



# **Brent Exclusions Protocol for Headteachers and Governors 2023/24**

**September 2023**

Review Date: September 2024

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## 1. Introduction

The principal legislation to which this guidance relates to is:

- The Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- The Education Act 1996; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

### **Changes following the update of DfE guidance May 2023;**

The legal framework and overall structure of the exclusions process remains mostly unchanged in the DfE's updated guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, England – May 2023'

In the guidance, fixed-term exclusions are now referred to as suspensions. Brent will continue to use the terminology 'fixed term exclusions' when referring to 'suspensions'.

### **Updates in DfE May 2023 guidance for headteachers:**

- There are new requirements regarding who the headteacher must notify of a fixed term exclusion or permanent exclusion, and when. In addition to notifying parents, schools must now also notify the Governing Board and (as appropriate) the pupil's social worker where relevant, the Virtual School headteacher (VSH) and the local authority (Brent's Inclusion Services), for all fixed term exclusions and exclusions, regardless of length and even if cancelled/rescinded.
- The headteacher must involve pupils in the fixed term exclusion/ exclusion process
- The guidance contains information on what constitutes off-rolling (i.e. unlawful exclusions)
- There is clarity on the designated safeguarding lead's (DSL's) role:
  - o In cases where there are safeguarding implications (e.g. child-on-child abuse)
  - o In managing a pupil's child-protection file following that pupil's move to a new school
- There are more detailed steps for schools to take to reintegrate a pupil following a fixed term exclusion or exclusion.
- There is information on how to use off-site direction and managed moves as preventative measures to exclusion
- There is further guidance on the headteacher making sure they have a formal process for informing the VSH about an exclusion
- There is updated guidance on pupils who are 18 or above- they should be involved in the process, not their parents

### **Updates in DfE guidance for Governing Boards:**

- The guidance includes Information on how Governing Boards should monitor and use fixed term exclusion and exclusion data.
- There are some changes to procedures when Governing Boards review a fixed term exclusion or exclusion, including an updated list of who must be invited to a meeting of



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the Governing Board to consider an exclusion and whose views must be taken into account

- Guidance on when the governing board is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached

The DfE requires all those involved in exclusion decisions (including head teachers, Governing Boards, local authorities, academy trusts, Independent Review Panel (IRP) members, clerks and special educational needs experts) to have regard to the 2023 guidance and to follow it unless they have a good reason not to. These procedures apply to all pupils who attend Maintained schools, Academies and Pupil Referral Units, including any who are below or above compulsory school age (but not 16-19 Academies). See DfE 2023 guidance: [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/school-suspensions-and-permanent-exclusions)

The updated guidance only applies to fixed term exclusions and exclusions which take place on or after 1 September 2023. If schools have ongoing cases, the policy that was in place when the fixed term exclusion or exclusion process started should be followed.

The updated protocol should be read alongside the following key documents:

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/school-suspensions-and-permanent-exclusions)

[Brent Reduced Timetable Guidance](#)

[Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/governance-handbook-and-competency-framework)

[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/working-together-to-improve-school-attendance)

## **Ofsted Framework**

The [OFTSED](#) framework from September 2019 has a clear expectation on school leaders to ensure that each educational provider, under the new framework, has high and equal expectations for their pupils. There is a focus on staff training rather than performance management. Staff are protected accordingly and that there are high levels of safeguarding.

The framework has a focus on a high-quality curriculum and *'designed to give all learners, particularly the most disadvantaged and those with special educational needs and/or disabilities (SEND) or high needs, the knowledge and cultural capital they need to succeed in life'*.

In addition the Behaviour and Attitudes section states: *'the provider has high expectations for learners' behaviour and conduct and applies these expectations consistently and fairly. This is reflected in learners' behaviour and conduct'*.

The Personal Development section states: *'the curriculum extends beyond the academic, technical or vocational. It provides for learners' broader development, enabling them to develop and discover their interests and talents'*



The Leadership and management section states: *'the provider has a culture of safeguarding that supports effective arrangements to:*

- *identify learners who may need early help or who are at risk of neglect, abuse, grooming or exploitation*
- *help learners reduce their risk of harm by securing the support they need, or referring in a timely way to those who have the expertise to help*
- *manage safe recruitment and allegations about adults who may be a risk to learners and vulnerable adults.'*

Brent advises that all schools and academies are familiar with the OFSTED framework to support best practice.

### **Reduced Timetables**

Brent has an updated Reduced timetables guidance. [Brent Reduced Timetable Guidance](#) This guidance sets out the statutory position in relation to part-time/reduced timetables, identifying the exceptional circumstances when it might be appropriate to agree a short-term reduced timetable. The guidance sets out the process to be followed to secure safeguarding responsibilities and provides guidance to schools on what they must do if a part-time timetable is agreed. There is an expectation that all schools should have regard to this guidance in order to ensure statutory compliance and the safeguarding of children across the Brent. Brent local authority collects data on children and young people that are on a reduced timetable so these can be logged and tracked.

### **Timpson review**

A [review](#) undertaken in May 2019 by Edward Timpson found there is room for improvement in the way that all schools and academies exclude pupils. Timpson found that there was a minority of schools that were 'off-rolling' students which posed a significant safeguarding risk. The majority of pupils that were excluded were vulnerable including those with SEN or disadvantaged (Eligible for Free School Meals/Pupil Premium). A high number were LAC and children in need. The review made 30 recommendations to Government to ensure that exclusions are a last resort.

Brent advises that all schools and academies are familiar with the Timpson review 2019 to support best practice.

### **Department for Education SEND and Alternative Provision Improvement Plan 2023**

The **SEND and AP improvement plan**<sup>1</sup> sets out the government's plan to reform its approach to special educational needs and/or disabilities (SEND) and alternative provision (AP) and establish an integrated SEND and alternative provision system.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139561/SEND\\_and\\_alternative\\_provision\\_improvement\\_plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139561/SEND_and_alternative_provision_improvement_plan.pdf)



The Improvement Plan notes that alternative provision is an important aspect of the reforms and will be used as an intervention, not a destination. High-quality alternative provision, including for social, emotional and mental health needs, should create additional capacity for mainstream school leaders and staff to address challenging behaviour earlier and re-engage pupils in education. It is envisaged that interventions are based on a three-tier model with a focus on targeted support whilst children are in mainstream school, to deal with needs early and reduce preventable exclusion. Time-limited or transitional placements into an alternative provision setting will provide more intensive intervention or longer-term support where it is needed, before these young people return to a new mainstream setting or progress to a sustainable post-16 destination.

## **2. Brent Exclusions Protocol**

Good discipline and attendance in schools is essential to ensure that all pupils can benefit from the opportunities provided by Brent Schools. Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. Schools should also make every effort to ascertain whether poor behaviour could be a result of unmet Special Educational Needs and/or Disabilities (SEND) and take appropriate steps to both identify and meet these needs.

The Inclusion Service provides schools with access to services that can provide early help on an individual, group, family and school level helping to deliver the right intervention at the right time in the right place. Schools should always consult their allocated Inclusion Support Officer on all matters regarding exclusions. The headteacher should also consider a referral to the Inclusion Support Team and complete a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEND but the scope of the assessment should go further, for example, by seeking to identify social, emotional, mental health or family problems.

Any pupil at risk of exclusion should have a Pastoral Support Plan (PSP) with consultation and support from the school's allocated Inclusion Support Officer. Schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs such as raising an early help assessment or referral to health services.

The decision to permanently exclude a child from school should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy and where allowing the child to remain in school would seriously harm the education or welfare of the pupil or others in the school. The decision on whether to exclude is for the Headteacher to make. However, where practical, Headteachers should continue to give pupils an opportunity to present their case before taking the decision to exclude. Pupils need to be given the opportunity to express their views - with the support of advocates (such as a parent or social worker), if needed - unless their age or understanding means it's not appropriate to do so. Where pupils do get the opportunity to express themselves, they should also be informed of how their views were taken into consideration in reaching a decision.

Whilst exclusion may still be an appropriate sanction, Headteachers should take account of any contributing factors that are identified such as social, emotional, mental health or family



problems. All Headteachers are expected to have due regard of the SEND Code of Practice, the Equality Act 2010 and the Children and Families Act 2014 when issuing exclusions.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of their sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity or because of a gender reassignment. All schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. In Brent, there is still a disproportionate number of exclusions for young people from a black ethnic background, especially those of black Caribbean and black African heritage. Headteachers should avoid excluding permanently any pupil with an Education, Health and Care Plan (EHCP) or a looked after child. Consideration should always be given to a change of placement and in the case of a pupil with an EHCP an emergency review of the EHC plan.

