



Morton Academy

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Part of United Learning



Suspension Policy

September 2024



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<p>The 'Anti-Bullying Policy' will be distributed to all members of staff and discussed internally on a regular basis.</p> <p>Please note, this version of the document contained within the 'Policy' folder on the 'V Drive' in the 'Policy' folder is the only version that is maintained.</p> <p>Any non-digital versions should therefore be viewed as "uncontrolled", and as such, may not necessarily contain the latest updates and amendments.</p>		

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Suspension Policy

1. Policy Statement

Morton Academy's 'Suspension Policy' is designed to briefly outline the Academy's responsibility and approach to suspensions in line with the statutory framework as defined in 'Suspension from Maintained Schools, Academies and Student Referral Units in England'.

Morton Academy believes that fixed term suspension is recognised as an appropriate sanction. However, permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most fixed term suspensions are the result of persistent breaches of Morton Academy's 'Behaviour Policy', with the student often not engaging with internal strategies which are explored to address misconduct.

During fixed term suspensions, endeavours to remain in communication with the family of the student will be attempted by the Academy to monitor and ensure the safety and welfare of the student. A permanent exclusion for a serious breach (e.g. a one-off offence) should only happen in the most serious of circumstances. Fixed term suspensions should only be instigated when other routes have been exhausted or when the conduct of the student is in direct conflict with the Academy's 'Behaviour Policy'.

Fixed term suspensions should only ever be decided upon by the Principal, or in their absence, a Vice Principal. Additionally, all permanent exclusions should be confirmed with the relevant Education Director before issuing.

Principals, Local Governing Bodies, Independent Review Panels and experts of SEN must by law have regard to the necessary guidance when deciding:

- Whether to suspend a student;
- Whether to uphold a fixed term suspension or permanent exclusion;
- Whether to direct reinstatement;
- Whether to recommend or direct that the Local Governing Body considers the suspension again.

Morton Academy must have relevant policies, procedures and staff training in place that will promote exemplary student culture. On this particular note, all stakeholders of Morton Academy are aware of the standards of behaviour expected from students and the range of proportionate sanctions that may be considered whenever these standards are not met.

Morton Academy's 'Suspension Policy' provides an overview of the suspension process. It should be read alongside current 'DFE Guidance on Suspensions', which should be followed in all cases.

2. Suspensions

There are two forms of official suspension:

1. Fixed Term Suspension

A fixed term suspension is a suspension for a fixed number of days. The suspended student must remain at home up to the first five days, during which time Morton Academy will take reasonable steps to set and review appropriate resources for the student. For a fixed term suspension of more than five days, full time education provision commences from the sixth day and must be organised by the Academy. A student may not be suspended for more than 45 days in an academic year. A student is entitled to return to the Academy once the period of suspension has ended. However, this may be graduated or in a regulated manner dependent upon the reasoning for the suspension.



2. Permanent Exclusion

A permanent exclusion is where the Principal's intention is that the student should not be allowed to return to the Academy. The decision should only be taken if:

- (a) The student has committed a serious breach, or persistent breaches, of Morton Academy's 'Behaviour Policy';
- (b) Allowing the student to remain would likely seriously harm the learning, reputation or welfare of the student specifically and/or other stakeholders of the Academy.

In most cases, permanent exclusion will be considered after a wide range of alternative strategies have been attempted, with either limited or no success. However, there can be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a student for a single serious breach (often referred to as a one-off offence). Some examples of misconduct that might be considered as a serious breach are set out in 'Appendix 1'.

3. Unofficial Suspensions

Formal suspension is the only legal method of removal if a student is sent home for disciplinary reasons (including social time). Informal or unofficial suspensions are unlawful, regardless of whether they are actioned with the agreement of the student's family.

3. Stages of Suspensions

1. Permanent Exclusions

The permanent exclusion process falls into three individual stages:

1. Decision by the Principal to permanently exclude;
2. Consideration of the Principal's decision by The Local Governing Body, usually delegated to a Behaviour Committee;
3. In the case of a permanent exclusion, and only if requested by student's family, consideration of the Principal's decision by an Independent Review Panel.

The initial decision on whether to permanently exclude is for a Principal to take. As part of considering each permanent exclusion, the Principal must consult with the Education Director at Morton Academy before the decision is reached and the case presented to the Behaviour Committee.

