> provide an advice line service on 03000 115 142. Information, Advice and Support Kent (IASK) <https://www.iask.org.uk/> provide free, impartial advice and support about special educational needs and disabilities (SEND) and can be contacted on 03000 413000.

The school's behaviour policy [also add reference to exclusion policy if a separate policy exists] can be found [here – input link(s) to school website] or you may wish to contact school for a paper version.

Statutory guidance on suspensions can be accessed through <https://www.gov.uk/government/publications/schoolexclusion>

Yours sincerely,

[Name]

[Headteacher]

SUSPENSION LENGTH TOTAL SUSPENSION DAYS IN TERM MODEL LETTER (2)

MORE THAN 5 SCHOOL DAYS BUT

LESS THAN OR EQUAL TO 15 DAYS LESS THAN 15

Dear [parent(s) name(s)]

I am writing to inform you of my decision to suspend [pupil's name] for a period of [specify period in days and sessions]. This means that [he/she] will not be allowed in school for this period. The suspension [begins/began] on [date] and expires on [date].

I realise that this suspension may be upsetting for you and your family, but my decision to suspend [pupil's name] has not been taken lightly. [Pupil's name] has been suspended for this period because [reasons for suspension and category of suspension].

You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this suspension. Failure to comply with this duty without reasonable justification means an offence is being committed and you may be given a fixed penalty notice or be prosecuted.

The school will set work for [pupil name] to complete during the first five days of this suspension [detail the arrangements for this]. Please ensure the work is returned promptly for marking.

From the [6th school day of the pupil's suspension (specify date)] until the expiry of his/her suspension we (For PRUs the local authority) – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.] will provide suitable full-time education. On [date] [he/she] should attend at [Give name and address of the alternative provider if not the home/school] at [Specify the time - this may not be identical to the start time of the home/school] and report to [Staff member's name]. [If applicable – confirm transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full-time education will be notified by a further letter.]

As the suspension period exceeds 5 school days for the term the [School's Local Academy Committee] must consider any representation you wish to make and must meet to consider reinstatement if you request it to do so no later than the 50th school day after which the School's Local Academy Committee was notified of this suspension. If you wish to request a meeting with the [School's Local Academy Committee] please contact [name and contact details of Clerk to School's Local Academy Committee] as soon as possible. Please also state if you have special needs or disability which would affect your ability to attend or take part in a meeting, and/or if you require an interpreter to be present.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may wish to make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk). The Tribunal can consider claims about suspensions and permanent exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review.

If you believe that suspension occurred because of discrimination other than in relation to disability (e.g. in relation to race) you can make a claim to the County Court.

You and [pupil's name] are invited to attend a reintegration interview with [me / or state alternative member of staff from the SLT] at [venue] on [date] at [time]. If this is not convenient, please contact the school to arrange a suitable alternative

date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

If you require a copy of child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

I would like to draw your attention to a range of sources of free and impartial information. As the school is duty bound to inform the Local Authority of all suspensions, you may wish to contact Michelle Slater, Inclusion and Attendance Adviser from Kent County Council via 03000 414932 or michelle.slater@kent.gov.uk. The Coram Children's Legal Centre is a registered charity <https://www.childrenslegalcentre.com/> and can be contacted on 0300 330 5485. ACE Education <http://www.ace-ed.org.uk/> provide an advice line service on 03000 115 142. Information, Advice and Support Kent (IASK) <https://www.iask.org.uk/> provide free, impartial advice and support about special educational needs and disabilities (SEND) and can be contacted on 03000 413000.

The school's behaviour policy [also add reference to exclusion policy if a separate policy exists] can be found [here – input link(s) to school website] or you may wish to contact school for a paper version.

Statutory guidance on suspensions can be accessed through <https://www.gov.uk/government/publications/schoolexclusion>

Yours sincerely,

[Name]

[Headteacher)

SUSPENSION LENGTH TOTAL SUSPENSION DAYS IN TERM
MODEL LETTER (3)

LESS THAN 5 DAYS MORE THAN 15

Dear [parent(s) name(s)]

I am writing to inform you of my decision to suspend [pupil's name] for a period of [specify period in days and sessions]. This means that [pupil's name] will not be allowed in school for this period. The suspension [begins/began] on [date] and expires on [date].