There are a number of alternatives to permanent exclusion. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. This legislation does not apply to Academies. They can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association. Though the regulations and guidance do not apply, they can provide Academies with an example of good practice.

## ▪ **Off-site direction**

Off-site direction is when a Governing Board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Academies can also arrange off-site provision for this purpose under their general powers.

During the period of off-site direction:

- The pupil might be in Alternative Provision (AP) on a part-time schedule with continued mainstream schooling, or full-time for a limited period (Further advice can be found in the [Brent Reduced Timetable Guidance](#) October 2022).
- The pupil must be dual-registered (if the pupil has an EHCP the school must hold an emergency annual review in order to trigger the off-site direction as it is a change in placement. Once the pupil has returned to their home school the LA must be notified).
- Schools are expected to inform a pupil's social worker, where relevant, if there are unexplained absences from school. Children missing in education officers or a school's point of contact in the School Attendance Support Team should also inform a pupil's social worker if their name is to be deleted from the school register. ([Working together to improve school attendance - GOV.UK \(www.gov.uk\)](#))
- The Governing Board must keep the placement under regular review.

Any move to AP, whether temporary or permanent, should be made with the child in mind, as the best place to support that child's behaviour as well as any SEN or health needs. Governing Boards in particular must have regard for [statutory government guidance on Alternative Provision](#).

Before a pupil is moved to AP, the following should be defined and agreed:

- The nature of the intervention
- The objective



- The timeline for meeting these objectives
- Agreement with the parent/carer
- If the pupil has an EHCP, schools must make sure the pupils EHC objectives will be met and how.

The pupil must continue to receive a broad and balanced curriculum that supports reintegration into mainstream school.

Schools should design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning. The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school.

Part of good practice within Brent has been the successful use of "managed moves". School's Inclusion Support Officers can be a strong source of support and advice in relation to this process. Managed moves should be:

- Done strictly in the child's best interest<sup>2</sup>
- Voluntary and agreed by all parties
- Offered as part of a planned intervention<sup>3</sup>
- Preceded by information-sharing between the current school, receiving school and supported by an effective integration strategy

Schools need to be careful that parents do not feel pressured into accepting a managed move. If parents do not support a managed move and it goes ahead, it is considered to be off-rolling. The threat of exclusion must never be used to influence parents to remove their child from schools.

If there are contextual safeguarding needs around the pupil a risk assessment must be completed prior to the move and shared with all agencies working with the pupil and family.

A pupil cannot be taken off role until it is known that they have started in their new school.

"Informal" or "unofficial" exclusions, such as sending pupils home to "cool off" or getting parents to collect their child, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

Fixed term exclusions and exclusions are unlawful when they include directing a pupil off-site or not allowing them to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.

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<sup>2</sup> If a pupil has had more than one managed move the school needs to consider the most effective approach

<sup>3</sup> Specific steps must be taken for pupils with SEND, LAC or with a social worker (see bullet points on page 6 related to off-site direction)





- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration meeting.

Off-rolling, a form of unlawful exclusion, can include using 'undue influence' over a parent to:

- Remove their child under threat of permanent exclusion.
- Encourage them to choose elective home education or find another school place for their child.

Ofsted (2019) will consider any evidence of off-rolling and is likely to judge a school inadequate where it appears:

- Pupils have left the school without formal processes
- Parents have been encouraged to remove their children
- School leaders haven't taken sufficient action to address the above

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

#### ▪ **Fixed term exclusion extension or conversions**

The DfE 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, England May 2023' statutory guidance clarifies that fixed term exclusion<sup>4</sup> cannot be extended or 'converted' into a permanent exclusion. It may sometimes be appropriate to issue a further fixed term exclusion period or issue a permanent exclusion (both immediately after the original fixed term exclusion), though this is limited to exceptional circumstances, usually where new information or evidence has come to light.<sup>5</sup> Please see the Fixed Term Exclusions and Permanent Exclusions FAQs (Appendix 4).

#### **Notify those involved of a cancelled suspension/exclusion**

Headteachers can now cancel exclusions that have **not started yet**, whereas previously they could only cancel fixed term exclusions/exclusions that had already begun. (This is all provided that the governing board hasn't yet met to consider whether the pupil should be reinstated.)

When an exclusion is cancelled, a headteacher, **must** notify without delay:

- Parents/carers; or the pupil (if they're 18 or older)
- The governing board
- The local authority (LA)
- The pupil's social worker (where relevant)

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<sup>4</sup> The DfE categorise a fixed term exclusion a 'suspension'

<sup>5</sup> See DfE guidance Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2022  
pg. 12, section 10.



- The VSH (where relevant)

The headteacher must provide all parties with the reason for cancellation.

Offer parents/carers the opportunity to meet with you as headteacher without delay, to discuss the circumstances that led to the cancellation.

### **Any days out of school will count as a fixed term exclusion**

Any days out of school because of a cancelled fixed term exclusion/exclusion will count towards the maximum of 45 school days a pupil can be fixed term excluded in any school year.

Note that a permanent exclusion **can't** be cancelled if a pupil has already been fixed term excluded for more than 45 days in a school year.

### **Pupils should be reintegrated without delay**

Schools must offer the same support to pupils whose fixed term exclusion/exclusion has been cancelled, as you would to a pupil who has been fixed term excluded on their return to school.

### **Governing boards do not need to meet or consider representations**

In the case of a cancelled fixed term exclusion/exclusion, the board's duty to consider reinstatement stops so it does not need to meet.

### **Contributing Factors**

Whilst a fixed term exclusion may still be an appropriate sanction, the headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.

### **Successfully reintegrating pupils following a fixed term exclusion**

Schools should have a reintegration strategy that offers the pupil a fresh start and helps them re-engage with their learning. This strategy should be communicated clearly at the reintegration meeting, preferably with the parents present (but as before, attendance can't be a pre-condition to readmission):

- Where necessary, schools should work with multi-agency partners to identify any SEND and/or health needs
- School should not use a reduced timetable for behaviour management; where one is appropriate, it should be for the shortest time possible and reviewed regularly
- Schools should consider a range of measures - academic, pastoral, internal and external - to support the pupil's successful reintegration based on need

### **Continued education**

Headteachers will need to be particularly aware of the statutory requirement in the guidance 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, England May 2023' to provide full-time education for any pupil who is excluded for a fixed period of more than 5 school days. Work for the first five days following the fixed term exclusion should be organised and sent home for the pupil



to complete and return to school for marking. The new guidance adds that schools can use online pathways - like Google Classroom or Oak National Academy - to meet this need. The guidance goes one step further for pupils who are LAC or have a social worker, advising that schools should work with the LA to arrange AP from the first day of fixed term exclusion or exclusion. Where that is not possible, schools should take 'reasonable steps to set and mark work for the pupil' - and online pathways can be used.

If a permanently excluded pupil is not reinstated, arrangements will be made for their continued education at the Brent PRU or a suitable alternative provision. The Inclusion Support Officers and Alternative Provision and School Engagement Coordinator will support parents/carers, pupils and school through the permanent exclusion process.

### **Fixed term excluding or excluding children with social workers**

Schools will need to balance these competing needs when faced with the possibility of fixed term excluding or excluding a pupil under the care of a social worker:

- The child will often have known safeguarding risks at home or in the community, and school is known to be a protective factor
- Schools have a duty to provide safe and calm environments for all pupils and staff

To manage these competing interests:

- Schools must involve the child's social worker, the schools DSL and the pupil's parents as early as possible in any behaviour issues that could give rise to a fixed term exclusion or exclusion
- If the child is a previously Looked After Child (LAC), schools should involve parents and the Designated Teacher (DT)
- And if the child is a LAC, the DT should bring the VSH into the conversation
- Together, all parties should consider the factors affecting the child's behaviour and consider what further assessments and support need to be put in place to prevent a fixed term exclusion or exclusion

## **▪ Operational Processes**

### **The DSL's role in exclusions**

In cases involving child-on-child abuse, a safeguarding investigation may run parallel to any considerations to fix term exclude or exclude a pupil involved in the incident. Schools must remain focused on their duties to:

- Safeguard and promote the welfare of pupils
- Provide a suitable education

Decisions in cases like these ultimately sit with the headteacher, but the DSL should take a leading role and lend their professional judgement, supported by other agencies as required.