2. Fixed Term or Permanent

In many cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

In this case, a Principal may issue a fixed term suspension for a short period (a maximum of five Academy days is advised):

- To allow investigation to take place;
- To provide opportunity for a reasoned decision.



In this case the letter informing of the fixed term suspension should clearly state that the reason for the fixed term suspension is “to allow investigation into an incident which may result in permanent exclusion”. The letter should not state that the fixed term suspension is, in itself, a sanction for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following outcomes;

- Notification for the student to return to the Academy;
- An extension to the fixed term suspension, detailing the reasoning;
- Notification of a permanent exclusion.

In exceptional cases, usually where further evidence not available at the time of the investigation has come to light, a fixed term suspension may be extended or converted to a permanent exclusion. Similarly, a Principal may choose to withdraw a suspension in the light of new evidence.

4. Conduct Outside of Morton Academy

The Academy has the right to make decisions about student conduct taking place on trips, outings, sporting fixtures or travel/movement in the vicinity of the Academy. Subject to the requirements of this ‘Suspension Policy’, the Principal may suspend students even if the circumstances giving rise to suspension occur when the student is out of the Academy.

5. Police Involvement and Parallel Criminal Proceedings

The process of suspension from the Academy and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term suspension should be used.

Principals should follow the procedures set out in the ‘DFE Guidance on Suspensions’, which has been designed to ensure fairness and openness in the handling of all suspensions. Following the ‘DFE Guidance on Suspensions’ reduces the chance of any successful legal challenge to the suspension at a later stage.

The United Learning Trust Charity Board has delegated powers to the Local Governing Body to review suspensions and must consider any representations about a suspension made by the family of the suspended student. The Local Governing Body usually delegates some or all of its functions in respect of suspensions to a Behaviour Committee consisting of at least three governors, who are independent and have had no direct involvement with the case.

The Local Governing Body’s role is to review suspensions. The Local Governing Body can either uphold a suspension, or direct reinstatement immediately or by a particular date. The Local Governing Body cannot extend a fixed term suspension nor substituted it with a permanent exclusion.

6. Local Governing Body’s Decision

A checklist for Behaviour Committees is set out in ‘Appendix 7’. This should be used when making the concluding decision for every permanent exclusion.

The Behaviour Committee must inform the family, Principal and the Local Authority of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the student resides in a different Local Authority, the Behaviour Committee must also inform the student’s Local Authority. A note of the Behaviour Committee’s views on the permanent exclusion should be placed on the student’s record with copies of relevant papers.



If the Behaviour Committee directs reinstatement of the student, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student. Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter. Example correspondence is set out in 'Appendix 6'.

7. Role of the Clerk to the Behaviour Committee

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the Local Governing Body or the Principal.

The role of the Clerk is to handle the administrative arrangements for considering suspensions. The Clerk should not have taught the student or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in suspension matters so that the meeting can progress smoothly.

8. The Role of Morton Academy

The Local Authority does not have a decision-making role in the suspension process. The Charity Board has delegated this responsibility to each Local Governing Body. As part of considering each permanent exclusion, however, the Principal must consult fully with their Education Director before a decision is reached and the case presented to the Behaviour Committee.

It is the Behaviour Committee which has the duty to review the Principal's decision to suspend.

9. Education of Suspended Students

The Local Authority is required to arrange full time educational provision for permanently excluded students from the sixth day of a permanent exclusion. Once a Principal has decided to permanently exclude a student, the Local Authority should arrange to assess the student's needs and how to meet them (even though the suspension might still be overturned by the Local Governing Body). The student will only be removed from Morton Academy's roll if:

- (i) The student was permanently excluded;
- (ii) 15 Academy days have passed since the family were notified of the Behaviour Committee's decision to uphold the permanent exclusion;
- (iii) The family have stated in writing they will not be applying for an Independent Review Panel.

It will be the responsibility of the Local Authority to offer an alternative place.

10. Independent Review Panels

Each Local Governing Body must take responsibility for setting up and training Independent Review Panels or make arrangements to use the service provided by the Local Authority. Independent Review Panels are only involved in reviewing permanent exclusions and only if requested by the family of the permanently excluded student.

1. Notifying Families

When a permanent exclusion is upheld by the Behaviour Committee, the Behaviour Committee's decision letter to the family must state the reasons for the decision, give the last day for lodging a review (within 15 Academy days) and explain that the grounds for the review should be set out in writing. If a family does not request a review within the timescales the Local Governing Body must reject the application.



