Hampshire Services
INCLUSION SUPPORT SERVICE

# Exclusions Guidance for Hampshire Schools

For the particular attention of Headteachers, Governors and Education Centre Management Committee Members

**September 2025**

Hampshire County Council

www.hants.gov.uk

**Updates to this guidance September 2025**

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|---|---|
| Introduction | Clarification of IRP deadline |
| Section A | Updated Permanent Exclusion Self-evaluation tool. |
| | Added Risk Analysis Tool |
| Section D | Updated checklist for information required for Governors Disciplinary Committee meetings. |
| Appendix 2 | Amendment to timeline of parental view being shared |
| Appendix 3 | Update to permanent exclusion notification form |

**Updates to this guidance 2024**

| | |
|---|---|
| Section A | The role of the headteacher including Permanent Exclusion self-evaluation tool. |
| | The role of the Local Authority |
| Section D | Updated checklist for information required for Governors Disciplinary Committee meetings. |
| Section I | Managed move guidance has now been updated. |
| Appendices | Letter templates updated to reflect the following changes:<br>• Innovation Volunteer service no longer available<br>• Links for services offering advice and guidance updated |

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## Introduction

The Children's Services Department of Hampshire County Council (HCC) is responsible for the delivery of strategic plans identified in the County's '*Children and Young People's Plan*' (CYPP). The Executive Summary of the CYPP sets out the strategic plan for Hampshire's Children's Trust; the main priorities for the delivery of services to children, young people and families are thus listed below. The vision and priorities of the CYPP are based on a commitment to early help for children, young people and families. This means identifying as early as possible if a child or family needs support, helping them to access services, and working together to ensure that the support provided has the maximum impact.

The CYPP identifies five priorities for all those working with children and young people in Hampshire. These have been developed through an analysis of need and consultation with children, young people, their parents/carers, and all Children's Trust partners. Furthermore, all priorities align national Children's Plan 2020 goals and incorporate Hampshire's Child Poverty Strategy as required by the *Child Poverty Act 2010*.

## Hampshire priorities

1 **Addressing the incidence and reducing impact of poverty on the achievement and life chances of children and young people.**

2 **Securing children and young people's physical, spiritual, social, emotional and mental health, promoting healthy lifestyles, and reducing inequalities.**

3 **Providing opportunities to learn, within and beyond the school day, that raise children and young people's aspirations, encourage excellence, and enable them to enjoy and achieve beyond their expectations.**

4 **Helping children and young people to be safe and feel safe.**

5 **Promoting vocational, leisure and recreational activities that provide opportunities for children and young people to experience success and make a positive contribution.**

All the priorities can be linked to maintaining the inclusion agenda and hopefully reducing exclusions so children's and young people's life chances can be enhanced. Attention is also drawn to the Department of Education's *Keeping Children Safe in Education*, given its importance regarding the safeguarding and welfare of young people:

https://www.gov.uk/government/publications/keeping-children-safe-in-education

The latest Department of Education guidelines on exclusion: **Suspension and permanent exclusion *from maintained schools, academies and pupil referral units in England, including pupil movement guidance 2024 (The Guidance)***, defines the headteacher's role, the governing board's role, and the details for independent reviews:
https://www.gov.uk/government/publications/school-exclusion

This Hampshire document is designed to highlight important points and provide additional advice specifically tailored for HCC schools, highlighting good practice over and above legislative requirements. Inclusion Officers or Inclusion Assistants will be happy to give further help and advice. When considering an exclusion-suspension or permanent exclusion, colleagues should always refer to the latest statutory DfE guidance not Hampshire Exclusion Guidance which is advisory not statutory.

Headteachers, Governing Bodies, Academies, Free Schools, Local Authorities (LA) and Independent Reviews must, by law, have regard to *The Guidance* when making decisions on exclusion and administering the exclusion procedure. This means that, whilst *The Guidance* does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. *The Guidance* is not exhaustive, and judgements will need to take account of the circumstances of individual cases. Schools should note that the parts of *The Guidance* where the word '*must*' is used are normally underpinned by law.

These procedures apply to all Hampshire maintained schools, Academies and PRUs – known as Education Centres in Hampshire – and all pupils in them, including any who are below or above compulsory school age. The procedures do not apply to independent schools, city technology colleges or sixth form colleges, but do apply to maintained nursery schools and sixth forms which are part of a maintained school. Academies must have procedures in place that are consistent with those set out in *The Guidance*. Annex D, *Exclusions of the funding agreement for academies*, gives guidance and reference to *The Guidance* with three exceptions relating to:

- the Academy Trust's responsibility for setting up Independent Reviews
- the Local Authority's role
- arrangements for money to follow pupils who have been permanently excluded.

Where the parents/carers of an excluded pupil do not speak, or have a good understanding of, English, correspondence and documentation relating to the exclusion should be translated into their mother tongue. In such cases, the school and/or Local Authority (LA) should arrange for an interpreter to be present at any meetings with the parents/carers about the exclusion – the Ethnic Minority and Traveller Achievement Service (EMTAS) may be able to help with this. Similarly, schools need to take into consideration any disability of the parents/carers, e.g: hearing or visual impairments and consider any appropriate support that may be needed during the exclusion process.

It is expected that schools would adhere to good practice regarding the potential exclusion of a child or young person who is known to Children's Services, whereby the school would liaise with and inform the relevant Social Worker/Family Support Worker of any intended exclusion, given schools' responsibilities to work with other agencies to safeguard children and young people.

## Types of exclusions

There are two types of exclusion: **suspensions** (fixed period) and **permanent**. The former is limited to a total of 45 days in any one academic year for an individual pupil **but not in any one establishment.** Therefore, the receiving school, for pupils changing establishments mid-year, should be particularly vigilant about obtaining accurate information on any previous suspensions in that academic year.

- **Suspensions (previously known as fixed-period exclusions)**

  Are split, procedurally, into:

  - suspensions of 5 days or less
  - suspensions of between 5.5 and 15 days
  - suspensions of 15.5 days and over.

  Schools are responsible for the **setting and marking** of work during the first 5 school days of a suspension. The set work should be available at the **beginning** of the exclusion and be appropriate for the pupil concerned. Some will not be able to manage to work independently, either with printed or IT based work, so will need additional clear guidelines and prompts.

  During this period**, parents/carers are responsible** for ensuring that their child is not present in a public place during normal school hours without reasonable justification, e.g. a dental or medical appointment.

  On the 6th day of a suspension or consecutive suspensions, schools must make arrangements to provide full-time education provision (see Section C for further advice).

  **NB:** Failure to complete work, however, is **not** a reason for refusing to allow the pupil to return to school.

- **Permanent exclusion**

  The LA will be responsible for arranging suitable full-time education provision from the 6th school day of a permanent exclusion.

  **It is imperative that schools inform the Inclusion Support Service (ISS) at the very earliest opportunity of the decision to permanently exclude** so that Education Centres can be informed, transport arrangements made, and education provision maintained, in line with the LA's statutory responsibilities and timeframes.

  Hampshire has an electronic notification form which schools must upload electronically onto Hampshire's IT system via the Education Information Hub or to the 'Exclusion Uploads from Schools' inbox and avoid the necessity for paper notification forms. The most up-to-date form(s) are on the Education Information Hub and in this guidance.

**This form needs to be completed on the first day of the notification of a permanent exclusion so that the child or young person does not suffer any delay in 6th day educational provision.**

**Notification forms are no longer required for suspensions.**

Where another LA other than HCC is involved, **schools** have a duty to inform the relevant LA immediately.

Funding following permanently excluded pupils is taken from the 6th day of the exclusion process. However, in all permanent exclusions, the pupil's name **must remain on the school roll** until the review process has been completed. This can be:

- The day following the last date for parents/carers to ask for a review by an Independent Review Panel (IRP), which in Hampshire is taken to be 15 school days from notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil
  **or**
- the date the LA receives written notification that the parents/carers do not wish to request an Independent Review (IR) if that is received before the 15th school day following the notice of the GDC decision
  **or**
- the date on which outcomes from the IR process or any possible Tribunal outcome determine an off-roll date or reinstatement (see Section B flowcharts)
  **or whichever is the earlier**.

## The Law, policies and advice

The principal legislation to which the exclusions guidance relates is:

- *The Education Act 2002*, as amended by the *Education Act 2011*
- *The School Discipline (pupil exclusions and reviews) (England) Regulations,* 2012
- *The Education and Inspections Act 2006*
- *The Education Act 1996*
- *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
- Suspension and permanent exclusion *from maintained schools, academies and pupil referral units in England, including pupil movement guidance 2024*

Under the *Equality Act 2010* schools must not discriminate against, harass, or victimise pupils because of their: sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity, or because of a gender reassignment. For disabled children or young people, and those with identified special educational needs (SEN), this includes a duty to make reasonable adjustments to policies and

practices. The Equality and Human Rights Commission has published an informative and helpful document on reasonable adjustments:

reasonable_adjustments_for_disabled_pupils_1.pdf (equalityhumanrights.com)

In terms of exclusions, schools should be mindful of this duty. Section M outlines the findings of a Court case earlier in 2018 when a tribunal claim was raised against a school alleging the exclusions constituted discrimination arising from the disability. In carrying out their functions under the Act, schools must have due regard to the need to:

- analyse the impact of behaviour, discipline and exclusion policies on different ethnic groups
- make effective use of data
- involve minority ethnic children and young people, parents/carers and communities in policy making, consulting them about their needs and opinions.

Further advice can be obtained from the district or phase School Improvement Manager, EMTAS or ISS. Legal Services can offer advice on disability discrimination enquiries.

The exclusion rates for certain groups of pupils are consistently higher than average. They include pupils with SEN, those eligible for free school meals, those open to social care including those in LA care, and children, and young people from certain ethnic groups. The ethnic groups with the highest rates of exclusion are Gypsy/Roma, Travellers of Irish Heritage, and Black Caribbean communities.

**DFE**
*The Guidance* advice on behaviour and discipline in schools is available from:
Behaviour in Schools - Advice for headteachers and school staff (publishing.service.gov.uk)

A parent guide to school exclusions and behaviour is available from:
A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

**Ofsted**
Key features of the *Framework for school inspection* from September 2023:
https://www.gov.uk/government/publications/education-inspection-framework

**SEND**
Advanced training materials for teachers of pupils with special educational needs and disabilities and SEND Training materials can now be found on Whole School SEND:
Resources listing | Whole School SEND

## Hampshire publications

- Hampshire's Behaviour and Attendance website is a support site for general queries and advice related to Hampshire schools' policies and practices in the areas of general teaching and learning, and pupil behaviour and attendance at school:

  https://www.hants.gov.uk/educationandlearning/hias/teaching-learning/behaviour-attendance

- Hampshire's Virtual School's *Personal Education Plan toolkit: Identification of children's and young people's needs with supportive strategies and interventions within the school setting* is an excellent aid for identification of children's and young people's needs with supportive strategies and interventions within the school setting. This is aimed at looked after children with attachment difficulties, but can be beneficial for schools assisting children or young with attachment and emotional difficulties: https://virtualschool.hants.gov.uk/ / Course: PEPs - General information

When considering the exclusion of a child or young person who is known to Children's Services, statutory guidance has changed to include informing the relevant Social Worker/Family Support Worker of any intended exclusion given schools' safeguarding responsibilities. If the child is looked after, Hampshire's Virtual School must be fully informed. These parties will be part of any hearings.

**Section A**

## The role of the headteacher

Only a headteacher can suspend or permanently exclude a pupil on disciplinary grounds.

A headteacher's decision '*must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate*' (paragraph 2). Permanent exclusion should only be used as a '*last resort'* (page 3).

To support headteachers with their decision-making process, the LA has produced the following self-evaluation tool (page 14) and risk analysis tool (page 17):

**Self-Evaluation Tool for Headteachers when Considering Permanent Exclusion (PEX)**

Hampshire County Council

It is the expectation in HCC that schools will contact ISS **before** the decision to permanently exclude is made, and before the subsequent letter and notification are uploaded to the Hub. It is also expected that any permanent exclusion paperwork is fully completed and uploaded on the day that the permanent exclusion is issued.

| Areas to Evaluate | Notes |
|---|---|
| The Incident(s)/Behaviour Policy/Tests for Permanent Exclusion | |
| Is it for a single serious incident / one off incident or for persistent disruptive behaviour? | |
| How are you certain, that this incident relates to this child and that they are responsible for the behaviour? DfE civil standards of proof (on the balance of probability) did the child do this? | |
| Has there been a **serious** breach(s) of the school's behaviour policy? Details of **how** the policy has been breached. Reference page/paragraph numbers | |
| How will the child's presence **seriously** harm the education and welfare of them / others? Have you completed a full risk assessment? How could you mitigate against permanent exclusion? | |
| Is the permanent exclusion a '**last resort'** following a wide range of other strategies that have been unsuccessful? Has there been a recent review of the support? Have you reviewed minutes of this? | |
| Is the exclusion a **fair**, **rational**, **reasonable** and **proportionate** decision?<br>Is the behaviour so serious that no other sanction is appropriate? | |

| Investigation and Statements | |
|---|---|
| Has the child had opportunity to explain what happened (not straight after the event)? Have they been offered a variety of ways to contribute?<br>Are the school clear on what the child's behaviour is trying to communicate? Does the child understand the seriousness of the situation? | |
| Have parents/others been consulted and did they add helpful information or context regarding the child's behaviour? Were minutes produced and have they been reviewed? | |
| Have you considered **before** making the decision:<br>• Has the decision to exclude been made in the heat of the moment?<br>• Has there been a thorough investigation?<br>• Have robust witness statements been collated?<br>• Was there any provocation? E.g. bullying. Was it part of a wider picture? | |
| SEND | |
| Does the child have any SEN- diagnosed or non-diagnosed conditions?<br>Have reasonable adjustments been made? How? Was everything in place that should have been in place on this day? | |
| Does the child have an EHCP?<br>Has an interim annual review been called to consider this incident / behaviour? Have you made contact with SEN to discuss? | |
| Intervention/Support/Alternatives | |

| | |
|---|---|
| Have you spoken to PBS or the Education Centre about this potential permanent exclusion? If not, why not? | |
| Does the child have a working Pastoral Support Plan / Individual Behaviour Plan etc? When was this last reviewed? Did a range of professionals inform this? | |
| Is the child known to Children Services and if so, what is their current involvement? Have you spoken with the Social Worker? Have they added any relevant information? Has the Virtual School Extended Duties Team been contacted? | |
| Is the child a Looked After Child?<br>If so, has the Virtual School been contacted and a meeting held? What has been suggested? Has this been put in place? | |
| Is the child from traveller or global majority heritage or have English as an additional language? If so, has EMTAS been contacted and a meeting held? What has been suggested? Has this been put in place? | |
| If a permanent exclusion is decided upon, would this increase the safeguarding risks for this child? How? Can this be mitigated? | |
| Has the child had multiple exclusions, or will this be their first? | |
| Have exclusions been effective in the past as a sanction? What else might be more appropriate:<br>• Education/awareness?<br>• Restorative strategies?<br>• Mediation? | |
| Would a managed move or temporary direction offsite been a more appropriate strategy? If not, why not? | |

| Contact with ISS/Procedural Propriety | |
|---|---|
| Following the above, have you contacted ISS **before** the decision to permanently exclude is made, and the subsequent letter and notification was uploaded to the Hub? | |
| Has the permanent exclusion paperwork been fully completed and uploaded on the day that the permanent exclusion is issued? | |

**Schools are directed to Section J- Behaviour Checklist and Strategies, pp 57-61 for further information, advice and signposting.**

## Risk Analysis Tool

DfE Guidance states that the 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** such as staff or pupils in the school.