In cases where a child is permanently excluded, the DSL of the excluding school should transfer the pupil's child-protection file to the new school:

- Within 5 days for an in-year transfer, or
- Within the first 5 days of a new term



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This child-protection file should be transferred separately from the main pupil file, securely and with confirmation of receipt. When the school is receiving an excluded pupil, the DSL must be made aware of the file (along with any other relevant staff members).

### **The roles of the Virtual School Headteacher (VSH) and social workers in exclusions**

In addition to being informed of any fixed term exclusions or exclusions of children under their care, the VSH and social worker must be invited to participate in any Governing Board meetings and independent review panels (IRPs).

Both the VSH and the social worker will understand a pupil's background and be able to provide important information about the child's experiences and welfare. Both should attend or ensure representation at meetings to review exclusions, as far as possible:

- The VSH can play an advisory role in cases involving LAC or previously LAC, providing information on the child's background and circumstances that may have contributed to the fixed term exclusion or exclusion
- The social worker can serve as the child's advocate, identifying how the child's circumstances have led to the fixed term exclusion or exclusion while making sure the child's welfare and safeguarding risks and needs are taken into account

### **Reporting fixed term exclusions to the Local Authority**

Please note that any fixed term exclusions must be reported in line with the DfE categories, as below, both to the local authority and on the school's MIS/SIMS.

DfE Primary Fixed term exclusion Codes - please only select one

BU – Bullying	DA - Drug & alcohol related
DB - Persistent disruptive behaviour	DM – Damage
DS - Abuse relating to disability	PA - Physical assault against adult
PP - Physical assault against pupil	RA - Racist abuse
SM - Sexual misconduct	TH – Theft
VA - Verbal abuse/threatening behaviour against adult	VP - Verbal abuse/threatening behaviour against pupil
MT - Inappropriate use of social media or online technology	LG - Abuse against sexual orientation and gender identity
PH - Wilful and repeated transgression of protective measures in place to protect public health	OW - Use or threat of use of an offensive weapon or prohibited item

All schools should make a monthly return of fixed term exclusions and managed moves/ dual registration by completing an EX1 Fixed term exclusion Form to [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk) on the 1<sup>st</sup> day of every month.

### **Permanent Exclusions**

All permanent exclusions should be reported to the local authority when the headteacher has taken the decision. A copy of the exclusion letter should be emailed to



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[schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk) together with a completed [EX2 - Permanent Exclusion Notification Form](#)

School Governors should be informed of the permanent exclusion and they should arrange a meeting to consider reinstatement of the pupil within 15 school days

Headteachers must now inform parents/carers of their right to make a request for a remote meeting when notifying them of the exclusion.

Where the fixed term exclusion/exclusion process starts before September 1 2023, but continues into 2023/24: headteachers must inform parents/carers of their new right to request a remote meeting on 1 September, or as soon as possible afterwards.

By the sixth day: Inclusion Support Officers will provide parents/carers with support and Brent River College will arrange for an interview and appropriate full time education provision will be provided by the 6<sup>th</sup> day of permanent exclusion. If Brent River College is not a suitable placement, the Alternative Provision and School Engagement Coordinator will arrange an interview and provide a placement in a suitable alternative provision.

The excluded pupil will transfer to the roll of Brent River College or alternative provision if the parent/carer does not request an independent review.

## ▪ **The role of the Governing Board**

Governing Boards should already be reviewing and challenging attendance data, including fixed term exclusions and exclusions and movements off-site. But this should now come with a side of analysis. For example, Governing Boards should:

- Analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by pupil moves, and when this has happened
- Consider the cost implications of educating pupils off-site
- Review whether the data reflects that the school's behaviour policy is being implemented effectively and consistently
- Monitor interventions in place to support pupils at risk, to prevent fixed term exclusions and exclusions
- Analyse any variation in the rolling variation of exclusions to understand why it's happening and what can be done to prevent it
- Make sure that pupils that are moved off-site are reviewed at regular intervals

## **The Governing Board procedures for reviewing fixed term exclusions and exclusions**

The list of parties Governing Boards must invite to the Governors Discipline Committee meeting has grown. Previously, it was a requirement to invite:

- Parents (and, where requested, a representative or friend),
- The headteacher and
- A representative of the LA (in the case of a maintained school or pupil referral unit)

Now the following people should also be invited :

- The pupil if they are 18 or older,



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- The child's social worker if the child has one, and
- The VSH if the child is a LAC

Governing Boards:

- Still must consider any representations that are made by the parents, but there is no deadline for arranging the meeting.
- If the meeting occurs, it should be 'within a reasonable amount of time', and in the absence of any representations from parents, Governing Boards 'can consider reinstatement on their own'

**Governors Discipline Committee (GDC)**

<b>Headteacher fixed term excludes/permanently excludes pupil</b>	
<b>Fixed term exclusion</b>	<b>Permanent exclusion</b>
<p>Clerk/Chair of Committee receive copy of fixed term exclusion letter from Headteacher</p> <p>Clerk arranges a meeting of the Governing Board Committee if appropriate and contacts all involved</p> <ul style="list-style-type: none"> <li>• 1-5 days – Governing Board is not required to arrange a meeting.</li> <li>• 6-15 school days’ fixed term exclusion in one term - meeting no later than 50 school days – meeting only in event of parental request.</li> <li>• 16-45 school days’ fixed term exclusion in one term - meeting no later than 15 school days</li> </ul> <p><i>(when pupils have been excluded for any more than 15 days, including 15.5 days, in a term, the governing board must consider reinstatement within 15 days)</i></p> <p>Clerk sends</p> <ul style="list-style-type: none"> <li>• Letter inviting parents to the Governing Board Committee meeting</li> <li>• Order of proceedings</li> <li>• Any evidence to be considered at the meeting</li> </ul> <p>Clerk takes notes of meeting and records the decision of the Governing Board Committee. None of the parties, with the exception of the Clerk, should be alone with the Governing Board Committee at any time.</p>	<p>Clerk/Chair of Committee receives copy of exclusion letter from Headteacher.</p> <p>Clerk contacts all involved and arranges a suitable date for a meeting of the Governing Board (the meeting must take place no later than 15 school days of notice of the exclusion)</p> <p>Clerk sends</p> <ul style="list-style-type: none"> <li>• Letter inviting parents to the Governing Board Committee meeting</li> <li>• Order of proceedings</li> <li>• Any evidence to be considered at the meeting</li> </ul> <p>Clerk takes notes of meeting and records the decision of the Governing Board Committee. None of the parties, with the exception of the Clerk, should be alone with the Governing Board Committee at any time.</p> <p>At the conclusion of the meeting, Clerk sends without delay a letter informing parents of the decision, with copy to <a href="mailto:schoolexclusions@brent.gov.uk">schoolexclusions@brent.gov.uk</a></p>



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At the conclusion of the meeting, Clerk sends a letter (without delay) informing parents of the decision with copy to [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

*\* The requirements are different for suspensions where a pupil would be excluded for more than five but not more than 15 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.*

Full exclusion guidance for Governors can be requested by mailing [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

## ▪ Independent Review Panels

Parents have a right to appeal to an Independent Review Panel (IRP) following a permanent exclusion even if they did not make representations to the Governors' Discipline Committee. Brent can coordinate the IRP, this service is free to community schools. Details can be found on [BestBrent](#) or email [committee@brent.gov.uk](mailto:committee@brent.gov.uk).

### Remote access to independent review panels (IRPs)

Face-to-face meetings remain the default, but meetings can be accessed remotely:

- At the request of parents/carers, or the pupil (if they're aged 18 or above); or
- In the case of extraordinary, or unforeseen circumstances

Parents/carers and pupils who are 18 or above, must be informed by the headteacher of their right to request a remote meeting.

*Annex A of the new guidance sets out key principles to consider when running remote meetings.*

It will be the role of the IRP to review the decision of the Governing Board, rather than the initial decision of the headteacher. IRPs must always make one of three fundamental decisions:

- Uphold the governor's decision
- Recommend that the governors reconsider reinstatement or
- Quash the decision and direct that the governors reconsider reinstatement

All Brent schools and academies are expected to inform the local authority of the outcome of an IRP and this should be a copy of the IRP letter which should be sent to [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

The 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement May 2023' guidance states that the IRP's



decision must not be influenced by any stated intention of the parents or pupil not to return to the school.

