



Westmorland
& Furness
Council

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Permanent Exclusion and Suspension Protocols

For Headteachers, Governors, Trustees and Clerks 2026



Contents

Introduction and Rationale	3
Suspension and Permanent Exclusion	6
Factors to Consider Before Issuing a Suspension or Permanent Exclusion:	8
Suspension Process	10
Permanent Exclusion Process	13
Guide for Governing Boards and clerks when undertaking a review of a suspension or permanent exclusion	15
The Role of the Governing Body	16
Part-time timetables	18
Off-site direction/managed moves	18
Off-Site Direction	19
Managed moves	21
Managed move referral process	21
Alternative Provision (other than schools/academies)	22
Conclusion	23
Appendix 1 - Model Suspension and Exclusion Letters	24
Appendix 2 - Suspension/Exclusion Categories	36
Appendix 3 - Continuum of Need Identification Tool	39
Appendix 4 - A Graduated response to Special Educational Needs	40
Appendix 6 - Suggested Template for Off-Site Direction	44
Appendix 7 - Suggested template for a Managed Move	49
Appendix 8	51
Appendix 9 - Eden Schools Only: Request for Information for Permanently Excluded Pupils	59
Appendix 10 - Reintegration of Permanently Excluded Pupils flowchart	66
Appendix 11 - Information for Governors/trustees regarding their consideration of a suspension taking the pupil' suspensions over 15 days in any one term	67
Appendix 12 - Information for Governors/Trustees regarding their consideration of a Permanent Exclusion	72

Introduction and Rationale

Westmorland and Furness' Approach

Westmorland and Furness Local Authority is committed to working in partnership with schools/academies and other agencies to prevent suspension and exclusion. Suspension and Exclusion have a severe impact on the emotional wellbeing and life chances for a young person, and we want to minimise this where we can.

Research into the long-term impact of suspension and permanent exclusion shows considerable negative impacts on young people, including:

- Impact on sense of self, and in the case of care experienced CYP, further reinforcement of damaged core belief and further sense of rejection.
- Impact on family relationships and resilience
- Increased risk of academic underachievement
- Vulnerability to criminal exploitation/engagement in criminal activity/ and custodial pathways
- Becoming NEET (Not in Education, Employment or Training)
- Social exclusion/community integration

(Timpson review 2019)

Westmorland and Furness Council believe that consequences should be proportionate and based on the severity of the incident and the student's personal circumstances, including any learning needs, family background, or disabilities. Whilst it is acknowledged that in some instances, a permanent exclusion is the only course of action due to the nature of the incident/s we want to ensure that everything possible is being done on a consistent basis to avoid the exclusion of any young person from a Westmorland and Furness school/academy and believe that exclusion should be used as a very last resort.

Early intervention is essential and throughout this toolkit, there are references to the "Continuum of Need Identification Tool" and the "SEN graduated response" to support behaviour alongside statutory responsibilities and expectations.

The tools provided here are to support our schools and academies in ensuring they comply with the law and guidance on exclusion and suspension and mirror inclusive and consistent practice within the county.

Legal Basis

This document is based on and should be read with the following resources, and it is important to refer to these when considering a suspension or exclusion and to ensure that all processes and procedures are compliant with the law and guidance.

DfE: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England, August 2024 [Suspension and permanent exclusion guidance \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/954442/suspension-and-permanent-exclusion-guidance.pdf)

DfE: Behaviour in Schools Advice for headteachers and school staff February 2024 [Behavior in Schools - Advice for headteachers and school staff Feb 2024 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/954442/behaviour-in-schools-advice-for-headteachers-and-school-staff-feb-2024.pdf)

The Equality Act 2010 and Schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014 [Equality Act Advice Final.pdf \(publishing.service.gov.uk\)](#)

DoE & DoH: Special Educational Needs and Disability code of practice: 0 to 25 years Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities January 2015 [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#)

Working Together to Safeguard Children 2023 A guide to multi-agency working to help, protect and promote the welfare of children December 2023 [Working together to safeguard children 2023: statutory guidance \(publishing.service.gov.uk\)](#)

Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies February 2025 [Arranging Alternative Provision - guide for LAs and schools](#)

DoE Guidance for parents & carers on behaviour, suspension & permanent exclusion May 2023 [A guide for parents on school behaviour and exclusion - GOV.UK](#)

School Policies:

The Children and Families Act 2014 and the SEND Code of Practice make it very clear that early year's settings, schools and colleges have to meet the needs of all children and young people with SEND including those who do not have an Education, Health and Care (EHC) Plan. This includes young people who are experiencing social, emotional and mental health (SEMH) difficulties. Where a robust whole school approach is in place to implement the "Assess, Plan, Do, Review" cycle, any additional needs will be identified as early as possible and allows effective support to be put in place to support the young person to learn and to prevent exclusion.

A whole school behaviour policy needs to be in place which provides guidance to staff, young people, parents and carers on promoting an inclusive ethos and positive behaviour in school. Policies should be attachment aware, and trauma informed as well as based on building strong relationships with a strong culture of belonging amongst the school community. The procedures and guidance within the policy support the consistent, whole school approach to the management of behaviour in school. The school's behaviour policy should be fully informed by the school's SEND, safeguarding, anti-bullying, equalities, attendance and teaching and learning policies. Behaviour policies should recognise young people's behaviour as a form of communication, often of an unmet need, and allow for flexibility where needed in relation to young people's SEND (including social, emotional and mental health needs).

Behavioural focussed approaches can work for many children and young people; however, they are not appropriate or successful for all. This is especially true for the those who have experienced Adverse Childhood Experiences (ACEs).

In developing a behaviour/relational policy, schools are advised to consider and have regard to an attachment and trauma informed approach which have a positive impact for all children and young people.

All settings should also very carefully consider their duties and responsibilities to our Cared for and Previously Cared for Children, schools should also take steps to avoid the exclusion of previously Cared for children who have left care via adoption, special guardianship or child arrangement order. 'The Designated Teacher for Looked after and previously Looked after Children' DfE February 2018 and 'Promoting the Education of Looked After Children' February 2018.

Early intervention

As part of early intervention, settings should undertake further assessment of any potential underlying learning or social, emotional or mental health needs being experienced by the young person through the organisation's SEND and/or Early Help processes. When the absence patterns and/or behaviour of any pupil begins to cause concern education settings should not only deal with the specific incident that has occurred but should also respond with appropriate curiosity to identify any underlying needs. Settings should provide support through a strengths-based approach with the pupil, their parents/carers, members of the staff team and, where appropriate, other professionals.

The Graduated Approach Preventing Exclusions

The Graduated Approach, in line with recommendations and legislative guidance taken from Intervention 'Working Together to Safeguard Children' (2025), the DfE 'Suspension and Exclusion Guidance' 2024 the SEND Code of Practice (2015) provide a clear focus and tiered approach to supportive interventions, for use with all children to foster an approach of reducing exclusion and increasing holistic early interventions. This approach is inclusive of need or circumstance and should be applied with consistency. Specific needs such as Special Educational Needs (SEND), our Cared for Children, children receiving free school meals (FSM) and children evidencing Social, Emotional, Mental Health (SEMH) should be considered.

The Graduated Approach is needs-led and defined by the child and their families in collaboration with professionals with an emphasis on shared decision-making.

The aims of the Graduated approach are to:

- Increase the capacity for schools to meet the needs of all children; preventing those whose needs can be met in mainstream school from attending alternative provision or special schools and to reduce school exclusion
- Facilitate a multi-agency approach to promote belonging and inclusion to understand and reduce the need for exclusion and achieve the best outcome for the child
- Ensure flexible assessments to identify the needs of children and families and provide a personalised offer based on individual needs
- Encourage children and young people's aspirations and feedback drive intervention and support

Suspension and Permanent Exclusion

The following information and considerations are provided to inform Headteacher's decision making around the use of suspension and exclusion.

- The length of a suspension must be proportionate to the behaviour displayed by the pupil and in line with the school behaviour policy. Consideration should be given to an individual pupil's circumstances particularly for our children with a social worker and any SEND when assessing a proportionate response. There should be consistency in the consequence applied to the same type of behaviour, both in repeated incidents from the same pupil and between different pupils (considering any mitigating factors). The length of a suspension should not be increased due solely to repeated behaviour and should be based on the nature of the incident itself.
- Suspension should not be used as a period to allow school to secure additional resources.
- Where repeated behaviours are displayed leading to multiple suspensions, the Local Authority would expect schools to consider an Early Help Assessment to determine any unmet social or educational need.
- The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first or a permanent exclusion may be issued to begin immediately after the end of the suspension.
- A Headteacher may withdraw the decision to permanently exclude a pupil before the governing body/trustees have met.
- Permanent exclusion is the most severe consequence available to Headteachers and should only be used as a last resort. Where permanent exclusion is being considered for persistent breaches of the school's behaviour policy, the Headteacher should have clear and extensive evidence of all interventions taken and why there are no other viable interventions.
- In cases where permanent exclusion is being considered for a one-off serious breach of the behaviour policy, the Headteacher must still ensure that consideration is given to all alternative options and clear records kept of why other consequences or interventions would not be suitable or possible. Such a decision would be based on the incident alone. Previous behavioural history of a pupil in those circumstances may be relevant only if it evidences that allowing the pupil to remain in school would seriously harm that pupil or others at the school.

Where schools use the one-off reason for permanent exclusion and where the pupil has had previous suspensions or consequences, the LA would expect schools to demonstrate intervention that could have prevented the serious incident.

- A child cannot be suspended/permanently excluded because the school/academy cannot meet need. Where a child has an EHCP a review should be called as soon as possible.
- An informal or unofficial exclusion, such as sending a pupil home 'to cool off' or to allow time to gather evidence and determine an appropriate consequence, is unlawful, however we understand that incidents that may lead to permanent exclusion often place headteachers under conflicting pressures.
- Guidance is clear that headteachers must undertake a thorough investigation and give due consideration of alternatives, with permanent exclusion as a last resort. However, it is also crucial to risk assess the circumstances and ensure the pupil and others in the school are safeguarded while a decision is being made.

There is no statutory time limit set for making a decision to permanently exclude, or specific reference to timescales in the Guidance. Headteachers should not permanently exclude as a means to keep the pupil off site whilst an investigation is completed or alternative options considered.

Headteachers should consider whether it is necessary to send a pupil home in order to investigate matters or whether the pupil can be managed safely while an investigation takes place. In all cases this decision will turn on the particular facts and circumstances of the case and reasons for any decision should be carefully considered and recorded. On the assumption that the criteria for permanent exclusion may have been met (including that allowing the pupil to remain would seriously harm the pupil or others on site), it is unlikely that allowing them to remain in their classes would be a satisfactory risk.

Whilst it may be necessary in certain cases for a pupil to be removed from site while an investigation is undertaken, this should not be the default position. It may be more appropriate to use internal exclusion procedures to supervise the pupil safely until a full investigation and alternative options have been considered. If this is the case, parents should be notified by phone that an investigation is taking place and any arrangements that will be made for the pupil, including alternative requirements for arrival at school, whilst this is undertaken.

The decision to permanently exclude is not one any headteacher wants to make and we acknowledge that it often requires decision making in a very pressured and stressful set of circumstances. However, headteachers should remember that there is no set time limit to make the decision and a wish to act quickly to reduce risk should never override the requirement to fully investigate and consider alternative options. There is no one solution, but we recommend that schools consider inclusion of guidance about arrangements in their policies and that full records are kept of decision making and consideration of the particular facts in every case.



Factors to Consider Before Issuing a Suspension or Permanent Exclusion:

A decision to **suspend** a pupil may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective consequence for the pupil and whether additional strategies need to be put in place to address behaviour.

A decision to **permanently exclude** a pupil should only be taken:

- In response to a serious breach or persistent breaches of the school's behaviour policy, and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school, and
- Should be the last resort.

Questions to consider	Yes/NO	Details
Does the presented behaviour warrant a suspension or exclusion in line with your behaviour policy?		
Has a full investigation been undertaken into the causes and context of the behaviour considering any provocation and/or contributing factors? Have witness statements been taken and where there is contention, on the balance of probability has the student done what is alleged? Witness statements should be signed and dated in the child's/member of staff's own handwriting. Where it is necessary to protect the source of the statement, these can be anonymised. Has the young person been provided with an opportunity to give their account of the incident to an adult they are comfortable with and in an environment, and at a time, when they are able to calmly reflect on what has taken place? The child's age and understanding should be considered and where relevant, the pupil should be given support to express their view including through advocates. Accounts of incidents should not be taken by members of staff who have been involved.		
Is the young person a looked after child? If so, has the virtual head /social worker been contacted for advice?		

Questions to consider	Yes/NO	Details
Does the child have a social worker? If so, has a multi-agency approach been taken to support the child's behaviour? Has the social worker been contacted for advice? Does the child have an Early Help assessment and plan? Have the Early Help plan members sought additional advice with a referral to the Family support panel?		
Does the young person have additional needs or a disability which has direct impact on their behaviour? If so, have reasonable adjustments to support, practice and policies/consequences imposed been made? If the child has an Education, Health Care plan, an early review would be appropriate. Have you requested this?		

Where the behaviour displayed is persistent:

Questions to consider	Yes/NO	Details
Has a graduated response based on the continuum of need been implemented? (Appendix 4) Have you developed and implemented an outcome focussed personal behaviour plan addressing the child's needs and developed with the full involvement of the child and their family and considering specialist advice?		
Can you provide evidence of all prior intervention support provided by the school and any partners to address any behavioural needs.		
Have you considered a well-planned managed move, or offsite direction with another school or alternative provision to improve behaviour? (Off-site direction should only be used where in school interventions and/or outreach have been unsuccessful and should be used to arrange a temporary stay in AP) (Appendices 6 & 7)		
Is there a reintegration plan to support the student/school/academy and avoid further suspensions or where in the case of a permanent exclusion, the governors reinstate the pupil following review?		