The Inclusion Support Service have developed this tool to support headteachers to evaluate the harm a pupil may present and identify what can be done to mitigate this.

When using the tool Headteachers should consider the following.

**Behaviour:**

Describe the behaviour that is causing harm. This may include outlining the frequency, location etc.

Outline the impact of this behaviour on education and welfare. For example:

Harm to the Pupil: How is the pupil's education being affected; what is the risk of harm to the pupil (emotional, physical, social); and identify additional needs and if so what (SEND, safeguarding, mental health)?

Harm to peers and staff: Is other pupils' learning being disrupted and if so, how; are there safeguarding concerns for others and if so, what; are staff experiencing threats, stress, or harm; and has staff wellbeing or ability to teach been compromised and if so, how?

**Strategies to mitigate harm:**

Examples of **supportive interventions:** Pastoral support / mentoring; SEN assessment or review; CAMHS or mental health referral; alternative timetable or provision; managed move or respite placement; behaviour support plan / PSP; ELSA / therapeutic input. **Environmental adjustments** could include a change of class or seating; increased supervision; safe space or time-out provision; and staff training or support. Finally, **partnership working** such as multi-agency meeting; parental engagement; Early Help referral; and Inclusion team involvement.

| **Pupil Name:** | | **Date of agreed RA:** | |
|---|---|---|---|
| **Staff involved in RA:** | | | |

**Behaviour**:

| Harm to pupil | Harm to Peers/Staff | Mitigation Strategies implemented | Strategies still available to mitigate permanent exclusion |
|---|---|---|---|
| | | | |

**Behaviour**:

| Harm to pupil | Harm to Peers/Staff | Mitigation Strategies implemented | Strategies still available to mitigate permanent exclusion |
|---|---|---|---|
| | | | |

**Behaviour**:

| Harm to pupil | Harm to Peers/Staff | Mitigation Strategies implemented | Strategies still available to mitigate permanent exclusion |
|---|---|---|---|
| | | | |

**Decision**:
Continue with current provision ☐ Implement additional support ☐ Consider alternative provision ☐ Proceed to exclusion panel ☐

**Rationale:**

## The role of the Local Authority

Following the 2022 changes in statutory guidance, Social Workers and the VSH have an enhanced role to play in all proceedings regarding pupil suspensions and permanent exclusions. Colleagues are directed to page 30 of The Guidance:
78. Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it. The information in paragraphs 66 to 69 must be provided in writing to the local authority.
79. Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so. Further guidance to social workers and VSHs on attending a governing board meeting can be found in paragraphs 128 to 130.

The LA has a number of statutory obligations in relation to the inclusion and exclusion of children of statutory school age. In Hampshire, this is managed by ISS.

The two main areas of work are:

1 Promoting LA and government policy with regard to reducing both permanent exclusions and suspensions. A large part of the Inclusion Officer's role is to act as 'critical friend' to schools, governors, parents/carers and interested parties on issues relating to how exclusion guidance should be interpreted. Inclusion officers will:

- advise schools, governors and parents/carers on procedures relating to all exclusions and to assist where appropriate and applicable to promote effective outcomes.
- support schools where appropriate so they can ensure that suitable provision is in place for pupils who may need alternative provision or programmes, and from Day 6 of a suspension of more than 5 days (see Section C).
- collect, collate, monitor, and communicate appropriate qualitative and quantitative information on all exclusions to inform national and county policy.

2 Carrying out the LA's obligations relating to attending and writing statements for school Governors Discipline Committee (GDC) meetings for all permanent exclusions, and for any Independent Review Panel (IRP) hearings following GDCs. In certain situations, a Statement can be written regarding long suspensions.

At the GDC meeting, the LA officer will present a statement for permanent exclusion cases and, where appropriate, suspensions exceeding 15 days. Please note, **a written LA statement is not statutory** and is rare in other LAs, but it is considered a helpful document for Hampshire governors in order to discharge their duties as robustly as possible. **The LA aims to send their Statement to all parties at least 48 hours before the GDC**. In Hampshire, IRPs for maintained schools are

convened by the Legal Services Department; again, the LA officer will present a Statement for the hearing where parents/carers have asked for a permanent exclusion decision to be reviewed. Academies will be responsible for setting up an Academy IRP unless they choose to buy in to HCC services.

ISS ask an excluding school to provide an evidence pack for any exclusion which will be reviewed by a GDC. This information is sent to all parties and forms the basis for the LA Statement. A list of the suggested supporting documents is given in Section D and the evidence pack should be circulated to all those invited to the GDC by the clerk to the GDC to arrive **at least 5 school days** before the meeting. This includes parents/carers, even if they have indicated that they will not be attending the meeting.

The Inclusion Officer writing the LA Statement also consults with appropriate colleagues and agencies: Hampshire Educational Psychology Service (HEPS), Early Help Hub (EHH), Children's Services Department (Social Care) (CSD), the Youth Justice Service (YJS) and Youth Crime Prevention (YCP). The LA Statement pulls all this information together, considers the criteria for exclusion and any other statutory guidance, references other similar exclusions in Hampshire, and then references all matters to the school's behaviour and exclusion policy. The LA Statement is sent to the clerk to the GDC to be distributed to all attendees before the meeting.

The LA Statement draws the attention of the GDC to those issues where, for example, the LA feels there is a lack of clarity; where more information might be helpful; where it is not evident best practice has been followed; or where statutory guidance appears to have been ignored. The LA may advise on how other schools have dealt with similar incidents, including alternatives to permanent exclusion, and advise on alternative arrangements for the pupil to continue their education if the exclusion is upheld.

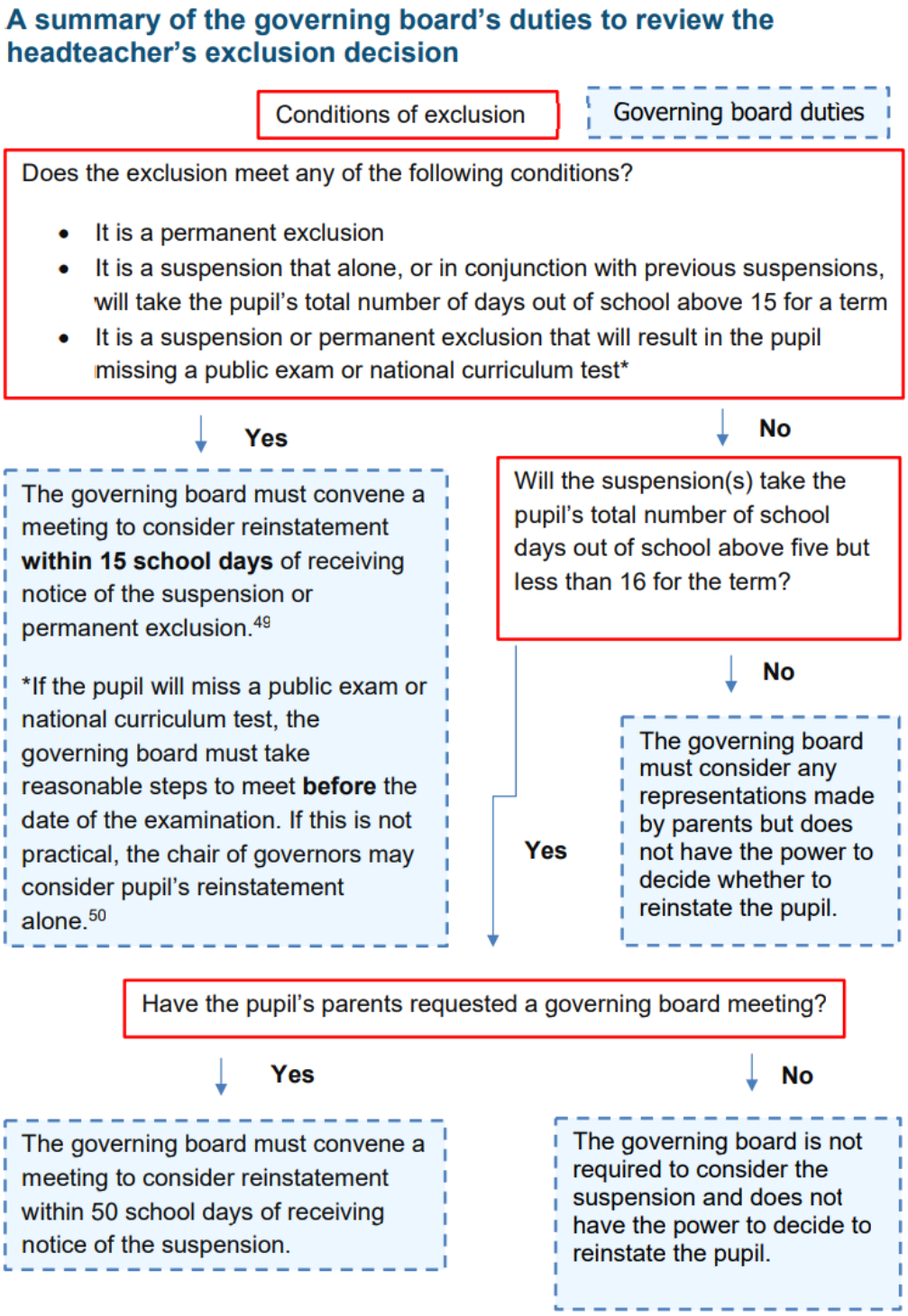
The LA Statement is **not** a summative document, merely one formed from the information received by the date of writing. The Statement will **not** say whether an exclusion is appropriate or not, but it might point out the lack of evidence or comment on the quality of evidence regarding the incident(s) and support provided to the child to address the behaviour in question. It may ask members of the GDC to consider:

- whether evidence regarding the incident leading to exclusion was clear
- if the strategies used by the school were appropriate and given time to succeed
- whether or not consideration has been given to any Special Educational Need (SEN) or disability the pupil may have
- whether the school has taken into consideration the individual circumstances of the pupil before making the decision to permanently exclude
- what evidence there is of other relevant agency involvement
- if there is evidence which shows that '*allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school*'.

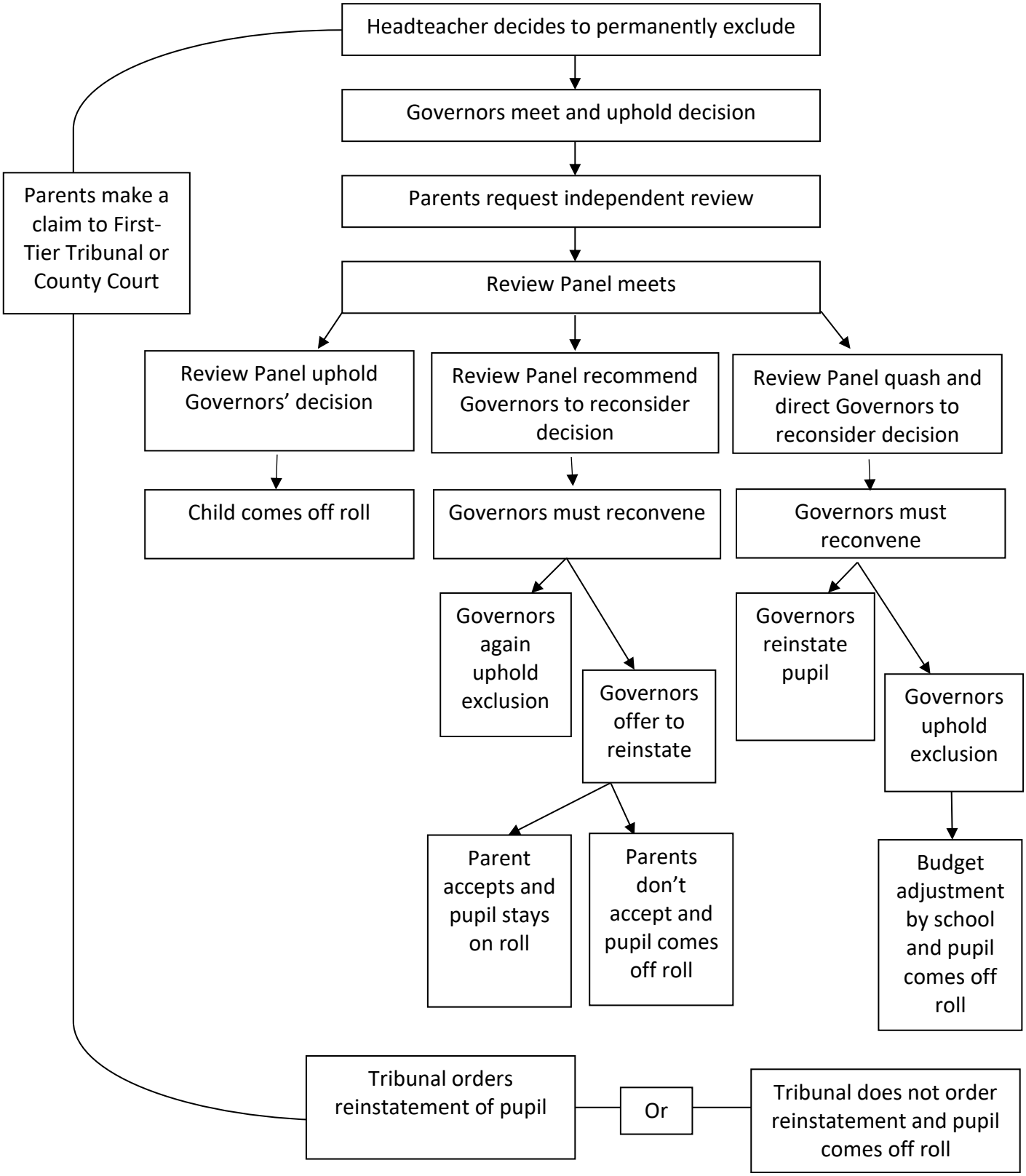
This advice is intended to assist governors to carry out a robust review of the exclusion before arriving at their decision to either uphold the exclusion, or place comments on the pupil's record (for suspensions) or reinstate the pupil (for permanent exclusions). A robust review will give the governors sound reasoning for reaching their decision, which is particularly helpful with a permanent exclusion when parents/carers request an IRP.