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

### **Timescales for applications for independent reviews of exclusions**

Where a Governing Board declines to reinstate a pupil who has been permanently excluded, parents (or the excluded pupil, if they are 18 years old or above) can apply for a review of the Governing Board's decision.

The date by which an application for a review must be made is 15 school days from the date on which notice in writing of the Governing Board's decision is given to parents.

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

### **Guidance for headteachers, Governing Boards and independent review panels on police involvement and parallel criminal proceedings**

The headteacher need not postpone taking a decision on a fixed term exclusion and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the headteacher will need to take a decision on the evidence available to them at the time.

#### **▪ Model Letters**

Brent advises headteachers to use the model letters provided for exclusions. Model letters for schools can be found in Appendix 1.

#### **▪ Notification Forms**

The Local Authority provides the necessary forms to complete upon excluding a pupil. These forms are as follows:

- Form [EX1 – Monthly Notification](#) to LA of all fixed term exclusions and managed moves (incl. a nil return).
- Form [EX2 – Notification](#) to LA of a permanent exclusion.

Schools are also expected to update the local authority of the outcome of an IRP.





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It is the responsibility of schools to ensure this information is provided to the LA, as failure of schools to return these forms can lead to safeguarding and census implications.

▪ **Registration and off rolling permanently excluded pupils**

The headteacher must remove a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Board's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review panel has been made within 15 school days, the headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E.

When children are placed at Brent River College or other alternative providers following the 6<sup>th</sup> day of permanent exclusion they should be dual registered until taken off roll in line with the guidance above. Note that until a pupil is taken off roll and a dual registration is in place, the school will be the substantive and Brent River College / alternative provision the subsidiary.

Stage	Excluding school	BRC/AP
PEX → Governors Appeal	On roll	
6 <sup>th</sup> day of PEX	Dual registration (Main)	Dual registration (Subsidiary)
Governors Appeal Independent Review	Dual registration (Main)	Dual registration (Subsidiary)
PEX confirmed place at BRC	Off Roll	On roll



Attending BRC		On roll
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▪ **Permanent Exclusions- funding adjustments**

The Local Authority has a statutory duty to recoup the pro rata balance of the amount within the funding formula relating to the age and personal circumstances of that pupil from schools and academies in relation to pupils who are permanently excluded. This means the deduction should cover not just the basic entitlement but also the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil would attract funding through those criteria.

This funding is reclaimed from the sixth school day following the date on which the pupil has been permanently excluded and is calculated for the remaining number of weeks in the financial year. The LA has the statutory duty to make education provision for permanently excluded pupils from Day 6 of a permanent exclusion- the funding is used to support this.

The principle is that the money will follow the pupil, so if the excluded pupil is subsequently admitted to a new school, the remaining balance of the funding should be passed to the admitting school.

An example of how the funding might be calculated is below but each case will be different.

A Y8 pupil excluded in Financial Year 2022/23, 6th Day following exclusion: 06/11/2022 = 21 weeks from 6th school day following exclusion until end of Financial Year (31/03/2023).

<b>Factor</b>	<b>2022/23 rate</b>	<b>21 weeks pro rata</b>
	£	£
KS3 Average Weighted Pupil Unit	5628.23	2272.94
Free School Meal	269.89	109.00
English as an additional language	1637.83	661.43
Deduction from excluding school's budget		<b>3043.36</b>

**Key Contacts**

<b>Brent Exclusions Email</b>
schoolexclusions@brent.gov.uk
<b>Inclusion Support Officers</b>



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Muna Benhamou	<a href="mailto:muna.benhamou@brent.gov.uk">muna.benhamou@brent.gov.uk</a>	020 8937 4579
Natalie Phillips	<a href="mailto:natalie.phillips@brent.gov.uk">natalie.phillips@brent.gov.uk</a>	020 8937 3679
Robert Reid	<a href="mailto:robert.reid@brent.gov.uk">robert.reid@brent.gov.uk</a>	020 8937 3181
Ato Carboo	<a href="mailto:Ato.carboo@brent.gov.uk">Ato.carboo@brent.gov.uk</a>	
<b>Alternative Education and School Engagement Co-ordinator</b>		
Valerie Brooks	<a href="mailto:valerie.brooks@brent.gov.uk">valerie.brooks@brent.gov.uk</a>	
<b>Inclusion Support Team Manager</b>		
Tina Murray	<a href="mailto:Tina.Murray@brent.gov.uk">Tina.Murray@brent.gov.uk</a>	
Inclusion Team	<a href="mailto:Pupil.Referrals@brent.gov.uk">Pupil.Referrals@brent.gov.uk</a>	

## Links to further Guidance

Please note that Brent Council cannot be held responsible for the content of external websites:

- [Governance handbook and competency framework](#)
- [Alternative provision - Statutory guidance for local authorities, headteachers and governing bodies of settings providing alternative provision](#)
- [Education for children with health needs who cannot attend school](#)
- [Mental health and behaviour in schools](#)
- [Children with special educational needs and disabilities \(SEND\)](#)
- [Special Educational Needs and Disabilities \(SEND\) code of practice: 0 to 25 years](#)
- [Working together to improve school attendance](#)
- [Keeping children safe in education](#)
- [Children missing education](#)
- [Working together to safeguard children](#)
- [Promoting the health and wellbeing of looked-after children](#)
- [Adverse childhood experiences training and resources \(funded by the Home Office\)](#)
- [Designated teacher for looked-after and previously looked-after children](#)
- [Creating a culture: a review of behaviour management in schools - Tom Bennett's independent review on behaviour in schools](#)
- [Behaviour and discipline in schools - statutory guidance for governing bodies](#)
- [Respectful school communities: self review and signposting tool](#)
- [Use of reasonable force in schools](#)
- [Improving school attendance: support for schools and local authorities](#)
- [Searching, screening and confiscation at school](#)
- [Keeping children safe in education](#)
- [School suspensions and permanent exclusion](#)

## Appendix 1: Model Letters

### Model letter 1:

From headteacher (or teacher in charge of a PRU) notifying parent(s) of a fixed period fixed term exclusion of 5 school days or fewer in one term, and where a public examination is not missed. NB – if the pupil's total fixed term exclusion days for the term is more than 5 days please use Model letter 2.

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[Pupil's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The fixed term exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this fixed term exclusion may well be upsetting for you and your family, but the decision to suspend **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been suspended for this fixed period because **[reason for fixed term exclusion]**.

### **[for pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during this fixed term exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

### **[for pupils of compulsory school age]**

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her fixed term exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

### **[School/PRU]**

You have the right to make representations about this decision to the Governing Board/management committee. If you wish to make representations please contact **[Name of Contact – your Clerk to the Governor/Clerk of the Pupil Discipline Committee]** on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the Governing Board/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

### **[ALL]**

You should also be aware that if you think the fixed term exclusion relates to discrimination

(under the Equality Act 2010) you can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which First-tier discrimination claims should be sent is the First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate Darlington, DL1 1RU  
<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

**Note – Re-integration meetings are now compulsory**

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.**

You also have the right to see a copy of **[Pupil's Name]**'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 **[Pupil's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you: -

- a link to this statutory guidance on fixed term exclusions/exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their 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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

**[Pupil's Name]**'s fixed term exclusion expires on **[date]** and we expect **[Pupil's Name]** to be back in school on **[date]** at **[time]**.

The schools allocated Inclusion Support Officer **(insert name and contact details)** can also provide further advice if required or by emailing [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

Yours sincerely  
**[Name]**  
Headteacher

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

**Model letter 2:**

**From headteacher (or teacher in charge of a PRU) notifying parent(s) of a fixed period fixed term exclusion of more than 5 school days in total in one term (or where cumulative days suspended in the term are between 6 and 15 days in total) If the total days suspended in the term totals more than 15 days please use Model letter 3**

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[Pupil's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The fixed term exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this fixed term exclusion may well be upsetting for you and your family, but the decision to suspend **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been suspended for this fixed period because **[reason for fixed term exclusion]**.

**[for pupils of compulsory school age - next 3 paragraphs]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if fixed term exclusion is for fewer than 5 days]** of this fixed term exclusion, that is on **[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. It will be for you to show that there is reasonable justification for this.