(Also see Appendix 2 as a working document)

Suspension Process

Task	Lead	Details
1. Notifying Parents/Carers	Headteacher	Notify parents/carers without delay, in person or via the telephone of the following information when deciding to suspend a child: • The period of suspension • The reason(s) for the suspension • The provision offered to ensure the child can continue with their education in line with legal requirements
2. Notifying Parents/carers formally	Headteacher	Notify parents/carers without delay, making reasonable adjustments where English is not the parent/carers first language, in writing (sent to the last known address or via electronic methods if prior written agreement for this kind of notice to be sent has been given). If the information is sent home with the pupil, the head teacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received. This communication should include: • The period of suspension. • The reason for the suspension (give as much information as possible) • Parent/carers right to make representation to the governing board/management committee and how they can do this. • That the pupil's parents/carers must ensure the pupil is not present in a public place at any time during school hours for the first 5 days. (pupils of compulsory school age) • What education the school/academy will continue to provide, if the suspension is 5 days or less. • The arrangements for full time education provision if the suspension goes over 5 days • Information regarding relevant sources of information with regards to exclusion and impartial advice services. • Arrangements for a return to school/academy Copies of the suspension letter should be copied to the Local Authority portal or mailbox, to the social worker if the child has one and to the virtual school headteacher if the child is looked after. Please see model letters (Appendix 1)

Task	Lead	Details
3. Education and Healthcare plan?	Headteacher/ Senco	Contact the EHCP co-ordinator and consider whether the child's plan requires a review of provision. If the child is at risk of permanent exclusion, contact the senior area EHCP co-ordinator and senior access to education officer to arrange a review of the plan. Please see EHCP process (Appendix 5)
4. Social Worker? Looked after child?	Headteacher/ designated safeguarding lead	Contact the social worker and Virtual School Headteacher if you have not already done this to advise of the suspension. This ensures that the potential impact on the child's home environment and overall wellbeing is fully considered.'
5. Notifying the Governing Body	Headteacher	Notify the governing board/management committee of the suspension and if this triggers their statutory duties to review. (15+ days in a term)
6. Absence codes	Relevant school staff	The E code should be used to record suspensions. If alternative provision has been provided on the 6th day code B (educated off site) or D code (dual registered) should be used where the pupil attends another school/academy.
7. Governing Board required to meet?	Clerk to governors	Advise governors/trustees regarding statutory timescales. If the suspension takes the pupil over 15 school days in any one term, the clerk should liaise with the Headteacher, Governors/trustees, Local Authority (for academies, if requested by parent), social worker (if the child is on a CIN or CP plan) and parents/carers regarding a date and time convenient to all parties. (it would be best practice to consult with parents/carers initially regarding any dates and times to avoid, particularly if they work) The LA representative will confirm if parents request them to attend.
8. The case for the school/academy (where suspensions exceed 15 days in any one term)	Headteacher	Prepare the school/academy case for the suspension and ensure this is sent to the clerk for distribution to all parties at least 5 working days before the governors/trustees are due to meet.
9. Governing Board/Management Committee meet to review the exclusion.	Governing Board/ management committee	Governors/trustees meet with Headteacher, Parent/carers, Local Authority (if requested in the case of an academy) and social worker (if the child has one) within 15 school days of the date the governors/trustees were informed that a suspension has taken the pupil over 15 school days in any one term to consider the suspension. (see separate checklist/guide for governors).

Task	Lead	Details
10. Reintegration	Headteacher & relevant school staff	Schools and academies should consider reintegration support plans for the return of the child to the school following a suspension, where appropriate. The plans should ensure a procedure for managing the pupil's future behaviour and should form part of the school's behaviour policy. It is advised that this process includes a reintegration interview with the parent/carer and pupil. (although not a statutory requirement).

Permanent Exclusion Process

Task	Lead	Details
1. Notifying Parents/Carers	Headteacher	Notify parents/carers without delay, in person or via the telephone of the following information when deciding to exclude a child: • That it is a permanent exclusion. • The reason(s) for the permanent exclusion. • The provision offered to ensure the child can continue with their education in line with legal requirements
2. Notifying Parents/carers by formal letter	Headteacher	Notify parents/carers without delay, making reasonable adjustments where English is not the parent's first language, in writing (sent to the last known address or via electronic methods if prior written agreement for this kind of notice to be sent has been given) If the information is sent home with the pupil, the head teacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received. This communication should include: • That it is a permanent exclusion. • The reason for the permanent exclusion. (give as much information as possible) • Parent/carers right to make representation to the governing board/management committee and how they can do this. • That the pupil's parents/carers must ensure the pupil is not present in a public place at any time during school hours for the first 5 days. (pupils of compulsory school age) • What education the school/academy will provide for the first 5 days • The arrangements for full time education provision from the 6th school day • Information regarding relevant sources of information with regards to exclusion and impartial advice services. Copies of the exclusion letter should be copied to the Local Authority portal, area representative, social worker if the child has one and Virtual School headteacher if the child is looked after. For a child living outside the local authority where the school is located, the headteacher must notify the child's own local authority within the same timescale and with the same information. Please see model letters (Appendix 1)

Task	Lead	Details
3. Notify the Governing body.	Headteacher	Inform the Governing body of the permanent exclusion and a copy of the letter.
4. Education and Healthcare plan?	Headteacher / SENCO	Contact the Senior EHCP co-ordinator and Senior Access to Education Officer to arrange a review of the EHCP. (Appendix 5)
5. Social worker? Looked after child?	Headteacher/ designated safeguarding lead	Advise the social worker and/or Virtual School Headteacher of your decision and their right to make representation at the governor/trustee review meeting. This ensures that the potential impact on the child's home environment and overall wellbeing is fully considered.'
6. Provide information on the pupil	Headteacher/ relevant school staff	Complete information to allow the Local Authority to meet its statutory duty regarding 6th day provision without delay (Appendices 8 & 9)
7. Arranging a date for the governing board/management committee meeting to review the exclusion	Clerk to governors	Liaise with the Headteacher, Governors, Local Authority, (for academies, if requested by parent), social worker (if the child is on a CIN or CP plan) and parents/carers regarding a date and time convenient to all parties. (it would be best practice to consult with parents/ carers initially regarding any dates and times to avoid, particularly if they work). The LA will confirm if parents want them to attend the meeting. (Academies).
8. Education Provision	Headteacher W & F council	First 5 days - Schools/academies should take reasonable steps to set and mark work for a pupil during the first 5 days of an exclusion 6th Day provision - The Local Authority will arrange suitable full-time education from the 6th day.
9. Absence codes	Relevant school/ academy staff	The E code should be used to record permanent exclusions. If the pupil attends the alternative education provided by the local authority from the 6th day, then the code D should be used. If the pupil does not attend, then the E code should continue. It is important for the school/academy to ensure good communication with the LA 6th day provider so that records accurately reflect the pupil attendance. If the parents/carers apply for an Independent Review, the school/academy must continue to record the D or E code until a final decision is made.
10. The case for the Permanent Exclusion	Headteacher	Prepare the school/academies case for the permanent exclusion and ensure this is sent to the clerk for distribution to all parties at least 5 working days before the governors are due to meet.

Task	Lead	Details
11 Governing Board/ Management Committee meet to review the exclusion.	Governing Board/ management committee	Governors/trustees meet with Headteacher, Parent/carers, Local Authority (Academy if requested and social worker (if the child has one) within 15 school days of the date of the permanent exclusion. (see checklist/guide for governors)
12 Reintegration	Headteacher & relevant school/ academy staff	Schools and Academies should consider a support plan for the return of the pupil if the decision of the governing board/management committee is to reinstate the pupil, taking on board any recommendations from the panel. Best practice would include a reintegration meeting with the pupil, family and any partner agencies involved prior to a formal return.

Guide for Governing Boards and clerks when undertaking a review of a suspension or permanent exclusion

Governor Boards/Trustees must consider the reinstatement of a suspended or excluded pupil within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It is a suspension or permanent exclusion that would result in a pupil missing a public examination or national curriculum test. There is a further requirement that governors/trustees must, as far as reasonably practicable, consider and decide on suspension or permanent exclusion before the date of the exam or test.

5-15 days suspension in one term: If parents make representations, governors/trustees must consider and decide within 50 school days whether the pupil should be reinstated. If no representation is received, governors are not required to meet and cannot direct reinstatement.

5 days or less suspension in one term: In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, governors/trustees must consider any representation made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers. Westmorland and Furness Inclusion team do consider, however that a meeting with parents/carers is good practice.

A governing board of a maintained school may delegate the function of reviewing suspensions and exclusions to a sub-committee made up of a minimum of three governors.

Academy trust boards may also delegate this function if their articles of association allow for this.

The arrangements for the hearing should be made by the clerk at a time and date convenient to all parties, where possible. The following should be invited to the hearing:

- Governors/trustees (The quorum is 3, however if an academy and it is stated in the articles of association this can be 2)
- Headteacher
- Parents/carers (and, where requested, a representative or friend).
- Local Authority Representative (in the case of maintained schools and the PRU) or where parents have requested this (in the case of Academy's)
- In the case of a looked after child, a social worker and or Virtual Headteacher should also be invited
- In the case of a child with a social worker, the social worker must be invited to attend.

The Role of the Governing Body

To review whether the headteacher's decision was lawful, reasonable and fair; proportionate and based upon the balance of probabilities. **(Appendices 11 & 12)**

Procedure:

The clerk should ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN) W & F Council send a request for appropriate documents once notified of the suspension/exclusion.

These should be circulated with a list of those who will be present, to all parties at least five school days in advance of the meeting.

The panel members:

- Should not discuss the suspension/exclusion with any party outside the meeting.
- Allow parents/carers and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness by the school or the parent, the governing board should first seek parental consent and invite the parents to accompany their child to the meeting)
- Consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting.
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf, considering the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the meeting is not possible.

The clerk should ensure that clear minutes of the meeting are taken as a record of the evidence that they considered and that, if requested, these are provided to all parties

Order of the meeting:

The Chair explains the purpose of the meeting, and introductions

1. The Headteacher presents the school/academy's case
2. Questions from the parents/carers, governor's/trustees and LA representative on the school's case
3. The parent/carers/pupil present their case
4. Questions from the parents/carers, governor's/trustees and LA representative on the parent/carer's case

5. The social worker makes representation if present
6. Questions from the parents/carers, governor's/trustees and LA representative
7. The Local Authority makes representation
8. Questions from the parents/carers, governor's/trustees
9. Headteacher sums up the case for suspension/exclusion
10. Parents/carers sum up their case

All parties withdraw except Governors/trustees and Clerk. Governors/trustees consider the suspension/exclusion with the Clerk present and come to decision.

The panel must decide to reinstate the pupil immediately or on a specific date or decline to reinstate. Once the decision has been reached the outcome and decision making must be communicated in writing to all parties without delay and include details of their right to request an Independent Review. (for a permanent exclusion) This would not preclude the clerk telephoning the parents/carers to inform them of the decision.

Where in the case of a suspension that has already been served, governors cannot physically reinstate, however if their decision is that the suspension was not proportionate or appropriate, a note should be made on the school file.

Independent Review panels:

From the date of the GDC notice that the governors/trustees are not reinstating a parent/carer has 15 school days to make an application for an Independent Review Panel to be convened.

If requested, a panel must be convened within 15 school days of the request. If it is not possible to convene a panel with the school/academy/family within that time, it is possible to open and adjourn the hearing. Review procedure - can constitute panel (following requirements) and appoint clerk or school remains responsible for all arrangements/functions of clerk. CANNOT be clerk to GDC; must ensure has had training; if no clerk need to consider what additional steps to ensure administered properly. The school can constitute a panel and clerk who must have received training. **(this cannot be the clerk to the original GDC)** to review the GDC decision. If it is not possible to appoint a clerk, then the school remains responsible for all arrangements and functions of the clerk and must consider what additional steps they need to take to ensure the process is administered properly. Alternatively, the school or academy can contact our legal services **schoolappeals@westmorlandandfurness.gov.uk** who can arrange the review. (There is a cost associated with this for Academies)

Where a SEN expert has been requested by the parent/carer the school must make arrangements for this.

The independent review panel can decide to:

- Uphold the exclusion decision
- Recommend that the governing body reconsiders their decision
- Quash the decision and direct that the governing body reconsider reinstatement

Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision.

Governors/trustees link to training.

www.nga.org.uk/training/directory/review-suspensions-exclusions/

Part-time timetables

All children, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have, and schools have a statutory duty to provide full-time education for all pupils.

“In very exceptional circumstances, where it is in a pupil’s best interests, there may be a need for a school to provide a pupil of compulsory school age with less than full-time education through a temporary part-time timetable to meet their individual needs. For example, where a medical condition prevents a pupil from attending school or another setting full-time and a part-time timetable is used to help the pupil access as much education as possible. A part-time timetable should not be used to manage a pupil’s behaviour.”

If pupils are placed on a part-time/reduced timetable based on a behavioural issue, then this may be regarded as an unlawful exclusion and could result in a warning notice or a notification to the Regional Schools Commissioner.

Please see **Westmorland and Furness Part-time and reduced timetable guidance for schools; September 2024 (school portal>school documents)**

Off-site direction/managed moves

Schools and Academies should consider **off-site direction** for pupils where behaviour management strategies have failed and a period away from the home school/academy is recognised as a favourable strategy for intervention.

Off-site direction allows schools and academies to approach another mainstream school/academy or Alternative provider and agree a time limited dual registration.

Once this has ended the pupil returns to the host school. If all involved in the process agree that the new mainstream would be the preferred outcome, then this could result in a managed move and the pupil can come off role at the base school/academy, lawfully.

Managed moves can be used for both attendance and behaviour as a planned intervention. It may also be used where a pupil has been permanently excluded for a one-off serious breach of the school behaviour policy, where this is the preference of all parties, but the pupil must go on roll at the receiving school. The permanent exclusion can then be rescinded.

For schools, it is the governing body who oversees the off-site direction and in Academies, it needs to be in their articles of association.