IRPs are required to review **how governors reached their decision** at the GDC. It is therefore essential for governors to ensure their decision would stand up to scrutiny by an IRP.
The flow chart in Section B (ii) demonstrates the possible options through the Independent Review process.

## A summary of the governing board's duties to review the headteacher's suspension/exclusion decision- Flowchart



## A summary of the Independent Review Process following the governors' decision to uphold the permanent exclusion – Flowchart



**Section C**

## Providing full-time education from the 6th day of a suspension/permanent exclusion

### Introduction

Since September 2007, maintained schools (including Academies, free schools, and technology colleges) and Local Authority/Academy Education Centres have been required to ensure suitable full-time education is in place from and including the 6th day of any permanent exclusion. Full-time education means supervised education equivalent to that provided by mainstream schools in the area. In Hampshire that education is provided through Education Centres for secondary pupils and bespoke arrangements for primary pupils supported by the Primary Behaviour Service (PBS).

For **single** suspensions of 5.5 or more days, schools must make suitable full-time education provision off site from the 6th day (i.e. the 0.5 or more days). The exclusion notification letter should give details of provision during exclusion.

### Key points: legal obligations

The school **must**:

- inform parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first 5 days of any suspension without reasonable justification. Parents/carers will face a fixed penalty notice or prosecution if their child is found in a public place in school hours without reasonable justification (such as a medical or dental appointment) during this period
- provide full-time education from the 6th day of any suspension of 5.5 days or longer. Parents/carers must be informed of the start date of the provision, the start and finish times of the provision, the address at which the provision takes place, and the information required by their child to identify the person that they should report to on the first day
- immediately inform their own LA, and if different, the LA in which the child resides, of each permanent exclusion.

The school **should**:

- have in place simple, effective referral processes to ensure that as well as notifying parents/carers, off-site providers have as much notice and information about the child or young person as possible
- review on a regular basis their processes and strategies in dealing with alternative provision. There should be robust quality assurance, monitoring and reporting. The guidance document, '*Alternative provision',* provides further detail, particularly the section '*Statutory duties and powers with advice for good practice'* (paragraphs 28 – 39), reference:

  https://www.gov.uk/government/publications/alternative-provision

**Possible models of suitable full-time equivalent education**

Schools must refer to the latest HCC Guidance: *Alternative Provision Guidance for Schools May 2022* and Part 4 of *The Guidance*.

Exclusion, Reduced Hours Provision, Attendance & Alternative Provision (sharepoint.com)

Schools should have access to a range of options to meet pupils' differing needs rather than a simple '*one size fits all*' approach. Provision for a day or two might look different to education arranged for a longer suspension.

**Reciprocal arrangements between schools**

A couple of schools or a group could agree reciprocal arrangements whereby they each support excluded pupils from other schools in the area. This practice can operate with minimal costs and places can be arranged relatively quickly if the infrastructure of the school supports this.

**Exclusion provision shared between several local schools**

Another way to provide full-time education from the 6th day is for groups of schools to invest in, and share, an off-site facility. This facility could be something that already exists, similar to an Education Centre or youth centre, or it could be something completely new. It could be run, for example, by a private company, charity or LA, and should be in a central location that can be easily accessed by public transport. An alternative version of this type might be shared provision where the excluding school hosts shared provision with at least one other school. Any alternative provision that offers full time or close to full time education, would be required to be registered with the DfE or Ofsted.

**Group exclusions**

Headteachers should make contingency plans about what to do in the event of a group of pupils being excluded together. It may be desirable to separate them which could be difficult in practice if they were dependent on the same school transport and/or if the school only had limited choice in provision. This suggests that schools should have access to at least two types of provision.

**Externally contracted provision**

Schools can commission alternative education from a variety of external providers who operate in the private and voluntary sectors, whilst retaining accountability for the quality of education and their core responsibilities such as attendance registration and safeguarding. Discipline cannot be delegated. Again, the school has responsibility to quality assure such provisions, including safeguarding arrangements and appropriate regulatory bodies.

### E-solutions

There is a range of IT/virtual provision available to those for whom mainstream schooling is either unsuitable or impracticable, although this tends to be more suitable as an interim solution as Hampshire seeks quality face to face educational provision. It ranges from on-line learning systems for individual learners to virtual classroom-type provision for groups of learners. However, this type of learning is usually the hardest to supervise and **there must be reliable monitoring measures in place which includes regular face-to-face check ins.** Schools have developed expertise in this area during the Covid Pandemic. Hampshire also provides a virtual learning provision from Future You which schools can refer to and access support for pupils during exclusion:

Future You | Hampshire County Council (hants.gov.uk)

### Staggered school day

Some schools arrange on-site education for suspended pupils with different start and finish times to those of other pupils. This practice can continue for pupils on an internal exclusion and for suspended pupils educated in a unit shared by several schools, but otherwise the law requires excluded pupils to be educated off site. Schools could set up an arrangement with local clusters or their feeder schools.

### Twilight provision

It may be practical to use half-day suspensions for a few mornings following a behaviour incident, for example 2.5 days suspension, spread over one week, and provide education for the other half of each day in a twilight session.

### Quality standards and assurance

Education provided for excluded pupils needs to be of the same high standard as the education provided in school. In arranging external provision, schools need to be assured that the provision meets pupils' needs, quality standards and statutory compliance including safeguarding arrangements.

### Unofficial exclusions

*The Guidance* makes it clear that removing pupils from school sites for disciplinary reasons, without following formal exclusions procedures, is **illegal** as there is no basis in law for headteachers or other school staff to do this, **even if with the agreement of parents/carers**. For example, taking a child home to '*cool off*' or asking parents/carers to collect their child before the end of the school day.

**NB:** As this practice is illegal, the school could in these circumstances be judged to continue to hold the safeguarding responsibilities for the child or young person during these times, even if a parent/guardian has been informed.

**What constitutes an unofficial exclusion?**

Unofficial or informal exclusion refers to:

- Headteachers or other school staff sending pupils home for disciplinary reasons, but not following the procedures required to identify the time out of school using formal exclusion
- pupils being sent home for either short periods of time or for longer, indefinite, periods which can sometimes result in the pupil not returning to school at all.

In these circumstances, schools sometimes mark pupils as an authorised absence or attending and sometimes take them (incorrectly) off the school roll without their having another school place elsewhere. **This practice is illegal, and the formal exclusion process must always be used.**

**Section D**

## Information required for Governors Discipline Committee meetings

It is important to remember that governors can only make decisions based on the information provided to them. Good practice in Hampshire is for a hard copy of the school pack to be circulated to all parties. The school pack contains pertinent information on why the decision to permanently exclude a pupil has been taken by the school. Electronic copies of the school pack penalise families who do not have the IT facilities to view and download the information or have the facility to print the information.

**Timescales** Documentary evidence should be sent to parents/carers, members of the GDC and the LA (where appropriate) to arrive **at least 5 school days** prior to the meeting in order that all parties are fully informed

**Page numbers** all pages should be numbered for ease of reference

**Confidentiality** If the school has cause to be concerned about the confidentiality of witness statements, the names should be anonymously coded. **If redaction does occur, it is necessary for the documents involved to be labelled**, for example, Pupil A, B, C or 1, 2, 3. Importantly, the same consistent labelling needs to be used throughout so that, for instance, Pupil A can be identified in accounts by staff or other pupils which refer to Pupil A. This will enable all parties to the GDC to follow the sequence of events more easily and avoid confusion.

Paragraph 181 of *The Guidance* states '*All written witness statements must be attributed, signed and dated, unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements'*. *The Guidance* adds that *'The general principle remains that excluded pupils are entitled to know the substance behind the reason for their exclusion'.*
If advice is needed on when anonymity is appropriate, please contact ISS.

## Checklist for school paperwork required for Governors Discipline Committee meetings

| **1. Headteacher's overview statement** | |
|---|---|
| A detailed overview statement from the Headteacher explaining:<br><br>• why it is felt that a permanent exclusion is appropriate in this situation referring to your school's behaviour policy and the two tests set out by the DfE - that permanent exclusion is:<br><br>*in response to serious or persistent breaches of the school's behaviour policy* ***and***<br>*where allowing them to remain in school would seriously harm the education of your child or of others in the school.*<br><br>• the permanent exclusion decision making process. This should include detail of actions, when they took place and who was involved. For example:<br><br>o How the incident was investigated<br>o What discussions were held between school staff and with parents<br>o What alternatives to permanent exclusion were explored<br>o What advice was sought from other professionals<br>o When the decision to permanently exclude was made and how it was communicated<br>o How the risk of the pupil remaining in the school was assessed.<br><br>An annotated copy of the headteacher self-evaluation tool (page 13) could be included here. | |
| **2. Account of incident(s) leading to exclusion** | |
| If the permanent exclusion is for a **single serious incident**, a clear account of the incident should be provided, including any relevant events which led up to the incident.<br><br>If the permanent exclusion is for **persistent disruptive** behaviour, evidence to support this should be provided but full details of *all* behaviour incidents may not be necessary. Detailed records should be provided for the most recent behaviours.<br><br>Any written accounts made by staff and pupils who were involved in, or who witnessed the incident should be included in the pack. These must be attributed, signed, and dated; however, the school must consider the data subject rights of all concerned. Where a statement is written by a pupil, the school will need to consider their data protection obligations to that pupil and whether redaction of pupils' names (and identifying details) is necessary in any witness statements which are being released to third parties (please see note about confidentiality on page 26). | |

| | |
|---|---|
| **3. Parent and pupil view of the permanent exclusion** | |
| The excluded pupil should be given the chance to provide an account either written or scribed. This should be completed on the day of the incident, if possible. If that is not possible, the pupil should be asked to provide their account as soon as possible after the incident. As well as obtaining pupil voice about the incident, Headteachers should also make every attempt to gain their views on the permanent exclusion.<br><br>DfE guidance states: *'Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker' (*paragraph 4*).*<br><br>Good practice would include a meeting with parents prior to the decision to permanently exclude being made. Minutes of this meeting could be provided. | |
| **4. Synopsis of events over time** | |
| A synopsis of **relevant** events which led to the permanent exclusion, such as dated behaviour logs from SIMS which clearly shows incidents, outcomes, and interventions. It may not be necessary to include **all** the behaviour logs from a child's school career. | |
| **5. Support and interventions** | |
| Dated documents reflecting how the pupil's needs have been addressed and whether targets have been met, for example, Individual Behaviour Management Plans (IBMP), Personal Support Plans (PSP), Individual Education Plans (IEP). This should include all the strategies and interventions employed by the school to address a pupil's needs.<br><br>Schools may want to refer to the table of strategies on pages 58-61 of the 'Revised Exclusion Guidance for Hampshire Schools' September 2025 | |
| **6. SEN information** | |
| SEN perspective – SENDCO/Educational Psychology/Teacher Advisor reports, and details of how any recommendations have been implemented, and any supporting SEN papers, for example copy of EHCP, last annual review. | |
| **7. Circumstances of the child** | |
| Circumstances of the child: Information regarding the involvement of other agencies, for example CAMHS, Inclusion Support Service (ISS), Children's Service Department (Social Care), Early Help Hub referral. | |
| **8. Previous suspensions** | |
| Copies of the letters of any previous suspensions and a copy of the permanent exclusion letter and notification. Minutes of post suspension reintegration meetings. | |
| **9. Parent/Carer involvement** | |

| | |
|---|---|
| Details of **relevant** contact/involvement with parents/carers. This should include a record of meetings over time and/or from interim meetings if a pupil was suspended prior to the issuing of a permanent exclusion. | |
| **10. Attendance details** | |
| Attendance records for the current academic year and the previous academic year. These should include details of individual lesson attendance if relevant. | |
| **11. Attainment details** | |
| A summary of the pupil's strengths and abilities in relation to National Curriculum Key Stages. More detailed information can also be provided if relevant, for example:<br><br>• a copy of the recent academic progress reports<br>• SATs results<br>• CAT scores<br><br>If school reports are provided, please include a key to the meaning of grades assigned. | |
| **12. School policies** | |
| A copy of the Behaviour Policy and any other **relevant** school policies, e.g. Exclusion Policy, SEN Policy, Bullying Policy, Safeguarding.<br>You may choose to provide links to relevant policies for the local authority and governor packs rather than printing for environmental reasons. | |

**Section E**

## Governors Discipline Committee/Management Committee meeting Agenda

**Suggested Agenda**

- Introduction by Chair of the Committee and explanation of procedures

- Submission by the headteacher
  - Questions by governors
  - Questions by parents/carers
  - Questions by LA

- Submission by parents/carers
  - Questions by governors
  - Questions by headteacher
  - Questions by LA

- LA Statement (where LA represented)
  - Questions by governors
  - Questions by headteacher
  - Questions by parents/carers

- Summing up by headteacher including any responses necessary following the LA Statement

- Summing up by parents/carers

- **All parties, except clerk and governors, leave the meeting**

- Decision by Governors Discipline Committee (GDC)

At no time either before, during or after the GDC meeting should any of the parties remain alone with the governors in the absence of the other parties (*The Guidance* Part 10, paragraph 222).