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her fixed term exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

**[include the next para if the individual fixed term exclusion is for more than 5 days – NB this includes if 2 fixed term exclusions run consecutively and total more than 5 days]**

From the **6th school day of the pupil's fixed term exclusion [specify date]** until the expiry of his/her fixed term exclusion 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 – this must be 48 hours before commencement]**.

**[School/PRU]** You have the right to request a meeting of the school's discipline committee/PRU's management committee to whom you may make representations. The Governing Board will consider the reinstatement of your child. As the period of this fixed term exclusion is more than 5 school days in a term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee/management committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this fixed term exclusion]**. If you wish to make representations to the discipline committee/management 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. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting. Representation can also be made in writing.

You should also be aware that if you think the fixed term exclusion relates to discrimination (under the Equality Act 2010) you can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which First-tier discrimination claims should be sent is the First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate Darlington, DL1 1RU  
<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

**Note – Re-integration meetings are now compulsory**

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.**

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your 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.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you: -

- a link to this statutory guidance on exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their 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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

**[Pupil's Name]**'s fixed term exclusion expires on **[date]** and we expect **[Pupil's Name]** to be back in school on **[date]** at **[time]**.

The schools allocated Inclusion Support Officer **(insert name and contact details)** can also provide further advice if required or by emailing [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

Yours sincerely

**[Name]**  
Headteacher

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)



**Model letter 3:**

**From headteacher (or teacher in charge of a PRU) notifying parent(s) of a fixed period fixed term exclusion of more than 15 school days (or cumulative days of totalling more than 15 days in total in one term).**

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[Pupil's Name]** for a fixed period of **[specify period]**. This means that **[Pupil's Name]** will not be allowed in school for this period. The fixed term exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this fixed term exclusion may well be upsetting for you and your family, but the decision to suspend **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been suspended for this fixed period because **[reason for fixed term exclusion]**.

**[for pupils of compulsory school age — next 3 paragraphs]**

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of fixed term exclusion or specify dates]**, unless there is reasonable justification for this. 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. It will be for you to show that there is reasonable justification.

We will set work for **[Pupil's Name]** during the **[first five school days or specify dates]** of his/her fixed term exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[if the individual fixed term exclusion is for more than 5 days - NB this includes if 2 fixed term exclusion run consecutively and total more than 5 days]**

From the **[6th school day of the pupil's fixed term exclusion]** **[specify date]** until the expiry of his/her fixed term exclusion 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. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[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 shortly by a further letter]**.

**[School and PRU]** As the length of the fixed term exclusion is more than 15 school days in total in one term the Governing Board/management committee must meet. The Governing Board will consider the reinstatement of your child. At the review meeting you may make representations to the Governing Board/management committee if you wish, either written or verbal representation. The latest date on which the Governing Board/management committee can

meet is **[date here — no later than 15 school days from the date the Governing Board is notified]** If you wish to make representations to the Governing Board/management 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 will, whether you choose to make representations or not, be notified by the Clerk to the Governing Board/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the fixed term exclusion relates to discrimination (under the Equality Act 2010) you can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which First-tier discrimination claims should be sent is the First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate Darlington, DL1 1RU  
<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

#### **Note – Re-integration meetings are now compulsory**

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.**

You also have the right to see and have a copy of **[Pupil's Name]**'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 **[Pupil's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you: -

- a link to this statutory guidance on exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their 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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England)

(0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

**[Name of Pupil]**'s fixed term exclusion expires on **[date]** and we expect **[Name of Pupil]** to be back in school on **[date]** at **[time]**.

The schools allocated Inclusion Support Officer (**insert name and contact details**) can also provide further advice if required or by emailing [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

Yours sincerely

**[Name]**

Headteacher

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

**Model letter 4:**

**From headteacher (or teacher in charge of a PRU) notifying parent(s) of a permanent exclusion**

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Pupil's Name]** with effect from **[date]**. This means that **[Pupil's Name]** will not be allowed in this school/this PRU unless he/she is reinstated by the Governing Board/the discipline committee (management committee in case of a PRU).

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Pupil's Name]** has not been taken lightly. **[Pupil's Name]** has been excluded because **[reasons for the exclusion — include any other relevant previous history]**

**Note of Advice: Please note that the Independent Review Panels have raised concerns that reasons for permanent exclusion are not fulfilling Page 13 of the Guidance – which states -**

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

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

**Please ensure the reason fulfils the above.**

**[For pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

**[For pupils of compulsory school age]**

Alternative arrangements for **[Pupil's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Pupil's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority – if the child lives outside North Yorkshire it will be the "home LA"]** will provide suitable full-time education. **[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.]

**[For pupils of compulsory school age]**

**[Where 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 arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the Governing Board (or management committee in case of a PRU) must meet to consider the reinstatement of your child. At the review meeting you may make representations to the Governing Board/PRU management committee, either verbally or in writing, if you wish and ask them to reinstate your child in school. The Governing Board/PRU management committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to decline to reinstate your child, in which case you may appeal against their decision to an Independent Review Panel. The latest date by which the Governing Board/PRU management committee must meet is **[specify the date — the 15th school day after the date on which the Governing Board/PRU management committee was notified of the exclusion]**. If you wish to make representations to the Governing Board/PRU management 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 will, whether you choose to make representations or not, be notified by the Clerk to the Governing Board/PRU management committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

**[For Academies]** You also have the right to request that a Local Authority representative attend a meeting of an Academy's Governing Board as an observer; that representative may only make representations with the Governing Board's consent. **Please let me know if you wish an LA representative to attend the meeting.**

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Governing Board/PRU management committee.

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

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you: -

- a link to this statutory guidance on exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their

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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The schools allocated Inclusion Support Officer (**insert name and contact details**) can also provide further advice if required or by emailing [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

Yours sincerely

**[Name]**

Headteacher

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

**Model letter 5:**

**Letter from the Clerk inviting parents to a Governing Boards/Management Committee meeting**

**For fixed term exclusions of 15+ days (or less when parent requests a meeting)**

Dear **Parent/carer's name**

Further to **name of Headteacher/Principal's** letter dated **date** and our subsequent telephone conversation (or emails), I am writing to confirm that the Pupil Discipline Committee of this school will meet on **date** at **time** in the **location** at **school (or alternative location – give details)** to consider the fixed term exclusion of your **son/daughter, name (DOB)**.

The duty of the Committee is to consider the fixed term exclusion and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the fixed term fixed term exclusion would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the Student Discipline Committee and the Headteacher/Principal, **name**. **Name** will also join the meeting when necessary (**if witnesses are being called**).

The Committee will consider carefully all the circumstances of the fixed term exclusion, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the Committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the LA and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **he/she** is entitled to bring a friend. Alternatively, **he/she** may wish to communicate **his/her** views by other means i.e. a letter or statement of the incident. **(This would need to be determined with parents taking into account the age of the child but children should be encouraged to take part in the process)**

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governing Board why you think **name** should return to school and to ask the Headteacher/Principal and the LA representative questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and me, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within one day of the meeting.

During our telephone conversation/or email conversation, you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above (extension **xxx**), by email: **email address** or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible? Could you also please advise me if you have a disability or special needs which would affect your ability to attend, or to take part in, a meeting at the school. Also, could you please inform me if it would be helpful if you had an interpreter at the meeting.

For your information, the following sources of advice are available to you:

- your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.
- a link to this statutory guidance on exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/school-exclusions-and-permanent-exclusions-2023.pdf));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their 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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours sincerely

xxxxxx

**Clerk to the Governing Board**

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

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To: Clerk to Governing Board, **school**

**Name of pupil, dob, yr gp**

Meeting of Pupil Discipline Committee to be held on **date** at **time** to review the Headteacher/Principal's decision to suspend **name** from school

I/we wish/do not wish\* to attend the meeting to consider the reinstatement of my/our child into school.

I/we will/will not be\* accompanied by a friend and/or representative (if applicable)



My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable)

I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:

.....

.....

\* please delete as applicable

Signed: .....

**Model letter 6:  
Letter from the Clerk inviting parents to a Governing Boards/Management  
Committee meeting  
For Permanent Exclusions**

Dear **Salutation**

Further to **name of Headteacher/Principal's** letter dated **date** and our subsequent telephone conversation (or emails), I am writing to confirm that the Student Discipline Committee of this school will meet on **date** at **time** in the **location** at **school** (or state full address if elsewhere) to consider the exclusion of your **son/daughter, name DOB**.