[Suspension and permanent exclusion guidance September 2024 \(publishing.service.gov.uk\) para 32-52\)](#)

Off-Site Direction

Off-site direction is when a school/academy arranges a **temporary, time limited off-site provision** for a child to attend another education setting, with a view to improving their behaviour. Where this is another mainstream school/academy this may lead to a child being given a fresh start. Once the off-site direction period has ended the move could become permanent if all agreed; becoming a managed move or the pupil returns to their host school/academy.

Ideally, in any change of provision, both school and academy staff, supporting professionals and family need to share the view that the receiving school/academy is likely to be able to offer something sufficiently different to make the change viable. This may be the size/location of the provision, a new peer group/teaching team, differentiated curriculum or levels of expertise and support, depending on the presenting issues at the home school.

Although parental agreement is **not** a requirement for an off-site direction, for the placement to be successful, it is advisable to discuss plans with parent/carers and the child and get agreement from all participants.

Pupils accessing this support **must** be dual registered.

Principles:

- Requests can only be initiated by the child's current (home) school/academy.
- Agreement of parents/carers should be obtained wherever possible, and the views of the child should also be considered.
- A proposed maximum period of time should be discussed and agreed on as part of planning. Westmorland and Furness LA would suggest that this should be no longer than 12 weeks. Consideration should be given to alternative options once the time limit has been reached. This may include a managed move on a permanent basis if the pupil has been placed in a mainstream school.
- Regular reviews and progress reports must be undertaken (timescales to be agreed).
- The child remains on roll at their original school during the off-site direction. and will be expected to return there unless a managed move is subsequently agreed.
- The home school should be able to demonstrate that other preventative strategies have been exhausted.
- The school's own internal procedures will have already been implemented, along with all strategies to avoid exclusion and address poor behaviour. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating an off-site direction, it should contact the authority prior to the managed move. If the local authority, both schools and parents agree that there should be an off-site direction, the local authority will need to follow the statutory procedures for amending a plan. Similarly, any suggested off-site direction for a Looked After Child should only take place with the agreement and support of the Virtual School.
- The receiving school may wish to negotiate the transfer of funding if the pupil is formally admitted. The appropriate amount would be the balance remaining of the AWPU according to agreed formula. Schools may want to negotiate the backdating of funds to the beginning of the trial period. It would be advisable to discuss funding arrangements before the start of off-site directions.

Registration

- The home school/academy should mark the register as 'D'
- The receiving school/academy marks the register according to whether the child attends, using appropriate codes for present, absent and authorisation decisions

Process

Prior to considering an off-site direction, the Head Teacher should be satisfied that all reasonable steps have been taken to resolve the child's difficulties in their current school, including the involvement of support services, both internal and external.

The Head Teacher/governors should then consult the parents and the child about their views on off-site intervention which could if successful in the case of another mainstream provision become permanent.

Once a school/academy/other AP provider has been identified a meeting should be arranged with key school/academy staff from both the home and receiving placements. Any other professionals involved with the family and the family and pupil. Considerations should include:

- A shared understanding of the reasons for the off-site direction.
- Any agreed attendance arrangements, e.g. an initial reduced programme may be agreed for a limited period.
- Specific reasonable/appropriate targets for the child – these should be based on the individual needs of the child.
- Other factors e.g. any additional learning needs.
- Planning the response of the receiving school should instances of poor behaviour occur.
- The dates set for the review meeting(s)
- Any financial arrangements

A member of the receiving school staff should meet the child regularly to review his/her progress towards the off-site direction targets. This gives the child the chance to identify what has gone well and how to replicate success. During the period of the off-site direction, the receiving school will also provide the home school with a weekly record of the child's attendance. The key people who attended the original meeting should be invited to the reviews.

At the final review meeting, the original targets set for the student at the outset of the off-site direction and any information from review meetings held during the period should be discussed and a planned reintegration to the home school agreed.

Additionally at this point, if the parent, pupil, home school/academy and receiving school/academy agree that it would benefit the student to remain at the receiving school/academy this could become a permanent managed move.

On the agreed date, if the off-site direction has been deemed successful, the child's name must be deleted from the admission register of the original school and shown as single registered on the admission register of the receiving school.

(See appendix 6 for suggested template)

Ending an Off-Site Direction early

In exceptional circumstances (usually because of significant behaviour problems or non-attendance) the receiving school may wish to end the off-site direction arrangement before the 12-week period is completed.

If so, the receiving school's headteacher should consult with the original headteacher before confirming this in writing to the parents, specifying the date from which the child must return to the original school.

When an off-site direction is not successful and is terminated, the parent/carer and child should never be left unclear about where the child is expected to attend because of poor communication. This lack of clarity can amount to unlawful exclusion. The child will return to the home school immediately to allow staff to assess the actions and behaviours of the child at the receiving school and whether any new evidence leads to a new decision.

The child will then be re-integrated back into the home school.

Managed moves

The purpose of a managed move is to facilitate a formal process leading to the transfer of a pupil to the roll of a new school/academy. Managed moves should generally be offered as part of a planned intervention, similar to those circumstances which might warrant off-site direction, however this is a permanent move with no return to the home school. The home school/academy should be able to evidence that appropriate intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments.

Managed moves may also be considered when a student has been recommended for permanent exclusion for a serious one-off incident and has no previous behaviour instances that would cause a new school concern.

Managed moves must be well planned, and all actions agreed in an open transparent way so that both schools/academies and parents/carers maintain a shared ownership of the process.

Managed move referral process

The pupil's home school/academy will initiate the managed move process by discussing this with the parent/carer and pupil and seeking their preferences. The home school will then approach other schools/academies. A decision of this nature would initially be made between headteachers.

Information sharing between the original school and the new school is paramount, including data on prior and current attainment, attendance, academic potential, a risk assessment and advice on effective risk management strategies.

A planning meeting should be held between the home school, receiving school, pupil, parent/carer and any external agencies involved, prior to the commencement of the managed move to discuss induction, identify any additional needs and/or vulnerabilities, agree and set targets (including attendance), agree uniform requirements, etc. All agreed actions will be recorded on the plan.

The home school should provide the common pupil transfer file to the receiving school without delay.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

Similarly, any suggested off-site direction for a Looked After Child should only take place with the agreement and support of the Virtual School.

(See appendix 7 for suggested template)

Alternative Provision (other than schools/academies)

A school remains responsible for ensuring that all pupils on its roll receive suitable education. Using AP is permissible provided it complies with the statutory guidance and is appropriately monitored.

Placements into alternative provision should always be made with the child's reintegration back into mainstream education or move onto a sustained post 16 destination in mind.

If the intention is not to re-integrate the pupil into mainstream school, this raises serious governance and legal risk. It may indicate the AP placement being used as a final destination rather than an interim measure; the guidance clearly states treats AP as a route to re-integration, or, where not feasible, to another appropriate destination (e.g. further education training) but only after careful documented planning

Where a child has an EHC plan, the local authority will usually name an educational institution for them to attend. It is not common practice, but local authorities can name an alternative provision on an EHC plan. However, alternative provision should not be used as a substitute for special school provision simply because there is insufficient capacity in local SEN provision.

If the school commissions AP without a clear reintegration plan, or fails to keep the pupil on roll without due process, it may amount to 'off rolling', which is unacceptable practice and could attract regulatory scrutiny

If the school 'encourages' or arranges for a pupil to attend AP indefinitely – but does not record a permanent exclusion – the parents lose their statutory right to an Independent Review Panel. This would amount to unlawful exclusion because it essentially circumvents the statutory protections.

Conclusion

AP should only be used where it is understood and intended the child can return to the school, including children with SEND.

If the school's intention is never to allow the child to return, they need to follow the permanent exclusion procedure or arrange a managed move. If they were to use AP as an intended permanent alternative that would be an unlawful exclusion.

It would be suitable for schools to look at AP as an alternative to exclusion on the understanding that it would be to support the child until such a point that they can return. A managed move may be agreed in this time instead, but the school cannot make the AP conditional on a managed move being agreed at some later date so the child will never be able to return.

Off-site direction can be used to arrange time-limited placements at an AP but this needs to be kept under review and the length of time spent will depend on the pupil's needs/potential improvement in behaviour

Basic principles

- Intervention not a destination.
- Way of addressing challenging behaviour.
- Those, who because of exclusion, illness or other reason, would not otherwise receive suitable education.
- Can be used by schools for children on suspension and direction off site to improve behaviour.
- The pupil may attend mainstream and AP in same week. (AP does not have to be full-time)
- AP may be used either as a planned intervention for behavioural or pastoral reasons or as a preventative measure to support children at risk of exclusion.
- The goal must be to maintain learning, improve behaviour and reintegrate back into mainstream.

Before securing any alternative provision, schools and academies are advised to:

- Consider how suitable is the AP in terms of age, ability, aptitude and Sen.
- Check attendance arrangements for reporting are robust
- Consider the needs of the pupil, the intent of the provision, the form of provision, and how this will be monitored how monitored and destination plan.
- Include the family, pupil and any other professionals involved in setting up the Ap and reviewing.
- Review at least half termly -monitor progress against clear objectives and any adjustments necessary.

Ensure that you have a copy of the AP's child protection policy and insurance.

Reintegration

Westmorland and Furness Council are keen to develop a robust process for the reintegration of permanently excluded pupils. We acknowledge and appreciate the cooperation of our schools/academies in giving children a second chance, and where a period of intervention at our Pupil Referral Service has assessed that they are ready for mainstream. (Appendix 10)

Appendix 1 - Model Suspension and Exclusion Letters

All correspondence in relation to suspensions **over 15 days** in one term and **permanent exclusions** should be sent via the school portal or exclusion mailbox if not available, and copied via email to: **rose.gibson@westmorlandandfurness.gov.uk** **abigail.hudson@westmorlandandfurness.gov.uk** and **carol.green@westmorlandandfurness.gov.uk**

All other **suspension letters** should be sent via the School Portal only. If you do not have access to this, they can be forwarded to the Exclusion mailbox. **Please can letters be sent on the day of the decision to ensure the Local Authority can carry out necessary procedures with the statutory timeframe.**

Model Letter 1 - From Head Teacher (or Teacher in Charge of a Pru) Notifying Parent of a Suspension of less than 6 days, and where a Public Examination is not missed

Dear **[Parent's Name]**

All copy letters to the LA should include the child's name (and legal name if different) date of birth and address.

I am writing to inform you of my decision to suspend **[Child's Name]** for **[Number of days]**. This means that **[Child's Name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended because **[Reason for suspension]**.

You have the right to make representations to the **(Governors Discipline Committee/Governing Board/Management Committee)** if you do not agree with this suspension. If you wish to make representations please contact **[Name of Contact]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible.

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

The school will continue to set work for **[Name of Child]** during the period of his/her suspension **[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.

You have a duty to ensure that your child is not present unaccompanied by an adult in a public place in school hours during the period of the suspension **(specify dates)** I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification.

You may wish to contact Rose Gibson, Senior Access & Inclusion Officer (LA Representative) on 07967469947 or by e-mail: **rose.gibson@westmorlandandfurness.gov.uk**, who can provide advice on suspensions.

I would also like to draw your attention to other relevant sources of free and impartial information as follows:

- A link to statutory guidance on suspensions (<https://www.gov.uk/government/publications/school-exclusion>).
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (<http://www.childrenslegalcentre.com/>) or ACE Education (<http://www.ace-ed.org.uk/>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<https://www.ipsea.org.uk/>).

[Name of Child]'s suspension expires on **[Date]** and we expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**.

(optional) I am sure it would be helpful for us to meet to discuss **[Name of Child]**'s return to school before they are due back. Please could you contact **[Name]** to arrange a convenient time and date.

Yours sincerely

[Name]

Head teacher

cc: School Portal, non-portal settings by email, password protected, to the Exclusions Mailbox

Model Letter 2 - From Head Teacher (or Teacher in Charge of a Pru) Notifying Parent of a Suspension of less than 6 to 15 days or where cumulative suspensions in the same term total more than 5 but less than 15.5 days.

Dear **[Parent's Name]**

All copy letters to the LA should include the child's name (and legal name if different) date of birth and address.

I am writing to inform you of my decision to suspend **[Child's Name]** for **[Number of days]**. This means that **[Child's Name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended because **[Reason for Suspension]**.

You have the right to request a meeting of the **(Governors Discipline Committee/Governing Board/Management Committee)** at which you may make representations and the decision to suspend can be reviewed. As the length of the suspension is **more than 5 school days/ accumulatively exceeds 5 days** in one term, the **(Board/Committee)** must meet if you request it to do so. You can express your views in writing, attend the meeting or both. The latest date the **Board/Committee** can meet is **[Date Here – no later than 50 school days from the date the Board/Committee is notified]**. If you wish to make representations to the **Board/Committee** and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible. You also have the right to request that the meeting is held via remote access, for example video link.

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

The school will continue to set work for **[Name of Child]** during the first five days of period of his/her suspension **[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.

You have a duty to ensure that your child is not present unaccompanied by an adult in a public place in school hours during the first five days of the suspension **(specify dates)** I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification.

IF THE CURRENT SUSPENSION IS OVER 5 DAYS From the **[6th school day of the pupil's suspension [specify date]** until the expiry of his/her suspension, we **[For PRUs the local authority] – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full-time education will be notified by a further letter at least 48 hours before the start of the provision.]**

You may wish to contact Rose Gibson, Senior Access & Inclusion Officer (LA Representative) 07967469947 or by e-mail: rose.gibson@westmorlandandfurness.gov.uk, who can provide advice on suspensions.

I would also like to draw your attention to other relevant sources of free and impartial information as follows:

- A link to statutory guidance on suspensions (<https://www.gov.uk/government/publications/school-exclusion>).
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (<http://www.childrenslegalcentre.com/>) or ACE Education (<http://www.ace-ed.org.uk/>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<https://www.ipsea.org.uk/>).

[Name of Child]'s suspension expires on **[Date]** and we expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**.

(optional) I am sure it would be helpful for us to meet to discuss **[Name of Child]**'s return to school before they are due back. Please could you contact **[Name]** to arrange a convenient time and date.

