

Exclusion Policy and Guidance

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Version Control

Version	Reviewed	Changes since last version
1	September 2018	New policy
2	October 2019	No changes – reviewed as part of the annual cycle
3	October 2020	No changes – reviewed as part of the annual cycle
4	September 2021	<p>The DFE have changed exclusion terminology. A previous fixed term exclusion is now referred to throughout as a ‘suspension’. The terminology for permanent exclusion remains the same.</p> <p>Letter page 41-the governing body must hear any case that involves a student missing a public examination. Removed and added to letter page 44-45.</p> <p>Addendum. New temporary guidelines issued on remote meetings.</p>
5	September 2022	<p>This policy has been reviewed in the light of new government guidance September 2022 and now includes:</p> <p>Details on procedures taken if a headteacher cancels an exclusion that has not been reviewed by the governing board.</p> <p>Reference to notifying social workers and/or Virtual Schools Heads for any suspension or permanent exclusion as applicable</p> <p>Reference to notifying the local authority, without delay, regardless of the length of a suspension</p> <p>Guidance on the role of a social worker and Virtual School Head, during Pupil Disciplinary Committees and Independent Review Panel meetings.</p> <p>Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension, considering their age and ability to understand.</p>

This policy has been adopted by the Mulberry Schools Trust and will be applied to all schools that belong to the Mulberry Schools Trust. This policy follows the Department for Education's statutory guidance on suspensions and permanent exclusions.

Introduction

At Mulberry Schools Trust we are committed to ensuring the safety and well-being of all members of the Trust community, whilst maintaining an appropriate and positive environment, where all can work, learn and succeed together.

A decision, therefore, to exclude a pupil from a school within the Trust will usually be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour for Learning policy or other relevant policies concerning the safeguarding of pupils, such as the anti-bullying, drugs or health and safety policies;
- Bringing the reputation of the school / Trust into disrepute;
- If allowing a pupil to remain in the school would seriously harm the education, health and safety or welfare of the student, other pupils or staff;
- In response to a series of breaches of the relevant Trust and school policies, once a range of alternative strategies have been tried and failed (see Intervention & Support).

In law, only the headteacher/principal can exclude a pupil from a school within the Trust although, in his/her absence, this responsibility can be undertaken by the associate headteacher/vice principal in charge providing it is ratified by the headteacher/principal upon return*. This means that each school's headteacher/principal and Local Governing Body (LGB) are accountable to the Trust for any suspension or permanent exclusion that is made and they must take responsibility for ensuring decisions to exclude are lawful, reasonable and fair. LGBs must convene Pupil Discipline Committees as required in accordance with this policy and under the Terms of Reference of the Mulberry Schools Trust (included in the Guidance Section of this document). The Trust is responsible for ensuring that this policy is adhered to and for organising Independent Reviews of governors' decisions as required.

**(Other exclusion-related activities do not have to be undertaken by the headteacher/principal, but may be delegated so long as the headteacher/principal is made aware of these activities at the earliest opportunity.)*

Before reaching a decision to exclude, the headteacher/principal will:

- Consider all the relevant facts and the evidence to support the allegations made;
- Allow the pupil to give his/her version of events, usually in a written statement;
- Check whether the incident appeared to be provoked by racial, sexual or other harassment;

- Consult with others if necessary;
- Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interviews with pupils concerned. Witness statements will be dated and signed, wherever possible.

There are three types of exclusion that we can use:

1. Internal suspension
2. Fixed term suspension (up to a maximum of 45 days in an academic year)
3. Permanent exclusion

Pupils may not be suspended for non-disciplinary reasons, such as for the actions of a pupil's parents or because the school feels unable to meet the additional needs of a child.

INTERNAL SUSPENSION

All external suspensions in schools within the Trust are for serious breaches of school/Trust policies and are of a fixed term nature and of short term duration. For less serious breaches of Trust rules an internal suspension may be given as a sanction.

It is our practice that most suspensions take the form of an internal suspension, with the pupil being excluded to an Inclusion Base where they are supervised and usually given a programme of support where they are counselled about the behaviour that has led to their suspension.

Any referral to the Inclusion Base must be made through a head of year. An Internal Suspension Record will need to be completed by the Head of Year and approved by a senior member of staff – usually the vice-principal or associate headteacher. This record will include details of the nature of the referral, the length of the placement in the Inclusion Base and the number of previous suspensions, if any. It will also record the pupil's SEN status, ethnicity and gender. Once this record is completed, a letter to parents/carers will be written and sent home to inform them of the suspension. Usually, the internal suspension will have been discussed with parents in a meeting before the internal suspension takes place although sometimes this may not be possible, in which case phone calls should be made to ensure parents are fully involved.

For more serious breaches of the Behaviour for Learning Policy or other relevant Trust/school policies, a parental 'face to face' meeting must take place with the head of year and a senior member of staff before a pupil is allowed back into lessons. The purpose of these meetings is to reinforce expectations, ensure any issues are resolved and set appropriate targets for the pupil.

FIXED TERM SUSPENSION

A decision to suspend a pupil for a fixed period is taken in response to breaches of a school's behaviour policy or other relevant Trust/school policies, where the behaviour

is not serious enough to warrant permanent exclusion or is too serious for lesser sanctions, such as when a detention or internal suspension are considered inappropriate.

PROCESS

Before a decision to make a fixed term suspension, an investigation of the incident which has led to a breach of policy should usually be conducted. Written statements should be collected from **all** pupils involved, including alleged perpetrators and all witnesses. Adult written witness statements must also be collected, where relevant. This would usually be done by the head of year, although senior staff and other adult members of the school community such as learning mentors may also be involved in the collection of statements. Other evidence collected may include, where possible:

- photocopies of material
- photographs of damage or injury
- CCTV film footage (please refer to our CCTV policy)
- Screen shots, text messages or recordings from mobile phones
- Email or other computer-based material or information

This list of additional evidence to statements is not exhaustive. Neither is it prescriptive – in that it may not always be practically possible to obtain some of it.

When the statements and all additional evidence it is feasible to gather have been collected, the head of year (or senior member of staff) will review it, make a judgement as to what has happened based on the 'balance of probability' and write a brief summary report of the findings. The headteacher/principal will receive the evidence and report. S/he will consider the evidence and, on the 'balance of probability', make a decision ensuring that the investigation is thorough and has been carried out in a fair and sensitive way with all parties. S/he will judge whether suspension is an appropriate and reasonable sanction, consistent with the school's behaviour policy taking into account all factors that could have contributed to a pupil's behaviour such as equalities issues, SEND or bereavement. The headteacher/principal will consider any safeguarding issues that might place a particular child at risk if suspended externally.

If the headteacher/principal decides to make a suspension, s/he will determine an appropriate length of time for the suspension, taking into account the following:

- Level of seriousness of the behaviour in question of an individual pupil
- Length of previous suspensions individual pupils may have had, if any
- Any extenuating circumstances that might apply to an individual pupil's involvement in an incident
- Fairness in the treatment of all individual pupils involved in an incident.

Where more than one pupil is involved in a breach of policy and expectation, pupils' cases will be looked at individually and a professional judgement made by the headteacher/principal as to whether the same sanction will be applied equally to all or will be varied in line with the above. Because a variety of factors apply to a decision about the term of a suspension, there is no prescription as to the length of time that should be applied to specific incidents.

However, the rationale of the headteacher/principal in making decisions about length of suspension must be clear to parents, trustees and governors and consistently applied and should be set out in the suspension letter as well as the records accompanying the decision. Parents may know only the rationale relating to their own child and the incident in question and not the rationale for decisions about other individual children, which are confidential to those parents and to trustees and governors involved in any discipline committee hearings.

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

Once a decision has been made to externally exclude a pupil for a fixed term period, parents must be contacted without delay and invited to collect their child from school. The headteacher/principal will usually meet parents at this point to discuss the incident and the decision that has been reached. Where possible a suspension letter will have been prepared for parents to take with them otherwise it will be posted, unless parents have agreed to the electronic communication of letters. If a pupil has a social worker, or if a pupil is looked-after, they must also notify the social worker and/or the Virtual School Head without delay.

If it is not possible to contact parents so that they collect their child, the pupil should go home at the end of the day as usual with a suspension letter and the head of year or senior member of staff should contact parents by telephone later to explain, arranging to see parents for a meeting with their child at a later point preferably the next day.

If a suspension takes a pupil's total school days of suspension over 5 in a term, or will prevent the pupil taking a public exam or national curriculum test, the headteacher/principal must inform the governors and the Trust CEO of the duration and the reasons for it. This must be recorded.

All pupils receiving a fixed term suspension should receive school work to complete at home – usually via the school's VLE (virtual learning environment – Mulberry Learn). Clear instructions must be given about work completion, which should be marked by teachers once it is finished.

Following a fixed-term suspension, a return / reintegration meeting must take place with the parents, arranged by the head of year. The purpose of these meetings is to ensure any issues are resolved and to support the pupil's successful reintegration to the school after a serious incident.

The headteacher/principal must notify the he Clerk to the Trust Board of any suspension without delay; this will be done regardless of the length of any suspension

LENGTH AND NUMBER OF FIXED TERM SUSPENSIONS

A pupil may be suspended for a fixed term period of up to 45 days in an academic year. To ensure fairness to a pupil and access to education, there are a number of requirements that schools in the Trust must follow.

1. If a pupil is to be suspended for more than 5 days, s/he must be educated off site from the 6th day in a formal setting such as an alternative provision. It is the school's responsibility to ensure this happens.

2. If a pupil is suspended for less than 5 days in any one term, parents may make representations to the local governing body about the headteacher's / principal's decision. Governors must consider parents' representations but may not overturn the decision and reinstate the pupil. Governors are not required to meet to deal with their representations but the Chair should investigate the concerns raised, writing formally afterwards to set out a response. Whilst governors may not overturn the decision and reinstate the pupil, they may examine aspects of policy or practice that could be improved to ameliorate future situations. On rare occasions, the Discipline Committee may meet to consider parents representations directly, after which they will write formally to set out their response in the same way.

3. If a pupil is suspended for more than 5 days in any one term, parents may ask the trustees/governors to review the headteacher's/principal's decision and to overturn it, thereby reinstating the pupil. A Trust discipline committee hearing must be convened to hear the case within 50 days of the notice of suspension. Discipline committee hearings follow a set process, which is explained further on in this document.