The duty of the Committee is to consider the exclusion and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the permanent exclusion would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the Student Discipline Committee and the Headteacher/Principal, **name**. **Name** will also join the meeting when necessary (**if witnesses are being called**). An officer of the Local Authority will also be invited. **[NB: LA rep will only attend Permanent Exclusion meetings and, for Academies, this will be by invitation of the parents or school]**

The Committee will consider carefully all the circumstances of the exclusion, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the Committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the LA and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **he/she** is entitled to bring a friend. Alternatively, **he/she** may wish to communicate **his/her** views by other means i.e. a letter or statement of the incident. **(This would need to be determined with parents taking into account the age of the child but children should be encouraged to take part in the process)**

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **he/she** is entitled to bring a friend. Alternatively, **he/she** may wish to communicate **his/her** views by other means.

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governing Board why you think **name** should return to school and to ask the Headteacher/Principal and the LA representative questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and me, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within one day of the meeting.

During our telephone conversation (or email conversation), you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above (extension **xxx**), by email: **email address** or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible? Could you also please advise me if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school? Also, could you please inform me if it would be helpful if you had an interpreter at the meeting?

For your information, the following sources of advice are available to you:

- your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.
- a link to this statutory guidance on exclusions – May 2023 ([School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/school-suspensions-and-permanent-exclusions-2023.pdf));
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.ace-ed.org.uk>) and their 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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/> ).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours sincerely

xxxxxx

**Clerk to the Governing Board**

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

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To: Clerk to Governing Board, **school**

**Name of pupil, dob, yr gp**

Meeting of Pupil Discipline Committee to be held on **date** at **time** to review the Headteacher/Principal's decision to exclude **name** from school

I/we wish/do not wish\* to attend the meeting to review my/our child's exclusion.

I/we will/will not be\* accompanied by a friend and/or representative (if applicable)

My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable)

I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:

.....

.....

\* please delete as applicable

Signed: .....

**Model letter 7:**

**Letter from the Clerk informing parents of the outcome of the Governing Boards/Management Committee meeting (Reinstatement)**

Dear **[Parent's Name]**

As you know, the Governing Board met on **[date]** to consider the permanent exclusion of your son/daughter. At the meeting the Governing Board resolved to reinstate **[Pupil's Name]**.

The Governing Board decided that ..... The reasons for the decision were as follows: -

**[Pupil's Name]** should return to school on **[date]** and report to **[Name]**.

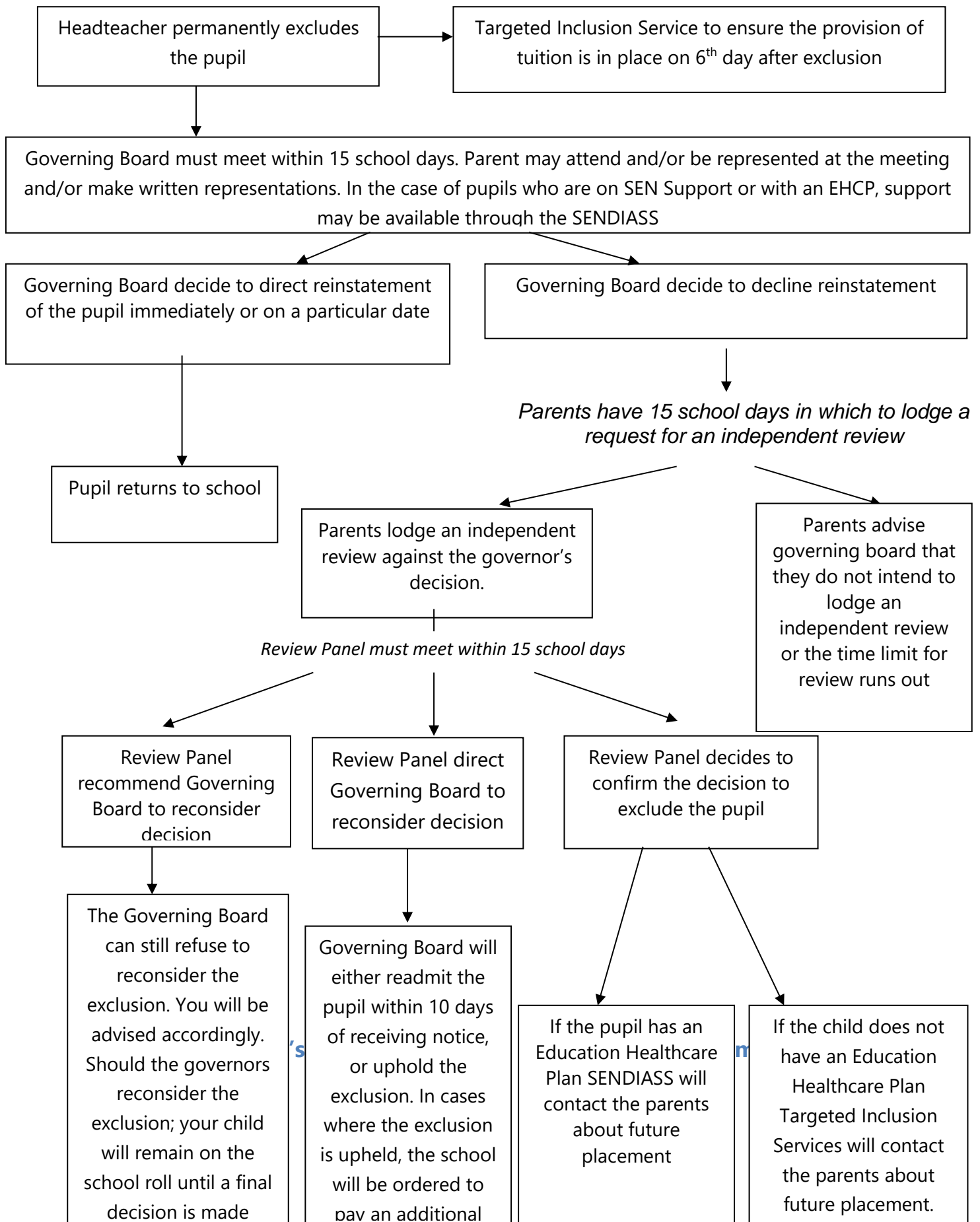
The Governing Board expect that **[Pupil's Name]** will carry out the undertakings given to them about **[his/her]** future behaviour and trust that you will support the school's efforts to educate **[him/her]**.

Yours sincerely

Clerk to the Governing Board

cc. [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

## Appendix 2: Parent's Guide to Permanent Exclusion Procedure



### Appendix 3: Schools Guide – Timetable for Exclusions

	Action Taken	Number of school days
1	The Headteacher should, as far as possible, establish the facts of the behaviour in question	On the day of the incident or as soon as possible afterwards
2	The Headteacher notifies the parent and sends letter inviting them to the GDC. There must be no sooner than 5 days prior to receiving paperwork for the hearing.	Same day as decision to exclude
3	If fixed term exclusion is for more than 5 days, or is a permanent exclusion, Headteacher notifies the discipline committee and Brent using the appropriate form (EX1 and EX2)	Immediately
4	Parents should indicate whether or not they intend to make representations to the discipline committee	Written statements from parents/carers, as well as school's paperwork/evidence, must be made available to all parties at least 5 days before the hearing. Parents can make verbal representation only.
5	Response by the Headteacher to the parent's request to access the child's curricular or education records	As soon as possible but within 15 school days, before the hearing takes place.
6	The clerk to the discipline committee convenes a meeting to consider whether or not to uphold the Headteacher's decision for all fixed term exclusion over 15 days and at parents request for 15 days or under.  As far as possible this should be at a time and place convenient to all parties. Written statements should be circulated in advance of the meeting.	For fixed term exclusions of between 1 and 15 days the committee must meet between the 6 <sup>th</sup> and 50 <sup>th</sup> day (only if the parent requests a meeting)  For a fixed term exclusion over 15 days, or permanent exclusion the committee must meet between the 6 <sup>th</sup> and 15 <sup>th</sup> day.
7	The discipline committee should notify the parent and the LA of their decision and their reason in writing	Within one school day
8	Parent's notification of the appeal against the disciplinary committee's decision to uphold a permanent exclusion	Within 15 days of the clerk's notification of the decision
9	Independent Review Panel meets to consider the parent's appeal	Within 15 days from the parent's receipt of the notice. (In exceptional

		circumstances the LA has the discretion to extend the period)
10	Clerk to the Independent Review Panel sends out notification of the decision to all parties	By the end of the second school day after the appeal hearing.