I realise that this suspension may be upsetting for you and your family, but my decision to suspend [pupil's name] has not been taken lightly. [Pupil's name] has been suspended for this period because [reasons for suspension and category of suspension].

The school will set work for [pupil name] to complete during the period of this suspension [detail the arrangements for this]. Please ensure the work is returned promptly for marking.

You have a duty to ensure that your child is not present in a public place in school hours during the period of this suspension. Failure to comply with this duty without reasonable justification means an offence is being committed and you may be given a fixed penalty notice or be prosecuted.

As this suspension brings your child's total number of school days of suspension to more than 15 in the term, the [School's Local Academy Committee] has a statutory requirement to consider reinstatement within 15 school days of receiving notification. You will, whether you choose to make representation or not, shortly be notified by the Clerk to the [School's Local Academy Committee] of the time, date and location of the meeting. If you wish to make representation and be accompanied by a friend or other representative, please contact [name and contact details of Clerk to School's Local Academy Committee] as soon as the meeting details are confirmed. Please also state if you have special needs or disability which would affect your ability to attend or take part in a meeting at the school, and/or if you require an interpreter to be present.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may wish to make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk). The Tribunal can consider claims about suspensions and permanent exclusions.

If you believe that this suspension occurred because of discrimination other than in relation to disability (e.g. in relation to race) you can make a claim to the County Court.

In the meantime, you and [pupil's name] are invited to attend a reintegration interview with [me / or state alternative member of staff from the SLT] at

[venue] on [date] at [time]. If this is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

If you require a copy of child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

I would like to draw your attention to a range of sources of free and impartial information. As the school is duty bound to inform the Local Authority of all suspensions, you may wish to contact Michelle Slater, Inclusion and Attendance Adviser from Kent County Council via 03000 414932 or michelle.slater@kent.gov.uk. The Coram Children's Legal Centre is a registered charity <https://www.childrenslegalcentre.com/> and can be contacted on 0300 330 5485. ACE Education <http://www.ace-ed.org.uk/> provide an advice line service on 03000 115 142. Information, Advice and Support Kent (IASK) <https://www.iask.org.uk/> provide free, impartial advice and support about special educational needs and disabilities (SEND) and can be contacted on 03000 413000.

The school's behaviour policy [also add reference to exclusion policy if a separate policy exists] can be found [here – input link(s) to school website] or you may wish to contact school for a paper version.

Statutory guidance on suspensions can be accessed through <https://www.gov.uk/government/publications/schoolexclusion>

Yours sincerely,

[Name]

[Headteacher)

SUSPENSION LENGTH TOTAL SUSPENSION DAYS IN TERM
MODEL LETTER (4)

MORE THAN 5 SCHOOL DAYS MORE THAN 15 SCHOOL DAYS

Dear [parent(s) name(s)]

I am writing to inform you of my decision to suspend [pupil's name] for a period of [specify period in days and sessions]. This means that [he/she] will not be allowed in school for this period. The suspension [begins/began] on [date] and expires on [date].

I realise that this suspension may be upsetting for you and your family, but my decision to suspend [pupil's name] has not been taken lightly. [Pupil's name] has been suspended for this period because [reasons for suspension and category of suspension].

You have a duty to ensure that your child is not present in a public place during school hours for the first five days of this suspension. Failure to comply with this duty without reasonable justification means an offence is being committed and you may be given a fixed penalty notice or be prosecuted.

The school will set work for [pupil name] to complete during the first five days of this suspension [detail the arrangements for this]. Please ensure the work is returned promptly for marking.

From the [6th school day of the pupil's suspension (specify date)] until the expiry of his/her suspension we (For PRUs the local authority) – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.] will provide suitable full-time education. On [date] [he/she] should attend at [Give name and address of the alternative provider if not the home/school] at [Specify the time - this may not be identical to the start time of the home/school] and report to [Staff member's name]. [If applicable – confirm transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full-time education will be notified by a further letter.]