The Committee's decision must be made known to the parents/carers, the headteacher and the LA in writing and without delay. HCC take the view that to avoid delay, **the decision letter should be written at the latest, by the day following the GDC, that a copy should be emailed to parents if appropriate and a copy should be sent by first class post allowing two days for it to reach parents/carers**. The Committee should give full reasons for the decision that they have reached. A copy of the Committee's decision letter should be placed on the pupil's file with the governing board's confidential records, together with a copy of the original exclusion letter. The next section details further advice to clarify for governors which elements should be considered when reaching their decision.

**Section F**

## Minutes and decision letter

- The clerk should make clear and detailed minutes of the meeting (*The Guidance*, Part 7, paragraph 122). The minutes should be formally recorded by the chair of the committee as being a true and accurate record of the meeting. They should be filed securely with the other paperwork considered at the meeting in the individual pupil's school file and with the governing board's confidential records. It is good practice to send a copy of the minutes to all parties to the GDC, including parents/carers, who might not attend but they still have the right to ask for an IRP.

  The following list clarifies what governors should be considering when reaching their decision:

  - whether on the balance of probabilities the pupil did what they are alleged to have done and what behaviour policies were breached
  - whether the correct procedures were followed in dealing with the matter, for example were written accounts made by all staff and any pupils involved in the incident, and by the excluded pupil, and whether the headteacher complied with the law and had regard to *The Guidance* in making the decision to exclude
  - the seriousness of the incident
  - the appropriateness of the length of the sanction
  - whether to allow the pupil to remain in school would seriously harm the education and welfare of the pupil or of others in the school
  - the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident
  - any relevant previous breaches of the school's behaviour policy.
  - the internal/external support and strategies provided by the school and for how long they were in place
  - any special educational needs and disabilities the pupil may have
  - any mitigating circumstances (such as being bullied).

- Part 7, paragraph 124 states *'In reaching a decision on whether a pupil should be reinstated, the governing board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. This should consider the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the governing board in relation to the decision to exclude'.*

- The governing board should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made. They need to explain **how** the behaviour policy has been breached **and** how the pupil remaining in school would seriously harm the education or welfare of the pupil or others in the school.

- This will be particularly important if the parents/carers exercise their right to ask for the decision to be reviewed by an IRP.

**Section G**

## Advice on practical procedures at the Governors Discipline Committee meeting

It is vital that governors refer, and have access to, the statutory guidance during the GDC: **Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement guidance 2024.**
In addition to the advice in this guidance, Governor Services provide training which is available:

Hampshire Governor Services | Education and learning | Hampshire County Council

The bullet points below give advice for practical procedures which will assist in ensuring good practice is followed, ensure secure outcomes, and reduce potential challenge.

- A neutral venue can prevent parents/carers feeling at a disadvantage. It is preferable not to hold the meeting in the headteacher's office as parents/carers may not feel at ease there or that the meeting was not impartial.
- Governors must not discuss the exclusion with the headteacher or anyone else outside the meeting – their decision must be based only on the information provided beforehand by the clerk and that given in the GDC itself by the headteacher and parents/carers, together with any advice sought from the LA, if they attend.
- There must be at least three governors for the meeting to be legal (Part 7, paragraph 98). Governors should not have prior contact with, or knowledge of, the child or young person to avoid parents/carers thinking there is any bias against their child.
- The clerk needs to be present to minute the meeting which governors may refer to in their discussions after everyone else has left the meeting. The Committee should decide who is to chair the meeting before all parties are present at their pre-meeting.
- The headteacher, or any other staff involved in presenting the school's case, should enter and leave the meeting at the same time as the parents/carers and the LA representative – this is important to ensure an impartial atmosphere.
- A GDC is a formal meeting but needs to be conducted as informally as possible to ensure that parents/carers are able to communicate all their points and ask relevant questions. The suggested agenda (section E) gives a structure to the meeting and will help the Chair to ensure that all points are covered and that everyone has the chance to give further information and to ask questions of the other parties.

**Recommendations for good practice based on ISS experience of exclusions in HCC, and guidance from Coram and Child Law Advice**

It is useful for the Chair to remind all parties of the role of the governors when making a decision on any exclusion, i.e., that it will consider:

- if the incident(s) occurred as described and evidenced
- if so, was the exclusion an appropriate sanction bearing in mind the criteria which must be adhered to.

## Procedures for remote access meetings

- Parents (or excluded pupil if they are 18 years or older) should be informed when they are notified about the permanent exclusion, of the right to make a request to hold the meeting via the use of remote access and how and to whom to make this request.
- Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as school closure due to floods, fire, or outbreak of infections illness/disease.
- If there are technological or internet network issues during a meeting held via the use of remote access which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting must be arranged by the governing board or arranging authority, despite the parent's request. This should be done without delay.
- Social workers and VSHs must be allowed to join a meeting via the use of remote access, regardless of the format chosen, as long as the governing board are satisfied that they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.
- Governing boards, arranging authorities and panel members should ensure the following conditions are met for a meeting via remote access:
    - Confirm with all the participants that they have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link
    - Ensure all the participants will be able to put across their point of view or fulfil their function
    - Ensure the remote meeting can be held fairly and transparently

The use of remote access does not alter other procedural requirement that apply to governing board, arranging authorities or IRP. For example, if a parent requests the appointment of a SEN expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal.

**Checking paperwork**

- The Chair needs to check that all parties have received the paperwork and that all parties have all parental submissions, and the LA Statement where one has been provided in writing prior to the meeting.
- Should any party table late paperwork, an adjournment should take place to enable copies to be made for everyone else and for them to have time to read the new submissions.
- Some parents/carers may find it easier to read a prepared statement to the meeting, particularly if they are finding the meeting distressing. If so, it would

be helpful for governors if a copy of this could be provided for reference during their decision-making.

- Care should be taken when including confidential or external third-party correspondence, such as Child Protection/health issues.

**The school submission**

This will usually be presented by the headteacher and should include the reason for the exclusion and details of any support and strategies the school has put in place to address inappropriate behaviour and to avoid exclusion. The headteacher may ask another teacher, with more detailed knowledge of the pupil or the incident which led to exclusion, to present or add to the school's case for exclusion and answer any specific questions that the headteacher is unable to answer.

**Governors' roles**

Committee members should ask multiple questions for elaboration and clarification during the presentation. However, it is important that governors do not get involved in offering their opinions or giving the impression that they have already decided on the outcome. They should have their own copies of all relevant paperwork including Statutory guidance for exclusion.

**Questions by parents/carers**

In many cases the Chair may need to guide parents/carers to ask questions rather than making their statement at this point. It is important to explain to parents/carers that they will have an opportunity to make their submission later in the meeting.

**Submission by the parents/carers, pupil and/or representatives**

The GDC should allow and encourage the excluded pupil to attend the meeting and speak if their parents/carers agree. It is advisable for the Chair to establish, before the start, whether parents/carers are happy for their child to be questioned, and whether they would prefer their child to leave after they have made a statement. At the end of the GDC it is helpful for the Chair to ask the parents/carers whether they feel they have been given the opportunity to say all they wish to say as this will be their last opportunity.

If the pupil is over 18, they may wish to make their own submission with or without their parents/carers present.

**Questions by the school and LA representative**

Both the school and the LA representative should be allowed the opportunity to ask questions at the appropriate times.

**LA Statement**

The LA Statement will be in the form of a letter to the GDC and be sent to all parties beforehand where the evidence pack is provided in sufficient time to enable that to happen. A LA representative will attend all permanent exclusion hearings for maintained schools when capacity allows. It is good practice for Academies to invite a LA representative to attend. For suspension GDCs, the LA does not write a Statement beforehand and attendance is reviewed on a case-by-case basis.

**Summing up by the headteacher and then the parents/carers**

This should be done in brief and without the introduction of any new information; parents/carers should always have the final say.

**Meeting ends**

The school staff, parents/carers, and the LA representative leave together. The Committee then has its discussions in private, with the clerk providing clarification of any points covered in the meeting by reference to their notes and recording the decision and the reasons for it. The decision letter must be sent to the parents/ carers **without delay** and copied to the headteacher and the LA at the same time (also see guidance in Section E and Section F).

**Advice for asking questions at the GDC meeting**

As well as considering any written evidence, the hearing gives governors the opportunity to put their own questions to all parties. Appropriate questioning can help governors get additional information and test the evidence presented. Listening to and observing parents/carers and school representatives can be as important as asking them questions. Governors should be aware of the concept of unconscious bias and do all they can to avoid it.

**Do**

- Ask plenty of open-ended questions ("*What does J like about school?*" "*What happened that day?*") but bear in mind that this could be difficult for nervous people and allow them to wander off the point.
- Ask neutral, probing, rational questions ("*Tell me about …? When? Who? What? How?*"). This allows matters to be explored in more depth.
- Ask extending/linking/building questions ("*You said …," "Tell me more about …?*"). This invites more information and keeps questioning relevant.
- Probe and check especially if you do not fully understand what has been written or said or if an answer does not seem to fully answer the question.
- Summarise your interpretation of what is being said from time to time ("*Are you saying that …?*" "*You feel that ….?*"). This ensures that you have understood what has been said and gives the other party the chance to add to that or correct your understanding. Reflecting also helps to create rapport – shows you are listening and trying to understand.

- Listen not only to what is said but also what is meant, although it important to avoid making assumptions – if you are unsure of what is meant, ask further questions.
- Give encouragement and maintain appropriate eye contact with the person speaking.
- Watch for cues – a speaker may hesitate, appear embarrassed or cut off a reply. Decide if this should be pursued and, if so, find out what the problem is by tactful follow-up questioning.
- Look for evidence – ask for examples.
- Consider hypothetical questions (to the school: "*If a parent/carer complained that their child had been bullied, what would you do?*"). This may provide opportunities for judgement and practice to be investigated and to ensure the school's policy is followed.
- Adjust your language to that with which parents/carers are likely to be comfortable.

**Don't**

- Ask too many closed questions which can be answered by a "*yes*" or "*no*" ("*J was rude only to Mr A?*"). This may be useful if a person is nervous but is unlikely to provide much information.
- Ask leading questions or make statements which appear to be judgemental ("*Fighting can't be tolerated. Is that why you excluded J?*"). This may save time but can be seen by parents/carers as you having hard and fast views with no room for taking into account a pupil's individual circumstances and how those might have affected the pupil's behaviour.
- Ask questions which give the impression that the Committee has made up its mind ("*You do know that such behaviour cannot be tolerated at this school?*" or "*I/we are sure that the school has done all that it can to support J.*").
- Ask long questions.
- Ask multiple questions ("*What does J enjoy most; is it sport, or does he prefer academic subjects?*". Rather ask, "*What does he like most at school?*").
- Ask either/or questions ("*Would you prefer J to be at a school or an Education Centre?*").
- Talk down to parents/carers – adjust your language to match theirs.
- Make sudden changes of style or topic. If changing topics, make this clear by prefixing your question with a pointer ("*Now I would like to ask about something different* ….").
- Be abrupt, suspicious, argumentative, contradictory, critical, or aggressive.
- State your own opinions.
- Talk too much or make assumptions – ask.
- Stick so rigidly to an area of questioning that you are not hearing what the other person is saying.
- Use jargon or abbreviations – if you do, explain what it means.

### Attitudes and behaviour

Remember that you can help to ensure that parents/carers feel they have been treated fairly and equally by demonstrating neutral attitudes and behaviour throughout, and towards all parties.

### Consistency and fairness

Governors have a responsibility to respond and react with equal attention to each party's case. It is easy to give the appearance of prejudice in favour of/against a party unconsciously, for example:

- by calling some people by their first names and appearing to be on friendly terms with them
- by getting names wrong
- by the way in which questions are asked
- by body language
- by talking quietly to other Committee members while another party is speaking; additionally, yawning, doodling, or failing to look at the speaker.

### Empathy

While remaining neutral throughout the hearing, governors should try to be aware of any difficulties parents/carers have or exhibit (for example hearing impaired or anxiety). Parents/carers are there because they want what is best for their children. They may need help with expressing their case clearly, but governors should avoid being patronising, making assumptions about how parents/carers are presenting and why, or show signs of irritation towards them.

### Listening

Governors should remember that '*hearing is with the ears and listening is with the mind*.' Active listening allows governors to hear the content, understand the underlying meaning and recall it where necessary.

### Names

Governors should try not to confuse people's names. The Chair should ask everyone to introduce themselves, as they wish to be addressed, before the meeting begins. If necessary, ask them to repeat their names if you don't catch it the first time as nervous people sometimes talk very quietly, mumble, or talk too fast.

### Cultural differences

Governors should respect cultural differences. Questions should only be asked about those differences where it helps with understanding and should be phrased with sensitivity.

### Making notes

The clerk will take detailed notes. These are an essential part of the decision-making process. If any of the parties wish to make their own notes during the meeting, this should be done in as unobtrusive manner as possible so that it does not interrupt the flow of the meeting. The Chair should explain these points to the meeting beforehand and suggest that if anyone hears something with which they disagree or about which they wish to comment or ask a question, they make a note of it and wait until it is their turn to speak.

### Physical response

Governors can show that they are listening by facing the speaker and leaning forward slightly. They should retain good eye contact and nod in appropriate places to show that they are paying attention and understand and to give encouragement.

### Reflection

Governors should not be afraid of pauses or silences. Always allow the speaker time to think so the speaker does not feel under pressure. Give the speaker plenty of opportunity to clarify what they have been saying. This will allow them to talk more freely. Try not to interrupt or cut in.

## Section H

# Education and admissions following a permanent exclusion

### Introduction

The LA has the responsibility towards all permanently excluded pupils to:

- provide a suitable full-time education from the 6th day
- and reintegrate pupils, where practical, into an appropriate mainstream school.

Following the headteacher's decision to permanently exclude, a copy of the exclusion letter and the notification form is sent by the school to ISS who forward it to the appropriate Education Centre/PBS who are responsible for organising the 6th day provision. During the first 5 days of exclusion the education centre headteacher will invite the parents/carers and their child for an interview to discuss the educational provision to be put in place.