2. The Timing of the Hearing

An Independent Review Panel must meet to consider a suspension no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

3. Composition of Independent Review Panels

Independent Review Panels must consist of three or five members:

- A lay member to chair the panel who has not worked in any educational setting in a paid capacity, disregarding any experience as a governor or volunteer;
- Governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been members of staff during this time;
- Principals or individuals who have been a Principal within the last five years.

An individual may not serve as a member of an Independent Review Panel if:

- They are a member/director of the Local Authority/Academy Trust or Local Governing Body of the suspending educational setting;
- Are the Principal of the suspending educational setting or anyone who has held this position in the last five years;
- Are an employee of the Local Authority/Academy Trust, or the Local Governing Body, of the suspending educational setting (unless they are employed as a Principal elsewhere);
- Have, or at any time have had, any connection with the Local Authority/Academy Trust, Academy, or the incident itself leading to the suspension, 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 a Principal elsewhere);
- Have not had the required training within the last two years ('Paragraph 116' of 'Suspension from Maintained Schools, Academies and Student Referral Units in England Guidance').

4. Request for an expert of SEN ('Section 8.5' of 'Suspension from Maintained Schools, Academies and Student Referral Units in England Guidance').

If requested by the family the individual convening the panel must appoint an expert of SEN to attend the Independent Review Panel.

Families have a right to the above, regardless of whether their child has recognised or identified SEN.

11. Role of the Clerk to the Independent Review Panel

It is strongly advised that the Independent Review Panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures for all parties.

12. Conduct and Role of the Independent Review Panel

The role of the Independent Review Panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded student. The Independent Review Panel must take account of the circumstances of the suspended student and all others in the Academy. The Independent Review Panel must apply the 'Civil Standard of Proof' (also referred to as the balance of probabilities).



1. Reaching a Decision

Information on what the Independent Review Panel should consider when reaching their decision can be found in 'Section 9' of the 'DFE Guidance on Suspensions'.

2. The Decision

An Independent Review Panel can decide to either:

- Uphold the suspension decision;
- Recommend that the Local Governing Body reconsiders their decision;
- Quash the decision and direct that the Local Governing Body considers the suspension again.

The Independent Review Panel's decision can be decided by a majority vote. The Independent Review Panel can request that a copy of the decision letter is placed on the student's record and the Academy must comply with this request.

The Independent Review Panel may only quash a decision and direct reconsideration where it considers that the permanent exclusion was flawed when considered in the light of the principles applicable on an application for judicial review considering illegality, irrationality and procedural impropriety.

3. Financial Penalties

Where the Independent Review Panel directs a Local Governing Body to reconsider a permanent exclusion it has the power to order that a readjustment of the Academy budget be made if the Local Governing Body does not offer to reinstate the student within 10 Academy days of receiving notification. The sum of this adjustment must be £4,000, payable within 28 Academy days, and will be in addition to other monies that follow permanently excluded students.

4. Reconvening a Behaviour Committee

If the Independent Review Panel directs or recommends that the Local Governing Body reconsider the suspension, the Local Governing Body must meet to reconsider within 10 Academy days of notification. Where a Local Governing Body has reconsidered an suspension decision it must inform the relevant individual, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

5. After the Independent Review Panel

The Independent Review Panel is independent. Its decision is binding on the family, the Local Governing Body and the Principal. The Independent Review Panel cannot revisit its decision once made.

The Independent Review Panel must let all stakeholders know its decision without delay. The decision letter should give the Independent Review Panels reasons for its decision in sufficient detail for the stakeholders to understand why the decision was made.

If the Independent Review Panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority. It is for the Local Authority in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education. If the student lives outside the area of the Local Authority, the Clerk should make sure that the Local Authority is also informed immediately of the position.

Where the suspension is upheld the Clerk should also advise the family to contact the appropriate individual at the Local Authority about arrangements for their child's continuing education. The Principal should remove the student from Morton Academy's roll the day after the conclusion of the Independent Review Panel.

6. Remedies After the Independent Review Panel

A family can complain to the Secretary of State via the Education Funding Agency at the Department for Education.

7. Judicial Review

Decisions of both Local Governing Bodies and Independent Review Panels can be subject to judicial review.

8. Claims of Discrimination in Relation to Suspension

Families can also apply to the first-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under 'The Equality Act'. The first-tier tribunal will be able to direct reinstatement.