4. If a pupil is suspended and will miss a public examination or national curriculum test, the school must convene a discipline committee hearing before the exam takes place to consider the suspension. If this is not possible, the chair of governors may consider the pupil's reinstatement alone under chair's action, reported to the next local governing body meeting in the usual way.

5. In exceptional cases, if a pupil is suspended for a fixed term and then further evidence comes to light about an incident that warrants a more serious sanction, the headteacher/principal may make a further suspension such as another fixed term suspension or a permanent exclusion immediately after the previous period has finished. The rationale for this must be very clearly set out in the suspension letter. Once a length of term has been decided for a suspension, under law it may not be extended. A separate suspension must be made

A fixed term period of suspension may not necessarily constitute whole days over a continuous period of time. It may be for parts of days. In all such cases, the same process of investigation, decision-making, communication and record-keeping must happen as with a continuous period of exclusion. Parents must be notified in the usual way and a pupil's completion of the exclusion monitored carefully.

PERMANENT EXCLUSION

The decision to exclude a pupil permanently is a very serious one. There are two main types of situations in which permanent exclusion will be considered.

In exceptional circumstances, where a one off serious breach of the school's behaviour policy or other relevant policies has occurred and where it is not appropriate to implement other strategies.

When all other strategies to address ongoing disciplinary offences and breaches of the school's behaviour policy and other relevant policies have been used, without success.

Schools within the Trust do not have a "tariff" of suspension length for different misdemeanours, however there are certain one-off incidents for which permanent exclusion would be considered, given their seriousness. The list below provides examples of such incidents and is not exclusive:

- possession or use of, or concealing a weapon (fireworks are deemed as weapons in this instance)
- the assault or threatened assault of a member of staff or a pupil
- repeated and/or serious intimidation of a member of staff or a pupil
- repeated or large scale disruption of pupils' learning (e.g. setting off the fire alarm maliciously)
- possession of illegal substances
- defiance of the headteacher's authority in a situation which seriously breaches the school's behaviour and safety policies and which undermines the good order and conduct of the school

This is not intended as an exhaustive list, but is meant to convey the nature of one-off offences that might result in permanent exclusion. Pupils who receive several suspensions are at risk of being permanently excluded from a school within the Trust. By this time, such a pupil will normally have had a variety of interventions and the school should put in place a pastoral support plan, engaging parents and multi-agency support in the process.

Permanent exclusion will always be a last resort and so other strategies will be considered as an alternative, such as offering a managed move to another school where this is appropriate or possible under the Local Authority's protocols and guidelines. Some cases of indiscipline may be so serious that a managed move to another school would be inappropriate because it will pass on significant risk to the health and safety of others in a new school environment. For example, in cases where a serious assault has taken place on a pupil, teacher or headteacher/principal or a weapon has been used. In such circumstances, a permanent exclusion may be made by the headteacher/principal without discussion of a managed move with parents providing a managed move has been considered by the headteacher/principal and judged to be inappropriate. This rationale must be recorded clearly in the paperwork supporting the decision and reported to parents and governors, usually in the exclusion letter.

PROCESS

If an incident occurs which may warrant a permanent exclusion, the same process of investigation must be followed as with a fixed term suspension. Statements must be taken and due consideration by the headteacher/principal must be given as to the appropriate sanction.

In a permanent exclusion (as with any other suspension), it is essential that all pupils alleged to have perpetrated the breach of behaviour policy and other relevant policies have the opportunity to write a statement about what happened. This would normally be immediately after the incident becomes known. A judgement is then made by the headteacher/principal on the basis of all statements and other evidence collected.

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

However, sometimes an incident is so serious that the pupil(s) involved should be removed from the school site immediately and an investigation conducted whilst they are absent. In such a situation, parents should be contacted to collect their child and the pupil should write a statement at home. Parents should then bring in their child with the statement to discuss it with the headteacher/principal.

Once the headteacher/principal has made a judgement that a permanent exclusion is necessary, s/he must contact parents without delay to let them know and to arrange for them to collect their child. They should then meet with the headteacher/principal or (if not available) a deputy headteacher/vice principal to discuss the incident that has led to it. The meeting must explain:

- what has happened
- why the decision has been made
- what the process is for appeal against the headteacher's/principal's decision
- what support is available to them from the local authority and other agencies
- how their child's education will continue from Day 6
- what work their child must complete between Days 1 and 5 and how it will be marked

Sometimes it is not possible to make a decision to permanently exclude a pupil even though it is clear that a serious breach of the behaviour policy has occurred. This might be, for example, when an investigation into an incident is complex and requires more time to ensure it is fair. The headteacher/principal may choose to isolate the pupil(s) in question from the school community through internal suspension or to externally suspend because allowing the pupil(s) to remain within the school community would undermine good order and conduct or the health and safety of others, for example. Under these circumstances, a headteacher/principal may make a fixed term suspension and then if the evidence suggests it necessary, make a permanent exclusion once the fixed term has finished. This will count as 2 separate exclusions.

If a pupil has a social worker, or if a pupil is looked-after, the social worker and/or Virtual School Head must also be notified without delay.

The pupil's home local authority must be informed of the permanent exclusion ~~within 4 day~~ without delay so that appropriate arrangements for the continuation of the pupil's education can be made. The CEO of the Mulberry Schools Trust must also be informed, although usually the headteacher/principal would discuss with her the incident and sanctions s/he has decided to make before informing others.

A discipline committee hearing must be convened within 15 school days of the permanent exclusion being made. The headteacher/principal within 5 school days of the hearing must send to the parents and members of the panel her/his report and supporting evidence for the decision, together with the exclusion letter and a letter setting out the details of the time and place for the hearing. All parties must receive copies of the report and other papers, usually sending them by special delivery, courier or by hand. As far as possible, their receipt should be confirmed on the 5th day before the hearing. Further details of the conduct of discipline committee hearings are set out below.

A headteacher may cancel any exclusion that has already begun; this will only be done where it has not yet been reviewed by the governing body. Where an exclusion is cancelled, parents/carers, the governing body and the Trust Board will be notified without delay and, if relevant, the social worker and Virtual School Head. Parents/carers will be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled. The pupil will be allowed back into school.

PERMANENT EXCLUSION AND SUSPENSION LETTERS

Whenever a headteacher/principal suspends a pupil, they must notify parents without delay of the period of the suspension and the reasons for it. Usually, this will first be done through a phone call and meeting with parents. However, this must be followed immediately by a letter, which sets out the following:

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

- the parents' right to make representations to the local governing body/Trust
- how representations are made
- where there is a legal requirement for the LGB and trustees to consider the suspension, that parents have the right to attend a meeting and to bring a representative (at their own expense) or a friend
- where parents may find support – such as through the Parent Advisory Centre or other services
- that parents must ensure that their child is not present in a public place at any time during school hours during the period of suspension and that if they do not comply with this duty without reasonable justification, they may be subject to a fixed penalty notice or prosecution
- unless it is a permanent exclusion, if the suspension is longer than 5 days, what arrangements the school is making for the formal education of their child from Day 6, such as the start date, address and start and finish times of the provision as well as who to report to
- where the suspension is for 5 days or less, what work must be completed by the pupil whilst suspended and how it will be marked
- where parents can find relevant sources of other free and impartial information, such as the exclusions guidance.

Where practical and necessary, letters may need to be translated if parents' first language is not English. The letter would usually be posted but can be sent electronically if parents have agreed to this.

Model letters are included in the guidance section of this document.

MONITORING SUSPENSIONS AND EXCLUSIONS

The Mulberry Schools Trust monitors suspensions and exclusions in each of its schools, analysing patterns and trends, seeking always to ensure that suspension or permanent exclusion is only used if necessary in upholding good order and conduct. This is done in a number of ways:

- In the termly reports of headteachers/principals to their Local Governing Bodies
- In termly reports to the Standards Committee of the Board
- Through completion of a form that is sent to the CEO's office for analysis annually as part of the Trust's practice in self-evaluation and continuous improvement of practice

It is important that suspension and exclusion within the Trust are discussed so that

duties such as the equalities duties can be more effectively fulfilled. It is also important to ensure that all pupils are included and given the support they need to be successful and so the Trust Board requires regular consideration of practice in suspensions.

PREVENTION OF SUSPENSION OR PERMANENT EXCLUSION

It is always our aim at the Mulberry Schools Trust to support pupils who are experiencing difficulties in their lives and with those who find managing their own behaviour difficult. Early intervention is usually successful and so every effort is made to ensure pupils have the support they need to overcome such challenges. If a pupil has an EHCP (Education Health Care Plan – formerly known as a Statement) or is a Looked After Child, headteachers/principals should try to avoid suspending or permanently excluding @that child, seeking all other alternatives in liaison with the Local Authority.

We have designed a range of interventions to support those and all other pupils and help them keep on track. Below is a summary of types of support available at the schools within the Trust:

- Class teacher discussion and support
- Tutor discussion and support
- Year Learning Coordinator discussion and support
- Learning Mentor support
- Special Educational Needs Co-ordinator support
- Parental involvement in meetings with the school
- Mentoring programme
- Attendance and Welfare Advisor
- Education Psychologist
- Pastoral Support Plans
- Modified timetables
- Referral to external agencies e.g. CAMHS
- Referral to school counsellor
- Referral to social worker
- Referral to police officer
- Common Assessment Framework / Early Health Assessment
- Work Related/College Programme (KS4)
- Managed Move

- Inclusion Base

Tutors, heads of year and other members of the pastoral team meet on a regular basis to discuss pupils causing concern and how best to support them. This often a multi-agency meeting called a SIP panel, during which support for a pupil is considered and reviewed regularly by a range of professionals.

Pupils who have a pattern of poor behaviour are likely to have been discussed within this forum and usually, where a pupil is in danger of permanent exclusion, a Pastoral Support Plan will be designed for them. This will involve the school, parent(s) and relevant services putting together a relevant action plan and targets for the young person in question. The Pastoral Support Plan will set clear, reasonable and achievable targets to help them manage and modify their behaviour. Pastoral Support Plans are reviewed at regular intervals.