## **Appendix 4: Fixed Term Exclusion and Permanent Exclusion FAQs**

Based on the DfE document: [School suspensions and permanent exclusions - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/School_suspensions_and_permanent_exclusions_-_GOV.UK.pdf)  
([www.gov.uk](https://www.gov.uk));

### **1. Can a Headteacher exclude for a fixed period or permanently exclude a pupil for non-disciplinary reasons?**

It is unlawful to fixed term exclude or permanently exclude for non-disciplinary reasons. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a failure of the pupil to meet specific conditions before they are reinstated following a fixed term exclusion, such as not attending a reintegration meeting. Likewise, it is unlawful to exclude a pupil because of a breakdown in the relationship with their parents.

#### **Alternative Provision and Respite**

Schools should use Alternative Provisions to provide education for children who cannot attend a mainstream school.

- Schools arrange education for pupils on a fixed-period exclusion of more than 5 days, from day 6 onwards
- Schools can arrange education for pupils to improve their behaviour off-site

Headteachers have the right to direct pupils to off-site provision for pupils where it is felt this would be beneficial to support a child's needs or bring about an improvement in their behaviour. It may also be used to ensure and promote safety of all pupils.

The LA has an in-borough primary (at Brent River College) and secondary (Roundwood School) alternative provision, and schools can directly refer. Schools can also commission other provision of their choosing. Schools must ensure quality assurance measures are in place and remain responsible for monitoring attendance.

### **2. Can Headteacher's convert and/or extend a Fixed Term Exclusion (incl. pending) into a permanent exclusion?**

The law does not allow for extending a fixed term exclusion or 'converting' a fixed term exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light through an investigation, a further fixed term exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed term exclusion.

**3. Can Headteacher's issue a fixed term exclusion pending (in the first instance) further investigation?**

This would suggest that a Headteacher is considering or likely to convert a fixed term exclusion into a permanent exclusion and the guidance from question 1 applies.

**4. At what point can Headteacher's withdraw a permanent exclusion if a managed move has been agreed (before the governor's hearing)?**

A permanent exclusion can be withdrawn at any point within the 15-day period from when the pupil receives written notice of their permanent exclusion and the governor's hearing. The withdrawal notice/letter must be made available to the local authority, parents/carers and clerk to the governor's discipline committee before the hearing begins. In some instances, it may be that the governor's meet to agree an adjournment if it is known that a withdrawal is imminent or parents/carers have agreed to a managed move instead.

**5. What happens if a managed move is unsuccessful (without a Permanent Exclusion having been issued)?**

A managed move is the opportunity for a child to make a fresh start in a new school setting. If no permanent exclusion has previously been issued but discussions concerning the managed move placement break down it will be up to the original school to agree to transition arrangements for the pupil – likely a return to the original setting. Headteachers should not issue a permanent exclusion straight away because a managed move has failed.

**How the Inclusion Team support and facilitate a manage move:**

**Manage Move Process:**

**Before requesting a managed move**

Prior to requesting a managed move, the headteacher should be satisfied all reasonable steps have been taken to resolve the pupil's difficulties in school. The headteacher must then consult the parents and the pupil about their views on a move to another school at a review meeting as part of the pupil's current pastoral support program whilst liaising with the Inclusion Team for advice and guidance. If parents agree that a managed move is appropriate, and written consent is obtained, they will be asked to express a preference for an alternative school. Parents must, however, be informed that a request for a managed move may not always be accepted and also that any transport requirements are the responsibility of the home school and the parent.

When a receiving school has been identified and the parents have agreed, information will be shared with the potential receiving school. A meeting will then

be arranged as soon as possible at the receiving school (good practice would be within 2 weeks) to agree whether to proceed with the managed move.

**When a managed move has been agreed**

A member of the proposed school staff will normally meet the child regularly to review their progress towards the managed move targets. This gives the child the chance to identify what has gone well and how to replicate success. During the managed move the proposed school will also provide the home school with a weekly record of the child's attendance.

**End of managed move period**

At the final review meeting, a decision must be made as to whether the pupil transfers permanently to the receiving school or returns to the original school (preferably during the 6<sup>th</sup> week if successful but no later than 12 school weeks from the start date). On the agreed date, the pupil's name must be deleted from the admission register of the original school and added to the admission register of the receiving school. Admissions must be notified of a successful managed move, so that pupil numbers at each of the schools in question can be updated. The Inclusion Team must also be made aware of the successful managed move so that records can be updated.

**Ending a managed move early**

In exceptional circumstances (usually as a result of significant behaviour problems) the receiving school may wish to end the arrangement before the managed move 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 pupil must return to the original school.

**6. If a managed move fails after a school has withdrawn a permanent exclusion can the permanent exclusion be reinstated?**

A failed managed move is not grounds for a reinstatement of a permanent exclusion.

**Note: The Fair Access Panel Process**

The role of the Fair Access Panel (FAP) is to oversee the process and ensure that the amount of time any child, especially the most vulnerable, is out of school is kept to a minimum. Local Authorities are expected to work in partnership with all schools in their area.

**The core function of these panels is to support inclusion by:**

- Agreeing and reviewing the Fair Access Panel
- Providing transparency of processes and procedures
- Helping provide a clear system to demonstrate an equitable distribution of young people into schools that may have a range of complex needs and behaviour history
- Ensuring services and existing systems provide value for money

- Helping to ensure there are clear and robust policies in place, to enable the local authority to meet its duty in relation a young person's education entitlement, suitable to their age, ability, aptitude and any special educational needs they may have
- Assisting services and system to maximise safeguarding

**Responsibilities of school representatives:**

- Ensure the local protocol is adhered to
- Ensure the needs of the child are taken into account
- Ensure all schools are treated fairly.

**7. If a parent/carer refuses a managed move what options are available for schools?**

Every effort should be made to explain to parents/carers the reason for a managed move and how this would be a better outcome than a permanent exclusion. Headteacher's should not apply undue pressure on families to accept a managed move and should acknowledge the stress and emotions of the situation faced by the family. If parents reject the offer of a managed move the Headteacher will need to consult the school's behaviour policy, the DfE Exclusion guidance and have regard for the SEND Code of Practice in deciding what sanction is applicable.

**8. How should schools inform the Inclusion Team about a managed move or a withdrawn permanent exclusion?**

A copy of the managed move letter should be sent to the local authority mailbox: [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk) and schools are expected to also include managed moves on their monthly EX1 return to Brent. The letter should make it clear that the permanent exclusion has been withdrawn, name the new provision and its start date.

**9. How can I access more support from the Inclusion Team and at what point in the process?**

The Inclusion Support Team are best placed to provide early support and intervention for pupils that are at risk of fixed term exclusion or permanent exclusion. All schools have an allocated Inclusion Support Officer and this officer is the first point of contact in all matters relating to behaviour support, pupil support and advice and guidance in relation to fixed term exclusion and permanent exclusion and intervention strategies. Schools should have regular discussions with their Inclusion Support Officer to review the 'at risk' of fixed term exclusion or permanent exclusion pupil list.

**10. Attendance monitoring of vulnerable pupils**

The strategies to review attendance of vulnerable pupils:

- Review school data termly
- Termly meeting with Attendance Leads
- Key vulnerable students tracked by schools and guidance over school protocols

### **11. Disproportionality in exclusions of Black/Black British and Mixed/dual Heritage**

All schools are also able to make referrals directly to the Inclusion Team, this is known as an Inclusion Assessment and Referral Form that can be completed and sent to the team: [pupil.referrals@brent.gov.uk](mailto:pupil.referrals@brent.gov.uk). The service available by the team is documented in the Inclusion Support Team Brochure which can be found on Brent's website or requested from Inclusion Support Officers.

#### **The strategies to reduce and prevent exclusions:**

- Review school data termly
- Termly meeting with headteachers (resulting in a headteacher forum to support schools)
- Request meeting with Inclusion Team Manager

### **12. Who can set up an IRP?**

Brent can coordinate the IRP, this service is free to community schools. Details can be found on [BestBrent](#) or email [committee@brent.gov.uk](mailto:committee@brent.gov.uk). Brent's Democratic Services can be contacted to set up an IRP for both maintained schools and academies. An Academy can however also source alternatives from the private sector.