APPENDICES

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to persistent misconduct of a serious nature, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion, these are:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the academy premises or during academy organised activities;
- removal or damage of academy property;
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another student, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- wilful defiance of the properly exercised authority of the academy and its staff;
- bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principles or ethos.



*From the Principal notifying family of a fixed term suspension of **5 Academy days or fewer** in one term, and where a public examination is not missed*

Date:

Name
Address

Student Name: (Full name of student)
D.O.B: (Date of birth)
Year Group:

Dear [family's name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded for this fixed period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed on the days specified in the previous paragraph [detail the arrangements for this].

Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make written representations about this decision to the Governing Body. If you wish to make representations please contact [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

Whilst the Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

Excluded students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.



You also have the right to see a copy of [name of child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of child]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the suspensions process can be found at:

<https://www.education.gov.uk/publications/standard/AllPublicationsNoRsg/Page6/DFE-00042-2012>

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

• [where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local family partnership (www.familypartnership.org.uk).

[name of child]'s suspension expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal



*From the Principal notifying family of a fixed term suspension of **more than 5 and up to and including 15 Academy days in total in one term, or where a public examination would be missed***

Date:

Name
Address

Student Name: (Full name of student)
D.O.B: (Date of birth)
Year Group:

Dear [family's name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded for this fixed period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this suspension [specify date] until the expiry of the suspension, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

You have the right to request a meeting of the school's Behaviour Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this suspension is more than 5 Academy days in a term the Behaviour Committee must meet if you request it to do so. The latest date by which the Behaviour Committee can meet, if you request a meeting is [specify date — no later than the 15th Academy day after the date on which the Behaviour Committee were notified of this suspension].

If you wish to make representations to the Behaviour Committee, and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding. You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal:



www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of [name of child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of child]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the suspensions process can be found at:

<https://www.education.gov.uk/publications/standard/AllPublicationsNoRsg/Page6/DFE-00042-2012>

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

- [where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local family partnership (www.familypartnership.org.uk).

[name of child]'s suspension expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal



*From the Principal notifying family of a fixed term suspension of **more than 15 Academy days in total** in one term*

Date:

Name
Address

Student Name: (Full name of student)

D.O.B: (Date of birth)

Year Group:

Dear [family's name]

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

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded for this fixed period because [reason for suspension].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this suspension [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this suspension [specify date] until the expiry of the suspension, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

As the length of the suspension means that [] has been excluded for more than 15 Academy days in total in one term the Governing Body must meet to consider the suspension. At the review meeting you may make representations to the Governing Body if you wish. The latest date on which the Governing Body can meet is [date here — no later than 15 Academy days from the date the Governing Body is notified]. If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the meeting.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.



You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of [name of child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of child]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Further guidance on the suspensions process can be found at:

<https://www.education.gov.uk/publications/standard/AllPublicationsNoRsg/Page6/DFE-00042-2012>

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local family partnership (www.familypartnership.org.uk).

[name of child]'s suspension expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal



*From the Principal notifying family of a **permanent exclusion***

Date:

Name
Address

Student Name: (Full name of student)

D.O.B: (Date of birth)

Year Group:

Dear [family's name]

I regret to inform you of my decision to permanently exclude [child's name] with effect from [date]. This means that [child's name] will not be allowed back to this school pending a meeting of the Behaviour Committee.

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded permanently because [reason for suspension — serious breach (one off incident) or persistent breaches of the school's behaviour policy - also include any other relevant previous history here].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this suspension, that is on [specify dates] unless there is reasonable justification for this.

Alternative arrangements for [child's name] education to continue will be made. For the first five days of this suspension we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the suspension onwards [specify date] the Local Authority in which you reside will provide suitable full time education. I have also today informed the Local Authority of your child's suspension and they will be in touch with you about arrangements for his/her education from the 6th school day of suspension. You can contact them on [insert telephone number and name]

As this is a permanent exclusion the Governing Body must meet to consider it. At the meeting you may make representations to the Governing Body if you wish and ask them to reinstate your child. The Governing Body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the suspension in which case you may request an Independent Review Panel to review their decision. The latest date on which the Governing Body can meet is [specify date — no later than 15 Academy days from the date the Governing Body is notified].

If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.



You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You also have the right to see a copy of [name of child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [name of child]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

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the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the head teacher], links to local services, such as Traveller Education Services or the local family partnership (www.familypartnership.org.uk).