The pupil's needs will be assessed and, if appropriate, the pupil will be considered for reintegration by the Local Inclusion Panel, following intervention from the education centre, in the pupil's home area in conjunction with HCC Admissions' Fair Access Protocol (see page 41). It requires that certain groups of pupils are included in the Protocol.

Parents/carers will still retain the right to apply for a place at another school at any stage during the exclusion process, providing their child has not been excluded twice within the previous two years, but may find it beneficial to obtain LA support in doing this.

The LA is responsible for ensuring that, where possible, pupils are reintegrated into an appropriate mainstream school. The Education Centre/ISS will liaise with the relevant teams (PBS, SEN and Admissions) to secure a new placement.

It is normally unacceptable for a school to refuse to admit a child or young person on the basis of their behaviour elsewhere.

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# Fair Access Protocol

**Legislation**

The School Admissions Code (May 2021) requires each Local Authority to have a Fair Access Protocol "*to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible*".

The Protocol must be consulted upon and developed in partnership with all schools within the Local Authority area. Once a Protocol has been agreed by the majority of schools in its area, all admission authorities must participate in it.

**Key principles**

The School Admissions Code (May 2021) requires that:

1. *Every Local Authority must have a Fair Access Protocol, agreed by the majority of schools in its area, in which all schools must participate.*[1]

2. *In agreeing a Protocol, the Local Authority must ensure that no school – including those with available places – is asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour or who have been placed via the Protocol.*

3. *The operation of Fair Access Protocols is outside the arrangements of co-ordination and is only triggered when a parent of an eligible child has not secured a school place through normal in-year procedures.*

4. *Eligibility under the Fair Access Protocol does not limit a parent's right to make an in-year application to any school for their child which must be processed in line with usual in-year admission procedures. Schools must not refuse to admit a child on the basis that they may be eligible for placement under the Protocol. Parents continue to have a right of appeal for any place they have been refused, even if the child has been offered a place elsewhere under the Protocol.*

5. *Where an admission authority receives an in-year application and does not wish to admit the child because it has good reason to believe that the child has challenging behaviour*[2]*, even though places are available, it must refer the case to the Local Authority for action under the Fair Access Protocol. This will only be appropriate where the school has a particularly high proportion of either children with challenging behaviour or previously permanently excluded children on roll compared to other local*

[1] Participation includes making available a representative who is authorised to participate in discussions, make decisions on placing children via the Protocol, and admitting pupils when asked to do so in accordance with the Protocol, even when the school is full.

[2] Behaviour is defined as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil's/other pupils' education or jeopardise the right of staff and pupils to a safe and orderly environment.

*schools and it considers that admitting the child with challenging behaviour would prejudice the* provision of efficient education or the efficient use of resources*. This provision cannot be used to refuse the admission of looked after children, previously looked after children and children with an Education Health and Care (EHC) Plan naming the school in question. Admissions authorities must not refuse to admit a children thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.*

6. *There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol, but parent's views must be taken into account.*

7. *Schools will not be required to automatically admit a child via the Protocol in place of a child permanently excluded from the school.*

8. *Children who qualify for placement under the Protocol must be allocated a place within 20 school days.*

**Categories of children**

This Protocol may be used to place the following groups of vulnerable and/or hard to place children only, where they are having difficulty in securing a school place in-year, and it can be demonstrated that reasonable measures have been taken to secure a place through the usual in-year admission procedures[3]:

a) children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the Protocol

b) children living in a refuge or in other Relevant Accommodation at the point of being referred to the Protocol

c) children from the criminal justice system

d) children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education

e) children with special educational needs (but without an Education, Health and Care plan), disabilities or medical conditions

f) children who are carers

g) children who are homeless

h) children in formal kinship care arrangements

i) children of, or who are, Gypsies, Roma, Travellers, refugees, and asylum seekers

[3]For example, where an application has been made to at least one school and this has been refused, or the local authority has confirmed that there are no places available at any school within a reasonable distance.

j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the Protocol in accordance with paragraph 3.10 of the School Admissions Code

k) children for whom a place has not been sought due to exceptional circumstances

l) children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted; and

m) previously looked after children for whom the Local Authority has been unable to promptly secure a school place.

**Procedures**

1. The majority of children requiring a school place will continue to be admitted to school in accordance with the usual in-year admission procedures, rather than through this Protocol.

2. For children eligible for placement under the Protocol, the LA will determine the placement, taking into account the circumstances of the individual pupil, as well as which school will be best able to meet their needs, bearing in mind concerns from schools about admission and seeking to protect any one school from a disproportionate number of placements of children with challenging behaviour. In deciding a placement every effort will be made to ensure that transport arrangements, which may be the responsibility of parents, are reasonable and cost effective. Schools may act collaboratively to propose placements in their area under this Protocol.

3. All children placed under this Protocol must be placed on roll and admitted to school in the first instance, where their needs can be assessed, before seeking appropriate support from the relevant agencies. This does not apply to children already attending Education Centres whose placements have been agreed either through the Local Inclusion Panels or by Education Centres in conjunction with local schools.

4. The fact that the PAN has been reached or exceeded cannot be given as a reason for not admitting a pupil under this Protocol.

5. An admission under the Protocol has priority over other children on a waiting list. Schools must not require that an appeal be heard before a child is admitted under the Protocol and must not refuse a child on the basis that an appeal was previously unsuccessful.

6. Where it has been agreed that a child will be considered under the Fair Access Protocol, a school place must be allocated within 20 school days.

7. Statutory powers of direction and the rights of schools to object to Schools Adjudicator are set out below. Where a school has not responded to a child's application within 14 calendar days the LA will where appropriate use its powers of direction. For community and voluntary controlled schools, the LA as the admission authority will issue a decision letter in these circumstances.

8. Where the Governing Body of any school wishes (under paragraph 3.10 of the Code) to refuse an application of a child they have reason to believe the child may display challenging behaviour when there are places in a year group, the school must put in writing to the LA (only and not the parent) its intention to refuse to admit and detail the reasons for this decision. This must be received by the Admissions Team within 14 calendar days of receipt of the child's application in order to assist the LA's determination of the application under the Fair Access Protocol. Where the determination is that the school in question should admit the child, then the LA will request that the offer letter should be issued. Where the school does not do so, the LA will where appropriate use its powers of direction. For community and voluntary controlled schools, the LA as the admission authority will issue an offer letter.

9. All schools, including Academies, are expected to respond to a request by the LA to admit a child under the Fair Access Protocol within 7 calendar days. The Governing Body of a maintained school can appeal by referring the case to the Schools Adjudicator within 15 calendar days. Similarly, it is expected that an academy will agree a starting date for the child or set out its reasons for refusal in writing to the LA within 15 calendar days (providing contact details to cover any approaching bank holiday or holiday periods).

10. The LA will report on admissions under the Protocol in its annual report to the Schools Adjudicator.

**Safeguarding**

In all cases the LA's duty to safeguard the child is paramount. Children out of school may be at risk; schools, with the Admissions Team, Inclusion Support Service (ISS) and any other relevant representatives of the LA must do their utmost to ensure that children are not out of school for extended periods of time.

**Record keeping**

The Children's Services Department will keep records of all pupils placed under this Protocol, together with all in-year admissions. Schools are required to notify the LA of all in-year applications and their outcomes to ensure that the LA has up to date records of numbers on roll in all year groups.

**Managed Moves**

In some circumstances it may be appropriate for a pupil to transfer from one school to another as an opportunity for a fresh start. Such arrangements are outlined in Section I of this document.

**Looked after and previously looked after children**

Looked after children will be placed in accordance with the appropriate legislation to the school that best meets their needs, as determined by the social worker in conjunction with the Virtual School Headteacher. Whilst previously looked after children are included within the Protocol (category 'm'), the use of the Protocol for such children should be unnecessary in most cases. It is expected that local authorities will continue to secure places for previously looked after children promptly to the school that best meets need and for admission authorities to co-operate with this.

**Children with Education Health and Care (EHC) Plans**

Children with Education Health and Care (EHC) Plans will be placed in accordance with the appropriate legislation by the County's SEN team.

**Powers of direction**

The School Admissions Code 2021 summarises the powers of direction given to LAs under sections 96 and 97 of the 1998 Education Act, and the differing requirements in relation to admissions to Academies:

3.23 **Local Authority powers of direction (general)** – A Local Authority has the power to direct the Governing Body of a maintained school in its area to admit a child even when the school is full. The Local Authority can only make such a direction in respect of a child in the Local Authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The Local Authority must choose a school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It must not choose a sixth form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

3.24 Before deciding to give a direction, the Local Authority must consult the Governing Body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the Local Authority decides to direct, it must inform the Governing Body and headteacher of the school. The Governing Body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the Governing Body must tell the Local Authority. The Local Authority must not make a direction until the 15 days have passed and the case has not been referred.

3.25 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction, determine that another maintained school must admit the child or decide not to issue a direction. The Adjudicator's decision is binding. The Adjudicator must not direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

3.26 **Local Authority powers of direction (looked after children)** – A Local Authority also has the power to direct the admission authority for any maintained school in England to admit a child who is looked after by the Local Authority, even when the school is full. The Local Authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size.

3.27 Before deciding to give a direction, the Local Authority must consult the admission authority of the school it proposes to direct. The admission authority must tell the Local Authority within 7 days whether it is willing to admit the child. If, following consultation, the Local Authority decides to direct, it must inform the admission authority, the Governing Body (if the school is a voluntary controlled or community school), the Local Authority that maintains the school, and the headteacher. The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the Governing Body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or Governing Body must not refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or Governing Body does refer the case, it must tell the Local Authority that looks after the child. The Local Authority must not make a direction until the 7 days have passed and the case has not been referred.

3.28 If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England must admit the child. The Adjudicator's decision is binding. The Adjudicator must not direct an alternative school to admit a child unless the Local Authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

3.29 **Secretary of State power of direction (Academies)** – Where a Local Authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The Local Authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the Local Authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

**Reviewing the Protocol**

In the event that the majority of schools in the Local Authority area can no longer support the principles and approach of this Protocol, they may initiate a review with the Local Authority. To trigger a review, schools must submit a request in writing via the Admissions Team (admissions.team@hants.gov.uk ). Any request must contain supporting signatures from over 50% of schools in Hampshire. On receipt of such a request, a review will be

undertaken, in conjunction with schools, by Hampshire's Admission Forum. The existing Protocol will remain binding on all schools in the local area until the point at which a new one is adopted.

**Section I**

## Managed Moves

Secondary mainstream schools in different districts may have adapted their own Managed Move Protocols which are based on advice in the HCC Protocol below. Please refer to your local district Protocol for further guidance.

### Introduction

As included originally in the DfE Suspension and Permanent Exclusion Guidance in September 2022, both Managed Moves and off-site direction are summarily referenced by the paragraph:

31. *In addition to the strategies set out in initial intervention, page 19 of the Behaviour in Schools guidance, headteachers should also consider the following:*
*a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) Managed Moves (permanent measure)* ***as preventative measures to exclusion.***

Further detail about the use of the temporary measure of off-site direction is included in Part Four of the updated DfE Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (August 2024) guidance.

The detail surrounding the use of a Managed Move is not extensively elaborated in the guidance, apart from in paragraphs 48 to 52* which are cited below. The opening defining statement is key: 'A Managed Move is used *to initiate a process* which leads to the transfer of a pupil to another mainstream school permanently.' By default, the Managed Move is not instant, but supported, planned and managed by all voluntary parties: home and host schools, and parents working in the best interests of the child. The Local Authority (LA) has no role to play in Managed Moves as they are arrangements between schools. All LAs have a responsibility to track pupil movement hence the collection of data through local spreadsheets.

***Managed Moves***

**48. A Managed Move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed Moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described in paragraphs 36 to 47) should be used. Managed Moves should only occur when it is in the pupil's best interests.*

*49. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a Managed Move, it should contact the authority (SEN Service not ISS) prior to the Managed Move. If the local authority (SEN), both schools and parents are in agreement that there*

*should be a Managed Move, the local authority will need to follow the statutory procedures for amending a plan.*

*50. Managed Moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has already been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a Managed Move.*

*51. The Managed Move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy. For information on reintegration practice, see paragraphs 27 to 31.*

*52. If a parent believes that they are being pressured into a Managed Move or is unhappy with a Managed Move, they can take up the issue through the school's formal complaints procedure with the governing board and, where appropriate, the local authority. Within the school inspections framework, under leadership and management, Ofsted will consider any evidence found of a parent being pressured into a Managed Move that has resulted in off-rolling and is likely to judge a school as inadequate on the basis of such evidence.*

***Parental Guide***

A guide for parents on school behaviour and exclusion (May 2023) provides information for parents around exclusion. It also refers to Managed Moves under the section on **Moving to another school:**

*'In some cases, your child's school may decide it is best for your child to move to another school permanently following an off-site direction placement. This is known as a Managed Move.*

*Managed Moves should be voluntary and have your agreement before they take place. Your child's school should not pressure you into agreeing to one. If you feel pressured into agreeing to a Managed Move, it is very important that you raise this with the school's governing board.*

*A Managed Move should only occur when it is in your child's best interests and all parties, including the new school and you, agree it would be best for your child to move to another school permanently.*

***Schools should not use a 'trial period' or 'trial admission' for Managed Moves, as a Managed Move is a permanent move to another school.***
*If your child has an EHC plan, their school should contact the local authority prior to the move and if the local authority, both schools and you are in agreement that there should be a Managed Move, the local authority will need to follow the process for changing an EHC plan.'*

## Admissions Overview and Fair Access

Managed Moves and direct admissions applications are separate entities with the latter supported by Admissions regulations. Queries regarding Admissions applications should be directed to the Admissions Team at Hampshire County Council.

From an Admissions point of view, Managed Moves are not recognised by the School Admissions Code. Rather, they are recognised in the DfE exclusion guidance cited in this document.

Whilst HCC's Managed Move protocol allows for time bonded periods of transition and integration, there must be a recognition that the move's intention is to become permanent, which in turn, means there has to be consideration whether there is a legal basis on which the child can be admitted, over and above the published admission number (PAN).