Yours sincerely

[Name]

Headteacher

cc: School Portal, non-portal settings by email, password protected, to the Exclusions Mailbox

Model Letter 3 - From Head Teacher (or Teacher in Charge of a Pru) notifying parent of a suspension of 15.5 days or more, or where cumulative suspensions in the same term total 15.5 days or more

Dear **[Parent's Name]**

All copy letters to the LA should include the child's name (and legal name if different) date of birth and address.

I am writing to inform you of my decision to suspend **[Child's Name]** for **[Number of days]**. This means that **[Child's Name]** will not be allowed in school for this period.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended because **[Reason for Suspension]**.

As the length of the suspension is **(more than 15 school days/takes the pupil's accumulative suspensions over 15 days this term)** The Governors Disciplinary Committee/Governing Board/Management Committee have a legal duty to meet and review this suspension. The latest date the **Committee/Board** can meet is **[Date Here – no later than 15 school days from the date the committee/board are notified]**. If you wish to make representations to the **Committee/Board** to express your views, you can do this in writing or you can attend the meeting or both. You can take someone with you to the meeting for example a friend or representative and can also request that the meeting is held via remote access, for example video link. Please contact **[Name of Contact]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible to advise them of your intention.

The clerk will endeavour to arrange the meeting either remotely, at your request, or in person at a mutually convenient time, however if you choose not to make representation you will still be notified of the time, date and location of the meeting, and of course, the outcome.

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

The school will continue to set work for **[Name of Child]** during the period of his/her suspension **[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.

You have a duty to ensure that your child is not present unaccompanied by an adult in a public place in school hours during the first five days of the suspension **(specify dates)** I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification.

IF THE CURRENT SUSPENSION IS OVER 5 DAYS From the **[6th school day of the pupil's suspension [specify date]]** until the expiry of his/her suspension we **[For PRUs the local authority] – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full-time education will be notified by a further letter at least 48 hours before the start of the provision.]**

You may wish to contact Rose Gibson, Senior Access & Inclusion Officer (LA Representative) on 07967469947 or by e-mail: rose.gibson@westmorlandandfurness.gov.uk, who can provide advice on suspensions.

I would also like to draw your attention to other relevant sources of free and impartial information as follows:

- A link to statutory guidance on suspensions (<https://www.gov.uk/government/publications/school-exclusion>).
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (<http://www.childrenslegalcentre.com/>) or ACE Education (<http://www.ace-ed.org.uk/>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<https://www.ipsea.org.uk/>).

[Name of Child]'s suspension expires on **[Date]** and we expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**.

(optional) I am sure it would be helpful for us to meet to discuss **[Name of Child]**'s return to school before they are due back. Please could you contact **[Name]** to arrange a convenient time and date.

Yours sincerely

[Name]

Headteacher

School Portal, non-portal settings by email, password protected, to the Exclusions Mailbox, Rose Gibson, Carol Green & Abigail Hudson.

Model Letter 4 - From Head Teacher (or Teacher in Charge of a Pru) notifying parent of a permanent exclusion

Dear **[Parent's Name]**

All copy letters to the LA should include the child's name (and legal name if different) date of birth and address.

I regret to inform you of my decision to exclude **[Child's Name]** permanently from **[Date]**. I realise that this permanent exclusion may well be upsetting for you and your family, but my decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded permanently because **[Reason for Exclusion]**.

This means that **[Child's Name]** will not be allowed back to this school pending a meeting of the **Governors Disciplinary Committee/Governing Board/Management Committee**.

The **Governors Disciplinary Committee/Governing Board/Management Committee** have a legal duty to meet and review this permanent exclusion. The latest date the **Committee/Board** can meet is **[Date Here – no later than 15 school days from the date the committee/board are notified]**. If you wish to make representations to the Committee/Board to express your views, you can do this in writing or you can attend the meeting or both. You can take someone with you to the meeting for example a friend or representative and can also request that the meeting is held via remote access, for example video link. Please contact **[Name of Contact]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible to advise them of your intention.

The clerk to the **Governors Discipline Committee/Governing Board/Management Committee** will endeavour to arrange this meeting at a mutually convenient time. If you do not want to attend, you will still be notified of the time, date, and location of the meeting, and of course the decision of the **Committee/Board**.

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

The school will set work for **[Name of Child]** during the first five days of the exclusion (**specify dates**). You have a duty to ensure that your child is not present in a public place unaccompanied by an adult during the first five days of the exclusion (**specify dates**) I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification.

From (**specify date**) the local authority will provide suitable full-time education. The local authority Access to Education Officer (Exclusion) will be in touch to discuss this and offer further advice on the permanent exclusion process. Contact details: Rose Gibson, Senior Access to Education Officer on 07967469947 or e-mail: rose.gibson@westmorlandandfurness.gov.uk.

(Where a pupil lives in a local authority other than the excluding school's local authority) I have also today informed (name of officer) at (name of local authority) of your child's exclusion and they will be in touch with you about the arrangements for his/her education from (6th day date). You can contact them at (give contact details)

I would also like to draw your attention to other relevant sources of free and impartial information as follows:

- A link to statutory guidance on suspensions (<https://www.gov.uk/government/publications/school-exclusion>).
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (<http://www.childrenslegalcentre.com/>) or ACE Education (<http://www.ace-ed.org.uk/>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<https://www.ipsea.org.uk/>).

Yours sincerely

[Name]

Headteacher

cc: School Portal, non-portal settings by email, password protected, to the Exclusions Mailbox, Rose Gibson, Carol Green & Abigail Hudson.

Model Letter 5 - (Academy) from the Clerk to the Management Committee to the parent of a permanently excluded pupil upholding a permanent exclusion

Dear **[Parent's name]**

The meeting of the Management Committee held **[at the Academy/pupil referral unit/via remote access]** on **[date]** considered the decision by **[Headteacher/principal/teacher in charge]** to permanently exclude your son/daughter **[name of pupil]**.

The Committee, after carefully considering the representations made and all the available evidence, have decided to

- **Decline to reinstate; or**
- **Direct reinstatement of the pupil immediately or on a particular date (whichever is relevant) [name of pupil]'s exclusion.**

The reasons for the Committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how the committee arrived at their decision]**

You have the right to ask for the decision to be reviewed by an Independent Review Panel, either in person or via remote access, for example video link. Please send your application to **(name and address of clerk)** no later than **[specify the latest date – the 15th school day after the date of this letter]**. If you have not requested a review hearing by **[repeat latest date]**, your right to do so will lapse.

You must set out the grounds on which your request is being made; this may also include reference to how you think your **(son/daughter)**'s special educational needs may be relevant to the exclusion.

Regardless of whether your child has recognised special educational needs you have the right to require the **(local authority/academy trust)** to appoint a special educational needs (SEN) expert to attend the review. The role of the SEN expert is to provide impartial advice to the review panel how special educational needs might be relevant to the exclusion. This does not include making an assessment of your **son/daughter's** special educational needs but will focus on whether the application of the school's policies relating to special educational needs were administered in a fair, legal and reasonable way and whether this might have contributed to the circumstances of your **son/daughter** exclusion. There is no additional cost to parents for this service. You must state clearly in your application whether you wish a SEN expert to be appointed.

You may also at your expense appoint someone to make written and/or verbal representations to the panel and you may also bring a friend.

In addition to the right to apply for an Independent Review Panel, if you believe that the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>).

Any claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg the day on which your **son/daughter** was excluded.

Independent review panels must meet within 15 school days of receiving your application. In exceptional circumstances panels may adjourn a hearing until a later date.

I would like to remind you of the following sources of advice and assistance:

You may wish to contact Rose Gibson, Senior Access & Inclusion Officer (LA Representative) on 07967469947 or by e-mail: rose.gibson@westmorlandandfurness.gov.uk, who can provide advice on suspensions.

- A link to the statutory guidance on exclusions: (<https://www.gov.uk/government/publications/school-exclusion>);
- A link to the Coram Children's Centre: www.childrenslegalcentre.com 08088 020 008

The arrangements currently being made for **[pupil's name]**'s education will continue for the time being.

Yours sincerely

[Name]

Clerk to the Management Committee

cc: School Portal, non-portal settings by email, password protected, to the Exclusions Mailbox, Rose Gibson, Carol Green & Abigail Hudson.

Model Letter 6 – (Maintained School) from the Clerk to the Governing Board to the Parent of a Permanently Excluded Pupil Upholding a Permanent Exclusion

Dear **[Parent's name]**

The meeting of the Governing Board held **[at the school/via remote access]** on **[date]** considered the decision by **[Headteacher/principal/teacher in charge]** to permanently exclude your son/daughter **[name of pupil]**.

The Committee, after carefully considering the representations made and all the available evidence, have decided to

- **Decline to reinstate; or**
- **Direct reinstatement of the pupil immediately or on a particular date (whichever is relevant) [name of pupil]'s exclusion.**

The reasons for the Committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how the committee arrived at their decision]**

You have the right to ask for the decision to be reviewed by an Independent Review Panel. Please send your application to **The Clerk to the IRP, South Lakeland House, Lowther Street, Kendal. LA9 2UF or email schoolappeals@westmorlandandfurness.gov.uk no later than [specify the latest date – the 15th school day after the date of this letter]**. If you have not requested a review hearing by **[repeat latest date]**, your right to do so will lapse.

You must set out the grounds on which your request is being made; this may also include reference to how you think your **(son/daughter)**'s special educational needs may be relevant to the exclusion.

Regardless of whether your child has recognised special educational needs you have the right to require the **(local authority)** to appoint a special educational needs (SEN) expert to attend the review. The role of the SEN expert is to provide impartial advice to the review panel how special educational needs might be relevant to the exclusion. This does not include making an assessment of your **son/daughter**'s special educational needs but will focus on whether the application of the school's policies relating to special educational needs were administered in a fair, legal and reasonable way and whether this might have contributed to the circumstances of your **son/daughter** exclusion. There is no additional cost to parents for this service. You must state clearly in your application whether you wish a SEN expert to be appointed.

You may also at your expense appoint someone to make written and/or verbal representations to the panel and you may also bring a friend.

In addition to the right to apply for an Independent Review Panel, if you believe that the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>).

Any claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg the day on which your **son/daughter** was excluded.

Independent review panels must meet within 15 school days of receiving your application. In exceptional circumstances panels may adjourn a hearing until a later date.

I would like to remind you of the following sources of advice and assistance:

You may wish to contact Rose Gibson, Senior Access & Inclusion Officer (LA Representative) on 07967469947 or by e-mail: rose.gibson@westmorlandandfurness.gov.uk, who can provide advice on suspensions.

- A link to the statutory guidance on exclusions: (<https://www.gov.uk/government/publications/school-exclusion>);
- A link to the Coram Children's Centre: www.childrenslegalcentre.com 08088 020 008

The arrangements currently being made for **[pupil's name]**'s education will continue for the time being.

Yours sincerely

[Name]

Clerk to the Governing Board/Management Committee

cc: School Portal, non-portal settings by email, password protected, to Exclusions Mailbox, Rose Gibson, Carol Green & Abigail Hudson

Suspension/Exclusion Categories

For office use only

Up to three reasons can be ticked. Please ensure if using more than one reason to mark the reasons 1, 2, 3, with 1 being the main reason for exclusion OR, if just using one reason, mark this as 1.

Description	Code	Number	Description	Code	Number
Abuse – Sexual Orient & Gen Id	LG		Physical Assault against pupil: Fighting/Wounding/Violent behaviour/ Obstruction and jostling	PP	
Abuse Relating to Disability	DS		Racist Abuse: Racist taunting and harassment/ racist bullying/swearing that can be attributed to racist characteristics/derogatory racist statements/racist graffiti	RA	
Bullying Verbal/homophobic bullying/ physical/racist bullying	BU		Sexual Misconduct: Sexual abuse/sexual harassment/sexual bullying/ sexual assault/lewd behaviour/ sexual graffiti	SM	
Damage: Vandalism/Graffiti/Arson	DM		Theft: Stealing school property/selling and dealing in stolen property/ stealing personal property (pupil or adult)/stealing from local shops on a school outing	TH	
Drug and Alcohol related: Possession of illegal drugs/ drug dealing/alcohol abuse/ inappropriate use of prescribed drugs/smoking/substance abuse	DA		Use/Threat – Offensive Weapon	OW	
Inappropriate use Online Tech	MT		Verbal abuse/threatening behaviour against adult: Threatened violence/Swearing/ Intimidation/ Aggressive behaviour/Homophobic abuse and harassment/Carrying an offensive weapon	VA	
Persistent Disruptive Behaviour: Challenging behaviour/ persistent violation of school rules/ disobedience	DB		Verbal abuse/threatening behaviour against pupil: Threatened violence/swearing/ verbal intimidation/aggressive behaviour/ homophobic abuse and harassment/carrying an offensive weapon	VP	
Physical Assault against adult: Violent behaviour/Obstruction and jostling/Wounding	PA		Wilful and repeated transgression of protective measures to protect public health	PH	

Appendix 2 - Factors to consider before imposing a Suspension or Permanent exclusion (working document)

Questions to consider	Yes/No	Details
Does the presented behaviour warrant a suspension or exclusion in line with your behaviour policy?		
Has a full investigation been undertaken into the causes and context of the behaviour considering any provocation and/or contributing factors? Have witness statements been taken and where there is contention, on the balance of probability has the student done what is alleged? Witness statements should be signed and dated in the child's/member of staff's own handwriting. Where it is necessary to protect the source of the statement, these can be anonymised. Has the young person been provided with an opportunity to give their account of the incident to an adult they are comfortable with and in an environment, and at a time, when they are able to calmly reflect on what has taken place? The child's age and understanding should be considered and where relevant, the pupil should be given support to express their view including through advocates. Accounts of incidents should not be taken by members of staff who have been involved.		
Have you given due consideration to any contributing factors? For example: Has the child experienced bereavement, trauma, adverse childhood experiences (ACES) mental health issues or been subject to bullying? Have extenuating circumstances, such as factors at home been considered? Parental separation, parent in the forces, hospitalisation or prison can all impact on a child's behaviour. Has the child been out of education due to illness or other reasons?		
Is the young person a looked after child? If so, has the virtual head /social worker been contacted for advice?		