Yours sincerely

[name]
Principal



Appendix 6 Model Letter

Letter from the Clerk upholding a permanent exclusion

Date:

Name
Address

Student Name: (Full name of student)
D.O.B: (Date of birth)
Year Group:

Dear [Family's name],

The meeting of the Governing Body at [school] on [date] considered the decision by **[Principal]** to permanently exclude your son/daughter **[name of student]**. The Governing Body, after carefully considering the representations made and all the available evidence, have decided to uphold **[name of student]**'s permanent exclusion.

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

You have the right to request an Independent Review Panel to reconsider the suspension. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to **[insert contact details for Clerk]** by **[specify the latest date — no later than 15 Academy days from the date the letter is posted, allowing 2 Academy days for receipt of letter]**. If you have not lodged a request for an Independent Review Panel by **[repeat latest date]**, your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three or five member panel will comprise one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The Independent Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

In determining your request for reconsideration the Independent Review Panel can make one of three decisions: they may uphold your child's suspension; they may recommend the Governing Body reconsiders their decision or quash the decision and direct that the Governing Body considers the suspension again. However, the Independent Review Panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you.



Excluded students should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

Further guidance on the suspensions process can be found at:

<https://www.education.gov.uk/publications/standard/AllPublicationsNoRsg/Page6/DFE-00042-2012>

the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008; and

[where considered relevant by the Governing Body], links to local services, such as Traveller Education Services or the local family partnership (www.familypartnership.org.uk).

The arrangements currently being made for **[student's name]**'s education will continue. The LA / LOCAL GOVERNING BODY [delete as appropriate] convened panel will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

[name]

Clerk to the Governing Body



Appendix 7 Governor Checklist

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the relevant Education Director at the end of the process. All Secondary and All-through Academies should inform Dame Sally Coates and all primary academies should inform Darran Lee.

Student Name:	Date of Meeting:
1	Telephone call to family/visit from family on (date): Letter of notification using model text sent on (date): Copied and sent to Behaviour Committee on (date):
2	Date of Behaviour Committee Meeting: Within 15 Academy days from Principal's letter, for permanent and fixed term suspensions of more than 15 Academy days (or total more than 15 Academy days in a term) OR Within 50 Academy days from Principal's letter, for fixed term suspensions of less than 15 Academy days Yes/No
3	All written statements/evidence circulated in advance of this meeting (at least 5 Academy days before) Yes/No
4	Procedure for the meeting and confirmation circulated in advance of the meeting Yes/No
5	All relevant information provided on student, including: SEN Status; Care status if looked after or active case for Social Care; academic progress Yes/No
6	Where it is a permanent exclusion decision that it: <ul style="list-style-type: none"> • meets the conditions in which permanent exclusion is appropriate: <ul style="list-style-type: none"> ○ allowing him/her to remain in the academy seriously harms the learning or welfare of another student or students in the school ○ allowing him/her to remain in the academy seriously harms the welfare of an adult or adults in the school ○ his or her behaviour seriously undermines the ethos of the academy ○ the student's behaviour is judged to be misconduct or is cumulative persistent misconduct to justify permanent exclusion • is consistent with other similar incidents (where appropriate) Yes/No



<p>6</p>	<p>Evidence and use of procedures are satisfactory in relation to:</p> <ul style="list-style-type: none"> • The investigation conducted • Firm evidence collected to support decision to exclude • Student has been given the opportunity to give his/her version of events • Provocation/harassment has been taken into account, if appropriate • The school's SEND policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice • Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been tried. • There is evidence of other interventions that have been tried including, where appropriate: <ul style="list-style-type: none"> ○ alternative or enhanced curriculum ○ mediation ○ education welfare involvement ○ family support ○ mentor support for the student • No more strategies are available that the school could reasonably be expected to initiate • Requirements of discrimination (under the Equality Act 2010) have been considered • Family has been given adequate time to make representations • All parties to the meeting know how this decision will be communicated • Satisfactory arrangements in place for student to continue their education during suspension period <p>Yes/No</p> <p>If no, what concerns exist:</p>
<p>7</p>	<p>To be completed after the Behaviour Committee meeting</p> <p>Family, Principal and Local Authority notified of decision on (date):</p> <p>Letter regarding decision sent out on (date):</p> <p>Signed (Clerk to the Behaviour Committee):</p> <p>Date:</p> <p>A copy of this checklist should be <u>sent to Morton Academy Managing Director</u> at the conclusion of the process.</p>