The Mulberry Schools Trust fully participates in the locally agreed Fair Access protocol and Behavior Attendance Partnership. This collaborative working relationship between the Local Authority and the schools in the Trust ensures the early admission to school of the most vulnerable children, as well as the continuing education of children who need support with their behaviour.

The Mulberry Schools Trust believes it is vitally important to work in conjunction with parents and carers to support every young person in achieving to the highest possible level and so we ask parents to work with us in support of their child, while taking care to provide as much support as is available and possible for a school to deploy.

PUPIL DISCIPLINE COMMITTEES

Only the headteacher/principal under law can suspend or permanently exclude pupils and so the Mulberry Schools Trust delegates the authority to hear representations and appeals from parents and carers against the suspension of their child to the Local Governing Body (LGB) for each school. However, it oversees the process and ensures that policy is followed, where necessary supporting LGBs in executing their duties. A school's pupil discipline committee must meet under the following circumstances:

- When a pupil has been externally suspended for more than 5 days in a term if parents appeal against the headteacher's/principal's decision
- When a pupil has been externally suspended for more than 15 days in any one term
- When a pupil has been permanently excluded

The Pupil Discipline Committee must constitute 3 members who may be drawn from governors on the individual school's Local Governing Body and trustees of the Mulberry Schools Trust. The panel of 3 governors/trustees should usually consist of at least 2 members of the school's LGB. The panel should be chaired by a governor/trustee who has been trained in exclusion and who has had experience of sitting on such panels before. It is also preferable that both other panel members will have had training and experience in exclusion.

It is likely that pupils with a social worker have experienced or are experiencing adversity or difficulties. Social workers should, as far as possible, attend the Pupil Disciplinary Committee to share information. This should include helping to identify how the pupil's circumstances may have influenced the circumstances of the pupil's suspension or permanent exclusion and ensuring that safeguarding needs and risks and the child's welfare are taken into account. The Virtual School Headteachers should, as far as possible, attend the Pupil Disciplinary Committee to share information where the pupil is a looked-after child. This should include helping the governing board to understand the pupil's background and circumstances. They should also be able to advise the committee on the possible contribution that the pupil's circumstances could have made to the suspension or permanent exclusion.

The Pupil Discipline Committee must be convened to consider the headteacher's/principal's decision as follows:

- When a pupil has been permanently excluded, suspended for more than 15 days in any one term or will miss a public exam, the Committee must meet within 15 school days
- When a pupil has been suspended for more than 5 days within any one term, the Committee must meet within 50 school days

The time limits given above should be adhered to, although where they slip, this does not invalidate decisions made in meetings once they are held.

The decision by the headteacher/principal to exclude a pupil for up to 5 days in any one term may not be overturned and so this does not fall under the Pupil Discipline Committee's remit. Parents however may make representations to the local governing body about the decision. Governors must consider parents' representations but may not reinstate the pupil. They are not required to meet to consider those representations (although they may do so if they deem it appropriate) but they should investigate the concerns raised, writing formally afterwards to set out a response. Whilst not able to overturn the decision and reinstate the pupil, they may for example examine aspects of policy or practice that could be improved to ameliorate future situations.

On rare occasions, if governors decide to meet parents directly, they should form a panel of 2 and hear from both the parents and the headteacher/principal using the same protocol as for a panel meeting contained in this guidance, after which they should write formally to set out their response in the same way and place the letter on the child's file.

The headteacher/principal should notify the CEO that a Pupil Discipline Panel is being convened and make arrangements with the Director of Governance and Development for a clerk, who is currently provided by Tower Hamlets through a service level agreement. The CEO will usually attend the panel hearing. The headteacher/principal should also notify the Chair of the LGB and arrange with her/him the constitution of the panel in accordance with the Trust's policy. Parents should also be advised where they can seek support. Usually details of support agencies such as the Parents Advisory Centre will be included in the suspension or permanent exclusion letter.

Once a date has been agreed, the headteacher/principal should ensure that papers for the hearing are sent to all parties involved in the hearing, including the parents and governors as well as the clerk. Arrangements for translation for parents must be made if necessary. The pupil's home Local Authority should also be notified if the exclusion is a permanent exclusion.

Papers should usually include:

- The suspension letter and any other letters regarding previous suspensions (including internal and external suspensions)
- The headteacher's/principal's report outlining the reasons why the suspension under consideration was made, details of the incident and what led to it
- Evidence about the breach of behaviour policy (and any other relevant policies) including witness statements and any other relevant evidence
- Evidence of any support and intervention with the pupil, such as PSP records, a behaviour log, a log of attendance to intervention sessions such as counselling, learning mentor drop-ins etc
- Attendance and achievement information
- Any other relevant information such as an EHCP or other SEND information

Parents should be advised that they can be accompanied by a friend or representative and that their child should be encouraged to attend the meeting with them.

Meetings should be held in a supportive atmosphere for the family, ensuring the hearing is conducted in a fair, professional and open manner. There is a guidance sheet in the appendices of the policy, which sets out the process for a Pupil Discipline Committee panel hearing.

Panels may return 2 different decisions:

1. Panels may decide that a headteacher/principal has not acted lawfully, reasonably or fairly and so overturn the suspension and reinstate the pupil
2. Panels may uphold the headteacher's/principal's decision to exclude the pupil

All such meetings are confidential and must be minuted, with a formal letter outlining in sufficient detail the decision, sent to parents without delay – usually on the day of the hearing. The clerk may telephone the family on the day the decision is made and follow up with the letter, which will be deemed to have provided notice on the same day if it arrives on the second working day after posting if sent by first class mail. Further information about Pupil Discipline Committees and their conduct is contained in the Guidance section of this document.

A pupil may not be removed from the school roll until 15 school days have passed following the panel hearing and parents have not requested an independent review.

INDEPENDENT REVIEWS

If the pupil is not reinstated by the panel, parents have the right to have an independent review of the governors' decision. The letter sent by the Pupils' Discipline Committee panel, informing parents of the outcome of their review of the headteacher's/principal's decision, if it does not reinstate the pupil it must contain details for parents of where to send any requests for an independent review. Any such request would usually be sent to the clerk for the hearing within 15 school days.

The Trust must, at its own expense, arrange for an independent review panel hearing. Both the panel, clerking and venue must be paid for by the Trust. Arrangements can be made through Tower Hamlets Local Authority. The hearing must take place within 15 school days of the day on which the parents' application for an independent review was made. The panel must have 3 or 5 members representing each of:

- A lay member who chairs the panel, who has not worked in a school in any paid capacity
- Current or former non-teaching governors who have served at least 12 consecutive months in 5 years
- Headteachers or those who have been headteachers within the past 5 years

Where the panel consists of 5 members, there must be 2 from each of the first 2 categories above. The Trust must make arrangements to indemnify panel members against any legal costs and expenses incurred as a result of any decisions or actions connected to the review if taken in good faith. Every care should be taken to avoid bias or the appearance of bias. The clerk will need the legal experience to be able to provide expertise. Papers must be circulated to all parties at least 5 school days before the independent review hearing takes place. Papers must include:

1. The record of the governors' decision
2. The documents circulated for the governors' panel hearing
3. The parents' application for a review.

All of the following parties should be made aware that they are entitled to make written representations to the independent review panel as well as to attend the panel to make oral representations:

- The parents
- The headteacher/principal
- The governors
- The Trust

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion. Where a Virtual School Headteacher is present, for a looked-after child, the panel must have regard to any representation made by the Virtual School Headteacher of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or relevant to the pupil's permanent exclusion.

The independent review panel will review the governors'/trustees' decision to uphold the suspension or exclusion. As well as the parents, it will usually hear from the chair of the Pupil Discipline Committee hearing and the headteacher/principal on behalf of the school, as well as the CEO on behalf of the Trust.

An independent review panel does not have the power to direct the Trust to reinstate an excluded pupil, however where it considers the governors' decision to be flawed in the light of principles applicable to a judicial review it can direct a governing board to reconsider its decision within 10 days. If the pupil is not then reinstated, the independent review panel can order the school to make an additional payment to the Local Authority of £4,000.

The Mulberry Schools Trust follows government guidance on exclusions.

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

EXCLUSION GUIDANCE

Includes:

- 1. Governors' Suspension and Exclusion Checklist**
- 2. Governors' Discipline Committee – Checklist for Clerks**
- 3. Procedure for Governors' Discipline Committee Meetings and Decision Making**
- 4. Governors' Discipline Committee Terms of Reference**
- 5. Model Suspension and Exclusion Letters**
- 6. Exclusion Monitoring Form**

1. Governors Suspension and Exclusion Checklist

QUESTIONS RELATING TO THE CASE

- Is the suspension or exclusion justified in accordance with the school's behaviour and discipline policies?
 - Is the suspension or exclusion in line with the Secretary of State's guidance? If not, can this be justified?
 - How were the pupil and the parents informed of the school's behaviour and any other relevant policies?
 - On the balance of probabilities, did the pupil commit the alleged misbehaviour?
 - What did he/she do? What is the evidence?
 - Are there mitigating circumstances; have you taken these into account?
 - Have you taken into account, others in the school community? How would they be affected if the child were to return to the school?
 - Was it for a one off incident? If so, was it serious enough to warrant a permanent exclusion? Consideration of Proportionality.
 - A decision to exclude a pupil permanently should only be taken for:
 - a serious breach, or persistent breaches, of the school's behaviour or other relevant policies; and
 - where a pupil's behaviour means allowing the pupil to remain in school would be detrimental to the education or welfare of the pupil or other pupils in the school.
- Note: A permanent exclusion can only be for a serious breach OR persistent breaches. The guidance does not offer BOTH. However, there could be persistent breaches culminating in incident X.*
- Were the alternatives considered? For example:
 - Managed Move
 - Restorative Justice

- Mediation
 - Internal
 - Suspension
-
- Is the decision to suspend or exclude being taken in a consistent manner? For example, National research suggests that black African and Caribbean boys are more likely to be suspended for offences that other children are not. If relevant, the Governors should ask for evidence that this is monitored using a consistency of approach. The Governors to review the Headteacher's / Principal's termly report to the Governors which should include a section on suspensions with an analysis of the length, number and breakdown of suspensions by gender, ethnicity and SEN.
 - Have all procedures been followed? You need to see all the documents related to the suspension or permanent exclusion and the setting up of the hearings to confirm this. However, this in itself should not result in the suspension or permanent exclusion from being overturned.
 - If the pupil is a poor attender (DfE suggests below 87%)? What steps were taken to address this problem? What were the outcomes?
 - If the pupil has been suspended before for a fixed period or permanently from another school, what was done to support reintegration? What steps were taken to address the pupil's problems following any previous Suspension?
 - Has an appropriate pastoral support programme (PSP) been devised, implemented and reviewed? What was the outcome?
 - What strategies were used to improve the pupil's behaviour and academic performance?
 - Did the school use an EHA (Early Help Assessment)?
 - If no, why not?
 - If yes, did this achieve any of its goals?
 - What additional support has been provided to prevent the suspension taking place? What was the purpose of this support and what were the outcomes? This could be combination of in school support and that provided by the Trust, the LA and outside agencies?