Questions to consider	Yes/No	Details
Does the child have a social worker? If so, has a multi-agency approach been taken to support the child's behaviour? Has the social worker been contacted for advice? Does the child have an Early Help assessment and plan? Have the Early Help plan members sought additional advice with a referral to the Family support panel?		
Does the young person have additional needs or a disability which has direct impact on their behaviour? If so, have reasonable adjustments to support, practice and policies/consequences imposed been made? If the child has an Education, Health Care plan, an early review would be appropriate. Have you requested this?		

Where the behaviour displayed is persistent:

Questions to consider	Yes/No	Details
Has a graduated response based on the continuum of need been implemented? (appendix 4) Have you developed and implemented an outcome focussed personal behaviour plan addressing the child's needs and developed with the full involvement of the child and their family and considering specialist advice?		
Can you provide evidence of all prior intervention support provided by the school and any partners to address any behavioural needs.		
Have you considered a well-planned managed move, or offsite direction with another school or alternative provision to improve behaviour? (Off-site direction should only be used where in school interventions and/or outreach have been unsuccessful and should be used to arrange a temporary stay in AP)		
Is there a reintegration plan to support the student/school/academy and avoid further suspensions or where in the case of a permanent exclusion, the governors reinstate the pupil following review?		

Appendix 3 - Continuum of Need Identification Tool

Level 1 Universal Needs – these are children who make good overall progress through an appropriate universal service; have no additional unmet needs and where there is a single need identified that has been or can be met by a universal service

Level 2 Early Help – children whose needs are emerging and cannot be met through universal services and require additional support. This includes children whose needs are unclear. A multi-agency Early Help Assessment will be initiated, a Team Around the Family will be developed and coordinated with an evidence based clear plan about actions to be taken.

Level 3 Targeted Early Help – there is an increasing level of complex and/or multiple unmet needs where coordinated support is required to prevent worries escalating. A multi-agency Early Help Assessment will be initiated or already in place, a Team Around the Family developed in coordinated with an evidence based clear plan about actions to be taken. Support can be sought from the Early Help and Family Support Panels or Team Around the School/Setting.

Level 4 Statutory Services (CIN/CP) – these are children who have experienced or are at risk of significant harm (section 47) and where there are significant welfare concerns (section 17). These children will require a response from Children's Social Care. When there is reason to suspect that a child is suffering or likely to suffer significant harm, a referral must be made to either Cumberland Safeguarding Hub or Westmorland and Furness Safeguarding Hub.

Appendix 4 - A Graduated response to Special Educational Needs

“The Graduated Response is a systematic approach used by schools and the Education Authority in Cumbria to ensure that children and young people with Special Educational Needs (SEN) receive the appropriate support at the right time. This approach involves a structured cycle of Identify, Plan, Action, Monitor, Evaluate, and Review to assess and improve the support provided.

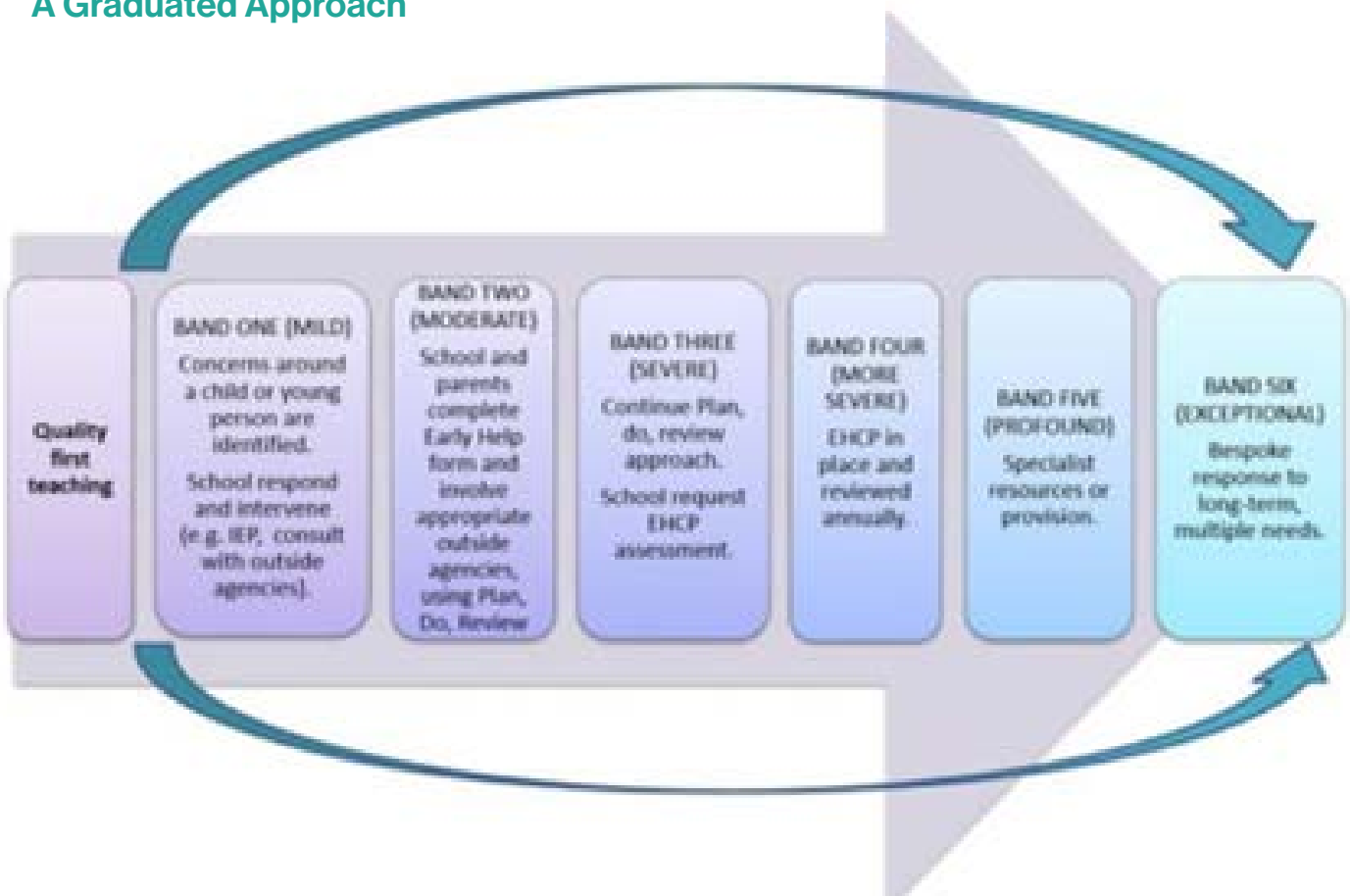
Schools in Cumbria have a Special Educational Needs Coordinator (SENCo) or Learning Support Coordinator (LSC) who provide support and advice to teachers and parents. The IPAMER Process is a specific method used to determine whether a child or young person needs to transition from Whole School Educational Provision to Special Educational Provision.

The SEN Support system follows a four-stage cycle: Assess, Plan, Do, Review. This cycle allows for the continuous evaluation and improvement of support provided to children with SEN.

The Waves of Intervention system is another approach used by some local authorities to deliver additional support through three successive levels or ‘waves’.

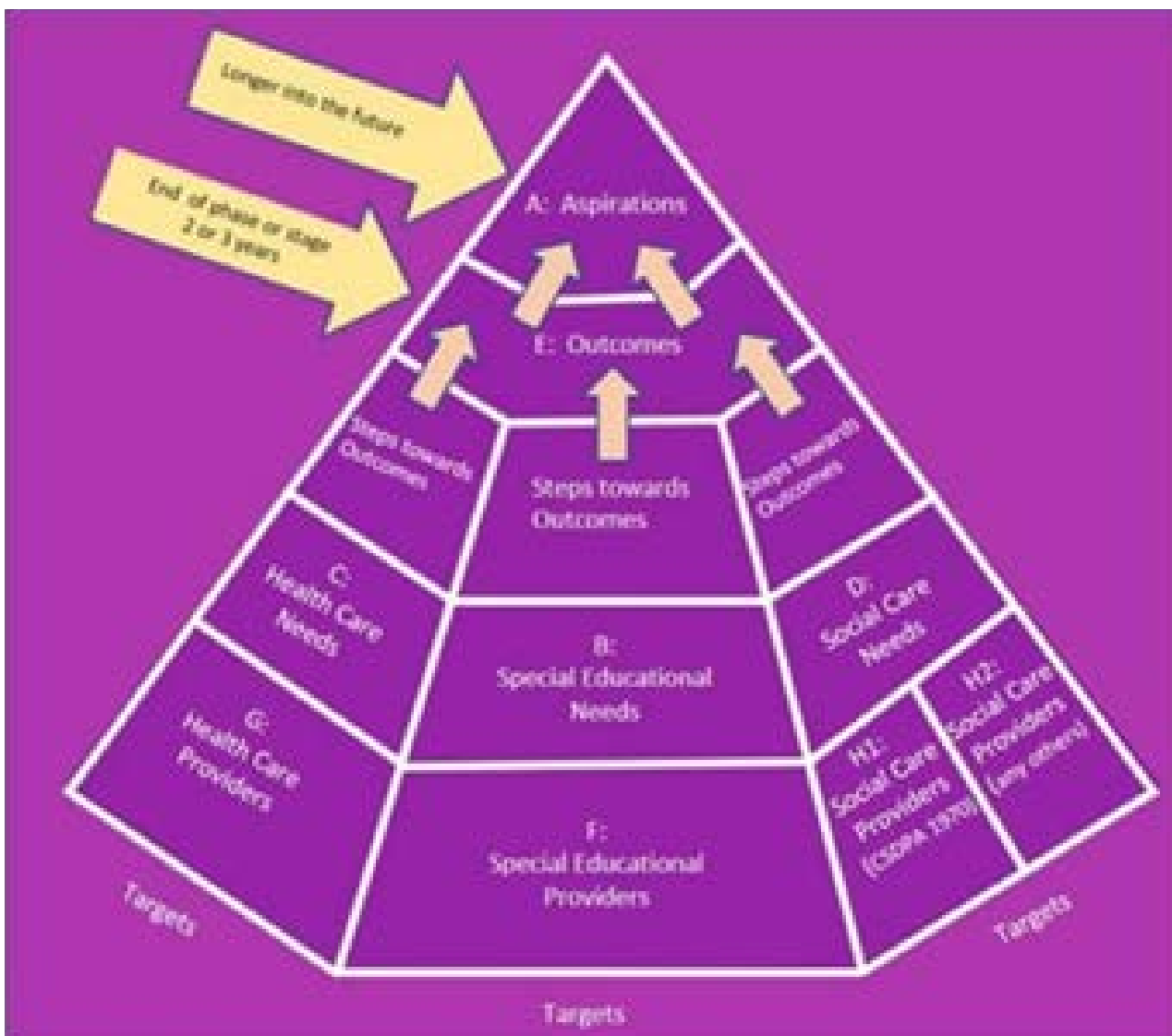
These frameworks aim to ensure that all children and young people with SEN have access to the right support, in the right place, and at the right time, fostering positive experiences in school and effective social care support.”

A Graduated Approach





Outcomes Pyramid



Appendix 5 - Guidance for Schools and Academies where a child has an EHCP and suspension or exclusion is a factor

Exclusion should be a last resort. The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary consequences imposed. Whilst not all children with an EHCP will come under the umbrella of the Equality Act, schools/academies should consider if behaviour is a direct result of a special educational need and thus make reasonable adjustments to policies and practice.

Pupils with EHCP at risk of Exclusion / accumulating suspensions

When a school/academy has concerns about a pupil with an EHCP in relation to suspensions the SENCO should call an Interim Review.

It is expected that the school/academy have been following the pupil's EHCP, made all reasonable adjustments and have taken external advice from whoever is named in the plan, such as the Special Advisory Teacher or Education psychologist.

The school should invite the following:

- Parents/carers/pupil
- EHCP Coordinator
- Special Advisory Teacher, Educational Psychologist, CAMHS, Social Worker (as appropriate)
- SENDIAS if requested by the parent

The Interim Review should follow the SEN Code of Practice process:

- Review what the school and others are currently doing to meet these needs
- Identify what the change in needs are for the pupil
- Focus on looking at the pupils' needs and what provision and support could be put in place to meet outcomes
- Parents/pupil views

Permanent Exclusion

Unless the behaviour the pupil has presented would represent a serious one-off incident, the LA would expect schools and academies to follow the process for a pupil who is at risk of permanent exclusion.

Where the decision to permanently exclude has already been made.

- The SENCO should arrange an interim review before Governors meet to review the exclusion and invite the following:
- Parents/carers/pupil
- EHCP Coordinator and Education Team Manager
- Senior Access to Education Officer
- PRU Headteacher
- Special Advisory Teacher, Educational Psychologist, CAMHS, Social Worker (as appropriate)
- SENDIAS if requested by the parent

The Interim Review should follow the SEN Code of Practice process:

- Review what the school and others are currently doing to meet these needs
- Identify what the change in needs are for the pupil
- Focus on looking at the pupils' needs and what provision and support could be put in place to meet outcomes
- Parents/pupil views

Although the meeting is not a review of the heads decision to exclude there should be discussions about incidents leading to exclusion and exploration of whether the school/academy have followed the pupils EHCP and have made all reasonable adjustments.

Outcomes

The plan can either be maintained, amended or cease to maintain.

If the plan is amended a draft plan will be produced for consultation with recommendations that could include:

- Additional advice/assessments from external professionals such as SATs, EP.
- Additional resource or a change of provision. This would need to go the panel for consideration.
- Off-site direction/change of school.

Schools/Academies can withdraw a permanent exclusion before Governors meet if the outcome of the interim review is favourable. However, parents should not be pressured to accept a change of provision to avoid a permanent exclusion, and they should not be denied a right to challenge the exclusion.