## Overview of Managed Moves

In some circumstances, it may be appropriate for a registered pupil of compulsory school age to transfer from one school to another in a managed environment, other than for the usual reasons such as moving home, and primarily at the initiative of their current school who believe this strategy will enable the child to be successful. Such situations might be, for example, when a pupil has a deteriorating exclusion profile and the interventions put in place to mitigate have not succeeded, or following a one-off incident that makes it difficult for the child to remain successfully at the school. However, due to the legal responsibilities of both schools and parents/carers regarding admission and attendance, it is best if such Managed Moves are dealt with according to a clear protocol by schools. Often but not exclusively, Managed Moves can also be discussed at Local Inclusion Partnership (LIP) meetings. Having clear protocols avoids the risk of disputes between schools over who is now responsible for the pupil, and parents/carers being left with no clear provision for their education.

## Principles

The key principles of a Managed Move are:

- The overriding intention of a Managed Move is that a permanent move to a new school should be in the pupil's best interests.

- The Managed Move is intended as a 'permanent measure'. Before this measure is implemented, consideration should therefore be given whether there is a legal basis on which the child can be admitted, over and above the published admission number (PAN) given the clear intention for this to be a permanent move. Schools should therefore be aware of spaces in their specific year groups and ensure that waiting lists are kept fully up to date. A prospective Managed Move may involve a child who meets fair access criteria so this may well be important for schools when deciding on their ability to offer a Managed Move if they are full.

- Consideration for a Managed Move must form an integral part of a pupil's Behaviour Management Plan. There is an expectation that Headteachers in Hampshire will *consider* this intervention prior to the implementation of a permanent exclusion. Parents/carers, however, should be clear that this should not preclude any representation that they may wish to make regarding a suspension to any subsequent Governors Discipline Committee or Independent Review Panel.

- A Managed Move can also be intended to be used as an early intervention strategy to give an opportunity of a fresh start and to stop repeated challenging behaviour, despite suitable interventions, which is leading to suspensions. Schools who are unsure as to whether a Managed Move is an appropriate strategy to use can obtain further independent advice and support from ISS or PBS. However, all Managed Moves are school matters as they are agreements between schools; they do not form part of local authority processes.

- Managed Moves require the **full knowledge and agreement of all the parties involved**, including the parents/carers, pupil and both the receiving and home schools. All arrangements are voluntary. In cases where a pupil is in receipt of a Personal Education Plan, on a Child Protection Register or where there is active Social Worker involvement, there should be agreement, participation and involvement from Children's Services (Social Care) and the Virtual School with the education planning process.

- Managed Moves, according to the guide for parents on school behaviour and exclusion do not allow for *'trial periods',* stating *'schools should not use a 'trial period' or 'trial admission' for Managed Moves, as a Managed Move is a permanent move to another school.'*

- Schools may offer a **temporary direction off-site** to enable a **period of managed transition** to allow the pupil to settle and confirm, in a considered way, that a Managed Move would be appropriate for the child. During this time, the child would be **dual rolled with both schools**.

As set out in Working together to improve school attendance (August 2024):

***'Code D: Dual registered at another school***

*343. The law allows a pupil to be registered at more than one school. This code is used to indicate that the pupil is absent with leave to attend the other school at which they are registered. The main examples of dual registration are pupils who are attending a pupil referral unit, a hospital school or a special school on a temporary basis.*

*344. The school at which the pupil is scheduled to attend must record the pupil's attendance and absence with the relevant code. Code D may only be used by either school for a session where the pupil is scheduled to attend the other school at which they are registered. Schools should ensure that they have in place arrangements whereby all unexpected and unexplained absences are promptly followed up.*

*345. This code is classified for statistical purposes as not a possible attendance to avoid double counting.'*

- Best practice for the period of managed transition through the temporary direction off-site in these circumstances should be an agreed, time-limited, regularly reviewed and fully supported *reasonable* time period (a maximum of **six weeks** could be deemed reasonable). The dates for review should be set, and the date set when the final decision over whether the direction off-site can become a permanent Managed Move will be made. These dates should be clearly communicated to parents/carers, pupils and both the host and home schools.

- Once the decision is made that a permanent Managed Move is appropriate and in the best interests of the child, the child should be immediately single rolled at the new school and subsequently removed from their current school roll ,in agreement with the former school, according to statutory procedures in *The School Attendance (Pupil Registration) (England) Regulations 2024**:***

  ***9.****—(1) The proprietor of a school must ensure that the name of a pupil of compulsory school age is deleted from the school's admission register when—*

  *c)the pupil is also registered as a pupil at one or more other schools and—*

  *(i)the proprietor does not have reasonable grounds to believe that the pupil will attend the school again;*

  *(ii)the proprietor of each other school where the pupil is registered has consented to the deletion;*

  *(iii)there is no school attendance order naming the school in force in relation to the pupil; and*

  *(iv)the pupil is not a mobile child or, if they are, the school is not their main school;*

- In **exceptional** circumstances, for example, when the child has had severe illness and has not been able to attend, it would be *reasonable* to extend the period of direction off-site in the best interests of the child.

- Parents/carers should never be pressured into removing their child from the school either to undertake a Managed Move they do not want or to educate their child at home. For the integrity and success of the Managed Move system, the purpose of the Managed Move must be appropriate and understood by all parties. Parents/carers should **not** be dissuaded from continuing with a formal application to a school if that is what they want.

**Procedures**

**The success of a Managed Move depends upon clarity of expectations between pupils, parents/carers, and home and host schools. The following procedures are intended to give that clarity so aiding the success of pupils benefiting from a supported, managed and permanent '*fresh start*' in another school.**

1 Initial discussions must take place between a Headteacher, parents/carers and the pupil. The parents'/carers' written consent should be obtained to begin the process of finding a host school. Although parents/carers may wish to specify their preferred host school, they should be advised that it may not be possible to accord their wishes. All parties with parental responsibility should be consulted.

2 Appropriate supporting paperwork should be prepared in anticipation of a move. This should include:

- a copy of the Managed Move agreement which sets out clear review and end dates of the period of transition, and individual targets for the initial direction off-site.
- current (or most recent) academic reports including attainments
- most recent IBMP/PSP/IEP
- social care or child protection paperwork
- behaviour and exclusion records
- recent agency involvement including that of the Specialist Teacher Advisory Service, Youth Justice etc

3 Schools should work in collaboration with each other to allocate places for pupils who would benefit from being given the opportunity for a fresh start by way of a Managed Move. However, if agreement cannot be reached, the following option can be considered:

- by requesting the pupil be discussed at the Local Inclusion Partnership meeting

4 In order to plan effectively for the move period, once an agreed host school has been identified, a meeting should be convened with:

- the child or young person and parents/carers
  and, where appropriate,
- any professionals already involved with a pupil
- the Social Worker/Virtual School representative – for looked after children or children on the Child Protection Register, the child's or young person's Social Worker **must** be involved in the planning of the process of the Managed Move and all relevant documentation **must** be shared with the receiving school
- representatives from both the home and host schools.

5 The arrangements for the Managed Move (managed transition period) should be recorded in writing; an example format follows but schools can use a preferred format agreed in their districts. Any agreed format should include signatures of the parties, pupil and school details, and an outline of the parties' expectations, but it could also include the following elements:

- The starting date and agreed attendance arrangements (for example, it may not be appropriate for all pupils to transfer on a full-time basis initially)

- The period of managed transition via direction off-site (a maximum of six weeks could be deemed reasonable)
- Details of any individual targets set that the pupil needs to meet during the managed transition period. Agreed targets should be set on an individual basis taking into account previous circumstances that have led to a Managed Move being sought. Targets should not be blanket or generic school focused targets, but should be relevant to the individual pupil
- The dates for regular review and the date on which a final decision will be made. At the final review meeting there will be one of three possible outcomes of:

    1. the Managed Move begins, involving the transfer and enrolment onto the new school roll
    2. return to home school
    3. an *exceptional* extension with agreed *reasonable* date

- The arrangements for reporting and recording the pupil's attendance record: This must remain on the home school's register, using the code for *Receiving education off-site* (*present*), so long as the pupil is actually in attendance when required. Absences from the host school which are not approved must be recorded as *Unauthorised* by the home school. The host school will record the pupil as dual roll according to the current Absence and Attendance Codes. A pupil **must not** be removed from the home school roll until written confirmation, following the final review date, has been received by the home school, indicating that the managed transition period has been successful, and the pupil will be now be Managed Moved and immediately put on to the roll of the host school
- Details of agreed levels of support to be provided during the period of managed transition and agreed action by individuals in or out of school by other agencies
- Details of transport arrangements, if applicable
- It will need to be decided following the set-up meeting which school establishment is writing to the parents/carers summarising the content of the meeting and targets for the pupil.

6 Records of the child's details who is embarking on a Managed Move process should be sent to the ISS Inclusion Assistant through the established record keeping mechanism used by the particular LIP so that an overview of pupils admitted to schools under the Managed Moves Protocol can be tracked. This information may be used when considering placement of hard-to-place pupils under the *Fair Access Protocol for Admission to Schools*.

7 During the off-site direction period, the host school is able to issue a suspension for behavioural problems if appropriate. If a suspension is issued, the letter issued to parents/carers informing them of the suspension should be issued by the host school and home school for their records. The home school **must** record the exclusion on SIMS or equivalent and upload the exclusion letter to the Hub. Schools should be mindful of the number of days issued to the child by any establishment to see if a GDC has been triggered.

8 If the host school wishes to end the managed transition period, the Headteacher must confirm this in writing to the parents/carers and to the home school Headteacher, specifying the date from which the pupil must return to their home school with specific details about incidents and attendance. Otherwise, at the agreed final review meeting, a decision must be made to determine whether the pupil will return to their home school or be admitted to the new school on a permanent basis. If the off-site direction period is *exceptionally* extended, then this should be confirmed in writing following the review meeting.

9 When a Managed Move is being considered as an alternative supportive strategy to a permanent exclusion decision, the pupil should still remain on the roll of the home school as it follows the same process described above, namely the period of managed transition through a direction off-site to allow the child to settle and ascertain appropriateness of the permanent Managed Move. When discussing the Managed Move and mechanism of the period of managed transition with the pupil and parents/carers, the home school **must** make it absolutely clear (preferably in writing) that if the period of managed transition should quickly not become viable for **new** serious discipline reasons, the home school Headteacher, after reconsidering the evidence and the **new** serious reasons for this, may return to her/his decision to permanently exclude, if relevant. In the case of **serious** incidents causing the period of transition to fail, the host school will need to notify the home school and provide the necessary evidence base for the home school to consider when now revisiting the decision to permanently exclude. This would usually require the issuing of a suspension during notification and identification, allowing for thorough investigation into the incident. Advice can be sought from ISS and PBS, where relevant. Non engagement from the pupil in the Managed Move is **not** reason to reinstate the permanent exclusion.

10 If the period of managed transition through direction off-site is successful, the Managed Move should proceed. On the agreed date, the pupil (who is currently dual-rolled) should be removed from the roll of the home school and will be single rolled on the Admission Register of the host school (see previous information). Any remaining records should then be formally transferred as a matter of urgency. Funding, if appropriate and agreed between schools, can be transferred to a host school when confirmation has been received that the pupil has been formally admitted on to the roll of that school. This may include the balance remaining of the AWPU plus any other appropriate amounts such as Pupil Premium funding. If funded SEN pupils are involved, schools should be in contact with linked HCC SEN Service officers.

11 **Enrolment Status**

For the duration of the transition process period (off-site direction):

The original school maintains the pupil's record with an enrolment status of 'M'(current main - dual registration).

The new school maintains the pupil's record with an enrolment status of 'S' (current subsidiary - dual registration).

# Managed Move Agreement
# (Initial Period of Managed Transition through Direction Off-site)

**For:** _____ (*pupil's name*) **DoB:** _____ **From:** _____ (*home school*)

**To:** _____ (*receiving school*) **On:** _____ *(date*)

This pupil is being supported by an initial period of managed transition to lead to a Managed Move to a new school for a fresh start following a period of difficulties at his / her home school. The move of school is supported by parents/ carers and the pupil will be supported in the new school by _____ (*designated staff member*).

**The new school will explain the behaviour expected, their Behaviour policy and the school Code of Conduct. _____ (***pupil's name*) **will therefore agree to:**

1 co-operate with the programme arranged by completing class work and homework to the best of their ability
2 distance themselves from trouble with other pupils and avoid fights or arguments
3 find _____ (*staff name*) or _____ (*staff name*) to ask for help if there are any difficulties
4 Take advantage of the support of _____ (*outside agency staff*).

**The host school agrees to:**

1 encourage _____ (*pupil's name*) in their schoolwork, and keep in regular contact with parents/carers, home school and other agency staff
2 take part in regular education reviews, which will be attended by all those signing this agreement, including both schools
3 offer praise and reward whenever appropriate
4 record attendance and inform home school weekly (see Managed Move Guidance).

**The home school agrees to:**

1 keep the pupil on roll and record attendance on the register (see Guidance)
2 take part in regular education reviews, which will be attended by all those signing this agreement, including both schools
3 accept the pupil back in school to plan a way forward should this be necessary.

**Date agreed: _____**

**Dates of review: _____ & _____**

**Signatures:**

Home School Headteacher: _____ Host School Headteacher: _____

Home School Link: _____ Host School Link: _____

Pupil: _____ Parent/carer: _____

Other: _____ Other: _____

## Section J

## Behaviour checklists and strategies

The *Law, policies, and advice* section of the *Introduction* to this document highlighted the importance of behaviour management and identification in schools. An outline of Ofsted's key features and references for materials were given. The other important aspect of Exclusion Guidance could be the possible scrutiny of SEN provision under the parental request for an SEN expert at IRP.

Schools will need to show evidence that there has been assessment over a period of time intended to address a pupil's social, emotional and behavioural needs so that inappropriate behaviour is modified, reduced, or even eliminated before the stage of exclusion as a sanction is reached (*Behaviour in Schools: Advice for headteachers and school staff July 2022*). In this respect, evidence of good planning, appropriate action and follow-up evaluation cannot be over-emphasised. A balance should always be made between accessing support for an individual pupil, and the measures which should be adopted at a systemic or whole-school level.

Many of the strategies are designed to raise pupil's self-esteem in order to establish positive attitudes to learning. It goes without saying that the earlier intervention takes place, the greater the chance of success. Parents/carers (and pupils as appropriate) should be involved in the setting of targets and strategies.