- Consider SEN issues, if relevant to the pupil. What adjustments did the school put in place? Is the SEN expert suggesting that there could have been other adjustments? Were the existing adjustments sufficient?
- If the pupil is on the SEN register, what has been done to reassess his/her needs? If the pupil is in the middle of being reassessed, what additional steps have been taken to prevent suspension or permanent exclusion until this had been completed? Note: Permanently excluding a child in the middle of the assessment process causes even more delays in the pupil's needs being adequately addressed.
- Does the pupil have any protected characteristics under Human Rights? If so, was there a connection to the alleged offence(s)?
- If the pupil is 'Looked After', has any additional consideration been given to support the pupil? Were social services informed of the likelihood of suspension?
- If the pupil is a refugee or recently arrived in the UK, what steps were taken to help with settling in to the school, e.g. language support, dealing with trauma and possibly a different culture?
- Was the incident(s) leading to the suspension, provoked in any way? Issues of bullying, racial and sexual harassment need to be taken into account?
- Has the pupil suffered a major trauma in their lives that could have resulted in the deterioration of behaviour? For example a death in the family or family break up? If the school knew, what support has been provided?
- Were there any equalities issues? Even if the family do not make a case based on equalities issues, the trustees and governors do need to consider these. Also take into account the seven protected characteristics.
 - Disability
 - Gender Reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual Orientation.

GENERAL QUESTIONS TO CONSIDER

- You must give due regard to the guidance. Did you follow the guidance? If not, why not. Did you have good reason? If so, you must record your reasons in the decision letter.
- Supporting evidence is crucial. Did you see clear supporting evidence for the schools case such as: witness statements (verbal or written), copies of letters, pupil support plans, written documentation about assessment review meetings and outcome and any possible reintegration meetings?
- Were you satisfied that all parties have had access to the documentation referred to?
- What weight did you give to any anonymised statements? Were these dated?
- Did you make your decision on the balance of probabilities? Did the school use the same standard of proof?
- Has the appellant been offered a fair hearing within the realms of natural justice?
- Have you considered proportionality under Human Rights legislation?

POINTS TO CONSIDER ABOUT EVIDENCE

- Did you consider all the evidence?
- Has everyone seen the SAME evidence?
- Were the statements at least dated, if not signed?

EVALUATING THE EVIDENCE

- Must be correct/accurate or is there some doubt?
- Must be substantiated

- Must be relevant
- Can it be proven?
- Do the written statements “match” the oral statements?
- Do the statements paint the same picture?
- Is the witness reliable?
- Is the evidence helpful or does it 'cloud the issue'?
- What weight did you give to anonymous statements?

MAKING YOUR DECISION

Facts

1. What was the child suspended for?
2. Did the child do what s/he is accused of? (on the balance of probabilities to a suitable degree)

Regard to policy

Did the headteacher / principal have regard to the school's policies on behaviour, equal opportunities, bullying, SEN and racial equality?

Trustees and governors need to consider the following to include in letter to parent.

- Has the child been subject to a fixed term suspension of more than 15 school days in any one term or more than 45 over the academic year?
- Was the permanent exclusion CONVERTED from a fixed term suspension to permanent? Or was it a separate decision with the headteacher/principal making a fresh decision?

- Did the Headteacher/Principal carry out his/her legal duty of care when sending the child home following any suspension?
- Was the **final** decision made by the Headteacher/Principal alone?
- Did the Headteacher/Principal use the civil standard of proof, i.e. the balance of probabilities?
- Did the Headteacher/Principal take into account if there was any discrimination of any known personal characteristics under the Equalities Act 2010?
- Did the Headteacher/Principal take into account any functions under the public-sector equality duty?

Do the Governors believe that the policies considered were lawful, reasonable and procedurally fair and did not discriminate against the suspended or permanently excluded child?

- Did the child have any special educational needs? If yes, did the school proactively support him/her? What was this support? [Need to list these].
- Did the school have due regard to the SEND Code of Practice? Was it addressed at an early stage as recommended in the guidance?
- Governors need a list of the policies consulted. Was the sanction of permanent exclusion appropriate?
- Did the Headteacher/Principal consider alternatives to permanent exclusion? If not, why not? [Need to list the reasons].
- Did the Headteacher/Principal take into account the mitigating circumstances? What were these? [Need to list the reasons].
- Was the child from a group of pupils who were at high risk of being permanently excluded? If this is the case, were you assured by the Headteacher/Principal that the same sanction would have applied to any other group/minority?
- If the child had an Education Health Care Plan/a Statement, were you assured that this was taken into account and the permanent exclusion was a last resort? What strategies and interventions were used? [Need to list the reasons].

- Before the Headteacher/Principal made his/her decision was an emergency or interim review considered?
- Was *the* impact of a permanent exclusion considered by the Headteacher/Principal? [Need to list the reasons].
- Was this a Looked after child? Another group with disproportionately high rates of exclusion. Was the permanent exclusion a last resort? What factors were considered?
- Was the Headteacher/Principal's decision lawful, rational, reasonable, fair and proportionate?

Disability discrimination

1. Did the suspension arise in consequence of the child's disability?
2. Did the child have a disability?
3. Did the child have a physical or mental impairment? (NB. a tendency to physical abuse of other persons does not amount to an impairment),

and

4. Did the impairment have a substantial and long-term adverse effect on the child's ability to carry out normal day-to-day activities? (which lasted or was at that time likely to last for at least 12 months)
5. Did the school know about the disability? Is it that the school could not have reasonably been expected to know that the child had the disability? (burden on the school to prove)

Justification

1. Was the suspension justified, i.e. was it a proportionate means of achieving a legitimate aim?
2. Did the school fail to make any reasonable adjustments that would have prevented the suspension? i.e. Did the school take reasonable steps to avoid causing a disabled pupil substantial disadvantage, compared with pupils who are not disabled, as a result of a "provision, criterion or practice" of the school?

Final assessment: proportionality

1. Was the suspension a proportionate response, having regard to the applicable guidance? (As trustees / governors you must balance the interests of the suspended pupil against the interests / detriment of all the other members of the school community)

2. Governors' Discipline Committee - Checklist for Clerks

Preparation for the Governors' Discipline Committee	Yes	No
Have you convened the Pupil Discipline Committee within the statutory timescales?		
Have you invited the parent (s), the pupil, headteacher and Local Authority Exclusion Officer (if appropriate) to the meeting, consulting about a time convenient to all parties?		
Have you booked a room for the hearing?		
Have you asked for any written representations (including witness statements) from all parties involved in advance of the meeting?		
Have you contacted the victims (if any) through the school and asked if they wish to make representations at the Governors' Discipline Committee?		
<p>Ensure that all the paperwork is ready for distribution 5 days beforehand, including:</p> <ul style="list-style-type: none"> • Information about the procedure • The school's rules and behaviour and anti-bullying policies • The school's equal opportunities policy and (if relevant) the SEN Policy, Race and Disability Equality Policies • Details of the case, with documentation of circumstances that led to the suspension or exclusion • Previous behaviour and work record, previous suspensions and other disciplinary measures. 		

Before the hearing	Yes	No
Check that the Committee members have no connection with the family or incident		

Check that confirmation has been received from LA Exclusions Officer of his attendance.		
Check that committee members have not been involved in any previous suspension meetings or governor warning panels for the pupil concerned (it may not be possible to have a panel where no governor has served on a previous Discipline Committee for this pupil not having the same panel must be avoided).		
Arrange for an interpreter or access for disabled people if this is needed.		
Check you have the mobile phone number of parents to contact them in the event of any last minute changes.		
If possible check the papers (consulting the Head) for areas needing clarification or endorsement.		
Written evidence must be sent out to all parties in advance. This should be done at least 5 working days before the hearing.		
Check with the parents whether they will be attending.		
Check with the parents whether the pupil will be attending.		
Check with the parents if they will be accompanied.		
If the parent wishes to bring more than one friend or adviser, check with the Chair to see if this is acceptable.		
Check if alleged victim wishes to give evidence.		
Before the hearing the clerk must give all parties of those attending and their role.		

At the hearing	Yes	No
Ensure that copies of the DfE Guidance and Mulberry Schools Trust Guidance is available to the Committee.		
Bring copies of the agenda/procedure for all those attending.		
Before bringing the family, school and Committee into the room, check that all parties have received and bought the paperwork with them. (have spare copies in case)		
Ask the Chair to explain how the meeting is to be conducted and confirm that the papers have been received.		
Ask how the parent wishes to be addressed. (Some Chairs prefer to do this themselves)		
After the Chair has opened the meeting, the Chair should explain the running order.		
Have you taken sufficient notes to be able to remind the Discipline Committee of all the evidence that has been presented? Your notes also need to be sufficient for you to prepare minutes of the meeting.		
<p>When a decision is reached make sure you are clear about the Discipline Committee's reasons. Before the meeting concludes check with the panel the following if it is not clear:</p> <ul style="list-style-type: none"> • Committee's findings on whether the pupil committed the alleged acts. If the pupil is alleged to have committed more than one act there must be a separate finding for each alleged act • Whether the Committee found any significant procedural errors • Was the Committee satisfied that the school had used all appropriate early intervention measures and strategies to avoid suspension or exclusion? Record any specific issues reviewed • Was the Committee satisfied that the suspension or 		

<p>exclusion was in accordance with the school's Behaviour Policy?</p> <ul style="list-style-type: none"> • If the pupil has SEN, a disability, or is a Looked After Child (LAC), record any specific discussion by the Committee on the DfE statutory Guidance relevant to these circumstances • Committee's findings on whether the length of the suspension is proportionate and that they have taken into consideration any representations by the parents on this question. • Did the Committee take into account the pupil's previous disciplinary record in arriving at their decision? <p>For Permanent Exclusions:</p> <ul style="list-style-type: none"> • Reasons why Discipline Committee were satisfied that the exclusion falls within the DfE guidelines on the appropriateness of permanent exclusion as a sanction. • Reasons why the Discipline Committee were satisfied that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. 		
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After the meeting	Yes	No
Have you written to the parents with the Discipline Committee's decision, including the reasons, within one school day?		
Have you informed the LA Officer immediately of the decision and sent a copy of the Discipline Committee's letter?		
Prepare minutes of the meeting for the Chair to sign. These do not need to be circulated to other attendees but all parties are entitled to have a copy of the minutes if they specially request them (including the parents even if they did not attend the meeting).		