Appendix 6 - Suggested Template for Off-Site Direction

Student name:			
Date of birth:		School year:	
Address:			
Parent/carers:			
Address:			
Tel:			
Home school:			
Home school contact (name):			
Tel no:			
Receiving school:			
Receiving school contact (name):			
Tel no:			

Learner profile (please identify as appropriate)

Learning style:

	Maths	English	Science	Other
CAT scores				
SAT scores				
N/C levels				

Curriculum

[illegible]

Pen Portrait of the Young Person

Please provide as broad a description as possible of this young person and their individual needs including aspects such as:

- What do we already know about this young person?
- What are their likes/dislikes/aspirations etc.?
- What are their difficulties with school?
- What are their educational / pastoral/ social / health needs?
- What has already been tried? Which type of intervention has succeeded? Which hasn't?
- What is the reason for the proposed off-site direction?

Please identify any other agencies involved, past and present:

[illegible]

Has the pupil had any other alternative provision (please state)

Exclusion details: please provide an overview/school records of any internal/external suspensions

Date	Type	Reason

Is this pupil at risk of permanent exclusion? Y/N

Additional Information:

Please provide where relevant:

- Copy of Family Support Plan and latest review notes:
- Pupil's Current timetable
- EHC referral/assessment/plan
- Pastoral support plan
- SNAP assessments
- Any other relevant reports

Start date:

Anticipated end date:

Review dates: 1.

2.

Additional Educational support arrangements:

Additional Agency support arrangements:

Lunch time arrangements:

Named member of staff that the pupil can go to if in difficulty

Any buddying arrangements:

Measures for success

Attendance

Attendance at start:

Target attendance

Attendance at the end:

What progress has the pupil made:

Behaviour

Number and reason for suspensions in the term prior to the direction:

Pupil Target:

Number and reason after the direction:

Additional comments:

What specific attendance and/or behaviours will cause the off-site direction agreement to be terminated by the receiving school:

End of Offsite Direction

Has the offsite period been completed?

Have the agreed measures for success been met?

Is the pupil to return to the home school/academy or transfer to the receiving school/academy (a managed move)

Has the off-site direction been terminated by the receiving school?

What is the reason for this?

Date of termination:

Date pupil to return to home school/academy:

Agreement

Pupil signature:

Date:

Parent/carer signature:

Date:

Home school signature:

Date:

Receiving school signature:

Date:

Appendix 7 - Suggested template for a Managed Move

Student name:

Date of birth: School year:

Address: _____

Parent/carers:

Address:

Tel:

Home school:

Home school contact (name):

Tel no:

Receiving school: Receiving school contact (name):

Tel no:

Start date of the managed move:

Additional Educational/pastoral support arrangements:

Additional agency support arrangements:

Agreement

Home School/Academy:

Date:

Receiving School/Academy:

Date:

Parents/Carers:

Date:

Appendix 8

Wditable document available from Exclusions.Mailbox.WAF@cumbria.gov.uk

South Lakes and Furness Schools Only: Request for Information for Permanently Excluded Pupils:

South Cumbria Pupil Referral Service Information Passport

To be completed for all students by their mainstream school and/or other agencies who know them prior to provision being considered.



The following information is required in addition to the completed information passport: Documents should be sent electronically. ALL sections MUST be completed.			
In all cases:			
☐	Current timetable	☐	Reviewed and current IEP / PSP
☐	Attendance certificate (for current and previous academic year)	☐	Most recent progress report (and explanation of measures of progress used if not using levels)
☐	Early Help Assessment (and subsequent action plans and reviews). Must be in place and reviewed for ALL referrals.		
☐	Safeguarding chronology (including primary info/transition records)		
☐	Behaviour Management Plan / Risk Assessment and Appendix 1 must be completed for all students.		
☐	Behaviour conduct records and record of exclusions		
☐	Boxall profile. Appendix 2 must be completed for ALL students.		
☐	Primary school records		
Where applicable:			
☐	EHCP (final or application and/or SEND information)		
☐	Individual Health and Care Plan		
☐	Reports from any other professionals / agencies involved (past and / or current)		

SECTION 1: About you (the referrer)

Name: _____ Role: _____
Representing School / Agency: _____ Telephone number: _____ E-mail address: _____

SECTION 2: About the young person

Name: _____ DOB: _____
Year: Please choose _____ Gender: Please choose _____
UPN: _____ UCN: _____

Contact Details: **Primary** **Emergency**
Contact Name _____
Relationship _____
House Name _____
House Number _____
Street _____
Town _____
County _____
Postcode _____
Telephone Number _____
Mobile Number _____
E-mail Address _____
☐ Is this a child looked after? ☐ Is the student entitled to FSM?
☐ Is the student disabled? *Please provide details.*

Ethnicity: _____ Language: _____ Religion: _____

Reason for Referral: _____

SECTION 3: Teaching and Learning Profile**LEARNING PROFILE**

	Reading	Spelling	Comp
Test used			
Score			
Date Tested			

Verbal	Non-verbal	Quantitative
--------	------------	--------------

Academic Attainment

	Key Stage 1	Key Stage 2	Key Stage 3	Teacher Assessed	SAT Score
English				☐	☐
Mathematics				☐	☐
Science				☐	☐

Please give details of any college course, work experience or alternative education (includes expected attainment and contact details).

SECTION 4: Special Educational Needs

Confirm that this pupil is on the SEND register ☐

What is the primary area of need? Please choose

What has worked and why?

Any significant events in the family in the past or currently?

What is the young person's view of the support they find helpful?

What subjects / aspects of school have been the most / least successful?

Please indicate the student's access arrangements and outline their normal way of working.

A completed Boxall Profile must be sent with the referral (see appendix 3)

Please indicate the support agencies who are involved with the young person (past and present).

Past	Present	Agency	Contact Name	Contact Number
☐	☐	CAMHS		
☐	☐	Health services		
☐	☐	Youth Justice Service		
☐	☐	Police		
☐	☐	Social Care		
☐	☐	Targeted Youth Support		
☐	☐	Educational Psychologist		
☐	☐	Specialist Advisory Service		
☐	☐	Other:		
☐	☐	Other:		
☐	☐	Other:		

The school's safeguarding chronology must be sent with the referral e.g. CPOM's or similar.

SECTION 5: Student Profile

Please outline the issue (s):

Other:

What is the impact of the issue(s)?

Other:

What strategies have been used to address this so far and, what are their outcomes? *(please give timescales)*

Other:

What outcomes would you like for the young person and how can the service support you in achieving this?

Other:

Does the young person present a risk to themselves or others? **Full details must be shared in appendix 1**

Other:

RISK ASSESSMENT

APPENDIX 1

If any level of risk (low / medium or high) is identified details of this must be given.

Risk of fatality or major injury being very likely classed as HIGH, most other risks are MED or LOW.

Hazards	Details & Precautions/ preventative strategies to be in place	Risk level
PHYSICAL AND VERBAL ABUSE:		
Violent behaviour towards staff or peers (male/female?)		Please choose
Verbal aggression towards staff or peers (male/female?)		Please choose
Impulsive/dangerous behaviour		Please choose
Made allegation against staff (LADO involvement?)		Please choose
Child on Child Abuse		Please choose
Inappropriate comments		Please choose
Misrepresents comments or actions		Please choose
Threats/intimidation		Please choose
SUBSTANCE ABUSE:		
Supplying drugs		Please choose
Substance misuse		Please choose
SEXUAL BEHAVIOUR:		
Inappropriate sexual behaviour towards staff or peers (male/female?)		Please choose
Made allegations of inappropriate sexual contact		Please choose
OTHER AREAS OF CONCERN:		
Leaving centre without permission		Please choose
Inappropriate behaviour in vehicle/on trips		Please choose
Truancy		Please choose
Self-harm		Please choose
Suicide ideation / attempt(s)		Please choose
Panic attacks/ severe anxiety		Please choose
HOME ENVIRONMENT:		
Parent/carer/family member has been verbally/physically aggressive or made allegations of misconduct		Please choose
Parent/carer/family member known to misinterpret comments		Please choose
Any factors in/about the home that are a trigger?		Please choose
TRIGGERS/FLASHPOINTS:		
Work/task frustration		Please choose
Noise levels		Please choose
Social time incidents		Please choose
Not getting own way		Please choose
Inability to comprehend instructions		Please choose
Inability to cope with demands of the day		Please choose
Adverse reaction to authority		Please choose
Moving around class		Please choose
Moving around school		Please choose
Unfamiliar adults (supply,visitors etc.)		Please choose
Other(s)		Please choose

BOXALL PROFILE**APPENDIX 2**

Please read the introductory section carefully and then score each item in the two sections below, noting the slightly different scoring descriptors between the two sections.

- Read each item carefully so that the full implication is clear.
- Answer each and every question; if any question is disregarded the results are likely to be misleading. Some of the items may appear to be somewhat similar, but a careful reading will make it clear that different levels of behaviour are under consideration.
- Bear in mind that the child/young person's difficulties are being assessed in order to help him/her, and the more reliable the assessment the more appropriate is the help offered likely to be. The Boxall Profile scores, therefore, should indicate what the child/young person is like now; the reason(s) for the child/young person being as s/he is should in no way modify the score. Avoid the temptation to take into account extenuating circumstances.

Section I - Developmental Strands consists of items that describe different aspects of the developmental process from childhood through to adolescence; satisfactory completion of this first stage of learning is essential if children and young people are to make good use of their educational and social opportunities.

Important notes about scoring this section

In this section score 4 for Yes / Usually; 3 for Often; 2 for To some extent; 1 for Not really / Virtually never or 0 for does not arise. 4 indicates that the description is typical of the young person; 3 that they have definitely reached the level described but may not always maintain it; 2 that they only just reach the level described.

	Developmental factors	Score (please circle)
1	Listens with interest when an adult explains something to the group	Please choose
2	Takes appropriate care of something s/he has made or work s/he has done - investment of feeling in his/her achievement is implied, and self esteem	Please choose
3	Appreciates a joke or is amused by an incongruous statement or situation - disregard lack of appreciation of a joke which is at his/her expense, - disregard amusement that is clearly inappropriate	Please choose
4	Is able to bring to a close an enjoyable activity when the adult, with adequate warning, makes a general request to the group - score 2 if a personal and specific request is needed	Please choose
5	Makes and accepts normal physical contact with others - e.g. in drama, dance, PE, group games	Please choose
6	Makes appropriate and purposeful use of the materials/equipment provided by the adult without the need for continuing direct support	Please choose
7	Maintains acceptable behaviour and functions adequately when the routine of the day is disturbed - e.g. unexpected visitors, supply teacher	Please choose
8	Makes an appropriate verbal request to another young person who is in his/her way or has something s/he needs	Please choose
9	Complies with specific verbal prohibitions on his/her personal use of equipment - score 2 if s/he complies but often protests or sulks	Please choose
10	Abides by the rules of an organised group activity. Interacts, co-operates and continues to take part for the full duration of the activity - e.g. during PE, drama, Circle Time or a group game	Please choose
11	Accommodates to other young people when they show friendly and constructive interest in joining his/her activity or group	Please choose
12	Listens, attends and does what is required when the adult addresses a simple positive request specifically to him/her - e.g. to get out his/her book, clear away	Please choose
13	Works alongside another young person who is independently occupied, without interfering or causing disturbance	Please choose
14	Shows awareness of happenings in the natural world, is interested and curious, and genuinely seeks explanations	Please choose
15	Of his/her own accord returns to and completes a satisfying activity that has been interrupted - e.g. finishes a painting or carries on with a project later in the day or the following day	Please choose

16	Is adequately competent and self-reliant in managing basic personal needs - i.e. hygiene issues, changing for PE	Please choose
17	In freely developing activities involving other young people s/he constructively adapts to their ideas and suggestions	Please choose
18	Turns to an adult for help, reassurance or acknowledgment, in the expectation that support will be forthcoming - disregard occasional negativism	Please choose
19	Accepts disappointments	Please choose
20	Participates in adult-led group activities - e.g. group discussion, group performance	Please choose
21	Shows genuine interest when another young person relays a personal experience; pays attention and gains from experience - does not intrude unduly; does not take over	Please choose
22	Shows genuine concern and thoughtfulness for other people; is sympathetic and offers help	Please choose
23	Recalls information of relevance to something s/he reads or hears about and makes a constructive link	Please choose
24	Makes constructive and reciprocal friendships which provide companionship - score 3 if the friendship is with one young person only - score 2 if no friendship lasts longer than a week - score 1 if the association is fleeting, albeit constructive and reciprocal	Please choose
25	Contributes actively to the course of co-operative and developing activity with two or more young people and shows some variation in the roles s/he takes - e.g. lead role, support role, mediator	Please choose
26	Is reasonably able to prepare for planned tasks, organise required equipment and clear away - e.g. arrives at agreed time, organises equipment, pencils, pens, books, PE kit	Please choose
27	Communicates a simple train of thought with coherence - e.g. an oral or written description of events	Please choose
28	Responds to narrative stories with appropriate feeling; is able to identify characteristics in fictional texts	Please choose
29	Makes pertinent observations about the relationship between two other people and appropriately attributes attitudes and motives to them	Please choose
30	Engages in conversation with another young person - where an interchange of information, ideas or opinions is implied	Please choose
31	Looks up and makes eye contact when an adult is nearby and addresses him/her by name	Please choose
32	Sits reasonably still without talking or causing disturbance when an adult makes a general request to a group of young people for their attention	Please choose
33	Gives way to another young person's legitimate need for the equipment s/he is using by sharing it with him/her	Please choose
34	Shows curiosity and constructive interest when something out of the ordinary happens - is secure enough to accept a change or the introduction of something new, is alert to the possibilities of the event and gains from it	Please choose

Section II: Diagnostic Profile consists of items describing behaviours that inhibit or interfere with the student's satisfactory involvement in school and other social settings. They are directly or indirectly the outcome of impaired learning in the preceding, formative years.

Certain items in the Diagnostic Profile may be unfamiliar to some teachers and adults. When this is the case, the content of the item concerned should be fully absorbed before scoring. The 'feel' of what is intended is important, and no attempt should be made to read into the item something that is not there, in order to make it more familiar.