It is highly recommended that any new strategy designed to address a difficulty is kept in place for a reasonable length of time – either for the pupil to have time to adjust and/or for them to achieve good success. If at all possible, suspension should be avoided during any key time-limited strategy (such as small group work with social skills/anger management) or for the pupil to at least attend the on-going sessions during suspension. A responsible adult could, for example, escort the pupil to and from the sessions.

The reintegration of pupils following a period of suspension is also very important and thought needs to be given to what school changes are required to take place. Following longer suspensions, some schools have a '*fresh start*' programme which aids a return to the classroom.

### Internal exclusion

Schools can deal with minor infringements of their behaviour policy by arranging internal exclusion rather than suspensions. This is perfectly acceptable and should not be treated or counted as an exclusion from school because it is, by its very nature, contained within the school. (A template for an internal exclusion if schools wish to keep a record of the sanctions and notify parents/carers of the behavioral difficulties is in Appendix 2, Letter 6.) An internal exclusion is often used by schools when pupils are subject to Children's Services (Social Care) involvement, given the former's safeguarding responsibilities. Internal exclusion can be used as an intervention strategy to avoid escalation of further sanctions and gives the opportunity for meaningful dialogue between pupil and school.

## Table of strategies

The table below is not exhaustive and will probably bring no surprises but may be useful as an aide-memoire. There are some excellent examples of good practice around the County – please contact your Educational Psychologist, Attendance Co-ordinator, PBS, Leadership and Learning Partner (LLP), School Improvement Manager, or ISS for further information. The references given in the *Introduction* under *The Law, polices and advice* section, give key features of the Ofsted framework in relation to behaviour, and references to sites where specific programmes and resources can be accessed.

Robust tracking of the behaviour of the pupil and strategies used to ameliorate the behaviour enable schools to apply behaviour policies consistently; being openly transparent and responsive enables school to self-audit. There may be a '*one-off*' very serious incident which alone merits exclusion. The following list may not, therefore, be appropriate for all cases, but detailed records are still required.

| | |
|---|---|
| **Regular meetings/contact with parents/carers of challenging pupils** | It is imperative that parents/carers are kept fully aware of their child's behaviour and, as partners, are involved with target setting and reviewing **along with their child,** thereby supporting the school in reinforcing positive behaviour. The school can write to the parents/carers expressing concern and detailing the presenting problems and/or invite them to school in order to discuss problems as they arise. Tutors, heads of department, year heads and deputy heads can talk to the pupil (recorded in the pupil file) to offer advice. The parents/carers and their child should be made aware of the possible consequences of poor behaviour, including exclusion, and that this is consistent with the school's Behaviour Policy. |
| **Relocation – change of class/tutor group** | Are there clashes with peers or teacher? Are there any environmental changes that can occur? |
| **Buddying** | Could the pupil benefit from being paired up with an older buddy **or** would their self-esteem be raised if they were given that responsibility for a younger pupil? |
| **Behaviour Plan** | The school has initiated an Individual Behaviour Management Plan or Pastoral Support Programme, which involves all those who have contact with the pupil, with clear reviewing procedures. Programmes need time to be implemented and see success. School sanctions have been applied consistently in an attempt to moderate the pupil's behaviour. Examples for plans and paperwork can be found on the HIEP Hantsnet site. |
| **Activity of responsibility** | Particularly effective in raising self-esteem and building relationships. |
| **On report** | To a member of staff to whom the pupil will respond. To be used on a flexible timescale. A purely punitive report is not advised. |
| **Mentoring** | Every child or young person needs a champion: someone that the pupil will respond to – could be an older pupil, a particular member of the school community or someone from outside the school. |

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| **Counselling/ELSA support** | From a qualified person either in school or out. Has the school considered ELSA trained staff supporting the pupil's emotional literacy needs? |
| **Rewarding achievements** | Positive reinforcement of good behaviour, to boost self-esteem. Rewards can range from verbal acknowledgments to a more structured system. |
| **Support targeted at times of identified difficulty** | Such as unstructured periods and movement between classes. Could these times, such as break and lunch, be used for alternative structured activities? |
| **Clear communication throughout school of pupil's needs** | Including supply/cover and temporary staff. There should be various mediums available for staff to share information, concerns and to plan ways forward. All relevant staff should be aware of pupil's needs. |
| **Staff training** | Staff should be aware of '*signs*' to look out for which may suggest emotional difficulties. Other training needs should be identified through school self-evaluation processes. There are a wide range of classroom management courses available in Hampshire; details can be found at:<br>HIEP training \| Hampshire County Council (hants.gov.uk)<br>Hampshire Inspection and Advisory Service Moodles (mylearningapp.com)<br>or by consulting with the Attendance Co-ordinator, HIEPS, HIAS, PBS, or ISS. |
| **Transition work between key stages** | Particularly between primary and secondary transfer. For example, identifying in good time those pupils who would potentially find the transition difficult (not necessarily always those with disruptive behaviour). Good practice suggests when Year 6 SATs have finished, weekly team-building activities in the receiving secondary school, coupled with some problem-solving activities in their home school, lessens anxiety and makes the pupil feel more secure. The appropriate secondary member of staff also has a better chance of assessing appropriate support for the beginning of the next term. Identification of pupils with difficulties would need to start at the beginning of Year 6. |
| **SEN/clear Individual Education Plan** | The school's special needs department has investigated whether or not the behaviour problems could be linked to a learning difficulty and appropriate strategies have been employed, for example, indicating performance targets, specific programmes, support required, monitoring, assessment and review arrangements.<br>The SEN support line and SEN toolkit can support with strategies. Links available at: Hampshire Inspection and Advisory Service Moodles (mylearningapp.com)<br>The school should have implemented the *SEN Support Guidance for Schools* and strategies therein:<br>www.hants.gov.uk/socialcareandhealth/childrenandfamilies/specialneeds/sencriteria |
| **Consultation with the Educational Psychologist** | Not just regarding particular pupils, but for whole school support covering a wide range of issues, such as developing policies, individual educational programmes, etc. |

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| **Multi-agency meetings/Early Help/Troubled Families** | Many secondary schools in particular have already set up regular multi-agency forums to discuss pupils at risk. If an individual pupil's behaviour deteriorates to a stage where there is a risk of exclusion or a rising profile of exclusions, schools should consider behaviour management plans or the need to consult with any relevant agencies for support. |
| **Specific parental support** | Support can be provided from a variety of sources. Impartial SEN advice can be obtained from:<br>https://www.hampshiresendiass.co.uk/<br>and the Family Information and Service website:<br>https://fish.hants.gov.uk/kb5/hampshire/directory/home.page<br>Additionally, Family Lives is a national charity offering help and information for parents/carers and families (Tel: 0808 800 2222):<br>https://www.familylives.org.uk/ |
| **Outreach support** | The Primary Behaviour Service and Education Centres, as well as some of Hampshire's special schools offer an outreach service and/or specialist advice and support. |
| **Pupils with an EHCP** | Schools should convene an early/interim annual review to recommend a change of programme or provision before permanent exclusion is considered. |
| **Curriculum Alternatives** | Including alternative providers, attendance at further education college, or another form of alternative provision, such as extended work placement. This will require monitoring and quality assurance by the school. Positive guidance and support on careers and personal development should also be considered. |
| **Involvement in community projects and/or county or national initiatives** | Examples here would be ASDAN, Duke of Edinburgh Awards, Hampshire Fire Service programmes, etc. Partnership working with the Police, and other agencies such as Youth Crime Prevention and Anti-Social Behaviour Co-ordinators, can be productive. |
| **Corporate responsibility for looked after children** | Ensure schools' Designated Teachers are identified and, as appropriate, the Virtual School which works to assist vulnerable children and young people, is contacted for support and advice. Has appropriate regard been given to issues relating to those who are vulnerable? |
| **Use of a sanctuary/cool down room** | Some pupils – especially if issued with 'time out' passes – need a location and/or nominated person in order to calm for a period of time before reintegrating back into the classroom. |
| **The Inclusion Support Service (ISS)** | Advice and support can be offered by ISS. In-reach/outreach support from an Education Centre can be sought by completing an ISS referral form or, for primary schools, by contacting PBS. These referrals can be for behaviour or for medical reasons. |
| **Use of Pupil Support Units (internal)** | This should be considered as an alternative to exclusion. Appendix 2 provides a template letter for advising parents/carers of the use of internal exclusion. This also |

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| | provides the school with an evidence base of their strategies and identifies the behaviours. |
| **Managed Move (Permanent Measure) & Off Site Direction -AP (Temporary Measure)** | In line with changes to the DfE statutory guidance (September 2022), schools are directed to read the relevant pages of *The Guidance* (Part 4 paragraphs 35-46 & paragraphs 47-51) which clearly distinguish between both strategies. |

## Individual Behaviour Management Plans/Pastoral Support Plans
(IBMP/PSPs)

Many schools will have already put into place the requirements of an IBMP/PSP for those pupils whose behaviour has become a cause for concern and where outside agencies are involved or have been consulted. The IBMP/PSP brings together the planning required around challenging behaviour and should focus especially on the partnership of the school with parents/carers, pupils and other agencies in meeting needs. Key points and possible interventions could include:

- parental involvement: IBMP/PSP meetings should involve parents/carers, school staff, and where appropriate the pupil, outside school support services and other agencies. However, if a parent/carer cannot be engaged, evidence of the failure to engage should be kept, and the process should be continued. Before the meeting assessment information should be gathered

- a description of appropriate behaviours to work towards and strategies for getting there

- achievable, clear targets for behaviour, and learning, if appropriate, which are broken down into short steps: SMART

- provision necessary in order to support desired changes

- clear responsibilities for all parties

- assistance from the Children's Services Department and/or outside agencies; consideration of whether the pupil should be offered specialist support in areas such as substance misuse or bereavement

- review of any learning difficulties, particularly literacy skills that may affect behaviour. (If necessary, a targeted programme can be put in place immediately. This may include lunchtime or after-school homework clubs, tutoring and other forms of study support.)

- formal review of the plan at agreed regular intervals with the pupil and parents/carers. Changes to the plan should be recorded along with the reasons why the changes were made.

Please see advice and a proforma contained in Hampshire and IOW Education Psychology's website:

Information and resources for educators | Hampshire County Council (hants.gov.uk)

**Section L**

## Children not in receipt of full-time education

The *Guidance for Schools – For children who are not in receipt of full-time education: Reduced hours provision*, *February 2022*, can be found by following the link below:

Exclusion, Reduced Hours Provision, Attendance & Alternative Provision (sharepoint.com)

For those schools who cannot access the link, please email the Reduced Hours Inbox at:

reducedhoursdata@hants.gov.uk

Schools are also directed to Section 3 point 29 of The Guidance: '*A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised*'.

## Section M

**Exclusions and Equalities – C&C v The Governing Body of a School [2018] UKUT 269 (AAC)**

This changes the previous legal position that, where a pupil with a disability was excluded for behaviour which showed a tendency to physical abuse, the Equality Act provisions did not apply, and schools did not need to show reasonable adjustments had been made.

The Equality Act offers protection from discrimination to anyone with a protected characteristic which includes disability; however, regulations enacted under this Act list a number of conditions which are not to be treated as impairments including:

- A tendency to set fires
- A tendency to steal
- A tendency to physical or sexual abuse of other persons
- Exhibitionism
- Voyeurism

**Facts of the Case**

The child in this case had a diagnosis of autism, anxiety and pathological demand avoidance and was issued with a fixed term exclusion following violent behaviour. The parent challenged the school in the First Tier Tribunal which made a finding that, because the violence was a result of a 'tendency to physical abuse' which is excluded from the Equality Act, the parents were prevented in law from claiming that the school had discriminated against the child.

The parents (supported by the Equality & Human Rights Commission) appealed, and the Autistic Society intervened as did the Secretary of State for Education.

**Decision**

The Upper Tribunal held that "When construed in accordance with section 3 of the Human Rights Act 1998, Section 4(1)(c) does not apply to children in education who have a recognised condition that is more likely to result in a tendency to physical abuse."

**Impact**

What this means is that where a school is excluding a pupil who has a disability which manifests itself in physical behaviour, they will have to show that they have made reasonable adjustments in accordance with the Equality Act and considered alternative options before issuing an exclusion/suspension.

The Department for Education have said: "I can confirm that the judgement does explicitly address the situations where a school can exclude a child with a disability that leads to a tendency to physical abuse. So long as the school could show that the exclusion of a pupil who had been violent as a result of his/her disability was a proportionate response, taking into account the legitimate aim of protecting the needs, well-being and interests of the other pupils and staff, and any reasonable adjustments have been made, the exclusion would in all likelihood be a lawful one."

**In Summary**

When excluding, there must be proper consideration of: -

- whether the behaviour complained of amounts to a manifestation of their disability and, if so,
- whether the school had made reasonable adjustments for their disability, and
- whether the decision to exclude for a violent/abusive incident is proportionate.

**Practical Considerations for Schools**

This case will be relevant to schools when dealing with pupils with a disability who display violent behaviour. It is important that each case is dealt with on the facts. Schools are required to make reasonable adjustments for all disabled pupils and where behaviour is escalating, schools should undertake all the usual steps to attempt to manage and reduce the likelihood of violent behaviour.

All cases will be different and deciding whether a pupil has a 'tendency to physical abuse' will require careful interpretation of the facts.

Further advice can be sought from ISS or HCC Legal Services.

**Appendix 1**

## Exclusion template letters

Templates letters are available, with the exclusion notification forms, from:

Exclusion, Reduced Hours Provision, Attendance & Alternative Provision (sharepoint.com)

Please note that the national list of reasons for exclusion includes a requirement to identify up to three reasons for data collection purposes and relates to the completion of the exclusion notification form which is sent to ISS. These reasons and their language do not have to be copied onto the exclusion letter to parents/carers. It may be preferable to use a description of the incident(s) and less formal language than is used in the national list of reasons. Parents/carers sometimes react to the more formal language (physical assault against an adult) whereas a description of the behaviours/incident would give greater clarity.

**Important Note**

Suspensions follow the pupil not the school. It is therefore important that schools are mindful of how many suspensions have been issued in a term/academic year by any establishment before deciding which letter to use and if a GDC has been triggered.