3. Procedure for Governors' Discipline Committee Meetings and Decision-making

1. Welcome and introductions by the Chair of Discipline Committee, who will explain the purpose and conduct of the meeting (including the decisions the Committee can take). Chair to check if an interpreter is required.
2. The school will put its case, explaining the circumstances and reasons for the decision to exclude a student.
3. The parents and/or their representative may ask questions of the school, their representative, and their witness.
4. The governors' panel may ask questions of the school, their representative, and their witnesses.
5. The parent and/or their representative will put their case, making clear any differences of opinion.
6. The school may ask questions of the parents, their representative, and their witnesses.
7. The governors' panel may ask questions of the parents, their representative, and their witnesses.
8. Advice from the LBTH Exclusions Officer (if attending) or the Trust's Legal Advisor (if required).
9. The panel may ask questions of the LBTH Exclusion Officer (if attending) or the Trust's Legal Advisor (if required).
10. The Chair will ask the pupil, if present, if they wish to say anything more.
11. The Chair will ask if anyone else has anything more they want to say.
12. Summing up by the school (without introducing new evidence).
13. Summing up by the parents and/or their representative (without introducing new evidence).
14. Concluding comments from the Chair of the Discipline Committee.
 - The Chair will summarise the key points that the Discipline Committee will take into account when it makes its decision.
 - The Chair will ask the parents if they are satisfied they have been able to present their case fairly.
 - Chair confirms when Discipline Committee will issue its decision.

All parties except the governors' Discipline Committee and Clerk will leave the room and a decision will be made which will be confirmed in writing.

Clerks and Discipline Committee members are recommended to use this decision record template during their decision-making to ensure that they have considered all relevant matters when arriving at their decision. The decision record can be incorporated into the Minutes as part of the 'record of evidence'. The decision record should also be used when drafting the letter to parents giving the decision of the Discipline Committee. The statutory Guidance (paragraph 75) requires that the letter should "set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made". It is not necessary to include the decision record in its entirety in the letter to parents although parents are entitled to request a copy of it.

Not every heading will be relevant in all suspensions or permanent exclusion. The template should be adapted as necessary.

Pupil Name	D.O.B.	Year
<p>Record of the hearing</p> <ol style="list-style-type: none"> 1. Summarise representations made by (a) the school (b) the parents (c) witnesses (if any) (d) the Local Authority Exclusions Officer (if present). 2. If the pupil was present at the hearing summarise any statement they made. If the pupil was not present were the pupil's views provided at the hearing? 3. On the balance of probabilities did the pupil commit the alleged misconduct? 4. What evidence did governors take into account in deciding whether the pupil committed the alleged misconduct? (Indicate what weight was given to the principal evidence, and where evidence was disputed state expressly the Committee's findings. State whether the pupil's previous behaviour record was taken into account and what weight was given to it.) 5. Did the pupil's conduct breach the school's behaviour policy? 6. Summarise the support given to the pupil by the school, both academic and to improve behaviour, including the involvement of external agencies and of Alternative Provision. 7. Does the pupil have Special Educational Needs or a Disability or other 'protected characteristic' under the Equality Act 2010? If so <ol style="list-style-type: none"> a. What evidence was considered regarding SEN and Disability and the support given by the school? b. Did the school have regard to the SEND Code of Practice and the school's own SEN, Disability and Equality policies? c. If the pupil has a Disability or other 'protected characteristic' did the school make 'reasonable adjustments' to comply with the Equality Act 2010? 8. Were there any procedural defects? If so what weight did governors give to these? 9. Were there any relevant mitigating or aggravating circumstances? 10. Reasons why suspension (and its duration) was an appropriate and proportionate sanction taking into account the sanctions in the school's 		

behaviour policy, the seriousness of the misconduct, and (where applicable) the sanctions imposed on other pupils involved in the same incident(s).

11. Did the headteacher's decision to exclude comply with the Secretary of State's guidance? If the Committee finds that the head teacher failed to take into account relevant facts, or if the head teacher took into account irrelevant or immaterial information, it should say so and explain what weight they attached to this.

12. For Permanent Exclusions, did the exclusion comply with paragraph 15 of the Secretary of State's guidance? State the reasons for that conclusion for both parts of the test.

Decision

Either (A) Uphold the suspension or permanent exclusion

Or (B) Direct reinstatement of the pupil. If reinstatement is directed state if immediate or on a particular date.

If reinstatement is not practical the Committee must still decide whether the decision to exclude was justified on the evidence (see paragraph 63 of the Secretary of State's guidance)

Signed:	Name:	Date:

Copy to be placed on the pupil's educational record

4. Governors' Discipline Committee Terms of Reference

The Pupil Discipline Committee Terms of Reference

Purpose of the Committee

The Pupil Discipline Committee is a committee of the Local Governing Body and will meet at the request of the Chair in response to the need to hear cases relating to suspensions and exclusions.

The purpose of the Pupil Discipline Committee is to hear representations made by parents / carers in relation to decisions made by the headteacher/principal to exclude their child. Only the headteacher/principal under law can exclude pupils and so the Mulberry Schools Trust delegates the authority to hear representations and appeals from parents and carers against the suspension of their child to the Local Governing Body (LGB) for each school.

Responsibilities

- To carry out the Local Governing Body's responsibilities for reviewing suspensions and permanent exclusions – including considering the views of the parent/carer of a suspended or permanently excluded pupil and deciding whether or not to confirm an exclusion – in line with the DfE and Mulberry Schools Trust guidance. A copy of the guidance is available from the headteacher/principal.
- To consider representations from parents/carers if a pupil suspended from 1-5 school days (in aggregate) in a term and to place a note of the Committee's views on the suspension on the pupil's record with a copy of the headteacher's suspension letter, where appropriate.
- To review:
 - (a) all fixed –term suspensions of more than 15 school days (in aggregate) in term, including consideration of the implications of the school of re-integrating pupils suspended for more than 15 school days in a term;
 - (b) all suspensions which would deny a pupil the chance to take public examination or National Curriculum test;
 - (c) all permanent exclusions;

Such reviews will include:

- Considering the case presented by the headteacher/principal or nominated member of the Senior Team;
- Considering the views of parents/carers of excluded pupil;
- Having regard to the DfE, Local Authority (where appropriate) and Mulberry Schools Trust guidance;
- Deciding whether to uphold the suspension or exclusion or not where the suspension is for more than 5 days (in aggregate) in a term or is a permanent exclusion;
- Ensuring that, (where a suspension is for 5 days or less) a note of the Committee's views on suspension is placed on the pupil's record with a copy of the headteacher's suspension letter, where appropriate.

Membership

The Committee will comprise three members who should be drawn from governors on the individual school's Local Governing Body and from trustees of the board of the Mulberry Schools Trust. The panel of three governors/trustees should normally consist of at least 2 members of the school's LGB. The panel should be chaired by a governor/trustee who has been trained in exclusion and who has had experience of sitting on such panels before. It is also preferable that both other panel members will have had training and experience in exclusion – although on occasion, this may not be possible.

Meetings and Process

The Committee will meet when required and must be convened to consider the headteacher's/principal's decision as follows:

- When a pupil has been permanently excluded, suspended for more than 15 days in any one term or will miss a public exam, the Committee must meet within 15 school days
- When a pupil has been suspended for more than 5 days within any one term, the Committee must meet within 50 school days
- The time limits given above should be adhered to, although where they slip, this does not invalidate decisions made in meetings once they are held.

1. The decision by the headteacher/principal to exclude a pupil for up to 5 days in any one term may not be overturned and so this does not fall under the Pupil Discipline Committee's remit. Parents however may make representations to the local governing body about the decision. Governors must consider parents' representations but may not reinstate the pupil. They are not required to meet to consider those representations (although they may do so if they deem it appropriate) but they should investigate the concerns raised, writing formally afterwards to set out a response. Whilst not able to overturn the decision and reinstate the pupil, they may for example examine aspects of policy or practice that could be improved to ameliorate future situations.
2. On rare occasions, if governors decide to meet parents directly, they should form a panel of 3 in the same way as for usual Discipline Committee hearings and hear from both the parents and the headteacher/principal using the same protocol as for a panel meeting, after which they should write formally to set out their response in the same way and place the letter on the child's file.
3. The headteacher/principal should notify the CEO that a Pupil Discipline Panel is being convened and make arrangements with the Director of Governance and Development for a clerk, who is currently provided by Tower Hamlets through a service level agreement. The headteacher/principal should also notify the Chair of the LGB and arrange with her/him the constitution of the panel in accordance with the Trust's policy. The CEO will normally attend the hearing. Parents should also be advised where they can seek support. Usually details of support agencies such as the Parents Advisory Centre will be included in the suspension or permanent exclusion letter.
4. Once a date has been agreed, the headteacher/principal should ensure that papers for the hearing are sent to all parties involved in the hearing, including the parents and governors as well as the clerk. Arrangements for translation for parents must be made if necessary. The pupil's home Local Authority should also be notified if the exclusion is a permanent exclusion.
5. Papers should usually include:
 - The suspension letter and any other letters regarding previous suspensions (including internal and external suspensions)
 - The headteacher's/principal's report outlining the reasons why the suspension or exclusion under consideration was made, details of the incident and what led to it
 - Evidence about the breach of behaviour policy (and any other relevant policies) including witness statements and any other relevant evidence
 - Evidence of any support and intervention with the pupil, such as PSP records, a behaviour log, a log of attendance to intervention sessions such as counselling, learning mentor drop-ins etc
 - Attendance and achievement information
 - Any other relevant information such as an EHCP or other SEND information

6. Parents should be advised that they can be accompanied by a representative (at their own expense) and a friend and that their child should be encouraged to attend the meeting with them.