Important notes about scoring this section

Scoring in this section uses a slightly different scale compared to section I. Score 4 for to a marked extent; score 3 for often; score 2 for to some extent; score 1 for only slightly / occasionally; or score 0 for not like this. A score of 4 indicates a striking feature of their behaviour; like this virtually all the time. A score of 3 shows that they definitely fit the description at certain times but not at others. Give a score of 2 if the problems are not as extensive or as severe as described, or are not present to a marked extent. Scoring 1 indicates that the behaviour described arises in exceptional circumstances.

	Diagnostic factors	Score (please circle)
1	Abnormal eye contact and gaze	Please choose
2	Avoids, rejects or becomes upset when faced with a new and unfamiliar task, or a difficult or competitive situation	Please choose
3	Variable in mood; sometimes seeks and responds to positive interactions with an adult, at other times rejects or avoids	Please choose
4	Oblivious of people and events; doesn't relate; is 'out of contact and can't be reached'	Please choose
5	Uncontrolled and unpredictable emotional outburst or eruptions that release and relieve pent-up and endured anger or distress	Please choose
6	Inappropriate noises, remarks or behaviours that appear unrelated to the current situation	Please choose
7	Erupts into temper, rage or violence when thwarted, frustrated, criticised or touched; the 'trigger' is immediate and specific	Please choose
8	Relates and responds to adults in an immature way - i.e. as a young child would; immature language, behaviour, interests	Please choose
9	Always has to be first, must be the best. Demands the most attention or immediate attention	Please choose
10	Adopts stratagems to gain and maintain close physical contact with the adult	Please choose
11	Lacks trust in the adults' intentions and is wary of what they might do; avoids contact, and readily shows fear	Please choose
12	Self-conscious and easily rebuffed. Hypersensitive to disapproval or the regard in which s/he is held by others	Please choose
13	Contrary in behaviour; sometimes helpful, co-operative and compliant yet at other times, stubborn, obstinate and resistive	Please choose
14	Repetitively pursues a limited task which does not progress	Please choose
15	Spoils, destroys, or otherwise negates the achievement or success s/he has worked for and values	Please choose
16	Gives uninhibited expression to boisterous and noisy behaviour; is not influenced by normal social constraints and expectations	Please choose
17	Reacts defensively even when there is no real threat; is evasive, blames others, finds excuses or denies	Please choose
18	Over-reacts to warmth, attention or praise and responds inappropriately	Please choose
19	Desperately craves affection, approval and reassurance, but questions the sincerity of the regard shown; seeks it repeatedly but remains insecure	Please choose
20	Has difficulty waiting; will push in, grab or take without consent	Please choose
21	Functions and relates to others minimally, and resists or erupts when attempts are made to engage him/her further	Please choose
22	Self-disparaging and self-demeaning - e.g. "I can't do this", "I'm rubbish at this"	Please choose
23	Attention-seeking in a bid for recognition or admiration	Please choose
24	Disparaging attitude towards other young people; is critical and contemptuous	Please choose
25	Listless and aimless; lacks motivation and functions only with direct and continuing support or pressure	Please choose

26	Sulks when disapproval is shown, when attention is withdrawn or when thwarted	Please choose
27	Shows fleeting interest and has limited concentration	Please choose
28	Remembers a real or imagined offence, bears a grudge and determinedly takes his/her revenge	Please choose
29	Possessive of personal objects and resists having them taken away	Please choose
30	Sullen, resentful, and negative in general attitude and mood	Please choose
31	Cannot tolerate even a slight imperfection in his/her work and is upset or angry if s/he can't put it right	Please choose
32	Feels persecuted; imagines that others are against him/her, and complains of being 'got at' and left out	Please choose
33	Restless and erratic behaviour that lacks direction	Please choose
34	Determinedly dominates or persecutes by bullying, intimidation and the use of force	Please choose

Appendix 9 - Eden Schools Only: Request for Information for Permanently Excluded Pupils

The following information is required without delay to ensure that the Local Authority can secure swift and appropriate full-time education for those students who have been permanently excluded.

This form should be completed and sent to:

Exclusions.Mailbox.WAF@cumbria.gov.uk and **rose.gibson@westmorlandandfurness.gov.uk**

Section A: To support the student's integration into the next placement, the following information should also be provided:

- Attendance and behaviour log
- SEND assessments and provision map
- Safeguarding information.
- Copies of any risk assessment, care plan or health information.

Permanent Exclusion

Date of permanent Exclusion

Primary Reason

Secondary Reason

LA Code (Where appropriate)

School Details

School

Main School contact

Name:

Phone:

Email:

Designation/Role:

Student Details

Legal Forename:

Legal Surname:

Middle Names:

DOB:



Ethnicity:

Nationality:

Gender:

Year:

Religion:

FSM: Yes ☐ No ☐Pupil Premium (Ever6): Yes ☐ No ☐

ULN:

UPN:

Address:

Home and Contact Details

Parent/Carer 1:Parental Responsibility: Yes ☐ No ☐

Parent/Carer Email:

Contact No:

Address (if different from above):

Parent/Carer 2:Parental Responsibility: Yes ☐ No ☐

Parent/Carer Email:

Contact No:

Address (if different from above):

Emergency Contact 1 Name:

Emergency Contact 1 Relationship to Pupil:

Emergency Contact 1 Email:

Emergency Contact 1 Tel:

Address:

Emergency Contact 2 Name:

Emergency Contact 2 Relationship to Pupil:

Emergency Contact 2 Email:

Emergency Contact 2 Tel:

Address:

Additional Indicators

Previous Schools including (Primary and Secondary)

SEND Status:

Risk Assessment:

LAC:

Post LAC:

SEND Need:

Social Care:

Early Help:

Ever known to Social Care:

GRT:

EAL:

EHC Requested:

ADHD:

ASC:

Specialist Involvement Previous or current	Start Date	Role	Link Person	Contact details

Current Year to Date**Previous Year**

Attendance

Fixed Term Exclusions

Days

Days

Occasions

Occasions

Attitude to Learning Indicator (Average)**Negative attitude to learning****Positive attitude to learning**1 ☐2 ☐3 ☐4 ☐5 ☐**English****Maths****Science**

Current Grade

Target Grades

Predicted Grades

Current Spelling Age

Current Reading Age

Option subjects studied:

What are the young person's special educational or other needs. Please indicate n/a where needs are not identified.

	Strengths and needs	Impact on learning
Communication and Interaction		
Cognition and Learning		
Social, Emotional and Mental Health		
Sensory and or Physical		

What are the young person's areas of strength and aspirations?

What interventions have already been implemented and what have been the impact?

	Details and Impact:
☐ In-school behaviour policy	
☐ Key adult in school	
☐ Positive report / support plan	
☐ In-class support	
☐ Restorative practice	
☐ Trauma Informed approaches	
☐ Home visits for attendance	
☐ EBSA Pathway	
☐ Targeted individual interventions	
☐ Partnership / SEMH Outreach	
☐ Hub placement	
☐ Alternative Provision	
☐ TAS/TAF/Story so Far	
☐ Specialist agency	

Risk Assessment

Has the student ever been known to be in possession of a weapon either in school or in the community? Yes ☐ No ☐

If YES please give details:

Assessing Risk to Health and Safety	No	Low Risk	High Risk	Comments
1 Child has been known to assault another pupil				
2 Child has been known to assault an adult				
3 Assault led to Actual Bodily Harm				
4 Assault involved weapons/objects				
5 Assault led to medical treatment				
6 Child has been known to threaten other children				
7 Child has been known to threaten adults				
8 Children have had time off school as a result of assaults				
9 Adults have had time off as a result of assaults				
10 Child has been known to use offensive language				
11 Child has committed criminal offence				
12 There has been police involvement in previous incidents				
13 Child has been known to self harm				
14 Child has been known to damage property				
15 Child has been restrained (using known PI)				
16 Evidence child is unaware that their actions are unacceptable				
17 Evidence to suggest previous unacceptable behaviour is likely to reoccur				
18 Professionals report details of risk of physical violence				
19 Child has made allegations against a member of staff				
20 Parent/guardian has made allegations against a member of staff				
21 Parent/guardian has been known to be aggressive/abusive towards staff				

STAGE 1: b) Assessing Risk to Health and Safety	No	Low Risk	High Risk	Comments
1 Child has involved others in CSE				
2 Child has been victim of CSE				
3 Child has been involved with County Lines				
4 Child has been known to pull hair, kick, bite				
5 Child can be encouraged to leave area of conflict				
6 Child requires medication during the day				

STAGE 2: Resource Requirements and Support	No	Low Risk	High Risk	Comments
1 Attendance of trained Support Assistant				
2 Availability of suitable staff to meet child's medical needs				
3 Training for all relevant staff on dealing with forms of challenging behaviour identified by Risk Assessment				
4 Reduced class size				
5 Supervision during unstructured time				
6 Specialist training for Physical Intervention				
7 Specific teaching materials and resources				
8 Sufficient extra staff for effective early intervention (mentors or other professionals specifically employed to 'include' pupils whose behaviour may challenge)				
9 YOT referral				
10 Support from Social Care				
11 Support from CAMHS				
12 Multi-agency support/outreach				
13 Other – please state:				

Appendix 10 - Reintegration of Permanently Excluded Pupils flowchart

Appendix 11 - Information for Governors/ trustees regarding their consideration of a suspension taking the pupil' suspensions over 15 days in any one term

The law states that Head teachers, Governors/Trustees and Local Authorities must have regard to the Statutory Guidance on Exclusion (September 2023) and that it must be followed unless there is good reason to depart from it. Where the guidance stipulates 'must', this is law and must be followed. [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/gov.uk)

The Local Authority role at a Governors/Trustees Board/Management Committee is to draw attention to relevant guidance and law:

The Local Authority does not condone poor behaviour in schools and academies but acknowledges that consequences should be proportionate and based on the severity of the incident and the student's personal circumstances, including any learning needs, family background, or disabilities.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective consequence for the pupil and whether additional strategies need to be put in place to address behaviour.

The basis of any suspension is the letter to parents informing them of the reason for the suspension. This is a legal document, and governors/trustees can only consider the reason given in the letter when making deliberations. Governors/trustees' duty is to review the suspension that took the pupil over 15 school days.

In line with the DfE Statutory Guidance, the panel should consider the following:

- Whether the incident occurred as reported, considering evidence presented and the views of the pupil. Where there is doubt or contention, governors must use the civil burden of proof, the balance of probability.

Has a proper investigation taken place, with separate interviews with all involved? Has the investigating member of staff used open-ended questions and avoided suggestive questioning?

If the pupil in question has SEND, has the SENCo or key worker been involved during the process to ensure heightened care and compliance with the SEND code of practice?

Have pupils involved been treated equally and their consequence fits the offence? If not, schools/academies must be able to explain differences.

Have witness statements been taken, including from the pupil voice.

Have all witness statements been signed & dated? Ideally written by the student/s, but if scribed by a teacher, it must state so and that the statement was read by the pupil/read to them before they signed.

Have police been involved? If so, what documentation exists and what action are police taking? If pupil is under investigation for a criminal act, a pupil may not be suspended unless there is sufficient evidence, on balance of probabilities, that the facts occurred as alleged. Pupil may be sent off-site if deemed appropriate and parental consent is not required.

Has the school/academy considered all mitigating evidence before making a decision. For example, provocation, bullying, self-defence, family history and circumstances, undetected learning difficulties, social/emotional difficulties.

Has the school/academy met with the family before making the decision to exclude?

'When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' (Part 3:3)

'Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.' (Part 3:4)

- **Has the suspension been issued in accordance with the school/academy behaviour policy, exclusion policy and any other policy pertinent to the pupil? [Behaviour in Schools - Advice for headteachers and school staff Feb 2024 \(publishing.service.gov.uk\)](#)**

What does the school/academy's behaviour policy say in relation to suspension? Has the school/academy published its behaviour policy to parents and pupils? Ideally on the school/academy website, in parent and pupil assemblies, and reinforced through a home-school agreement. The pupil should be completely clear on behavioural expectations.

Is the consequence proportionate to the offence or could a lesser suspension have been imposed.

What strategies have the school/academy implemented prior to using suspension. What support is in place for the pupil.

What has the school/academy done to assess and support the pupil's needs? What is the behaviour history? Consider pupil's positive attributes and any positive periods or interventions that worked.

Has school/academy tried staff reports, an Individual Behaviour Plan, Pastoral Support Plan, Early Help Assessment, personalised timetable, Learning Support Unit, school's multi-agency meeting, other agency involvement?

Does the school/academy have a graduated response in place for the 4 main areas of special educational need? (Communication & Interaction; Cognition & Learning; Physical & Sensory; Social, Emotional and Mental Health Needs)?

- **Have any mitigating circumstances, either presented by the parent/carers or pupil or known by the school/academy, been considered?**

'Whilst an exclusion may still be an appropriate consequence, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance" (Part 3:4).

Does the pupil belong to one or more of the higher risk groups e.g. physical disability and have specific additional needs, young carers, social or emotional difficulties, minority ethnic, challenging complex behaviour, show signs of engaging in antisocial or criminal behaviour, living in poverty, live in challenging circumstances, e.g., adults with issues around poor mental health, substance abuse or domestic violence, parent/carers with learning difficulties, receive Pupil Premium/FSM, pupil or parent/carers have ESL?

Has the above been taken into consideration in the decision-making process?

- **Any special educational needs or disability. Governors/trustees should have regard to the Special Educational Needs Code of Practice and the Equality Act**

'The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice' (Part 2)

If the pupil has an Education, Health, and Care Plan (EHCP), the school/academy should initiate a review as soon as possible to determine what additional support, or alternative placement may be required; assess the suitability of provision for a pupil's SEND. Parents/carers should be involved, and minutes of all meetings should be recorded on file. Has the area access to education officer been consulted?

Does the pupil have a special educational need but no Education, Health, and Care Plan? Can the school/academy demonstrate that they have followed their graduated response for the main area(s) of need? If so, the school /academy should arrange an Early Help Assessment and involve all relevant external agencies including the Early Help Officer for the school to discuss applying for an Education, Health, and Care Plan. Parent/carer consent must be given, and minutes of all meetings should be recorded on file.