As this suspension brings your child's total number of school days of suspension to more than 15 in the term, the [School's Local Academy Committee] has a statutory requirement to consider reinstatement within 15 school days of receiving notification. You will, whether you choose to make representation or not, shortly be notified by the Clerk to the [School's Local Academy Committee] of the time, date and location of the meeting. If you wish to make representation and be accompanied by a friend or other representative, please contact [name and contact details of Clerk to School's Local Academy Committee] as soon as the meeting details are confirmed. Please also state if you have special needs or disability which would affect your ability to attend or take part in a meeting at the school, and/or if you require an interpreter to be present.

If you believe your child has been discriminated against in the suspension process because of a disability, then you may wish to make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the suspension First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk). The Tribunal can consider claims about suspensions and permanent exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review.

If you believe that suspension occurred because of discrimination other than in relation to disability (e.g. in relation to race) you can make a claim to the County Court.

You and [pupil's name] are invited to attend a reintegration interview with [me / or state alternative member of staff from the SLT] at [venue] on [date] at [time]. If this is not convenient, please contact the school to arrange a suitable alternative

date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

If you require a copy of child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

I would like to draw your attention to a range of sources of free and impartial information. As the school is duty bound to inform the Local Authority of all suspensions, you may wish to contact Michelle Slater, Inclusion and Attendance Adviser from Kent County Council via 03000 414932 or michelle.slater@kent.gov.uk. The Coram Children's Legal Centre is a registered charity <https://www.childrenslegalcentre.com/> and can be contacted on 0300 330 5485. ACE Education <http://www.ace-ed.org.uk/> provide an advice line service on 03000 115 142. Information, Advice and Support Kent (IASK) <https://www.iask.org.uk/> provide free, impartial advice and support about special educational needs and disabilities (SEND) and can be contacted on 03000 413000.

The school's behaviour policy [also add reference to exclusion policy if a separate policy exists] can be found [here – input link(s) to school website] or you may wish to contact school for a paper version.

Statutory guidance on suspensions can be accessed through <https://www.gov.uk/government/publications/schoolexclusion>

Yours sincerely,

[Name]

[Headteacher)

SUSPENSION LENGTH TOTAL SUSPENSION DAYS IN TERM
MODEL LETTER (5)

PERMANENT NA

Dear [parent(s) name(s)]

I am writing to inform you of my decision to permanently exclude [pupil's name] with effect from [date].

I realise that my decision may be upsetting for you and your family, but the decision to permanently exclude [pupil's name] has not been taken lightly. [Pupil's name] has been permanently excluded because [reasons for permanent exclusion and category of exclusion].

You have a duty to ensure that your child is not present in a public place in school hours for the first 5 days of this permanent exclusion. Failure to comply with this duty without reasonable justification means an offence is being committed and you may be given a fixed penalty notice or be prosecuted.

The school will set work for [pupil name] to complete during the first five days of this permanent exclusion [detail the arrangements for this]. Please ensure the work is returned promptly for marking.

FOR PRIMARY & SPECIAL SCHOOLS ONLY:

From day 6 onwards [date] of your child's permanent exclusion the Local Authority has a statutory duty to arrange suitable full-time education and a member of Kent County Council will be in touch shortly to confirm details for your child's onward education.

FOR SECONDARY SCHOOLS ONLY:

From day 6 onwards [date] of your child's permanent exclusion [state arrangements here, e.g., placement at Pupil Referral Unit until appeal panel heard].

As this exclusion is permanent, the [School's Local Academy Committee] has a statutory requirement to consider reinstatement of your child within 15 school days of receiving notification. You will, whether you choose to make representation or not, shortly be notified by the Clerk to the [School's Local Academy Committee] of the time, date and location of the meeting. If you wish to make representation and be accompanied by a friend or other representative, please contact [name and contact details of Clerk to School's Local Academy Committee] as soon as the meeting details are confirmed. Please also state if you have special needs or disability which would affect your ability to attend or take part in a meeting at the school, and/or if you require an interpreter to be present.

The [School's Local Academy Committee] will form a committee of three governors at minimum who will review my decision to permanently exclude [pupil name]. The [School's Local Academy Committee] must make one of two decisions; it must direct

reinstatement of your child to school immediately or on a particular date, or it must decline to reinstate your child, meaning your child will not be able to return to the school. If the School's Local Academy Committee declines to reinstate your child, you have the legal right to request an independent review and details of this process will be provided should this be the outcome. For more information, please contact appeals@kent.gov.uk.