7. Meetings should be held in a supportive atmosphere for the family, ensuring the hearing is conducted in a fair, professional and open manner. There is a guidance sheet in the Guidance section of the Exclusion policy, which sets out the process for a Pupil Discipline Committee panel hearing.

8. Panels may return 2 different decisions:

1. Panels may decide that a headteacher/principal has not acted lawfully, reasonably or fairly and so overturn the suspension or permanent exclusion and reinstate the pupil
2. Panels may uphold the headteacher's/principal's decision to suspend or exclude the pupil

9. All such meetings are confidential and must be minuted, with a formal letter outlining in sufficient detail the decision, sent to parents without delay – usually on the day of the hearing. The clerk may telephone the family on the day the decision is made and follow up with the letter, which will be deemed to have provided notice on the same day if it arrives on the second working day after posting if sent by first class mail.

Declarations of interest

Members of the Committee must declare personal and pecuniary interests, loyalties and duties at every meeting.

Quorum and voting

The quorum will be three members. Each member has one vote. This is subject to any member of the Committee having an interest, loyalty or duty that conflicts or is reasonably likely to conflict with interests of the Trust in which case the member must declare his or her interest for the particular item and must not vote on or be present for the vote on that item.

Voting shall be by majority decision. Where necessary, the chair of the Committee may have a second or casting vote, provided that s/he is not prevented by a conflict of interest from participating in the voting.

- i. Meetings will be chaired by the chair of the Committee.
- ii. In the absence of the clerk the Committee will need to reconvene the meeting as, due to conflict of interest, no governor or member of Trust staff may clerk a Pupil Discipline Committee meeting.

- iii. The clerk to the Committee will circulate the papers for the meeting and a list of those in attendance to all parties no less than 5 days before the panel hearing.
- iv. The Committee is authorised to invite attendance at panel hearings by any persons to assist or advise on a particular matter relating to the suspension or exclusion under consideration.

Reporting

Attendance, issues discussed and recommendations for decisions will be recorded by the Clerk. The written record of each meeting will be approved by the chair and will remain confidential to the Committee members and the CEO of the Trust, unless there is a request for an Independent Review hearing.

The chair of the Committee will be responsible for giving an oral summary of the Committee's deliberations if necessary, taking due account of the GDPR at meetings of the Local Governing Body or the Board of Trustees and for clarifying any questions arising from the business of the meeting.

Letters will be sent to parents/carers on the outcome of the hearing, without delay as set out in the Trust's Exclusion policy and in accordance with the model letters from the DfE.

Delegated Authority

The Committee does not have its own budget or any delegated authority for expenditure or legal commitments.

5. Model Suspension and Permanent exclusion Letters

Model Letter One

From headteacher/principal notifying parents of a fixed period of suspension of less than 6 days, AND where a public examination is not missed.

Parent/Carers Name and Address Date

Dear [Parent's Name],

Full Name of Child D.O.B. Year

I am suspending [Name of Child] for a period of [Days] school days from [Start Date] to [End Date]. S/he should return to school on [Date].

[Where the suspension has been issued pending further investigation, please explain in this in the letter. Please also explain that, before the end of the initial suspension period, a further letter will follow to confirm the final sanction. If permanent exclusion or a longer fixed period suspension is likely then forewarn of this in the letter].

Reason for Suspension

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

[You must insert the detailed reasons for the suspension. State whether the child's previous record of behaviour in school has been taken into account]

In reaching this decision I have taken into account the steps that have been taken to manage this behaviour. These include:

[Explain the steps taken to try to avoid this action i.e. the strategies for managing the pupil's behaviour and the agencies that have been involved in this process]

Parent/Carer's Responsibility

You have a duty to ensure that your child is not present in a public place in school hours during this suspension unless you can show there is reasonable justification for this. If your child is found to be present in a public place during this suspension without reasonable justification you may be prosecuted or receive a penalty notice (£120) from the local authority.

School's Responsibility

The school will continue to set work for your child during the period of this suspension [Please insert what arrangements are in place for this]. Please ensure that the work is completed and returned to us for marking.

You have the right to make representations to the governors' Pupil Discipline Committee. Whilst the governors have no power to decide your child should return to school before the suspension ends, they must consider any representations you make and may place a copy of their findings on your child's school record. If you wish to make representations please contact the Clerk to the Pupil Discipline Committee on/at [Contact Details – Address, Phone Number, email], as soon as possible.

You also have the right to see a copy of your 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 your child's school record. I will supply you with a copy if you request it. There may be a charge for photocopying.

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 appeal, and/or make a claim, to the First-tier Tribunal (Special Educational Needs and Disability) (<http://www.justice.gov.uk/tribunals/send/appeals>). You can contact the Tribunal at HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU , telephone 01325 289350, email sendistquiries@hmcts.gsi.gov.uk.

Making a claim would not affect your right to make representations to the discipline committee.

The Department for Education's guidance on exclusion is available here:
<https://www.gov.uk/government/publications/school-exclusion>

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7364 489).

What will happen at the end of the suspension?

You and your child are requested to attend a reintegration interview with me [*Alternatively, specify the name of another staff member*] here at the school on [*Date*] at [*Time*]. If this is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of this reintegration interview is to discuss how best your child's return to school can be managed successfully.

We expect to see your child back at the start of school on [*Date*].

Yours sincerely,

[*Name*]

Headteacher/Principal

c.c. Chair of Governors
CEO of the Mulberry Schools Trust

Model Letter Two

From headteacher/principal notifying parent of a fixed period of suspension of 6 to 15 days, or where cumulative suspensions in the same term fall within this range.

Parents' Name & Address Date

Dear [Parent's Name]

Full Name of Child D.O.B. Year

I am suspending [Name of Child] for a period of [Days] school days from [Start Date] to [End Date]. S/he should return to school on [Date].

[Where the suspension has been issued pending further investigation, please explain in this in the letter. Please also explain that, before the end of the initial suspension period, a further letter will follow to confirm the final sanction. If permanent exclusion or a longer fixed period suspension is likely then forewarn of this in the letter].

Reason for Suspension

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

[You must insert the detailed reasons for the suspension. State whether the child's previous record of behaviour in school has been taken into account]

In reaching this decision I have taken into account the steps that have been taken to manage this behaviour. These include:

[Explain the steps taken to try to avoid this action i.e. the strategies for managing the pupil's behaviour and the agencies that have been involved in this process]

Parent/Carer's Responsibility

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this suspension unless you can show there is reasonable justification for this. If your child is found to be present in a public place during this suspension without reasonable justification you may be prosecuted or receive a penalty notice (£120) from the local authority.

School's Responsibility

The school will continue to set work for your child during the first five days of this suspension [Please insert what arrangements are in place for this]. Please ensure that the work is completed and returned to us for marking.

From the [6th school day of the pupil's suspension] [Specify date] until the expiry of his suspension we will provide suitable full-time education. On [Date] s/he should attend [Give name and address of the alternative provider] at [Specify the time – this may not be identical to the start time of the home school] and report to [Staff member's name]. The school day at [Name of alternative provider] starts at [Specify start time] and ends at [Specify end time]. [If applicable – say something about transport arrangements from home to the alternative provider]

[If the alternative provision is not known say that the arrangements for suitable full time education will be notified shortly by a further letter which must be received by the parent/carer at least 48 hours before the start of the provision]

You have the right to request a meeting of the governors' Pupil Discipline Committee to whom you can make representations and my decision to exclude can be reviewed. As the length of the suspension is more than 5 school days the Committee must meet if you request it to do so. If you wish to make representations to the Committee please contact the Clerk to the Pupil Discipline Committee on/at *[Contact details – address, phone number, email]*, 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. You are entitled to be represented at the meeting (at your own expense) and you may bring a friend with you. It is not compulsory for *[Pupil's name]* to attend the meeting but they are invited and the Pupil Discipline Committee would welcome their attendance. *[Pupil's name]* can speak on their own behalf at the meeting if they wish to but they do not have to, although they may be asked questions. Please inform *[Clerk's name]* if you intend to bring a friend or representative or wish to have an interpreter present at the meeting.

You also have the right to see a copy of your 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 your child's school record. I will supply you with a copy if you request it. There may be a charge for photocopying.

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 appeal, and/or make a claim, to the First-tier Tribunal (Special Educational Needs and Disability) (<http://www.justice.gov.uk/tribunals/send/appeals>). You can contact the Tribunal at HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU, telephone 01325 289350, email sendistquiries@hmcts.gsi.gov.uk.

Making a claim would not affect your right to make representations to the discipline committee.

The Department for Education's guidance on exclusion is available here:

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

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk *[Name and contact details]*.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk>. If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7364 6489).

What will happen at the end of the suspension?

You and your child are requested to attend a reintegration interview with me *[Alternatively, specify the name of another staff member]* here at the school on *[Date]* at *[Time]*. If that is not convenient, please contact the school as soon as possible 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.

We expect to see your child back at the start of school on *[Date]*.

Yours sincerely,

[Name]

Headteacher/Principal

c.c. Chair of Governors
CEO of the Mulberry Schools Trust

Model Letter Three

From the headteacher/principal notifying parent of a fixed period of suspension of 16 days or more, or where cumulative suspensions in the same term are 16 days or more, or when a public examination is missed.

Parents' Name & Address Date

Dear *[Parent's Name]*,

Full Name of Child D.O.B. Year

I am suspending *[Name of Child]* for a period of *[Days]* school days from *[Start Date]* to *[End Date]*. Your child should return to school on *[Date]*.