If the pupil does not have an identified special educational need, has the pupil been assessed by an Educational Psychologist to ensure SEND and/or cognitive difficulties have not been missed?

Has the school/academy/parent referred the pupil to CAMHS? If the parent/carer has been asked to refer through the family GP, has this been documented?

Schools and academies should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. Such events will not always lead to children having SEN, but it can have an impact on wellbeing and sometimes this can be severe. Schools should ensure they make appropriate provision for a child's short-term needs to prevent problems escalating. Where there are long-lasting difficulties, schools/academies should consider whether the child might have SEN. Further guidance on dealing with bullying issues can be found in the [SEND Code of Practice: Chapter 6 SEND Code of Practice January 2015.pdf\(publishing.service.gov.uk\)](#)

Have the school identified what is behind the exhibited behaviours?

'Where a school has serious concerns about a pupil's behaviour, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required (see guidance Working together to safeguard children)' [Behaviour in Schools: Advice for headteachers and school staff Feb 2024 \(Page 27\)](#)

- **Does the pupil have a disability that comes under the umbrella of the Equality Act 2010?**

Headteachers and Governors/trustees must consider their duties under the Equality Act 2010 and the Children and Families Act 2014. This applies even where a diagnosis is not prevalent.

'These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory' (Part 2)

The Equality Act 2010 'defines disability as when a person has a 'physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities.' The Equality Act 2010 and Schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014 (4.4)

- **Is the pupil looked after (CLA)?**

Schools/academies should co-operate proactively with foster carers or residential care home staff and the local authority that looks after the child. Concerns should be raised immediately with the allocated social worker, Virtual School at CLA reviews and PEP meeting.

'Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers. (Part 4:60)

'All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan.⁴⁰ This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this'. (Part 4:61)

'Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil'. (Part 4:62)

- **Is the pupil subject to a Child Protection Plan or on a Child in Need Plan?**

Have concerns been raised at CP conferences/core groups/CIN or multi agency meetings around the behaviour in school?

Has the social worker been invited to the permanent exclusion governors meeting?

'Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations'. (Part 4:59)

'Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so'. (Part 4:79)

If Pupil Premium, has the school applied further funding to support the pupil? Schools/academies need to evidence they have spent any additional funding first on resources to support the child holistically and the expected outcome.

If behaviour presented has been a risk to themselves or others previously, was a graded risk assessment undertaken and positive handling plan implemented to decrease risk?

Have school/academy staff been trained in de-escalation and restraining techniques, and are these up to date?

Does the school/academy implement trauma informed practice, where appropriate?

Have parents/carers been included in the process to improve behaviour and can this be evidenced?

Does the paperwork reflect the behaviour history, patterns, the school/academy's intervention, parent/carer involvement, successes, escalations, and consequences? It should read like a book and all documents referred to by the school/academy must be evidenced.

- **Have alternatives to permanent exclusion been explored?**

Has the school/academy considered commissioning a place at an alternative provision? If so, have the student's interventions and support followed him/her to the alternative provision?

Or alternative provision used to support a package or facilitate a reintegration? (key stage 4)

Has the school/academy considered a managed move, possibly to another nearby Trust school? If an option, the school/academy must liaise with new school/academy, provide information about necessary interventions and support, and maintain contact to support as necessary.

'When possible, in school interventions or targeted support from alternative provision schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational'. (Part 4:37)

'Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school' (Part 4:36)

'Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.' (Part 4:50)

- **What risk does the pupil present to the education and welfare of others, were they to be reinstated, and what risk management strategies remain available to reduce this?**

Has a risk assessment been conducted; could this be a way forward to identify new strategies to support the pupil.

These considerations will inform the Governor/trustee's decision making on whether the suspension is a fair, reasonable and proportionate to the behaviour presented. It will also highlight what needs to happen next to avoid subsequent suspensions. **Governors/trustees should be robust in their questioning of the Headteacher to ensure they fulfil their statutory duty.**

Governors/trustees can decide to reinstate or decline to reinstate the pupil. Where the pupil's suspension has already been served, governors/trustees can make a note on the pupil record. Governors/trustees are advised to refer to the above points when making their decision and detail these in the minutes.

Appendix 12 - Information for Governors/ Trustees regarding their consideration of a Permanent Exclusion

The law states that Head teachers, Governors/Trustees and Local Authorities must have regard to the Statutory Guidance on Exclusion (September 2023) and that it must be followed unless there is good reason to depart from it. Where the guidance stipulates 'must', this is law and must be followed. [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/suspension-and-permanent-exclusion-guidance)

The Local Authority role at a Governors/Trustees Board/Management Committee is to draw attention to relevant guidance and law:

The Local Authority does not condone poor behaviour in schools and academies but acknowledges that consequences should be proportionate and based on the severity of the incident and the student's personal circumstances, including any learning needs, family background, or disabilities.

The basis of any exclusion is the letter to parent/carers informing them of the reason for the exclusion. This is a legal document, and governors/trustees can only consider the reason given in the letter when making deliberations.

Guidance is clear that the government supports using exclusion as a consequence where it is warranted, however is specific that permanent exclusion should only be used:

- 'In response to a serious breach or persistent breaches of the school behaviour policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.'

Legally, both tests must be met.

In addition to this permanent exclusion should then only be a last resort.

In line with the DfE Statutory Guidance, the panel should consider the following:

- **Whether the incident(s) occurred as reported, considering evidence presented and the views of the pupil. Where there is doubt or contention, governors/trustees must use the civil burden of proof, the balance of probability.**

Has a proper investigation taken place, with separate interviews with all involved? Has the investigating member of staff used open-ended questions and avoided suggestive questioning?

If the pupil in question has SEND, has the SENCo or key worker been involved during the process to ensure heightened care and compliance with the SEND code of practice?

Have pupils involved been treated equally and their consequence fits the offence? If not, schools/academies must be able to explain differences.

Have witness statements been taken, including the voice of the pupil?

Have all witness statements been signed & dated? Ideally written by the student/s, but if scribed by a teacher, it must state so and that the statement was read by the pupil/read to them before they signed.

Have police been involved? If so, what documentation exists and what action are police taking? If the pupil is under investigation for a criminal act, the pupil may not be excluded unless there is sufficient evidence, on balance of probabilities, that the facts occurred as alleged. The pupil may be sent off-site if deemed appropriate and parental consent is not required.

Has the school/academy considered all mitigating evidence before making a decision. For example, provocation, bullying, self-defence, family history and circumstances, undetected learning difficulties, social/emotional difficulties.

Has the school/academy met with the family before making the decision to exclude?

'When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' (Part 3:3)

'Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.' (Part 3:4)

- **Has the permanent exclusion been issued in accordance with the school/academy behaviour policy, exclusion policy and any other policy pertinent to the pupil? [Behaviour in Schools - Advice for headteachers and school staff Feb 2024 \(publishing.service.gov.uk\)](#)**

What does the school/academy's behaviour policy say in relation to permanent exclusion? Has the behaviour policy been published to parent/carers and pupils? Ideally on the school/academy website, in parent/carer and pupil assemblies, and reinforced through a home-school agreement. The pupil should be completely clear on behavioural expectations.

Does the behaviour warrant the most serious response? Could a lesser consequence have been imposed, for example a longer period of suspension?

Have all other support strategies been explored, implemented, and only dismissed with good cause?

Does the school/academy have a graduated response in place for the 4 main areas of special educational need? (Communication & Interaction; Cognition & Learning; Physical & Sensory; Social, Emotional and Mental Health Needs)?

- **Have any mitigating circumstances, either presented by the parent/carer or pupil or known by the school/academy, been considered?**

'Whilst an exclusion may still be an appropriate consequence, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance' (Part 3:4).

Does the pupil belong to one or more of the higher risk groups e.g. physical disability and have specific additional needs, young carers, social or emotional difficulties, minority ethnic, challenging complex behaviour, show signs of engaging in antisocial or criminal behaviour, living in poverty, live in challenging circumstances, e.g., adults with issues around poor mental health, substance abuse or domestic violence, parent/carers with learning difficulties, receive Pupil Premium/FSM, pupil or parent/carer have ESL?

Has the above been taken into consideration in the decision-making process?

- **Any special educational needs or disability. Governors/Trustees should have regard to the Special Educational Needs Code of Practice and the Equality Act**

'The governing board must also comply with their statutory duties in relation to pupils with SEN when administering the exclusion process using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice' (Part 2)

If the pupil has an Education, Health, and Care Plan (EHCP), the school/academy should initiate a review of the EHCP to determine what additional support, or alternative placement may be required; assess the suitability of provision for a pupil's SEND. Parent/carers should be involved, and minutes of all meetings should be recorded on file.

Does the pupil have a special educational need but no Education, Health, and Care Plan? Can the school/academy demonstrate that they have followed their graduated response for the main area(s) of need? If so, the school/academy should arrange an Early Help Assessment and involve all relevant external agencies including the Early Help Officer for the school/academy to discuss applying for an Education, Health, and Care Plan. Parental consent must be given, and minutes of all meetings should be recorded on file.

If the pupil does not have an identified special educational need, has the pupil been assessed by an Educational Psychologist to ensure SEND and/or cognitive difficulties have not been missed?

Has the school/academy/parent referred the pupil to CAMHS? If the parent has been asked to refer through the family GP, has this been documented?

Schools and Academies should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. Such events will not always lead to children having SEN, but it can have an impact on wellbeing and sometimes this can be severe. Schools/academies should ensure they make appropriate provision for a child's short-term needs to prevent problems escalating. Where there are long-lasting difficulties, schools/academies should consider whether the child might have SEN. Further guidance on dealing with bullying issues can be found in the [SEND Code of Practice: Chapter 6 SEND Code of Practice January 2015. pdf\(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442422/SEND_Code_of_Practice_Chapter_6_SEND_Code_of_Practice_January_2015.pdf)

Has the school/academy identified what is behind the exhibited behaviours?

- **Does the pupil have a disability that comes under the umbrella of the Equality Act 2010?**

Headteachers and Governors/trustees must consider their duties under the Equality Act 2010 and the Children and Families Act 2014. This applies even where a diagnosis is not prevalent.

'These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory' (Part 2)

The Equality Act 2010 'defines disability as when a person has a 'physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities.' The Equality Act 2010 and Schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014 (4.4)

- **Is the pupil looked after (CLA)?**

Schools/academies should co-operate proactively with foster carers or residential care home staff and the local authority that looks after the child. Concerns should be raised immediately with the allocated social worker, Virtual School at CLA reviews and PEP meeting.

'Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers. (Part 4:60)

'All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan.⁴⁰ This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this'. (Part 4:61)

'Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil'. (Part 4:62)

- **Is the pupil subject to a Child Protection Plan or on a Child in Need Plan?**

Have concerns been raised at CP conferences/core groups/CIN or multi agency meetings around the behaviour in school?

Has the social worker been invited to the permanent exclusion governors meeting?

'Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations'. (Part 4:59)

'Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so'. (Part 4:79)

- **Has the school/academy exhausted all strategies to support the pupil and is permanent exclusion a last resort?**

What has the school/academy done to assess and support the pupil's needs? What is the behaviour history? Consider pupil's positive attributes and any positive periods or interventions that worked.

Has the school/academy tried staff reports, an Individual Behaviour Plan, Pastoral Support Plan, Early Help Assessment, personalised timetable, Learning Support Unit, school's multi-agency meeting, other agency involvement?

'Where a school has serious concerns about a pupil's behaviour, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required (see guidance Working together to safeguard children)'

[Behaviour in Schools: Advice for headteachers and school staff Feb 2024 \(Page 27\)](#)

If Pupil Premium, has the school/academy applied further funding to support the pupil? Schools need to evidence they have spent any additional funding first on resources to support the child holistically and the expected outcome.

If behaviour presented has been a risk to themselves or others previously, was a graded risk assessment undertaken and positive handling plan implemented to decrease risk?

Have school/academy staff been trained in de-escalation and restraining techniques, and are these up to date?

Does the school/academy implement trauma informed practice, where appropriate?

Have parents been included in the process to improve behaviour and can this be evidenced?

Does the paperwork reflect the behaviour history, patterns, the school/academy's intervention, parent/carer involvement, successes, escalations, and consequences? It should read like a book and all documents referred to by the school/academy must be evidenced.

- **Have alternatives to permanent exclusion been explored?**

Has the school/academy considered commissioning a place at an alternative provision? If so, have the student's interventions and support followed him/her to the alternative provision?

Or alternative provision used to support a package or facilitate a reintegration? (key stage 4)

Has the school/academy considered off-site direction or a managed move, possibly to another nearby Trust school? If an option, the school/academy must liaise properly with new school/academy, provide information about necessary interventions and support, and maintain contact for updates and progress reports.

When possible, in school interventions or targeted support from alternative provision schools should be used to meet a pupil's individual needs and circumstances – whether behavioural or special educational'. (Part 4:37)

"In addition to the strategies set out regarding initial intervention (this can be found on page 27 of the Behaviour in Schools guidance), headteachers should also consider the following: a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to exclusion." (Part 4:32)

'Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school' (Part 4:36)

- **What risk does the pupil present to the education and welfare of others, were they to be reinstated, and what risk management strategies remain available to reduce this?**

Has a risk assessment been conducted; could this be a way forward to identify new strategies that may have a more positive outcome than permanent exclusion?

These considerations will inform the Governors/trustees decision making on whether a permanent exclusion is a fair and reasonable response to the behaviour. Governors/trustees should be robust in their questioning of the Headteacher to ensure they fulfil their statutory duty.

Governors can decide to reinstate or decline to reinstate the pupil. Independent review panels have been critical of minutes taken at the meeting and around the decision making. **Governors are advised to refer to the above points when making their decision and detail these in the minutes.**

This protocols guide has been created by Rose Gibson, Senior Access to Education Officer with the support of Carol Green and Abi Hudson, Local Authority representatives for Exclusion.

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