### **13. Who should a school inform about the outcome of an IRP?**

All schools are expected to inform Brent council of an IRP and the subsequent outcome. Brent will hold these records and is required to report to the DfE. The date of the IRP and the outcome should be emailed to: [schoolexclusions@brent.gov.uk](mailto:schoolexclusions@brent.gov.uk)

## Appendix 5: Headteacher Checklist

Consideration should be given to the following checklist to suspend or permanently exclude

	Yes	No
Has the Pupil Committed the Offence?		
Has there been serious breach/es of the school behaviour policy?		
Is the pupil's presence in school detrimental to the education or welfare of the pupil or others in the school?		
Is this as a last resort following a wide range of other strategies that have been unsuccessful? Or Is this a serious first or 'one off 'offence?		
Is fixed term exclusion/permanent exclusion the appropriate response? Factors to Consider <ul style="list-style-type: none"> <li>• Decision to suspend not taken in the heat of the moment</li> <li>• A thorough investigation has been carried out</li> <li>• Evidence has been considered in the light of policies and discrimination</li> <li>• The pupil's views have been encouraged, heard and recorded</li> <li>• Mitigating circumstances and provocation (bullying etc.) have been considered</li> <li>• Appropriate wider consultation has been considered</li> </ul>		
Has there been involvement from Specialist Behaviour Support / SEND teams or an Educational Psychologist (EP)?		
Has a Behaviour Plan/IEP been implemented?		
Is it appropriate to make a referral to Children and Family Practices via the Multi Agency Safeguarding Hub (MASH)?		
Have alternatives to fixed term exclusion been considered (e.g. restorative work, mediation, internal fixed term exclusion, managed move, proactive alternative education placement)?		
On the balance of probabilities, did the pupil, do it? For more serious allegations the evidence must be more substantiating		
Special Considerations		
Does this pupil have a statement of Special Educational Needs (SEN) or an EHC Plan? Have you contacted the SEN officer? Has an emergency Annual Review/Interim Review been called? See separate check list for considerations around the fixed term exclusion/permanent exclusion of children with SEN/disability		
Is this pupil currently a child in the care of the Local Authority? Have you contacted the Head of the Virtual School and Social Worker?		
Is this pupil subject to Child Protection procedures or a Child in Need? Have you spoken to the Social Worker?		
Is there a TAF for this child/family? Have you liaised with your Children & Families Practice?		
Have issues of SEN, disability, race and care been fully considered? See separate checklist for considerations around the fixed term exclusion/permanent exclusion of children with SEN/disability		

Has the appropriate length of fixed term exclusion been considered? Is this for the shortest possible time?		
Has the pupil been suspended/permanently excluded previously?		

### Headteacher's checklist for Pupils with a SEN/disability

**Headteachers should give consideration to the following checklist before deciding to suspend a pupil with SEN/disability for any period of time.**

	Yes	No
<p>Does the pupil have a Statement of Special Educational Needs or EHC Plan?</p> <ul style="list-style-type: none"> <li>• Has the SEN Caseworker been contacted?</li> <li>• Has an emergency Annual Review/Interim Review been called?</li> </ul> <p>Not all pupils with statements of Special Educational Needs will have a disability but there is a significant overlap.</p>		
<p>Is this pupil on the SEN register?</p> <ul style="list-style-type: none"> <li>• Has extra assistance from the local authority been explored (have Specialist SEND teams/EP had recent involvement)?</li> </ul>		
<p>Does the pupil have a disability?</p> <p>For example, do they have a mental or physical impairment which has a substantial, adverse effect on their ability to carry out normal day to day activities? In law "substantial" means more than minor or trivial In law "long term" means at least a year Not all pupils with a disability will have a statement of Special Educational Needs, or EHC plan but many will. "Disability" includes physical disabilities, speech and language needs, memory and ability to concentrate, perception of the risk of danger when these are adverse, long term and substantial</p>		
<p>Has the pupil been treated less favourably? Would a pupil without a disability have been dealt with in the same way?</p> <p>You will need to consider</p> <ul style="list-style-type: none"> <li>• What is less favourable treatment?</li> <li>• What is the reason for less favourable treatment?</li> <li>• Is the reason directly related to their disability?</li> <li>• Can less favourable treatment be justified?</li> <li>• Is the justification material and substantial?</li> </ul>		
<p>Have reasonable adjustments been made for this pupil?</p> <p>You will need to consider:</p> <ul style="list-style-type: none"> <li>• Would failure to make reasonable adjustments place the pupil at a substantial disadvantage?</li> <li>• Could the need to make reasonable adjustments have been anticipated?</li> <li>• Has the school reviewed policies, practices and procedures (continuing responsibility)?</li> </ul>		

<ul style="list-style-type: none"> <li>• Does reasonable adjustment involve removal/alteration of physical features?</li> <li>• Does reasonable adjustment involve provision of auxiliary aids/services (SEN framework)?</li> <li>• Have relevant factors been explored and balanced? <ul style="list-style-type: none"> <li>▪ Need to maintain standards?</li> <li>▪ Financial resources available?</li> <li>▪ Cost of taking particular step?</li> <li>▪ Extent to which it is practical to take particular step?</li> <li>▪ Extent to which auxiliary aid/services will be provided under SEN framework?</li> <li>▪ Health and safety requirements?</li> <li>▪ Interests of other pupils/prospective pupils?</li> </ul> </li> <li>• Could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)?</li> <li>• Can actions or omissions be materially and substantially justified?</li> </ul>		
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## Appendix 6: Governing Board fixed term exclusion and permanent exclusion Procedure

<b>Headteacher suspends or permanently excludes pupil</b>	
<b>Fixed term exclusion</b>	<b>Permanent exclusion</b>
<p>Clerk/Chair of Committee receive copy of fixed term exclusion letter from Headteacher</p> <p>Clerk arranges a meeting of the Governing Board Committee if appropriate and contacts all involved</p> <ul style="list-style-type: none"> <li>• 1-5 days – Governing Board is not required to arrange a meeting.</li> <li>• 6-15 school days’ fixed term exclusion in one term - meeting no later than 50 school days – meeting only in event of parental request.</li> <li>• 16-45 school days’ fixed term exclusion in one term - meeting no later than 15 school days</li> </ul> <p>Clerk sends</p> <ul style="list-style-type: none"> <li>• Letter inviting parents to the Governing Board Committee meeting</li> <li>• Order of proceedings</li> <li>• Any evidence to be considered at the meeting</li> </ul> <p>Clerk takes notes of meeting and records the decision of the Governing Board Committee. None of the parties, with the exception of the Clerk, should be alone with the Governing Board Committee at any time.</p> <p>At the conclusion of the meeting, Clerk sends a letter (without delay) informing parents of the decision with copy to <a href="mailto:schoolexclusions@brent.gov.uk">schoolexclusions@brent.gov.uk</a></p>	<p>Clerk/Chair of Committee receives copy of permanent exclusion letter from Headteacher.</p> <p>Clerk contacts all involved and arranges a suitable date for a meeting of the Governing Board (the meeting must take place no later than 15 school days of notice of the exclusion)</p> <p>Clerk sends</p> <ul style="list-style-type: none"> <li>• Letter inviting parents to the Governing Board Committee meeting</li> <li>• Order of proceedings</li> <li>• Any evidence to be considered at the meeting</li> </ul> <p>Clerk takes notes of meeting and records the decision of the Governing Board Committee. None of the parties, with the exception of the Clerk, should be alone with the Governing Board Committee at any time.</p> <p>At the conclusion of the meeting, Clerk sends without delay a letter informing parents of the decision, with copy to <a href="mailto:schoolexclusions@brent.gov.uk">schoolexclusions@brent.gov.uk</a></p>

## **Appendix 7: A summary of the Governing Board's duties to review the Headteacher's exclusion decision**

### 1. Is it a permanent exclusion?

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

If the answer is no, go to step 2.

### 2. Is it a fixed term exclusion that alone, or in conjunction with previous fixed term exclusions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the Governing Board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the fixed term exclusion.

If the answer is no, go to step 3.

### 3. Is it a fixed term exclusion or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

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

If the answer is no, go to step 4.

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

If the answer is yes, go to step 5.

If the answer is no, the Governing Board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

### 5. Have the pupil's parents requested a Governing Board meeting?

If the answer is yes, the Governing Board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the fixed term exclusion.

The Governing Board is not required to consider the fixed term exclusion and does not have the power to decide to reinstate the pupil.