Reason for Suspension

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude your child has not been taken lightly. Your child has been suspended for this fixed period because:

*[You must insert the **detailed reasons** for the suspension. State whether the child's previous record of behaviour in school has been taken into account]*

In reaching this decision I have taken into account the steps that have been taken to manage this behaviour. These include:

[Explain the steps taken to try to avoid this action i.e. the strategies for managing the pupil's behaviour and the agencies that have been involved in this process]

Parent/Carer Responsibility

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this suspension unless you can show there is reasonable justification for this. If your child is found to be present in a public place during this suspension without reasonable justification you may be prosecuted or receive a penalty notice (£120) from the local authority.

School's Responsibility

The school will continue to set work for your child during the first five days of this suspension *[Please insert what arrangements are in place for this]*. Please ensure that the work is completed and returned to us for marking.

From the *[6th school day of the pupil's suspension]* *[specify date]* until the expiry of his suspension we will provide suitable full-time education. On *[date]*s/he should attend *[give name and address of the alternative provider]* at *[specify the time – this may not be identical to the start time of the home school]* and report to *[staff member's name]*. The school day at *[name of alternative provider]* starts at *[specify start time]* and ends at *[specify end time]*. *[If applicable – say something about transport arrangements from home to the alternative provider]*

[If the alternative provision is not known say that the arrangements for suitable full time education will be notified shortly by a further letter which must be received by the parent/carer at least 48 hours before the start of the provision]

As the length of the suspension is more than 15 school days (or equivalent), or would result in a missed public examination, the governors' Pupil Discipline Committee must automatically meet to consider the suspension. At the review meeting you may make representations to the Committee if you wish to do so. The latest date the Committee can meet is *[insert date here – no later than 15 school days from the date the Committee is notified]*. If you wish to make representations to the Committee, please contact the Clerk to the Pupil Discipline Committee on/at *[contact details – address, phone number, email]*, 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. You are entitled to be represented at the meeting (at your own expense) and you may bring a friend with you. Please inform *[Clerk's name]* if you intend to bring a friend or representative or wish to have an interpreter present at the meeting. It is not compulsory for *[Pupil's name]* to attend the meeting but they are invited and the Pupil Discipline Committee would welcome their attendance. *[Pupil's name]* can speak on their own behalf at the meeting if they wish to but they do not have to, although they may be asked questions.

You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting.

You also have the right to see a copy of your 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 your child's school record. I will supply you with a copy if you request it. There may be a charge for photocopying.

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 appeal, and/or make a claim, to the First-tier Tribunal (Special Educational Needs and Disability) (<http://www.justice.gov.uk/tribunals/send/appeals>). You can contact the Tribunal at HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU , telephone 01325 289350, email sendistqueries@hmcts.gsi.gov.uk.

Making a claim would not affect your right to make representations to the discipline committee.

The Department for Education's guidance on exclusion is available here:

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

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk *[Name and contact details]*.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you

live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7350 8936).

What will happen at the end of the suspension?

You and your child are requested to attend a reintegration interview with me *[alternatively, specify the name of another staff member]* here at the school on *[date]* at *[time]*. If that is not convenient, please contact the school as soon as possible 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.

We expect to see your child back at the start of school on *[date]*

Yours sincerely,

[Name]

Headteacher/Principal

*cc Chair of Governors
CEO of the Mulberry Schools Trust*

Model Letter Four

From headteacher/principal notifying parent of a permanent exclusion.

Parents' Name & Address Date

Dear [Parent's Name]
Full Name of Child D.O.B.Year

I regret to inform you of my decision to exclude [Name of Child] permanently from [Date]. This means that your child will not be allowed back to this school pending a meeting of the school governors' Pupil Discipline Committee.

Reason for Permanent Exclusion

I realise that this exclusion will be upsetting for you and your family, but the decision to exclude your child has not been taken lightly. [Name of Child] has been permanently excluded because:

[You must insert the detailed reasons for the exclusion. State whether the child's previous record of behaviour in school has been taken into account]

In reaching this decision I have taken into account the steps that have been taken to manage this behaviour. These include:

[Explain the steps taken to try to avoid this action i.e. the strategies for managing the pupil's behaviour and the agencies that have been involved in this process]

Parent/Carer Responsibility

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this exclusion unless you can show there is reasonable justification for this. If your child is found to be present in a public place during this exclusion without reasonable justification you may be prosecuted or receive a penalty notice (£120) from the local authority.

School's Responsibility

The school will continue to set work for your child during first five days of his/her exclusion [Please insert what arrangements are in place for this]. Please ensure that any work set by the school is completed and returned to us for marking.

From the [6th school day of the pupil's exclusion] [specify date] arrangements have been made for your child to receive suitable full-time education at [alternative provider]. On [date] s/he should attend [give name and address of the alternative provider] at [specify the time – this may not be identical to the start time of the home school] and report to [staff member's name]. The school day at [name of alternative provider] starts at [specify start time] and ends at [specify end time]. [If applicable – say something about transport arrangements from home to the alternative provider] [If the alternative provision is not known say that the arrangements for suitable full time education will be notified shortly by a further letter which must be received by the parent/carers at least 48 hours before the start of the provision]

As this is a permanent exclusion the governors' Pupil Discipline Committee will meet to consider it. At the review meeting you may make representations to the Committee and ask them to reinstate your child in school. The latest date by which the Committee must meet is [insert date here– no later than 15 school days from the date the Committee is notified]. If you wish to make representations please contact the Clerk to the Pupil Discipline Committee on/at [contact details – address, phone number, email], 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. It is not compulsory for [Pupil's name] to attend the meeting but they are invited and the Pupil Discipline Committee would welcome their attendance. [Pupil's name] can speak on their own behalf at the meeting if they wish to but they do not have to, although they may be asked questions.

You are entitled to be represented at the meeting (at your own expense) and you may bring a friend with you. Please inform [Clerk's name] if you intend to bring a friend or representative or wish to have an interpreter present at the meeting.

You also have the right to see a copy of your 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 your child's school record. I will supply you with a copy if you request it. There may be a charge for photocopying.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First-tier Tribunal (Special Educational Needs and Disability) (<http://www.justice.gov.uk/tribunals/send/appeals>). You can contact the Tribunal at HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU , telephone 01325 289350, email sendistqueries@hmcts.gsi.gov.uk.

Making a claim would not affect your right to make representations to the discipline committee.

The Department for Education's guidance on exclusion is available here:
<https://www.gov.uk/government/publications/school-exclusion>

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk [Name and contact details].

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7364 6489).

What happens next?

At its meeting the governors' Pupil Discipline Committee has the power to overturn the exclusion and reinstate your child. This can be immediately or from a specified date. Alternatively, the Pupil Discipline Committee can decide to uphold the exclusion. You will then be able to ask for this decision to be reviewed by an Independent Review Panel.

In the meantime your child's education will continue at [insert details]

Yours sincerely

[Name]

Headteacher/Principal
c.c. Chair of Governors
CEO of the Mulberry Schools Trust
LA Exclusions Officer

Model Letter Five

From the Clerk to the Pupil Discipline Committee to the parent of a permanently excluded pupil upholding a permanent exclusion.

Note: If pupil is not resident in Tower Hamlets a copy of this letter must also be sent to their 'home' Local Authority. Refer to LBTH Exclusions Officer for more information.

Parents' Name & Address Date

Dear *[Parent's Name]*,

[Full Name of Child][D.O.B.]

I am writing to advise you of the outcome of the Pupil Discipline Committee meeting on *[date]* when it considered the decision by the Head teacher to permanently exclude *[name of pupil]*. The Committee, after carefully considering the representations made and all the available evidence, have decided to uphold *[name of pupil]'s* permanent exclusion.

The reasons for the Committee's decision are as follows:

[Set out the reasons for their decision in sufficient detail, explaining how the committee arrived at their decision, so that everyone can understand why the decision was made. Refer to the decision template in this document for recommended content of the explanation of reasons.]

You have the right to ask for this decision to be reviewed by an Independent Review Panel. Your request must be made in writing to the clerk, setting out the reasons. Where it is relevant, this should include a reference to how *[name of pupil]'s* special educational needs are considered to be pertinent to the exclusion and state whether you want the local authority to appoint an SEN expert which the Mulberry Schools Trust will pay for. A review application form can be obtained from the LA Exclusions Officer, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG. Telephone 020 7364 4304. It must be returned to me, as the clerk, by *[specify the latest date – the 15th school day after the date of this letter]* or your right to a review will lapse. I will then notify the Mulberry Schools Trust of the requirement to establish an Independent Review Panel. The Mulberry Schools Trust works closely with Tower Hamlets and so they will ensure that the panel is convened as described below.

The review would be done by an Independent Review Panel. A three member panel will comprise one serving or recently retired (within the last 5 years) head teacher, one serving or recently serving experienced governor and one lay member who will be the Chairperson. The 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 appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

You have the right to require that an SEN expert, independent of the school, attends the review to give impartial advice to the panel on how special educational needs might be relevant to *[name of pupil]*'s exclusion. The expert's role does not include making an assessment of *[name of pupil]*'s SEN. You have this right even if the school has not previously recognised that your child has special educational needs. The SEN expert will be chosen and appointed by the local authority in conjunction with the Mulberry Schools Trust at no cost to you. The appointment of a SEN expert does not affect your right to be represented at the panel by an expert of your choice, or have your expert make written representations to the panel on your behalf, but you would have to pay any costs of your own expert representative. If you apply for the exclusion to be reviewed by the Independent Review Panel you should make clear whether you want the local authority to appoint an SEN expert. You can also bring a friend with you.

Further information on the role of the SEN expert is available in the Department for Education's guidance on exclusion which is available [here](#):

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

The Independent Review Panel can make one of three decisions:

- they may uphold your child's exclusion
- they may Direct the governing body to reconsider its decision to exclude, or
- they may Recommend that the governing body reconsiders its decision to exclude

The panel can direct governors to review their decision only if the panel considers the original decision was flawed by the standards applicable to Judicial Review. The panel cannot instruct the school to readmit your child.