If you believe your child has been discriminated against in the permanent exclusion process because of a disability, then you may wish to make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of

the suspension First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk). The Tribunal can consider claims about suspensions and permanent exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review.

If you believe that this permanent exclusion occurred because of discrimination other than in relation to disability (e.g. in relation to race) you can make a claim to the County Court.

If you require a copy of child's school record, you will need to do this via a Subject Access Request (SAR) in writing setting out clearly what personal data you wish to access. This will normally be dealt with within one month of your request. Please direct your written request to the headteacher.

I would like to draw your attention to a range of sources of free and impartial information. As the school is duty bound to inform the Local Authority of a permanent exclusion, you may wish to contact Michelle Slater, Inclusion and Attendance Adviser from Kent County Council via 03000 414932 or michelle.slater@kent.gov.uk. The Coram Children's Legal Centre is a registered charity <https://www.childrenslegalcentre.com/> and can be contacted on 0300 330 5485. ACE Education <http://www.ace-ed.org.uk/> provide an advice line service on 03000 115 142. Information, Advice and Support Kent (IASK) <https://www.iask.org.uk/> provide free, impartial advice and support about special educational needs and disabilities (SEND) and can be contacted on 03000 413000.

The school's behaviour policy [also add reference to exclusion policy if a separate policy exists] can be found [here – input link(s) to school website] or you may wish to contact school for a paper version.

Statutory guidance on suspensions can be accessed through <https://www.gov.uk/government/publications/schoolexclusion>

Yours sincerely,

[Name]

[Headteacher]

MODEL LETTER 5 – FROM THE GOVERNANCE PROFESSIONAL TO THE SCHOOL'S LOCAL ACADEMY COMMITTEE (MANAGEMENT COMMITTEE IN CASE OF A PRU) TO PARENT UPHOLDING A PERMANENT EXCLUSION

Dear [Parent's Name]

The School School's Local Academy Committee met at [school] on [date] to consider the decision by [head teacher] to permanently exclude your son/daughter [pupil's name]. The School School's Local Academy Committee, after carefully considering the representations made and all the available evidence, has decided to not to reinstate [pupil's name]'s back into school.

The reasons for the School School's Local Academy Committee decision are as follows: [give the reasons in as much detail as possible, explaining how they were arrived at.]

You have the right to apply for the decision to be reviewed by an Independent Review Panel. You must set out the reasons for requesting the review in writing. Regardless of whether your child has recognised special educational needs, you have the right to request the Academy Trust to appoint an SEN expert to attend the review and provide impartial advice to the panel about how SEN could be relevant to the exclusion. If you wish for an SEN expert to attend the review, please notify the GOVERNANCE PROFESSIONAL to the Independent Review Panel at the time of lodging your request. You may also include reference to any disability discrimination claim you may wish to make.

Governance.professional@veritasmat.co.uk

by no later than [specify the latest date – the 15th school day after receipt of this letter]. If no application has been made for an Independent Review Panel by this date, then you will lose your right to a review.

decision: Independent Review Panel can make one of three decisions: they may uphold the decision made by the School School's Local Academy Committee to not reinstate your child back into school, they may recommend that the School School's Local Academy Committee reconsiders their decision; or they may quash the decision and direct that the School School's Local Academy Committee considers the decision not to reinstate your child back into school.

If you believe your child has been discriminated against in the exclusion process because of a disability, then you may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion: www.tribunals.gov.uk/Tribunals/Firsttier.htm. The Tribunal can consider claims about permanent and fixed term exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If you believe that fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g., in relation to race) you can make a claim to the County Court.

You may wish to contact the Inclusion and Attendance Adviser from Kent County Council via 03000 414932

You may also find it useful to contact.

- Coram’s Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/informationpages/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) 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.
- You may wish to contact IASK (Information, Advice and Support Kent) on 03000 413000.
- Statutory guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>

The arrangements currently being made for [pupil’s name]’s education will continue. [specify details here].

Yours sincerely

[Name]

GOVERNANCE PROFESSIONAL School’s Local Academy Committee