In addition to your right to request an independent review panel, if you believe that the exclusion has occurred as a result of discrimination then you may be able to make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim alleging discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded. Information on making an application to the First-tier Tribunal (Special Educational Needs and Disability) is available from First-tier Tribunal (Special Educational Needs and Disability) (<http://www.justice.gov.uk/tribunals/send/appeals>). You can contact the Tribunal at HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU, telephone 01325 289350, email sendistqueries@hmcts.gsi.gov.uk.

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk [Name and contact details].

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7350 8936).

Arrangements will be made for *[pupil's name]*'s to continue his education. If you live in the Tower Hamlets area, this will be by way of an initial placement arranged through the Local Authority's Pupil Referral Unit (London East AP). A representative from London East AP will contact you shortly about these new arrangements. If you have any questions about this please contact London East AP on 020 7791 7720 If you do not live in Tower Hamlets you will be contacted by a representative of your home Local Authority to whom a copy of this letter has been sent.

Yours sincerely
[Name]

Clerk to the Pupil Discipline Committee

c.c. Headteacher/Principal
Chair of Governors
CEO of the Mulberry Schools Trust
LA Exclusions Officer

Model Letter Six

From the Clerk to the Pupil Discipline Committee to the parent upholding a fixed period suspension

Dear [Parent's Name],

[Full Name of Child][D.O.B]

FIXED PERIOD SUSPENSION OF [X] DAYS

I am writing to confirm the decision of the Pupil Discipline Committee at its meeting on [Date].

The Committee considered very carefully the Headteacher's reasons for the suspension and [if parent/carer attended/wrote] the representations you made against the suspension. The Committee decided that the Head teacher had followed the appropriate guidance and acted reasonably in suspending [Name of Child]. The suspension is therefore upheld and [Name of Child] may not return to school until the date specified by the Head teacher.

The reasons for the Committee's decision are as follows: [Set out the reasons for their decision in sufficient detail, explaining how the committee arrived at their decision, so that everyone can understand why the decision was made. Refer to the decision template in this document for recommended content of the explanation of reasons.]

A note of the Committee's views on the suspension, together with a copy of the Head teacher's suspension letter and the written statements considered at the meeting, will be placed on [Name of Child]'s record.

The Committee's decision is final and there is no further right of appeal.

If your child lives in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk [Name and contact details].

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk>. If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7350 8936).

Yours sincerely

[Name]

Clerk to the Pupil Discipline Committee

c.c. Head teacher

Chair of Governors

CEO of the Mulberry Schools Trust

Model Letter Seven

From the Clerk to the Pupil Discipline Committee to the parent notifying of reduction/reinstatement of a fixed period suspension.

Parents' Name & Address

Date

Dear [Parent's Name],

[Full Name of Child][D.O.B.]

I am writing to advise you of the outcome of the Pupil Discipline Committee meeting on [Date] when it considered the Headteacher's fixed term suspension of [Name of Child].

The Governors discussed the report prepared by the Headteacher that outlined the reasons for the suspension and detailed the strategies used by the school in supporting [Name of Child].

Having discussed the circumstances of the suspension and reviewing the support provided, the Pupil Discipline Committee concluded that:

The fixed period suspension for [Name of Child] was not appropriate and he/she should return to school on [return date].

OR

The fixed period suspension for [Name of Child] should be reduced to [number of days] and that he should return to school on [return date].

OR

The fixed period suspension for [Name of Child] was not appropriate and that although [Name of Child] has now returned to school a note of this decision should be placed on his/her school record.

A note of the Committee's views on the suspension, together with a copy of the Headteacher's exclusion letter and the written statements considered at the meeting, will be placed on [Name of Child]'s record.

We have asked the school to review the strategies that are available to it to support [Name of Child]. This must include the setting up of a Pastoral Support Programme in which you will be involved.

Please confirm with the Headteacher the arrangements for [Name of Child] to return to school.

If you live in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk [Name and contact details].

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They



can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7350 8936).

Yours sincerely

[Name]

Clerk to the Pupil Discipline Committee

c.c. Head teacher

Chair of
Governors

CEO of the Mulberry Schools Trust

Model Letter Eight

From the Clerk to the Pupil Discipline Committee to the parent notifying of reinstatement of permanent exclusion.

Note: If pupil is not resident in Tower Hamlets a copy of this letter must also be sent to their 'home' Local Authority. Refer to LBTH Exclusions Officer for more information.

Parents' Name & Address

Date

Dear [Parent's Name],
[Full Name of Child][D.O.B.]

I am writing to advise you of the outcome of the Pupil Discipline Committee meeting on [Date] when it considered the Head teacher's permanent exclusion of [Name of Child].

The governors discussed the report prepared by the Head teacher that outlined the reasons for the exclusion of [Name of Child].

Having discussed the circumstances of the exclusion, the Pupil Discipline Committee concluded that the permanent exclusion for [Name of Child] was not appropriate and he/she should return to school on [return date]. [N.B. If the child is not re-instated immediately, this date must be within a 'reasonable' period and governors must be able to justify why the date was set.]

The reasons for the Committee's decision are as follows: [Set out the reasons for their decision in sufficient detail, explaining how the committee arrived at their decision, so that everyone can understand why the decision was made. Refer to the decision template in this document for recommended content of the explanation of reasons.]

A note of the Committee's views on the exclusion, together with a copy of the Head teacher's exclusion letter and the written statements considered at the meeting, will be placed on [Name of Child]'s record.

We have asked the Head teacher to review strategies that are available to the school to support [Name of Child]. This must include the setting up of a Pastoral Support Programme in which you will be involved. Please confirm with the Head teacher the arrangements for [Name of Child] to return to school.

If you live in Tower Hamlets, you may want to contact the Local Authority's Exclusions Officer (020 7364 4304) who can provide advice. If your child lives in another borough, it is suggested you contact their pupil services department. We can provide you with the details if you contact the clerk [Name and contact details].

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5480 or on <http://www.childrenslegalcentre.com/>. You can also contact ACE Education on 03000 115 142 or <http://www.ace-ed.org.uk> . If you live in Tower Hamlets you can contact the Tower Hamlets Parents' Advice Centre (020 7350 8936).

Yours sincerely
[Name]

Clerk to the Pupil Discipline Committee

c.c. Headteacher
Chair of Governors
CEO of the Mulberry Schools Trust
LA Exclusions Officer

Model Letter Nine

From the Clerk to the Pupil Discipline Committee to the parent notifying of reinstatement of permanent exclusion following an Independent Review Panel decision.

Note: If pupil is not resident in Tower Hamlets a copy of this letter must also be sent to their 'home' Local Authority. Refer to LBTH Exclusions Officer for more information.

Parents' Name & Address

Date

Dear [Parent's Name],

[Full Name of Child] [D.O.B.]

Following the decision of the Independent Review Panel to

Quash the decision of the Governors

OR

Recommend that the Governors review their original decision

I am writing to advise you of the Governors' decision.

The Governors discussed points raised in the letter from the Independent Review Panel and completely reviewed both the case for the Headteacher and that offered by yourself.

Having discussed the circumstances and taking into account the facts presented in the IRP's letter, the Governors have agreed that:

The original decision to permanently exclude [Name of Child] should be upheld. Your child is therefore unable to return to {name of school}.

OR

The Governors, having taken into account the points raised by the IRP, have agreed that (name of child) should be re-instated and should report to (name of person) on (date). The School will conduct a full re-integration meeting at which both you as parents and (name of child) will be involved.

The reasons for the Governors's decision are as follows: [Set out the reasons for their decision in sufficient detail, explaining how the committee arrived at their decision, so that everyone can understand why the decision was made. This should NOT be a single paragraph. You need to answer all the points raised in the IRP's letter.

This letter will be added to all the other paperwork associated with this permanent exclusion. Only the courts have the right to expunge any record from (name of child)'s educational records.

We have asked the Head teacher to review strategies that are available to the school to support [Name of Child]. This must include the setting up of a Pastoral Support Programme in which you will be involved.

Please confirm with the Head teacher the arrangements for [Name of Child] to return to school.

Yours sincerely
[Name]

Clerk to the Pupil Discipline Committee
c.c. Head teacher
Chair of Discipline Committee
LA Exclusions Officer

6. Suspension and Exclusion Monitoring Form

STRICTLY CONFIDENTIAL

Monitoring of Pupil Suspensions and Permanent Exclusions

Details of all Suspensions/exclusion, Fixed and Permanent, should be returned to the CEO's Office at the Mulberry Schools Trust

Please complete the form and email it to the CEO via the Director of Governance and Development on sjameson@mulberryschoolstrust.org

Pupil Details	
Name of School:	
Pupil Full Name:	
D.O.B	
Gender:	
National Curriculum Year:	
SEN Register:	
Stage:	
Looked After:	

Ethnic Origin	
Ethnicity:	
Interpreter needed:	
Language spoken at home:	

Address Details	
Full Address including Postcode	
Telephone Number:	

Family Details (Name(s) of Parent/Carer with whom the pupil lives with)	
Name and Relationship to Pupil:	
Name and Relationship to Pupil:	
Contact Number:	
Suspension and Exclusion Details	
Type of Suspension:	
Length of Suspension: (if fixed)	
Start Date:	
End Date:	
Number of days during this academic year including this suspension:	

Reason for Suspension (Please tick more than one box if appropriate)			
Arson		Racist Abuse	
Bullying		Sexual Misconduct	
Damage		Theft	
Persistent Disruptive Behaviour		Verbal Abuse/ Threatening Behaviour against Adult	
Physical Assault against Adult		Verbal Abuse/ Threatening Behaviour against Pupil	
Physical Assault against Pupil		Smoking on the Premises	
Weapon Incident (Please Specify)		Drug and Alcohol Related Alcohol	
Drug and Alcohol Related Solvents		Drug and Alcohol Related Drugs - Supply	
Drug and Alcohol Related Drugs – Possession		If Other, please specify	

Are the following LA agencies already involved as a result of the incident:			
Behaviour Support Team		Police	

Attendance and Welfare Service		SIP	
EPS		Social Care	
Youth Counselling		Youth Offending Team	
CAMHS		Does the child have a PSP or CAF?	

Family Details (Name(s) of Parent/Carer with whom the pupil lives with)	
Name and Relationship to Pupil:	
Name and Relationship to Pupil:	
Contact Number:	
Person Completing the Form:	
Name:	
Role:	
Telephone Number:	
Email Address:	