**Exclusion notification letters**

**Letters from the headteacher to notify parents/carers:**

- Letter 1 – Suspension of 5 school days or less in one term
- Letter 2 – Suspension between 5.5 and 15 school days
- Letter 3 – Suspension of 15.5 school days or more
- Letter 4 – Permanent exclusion
- Letter 5 – Lunchtime suspensions
- Letter 6 – Template letter for an internal exclusion.

**Letters for the governors when considering exclusions:**

i. Letter from the clerk to the discipline committee/management committee inviting parents/carers to meeting
ii. Letter from the clerk to the discipline committee/management committee to parents/carers upholding a permanent exclusion
iii. Letter from the clerk to the discipline committee/management committee upholding a suspension
iv. Letter from the clerk to the discipline committee/management committee directing reinstatement following permanent exclusion
v. Letter from the clerk to the discipline committee/management committee mitigating the length of a suspension.

**Points for good practice**

Please remember, for exclusions regarding looked after children the letters should be addressed to **all those with parental responsibility,** i.e: the social worker as well as the foster carer, natural parents or the children's home.

It is a requirement of *The Guidance* that parents/carers are notified of relevant sources of free and impartial information, such as ISS and the Coram Children's Legal Centre.

**Please be aware and be advised that it would be good practice for correspondence to the various parties regarding exclusions to include a statement about data protection in view of the General Data Protection Regulation (GDPR) and the Data Protection Act (DPA).**

## Letter 1 – 5 days or less

**From headteacher notifying parents/carers of a suspension of 5 days or less, and where a public examination is not missed**

**[SCHOOL INSTRUCTION]**
If the child has a Social Worker/Family Support Worker (CiN or CP), is Looked After or Post Looked After, a copy of this letter must go without delay from the school to all the relevant parties.

Date **[issued on first day of suspension]**

Dear **[Parent/Guardian]**

**[SCHOOL INSTRUCTION TO COMPLETE]**
**Pupil's Full Name:[as on official record]** **Year Group: [must be completed]**
**DoB: [dd/mm/yyyy]** **UPN:[must be completed]**

I am writing to inform you of my decision to suspend **[insert pupil's name]** for a fixed period of **[insert number]** day(s). This means that he/she will not be allowed in school for this period. The suspension begins/began on **[insert date]** and ends on **[insert date]**.

The decision to suspend **[insert pupil's name]** has not been taken lightly. **[insert pupil's name]** has been suspended for this fixed period because on **[insert date] [insert pupil's name] [give details of reason(s)]**.

**[THE PARAGRAPH BELOW IS FOR PUPILS OF COMPULSORY SCHOOL AGE ONLY – REMOVE IF NOT APPLICABLE]**
You have a duty to ensure that your child is not present in a public place in school hours during this suspension on **[insert dates]** unless there is reasonable justification for this (or until the start date of any alternative provision where this is earlier). 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.

We will set work for **[insert pupil's name]** to be completed on the days specified in the previous paragraph **[insert arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing board. If you wish to make representations, please contact **[insert name of contact]** on/at **[insert contact details]** as soon as possible. The governing board must consider any representation made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

You should be aware that if you think the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or to the County Court, in the case of other forms of discrimination (http://www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is

alleged to have taken place, e.g.: the day on which the pupil was excluded.

You may wish to contact the following sources of advice about exclusion from school:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters
Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January
http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

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

Yours sincerely

**[insert headteacher's name]**
Headteacher

## Letter 2 – 5.5 – 15 days

**From headteacher notifying parents/carers of a pupil's suspension of <u>between 5.5 and 15 school days</u> in a term**

**[SCHOOL INSTRUCTION]**
If the child has a Social Worker/Family Support Worker (CiN or CP), is Looked After or Post Looked After, a copy of this letter must go without delay from the school to all the relevant parties.

Date **[issued on first day of suspension]**

Dear **[Parent/Guardian]**

**[SCHOOL INSTRUCTION TO COMPLETE]**
**Pupil's Full Name:[as on official record]** **Year Group: [must be completed]**
**DoB: [dd/mm/yyyy]** **UPN:[must be completed]**

I am writing to inform you of my decision to suspend **[insert pupil's name]** for a fixed period of **[insert number]** days. This means that **[insert pupil's name]** will not be allowed in school for this period. The suspension start date is **[insert dates]** …… and the end date is ……. . Your child should return to school on **[insert date]**.

The decision to suspend **[insert pupil's name]** has not been taken lightly. **[insert pupil's name]** has been suspended for this fixed period because on **[insert date] [insert pupil's name]** ……. **[give details of reason(s)]**.

**[THE NEXT 3 PARAGRAPHS ARE FOR PUPILS OF COMPULSORY SCHOOL AGE – REMOVE IF NOT APPLICABLE]**
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 any suspension, that is on **[insert 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 (or until the start date of any alternative provision where this is earlier). It will be for you to show that there is reasonable justification.

We will set work for **[insert pupil's name]** during the **[first 5 or specify other number as appropriate]** school days of his suspension. **[insert arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[THE PARAGRAPH BELOW IS ONLY RELEVANT IF THIS SUSPENSION IS OVER 5 DAYS IN A BLOCK – REMOVE IF NOT APPLICABLE]**
From the 6th school day of **[insert pupil's name]**'s suspension, **[insert date]** until its expiry, we **[the Local Authority if for an Education Centre]** will provide suitable full-time education. **[If not known, say that arrangements will be notified by a further letter]**. On **[insert date]** he/she should attend at **[insert name and address of alternative provider if not the home school]** at **[insert time] – this may not be identical to the start time of the home school]** and report to **[insert staff**

**member's name]**. **[insert transport arrangements from home to alternative provider if applicable]**.

You have the right to request a meeting of the school's governing board to whom you may make representations, and my decision to suspend can be reviewed. As **[insert pupil's name]** has been suspended for more than 5 school days in a term, the governing board must meet, if you request it to do so. The latest date by which the governing board must meet, if you request a meeting, is **[insert date – NO LATER THAN 50 SCHOOL DAYS FROM THE DATE GOVERNING BOARD IS NOTIFIED]**.

You can ask for a governing board meeting to be held via the use of remote access technology, such as video conferencing software. However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

When deciding whether to request a remote meeting, you should consider:

- your internet connectivity, whether it is good enough and not intermittent or slow
- if you have a suitable space free from distraction to enable you to fully take part
- whether a face-to-face meeting may be better

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If the governing board does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

If you wish for the meeting to be held remotely you must inform the school within 3 school days of this notification.

If you do wish to make representations to the governing board, and wish to be accompanied by a friend or representative, please contact **[insert name of contact]** on/at **[insert 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 **[insert name of contact]** if it would be helpful for you to have an interpreter present at the meeting. **[insert pupil's name]**, where applicable, is encouraged to attend any proposed meeting.

You should be aware that if you think the suspension has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or to the County Court, in the case of other forms of discrimination (http://www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg: the day on which the pupil was

excluded. Making a claim would not affect your right to make representations to the governing board

You may wish to contact the following sources of advice about exclusion from school:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters
Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January
http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

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

Yours sincerely

**[insert headteacher's name]**
Headteacher

## Letter 3 – 15.5 days or over

**From headteacher notifying parents/carers of a suspension of <u>15.5 school days or more</u> in total in one term**

**[SCHOOL INSTRUCTION]**
If the child has a Social Worker/Family Support Worker (CiN or CP), is Looked After or Post Looked After, a copy of this letter must go without delay from the school to all the relevant parties.

Date **[issued on first day of suspension]**

Dear **[Parent/Guardian]**

**[SCHOOL INSTRUCTION TO COMPLETE]**
**Pupil's Full Name:[as on official record]** **Year Group: [must be completed]**
**DoB: [dd/mm/yyyy]** **UPN:[must be completed]**

I am writing to inform you of my decision to suspend **[insert pupil's name]** for a fixed period of **[insert number]** days. This means that **[insert pupil's name]** will not be allowed in school for this period. The suspension begins/began on **[insert dates]** …….. and ends on ……. .

The decision to suspend **[insert pupil's name]** has not been taken lightly. **[insert pupil's name]** has been suspended for this fixed period because on **[insert date] [insert pupil's name]** …… **[give details of reason(s)]**

**[THE NEXT 3 PARAGRAPHS ARE FOR PUPILS OF COMPULSORY SCHOOL AGE ONLY– REMOVE IF NOT APPLICABLE]**
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 the exclusion or specify dates]**, unless there is reasonable justification for this (or until the start date of any alternative provision where this is earlier). 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.

Alternative arrangements for **[insert pupil's name]**'s education to continue will be made. We will set work for **[insert pupil's name]** during the **[first 5 school days or specify number of days if less]** of his suspension. **[insert arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[THE PARAGRAPH BELOW IS ONLY RELEVANT IF THIS SUSPENSION IS OVER 5 DAYS IN BLOCK – REMOVE IF NOT APPLICABLE]**
From **[6th school day of the pupil's suspension – specify date]** until its expiry, we will provide suitable full-time education. **[set out the arrangements if known at time of writing, eg:** On **[insert date]** he should attend at **[insert name and address of the alternative provider if not the home school]** at **[insert the time – this may not be identical to the start time of the home school]** and report to **[insert staff member's name]. [If applicable – insert 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 which must be provided no later than 48 hours before the provision is due to start]**

As **[insert pupil's name]** has now been suspended for more than 15 school days in total in one term, the governing board must meet to consider this. At the review meeting you may make representations to the governing board if you wish. The latest date on which the governing board can meet is **[insert date – NO LATER THAN 15 SCHOOL DAYS FROM THE DATE THE GOVERNING BOARD IS NOTIFIED]**. If you wish to make representations to the governing board and wish to be accompanied by a friend or representative, please **[insert name of contact]** on/at **[insert contact details]** as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please advise us 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 **[insert name of contact]** if it would be helpful for you to have an interpreter present at the meeting. **[insert pupil's name]**, where applicable, is encouraged to attend any proposed meeting.

You can ask for a governing board meeting to be held via the use of remote access technology, such as video conferencing software. However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

When deciding whether to request a remote meeting, you should consider:

- your internet connectivity, whether it is good enough and not intermittent or slow
- if you have a suitable space free from distraction to enable you to fully take part
- whether a face-to-face meeting may be better

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If the governing board does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

If you wish for the meeting to be held remotely you must inform the school within 3 school days of this notification.

You should be aware that if you think the suspension has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or to the County Court in the case of other forms of discrimination (http://www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the

discrimination is alleged to have taken place, eg: the day on which the pupil was suspended.

You may wish to contact the following sources of advice about exclusion from school:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters
Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January
http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

**[insert pupil's name]**'s suspension expires on …… and we expect **[insert pupil's name]** to be back in school on **[insert date of return]** at **[insert time of return]**

Yours sincerely

**[insert Headteacher's name]**
Headteacher

## Letter 4 – Permanent exclusion

**From the Headteacher of a primary, secondary or special school notifying the parents/carers of the pupil's permanent exclusion**

[Address]

Date ……

Dear …….

I regret to inform you of my decision to permanently exclude **[insert pupil's name]** with effect from **[insert date]**. This means that **[insert pupil's name]** will not be allowed in this school unless he is reinstated by the Governing Board/the Discipline Committee.

The decision to permanently exclude **[insert pupil's name]** has not been taken lightly **[insert pupil's name]** has been excluded because on **[insert date] [insert pupil's name] [give details of reason(s) for exclusion]**.

**[INSERT ANY OTHER RELEVANT PREVIOUS HISTORY HERE]**.

The 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 such as staff or pupils in the school

**[HEADTEACHER MUST ADDRESS HERE HOW THE TESTS HAVE BEEN MET IN RELATION TO THE DECISION TO PERMANENTLY EXCLUDE CHILD]**

**[THE NEXT 3 PARAGRAPHS ARE FOR PUPILS OF COMPULSORY SCHOOL AGE – REMOVE IF NOT APPLICABLE]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion: from **[date to date]** 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.

Alternative arrangements for **[insert pupil's name]**'s education to continue will be made. For the first five days of the exclusion, we will set work for **[insert 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 day of the exclusion onwards, **[insert date]** the Local Authority, **[insert name of Local Authority]** will provide suitable full-time education. Arrangements will be notified shortly by letter or telephone.

**[THE NEXT PARAGRAPH IS FOR PUPILS LIVING IN LA OTHER THAN EXCLUDING SCHOOL'S LA – REMOVE PARAGRAPH IF NOT APPLICABLE]**

I have also today informed **[insert name of officer]** at **[insert name of Local Authority]** of your child's exclusion and they will be in touch with you about arrangements for their education from the sixth school day of exclusion. You can then contact them at **[insert contact details]**.

As this is a permanent exclusion the governing board must meet to consider it. At the review meeting you may make representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you have the right to ask for the decision to be reviewed by an Independent Review Panel. The latest date by which the governing board must meet is **[insert date – 15 SCHOOL DAYS FROM THE DATE THE GOVERNING BODY IS NOTIFIED]**.

You can ask for a governing board meeting or independent review panel (IRP) meeting to be held via the use of remote access technology, such as video conferencing software. However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

When deciding whether to request a remote meeting, you should consider:

- your internet connectivity, whether it is good enough and not intermittent or slow
- if you have a suitable space free from distraction to enable you to fully take part
- whether a face-to-face meeting may be better.

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If the governing board does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

If you wish for the meeting to be held remotely you must inform the school within 3 school days of this notification.

If you wish to make representations to the Governing Board and wish to be accompanied by a friend or representative, please contact **[insert name of contact]** on/at **[insert contact details]** as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the Governing Board 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 **[insert name of contact]** if it would be helpful for you to have an interpreter present at the meeting. **[insert pupil's name]** where applicable, is encouraged to attend any proposed meeting.

You should be aware that if you think the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability) in the case of disability

discrimination, or to the County Court in the case of other forms of discrimination (http://www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg: the day on which the pupil was excluded.

You may wish to contact the following sources of advice about exclusion from school:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters
Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January
http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

Yours sincerely

**[INSERT NAME OF HEADTEACHER]**

Headteacher

## Letter 5 – Lunchtime suspension

**From headteacher notifying parents/carers of lunchtime suspension**

**[SCHOOL INSTRUCTION]**
If the child has a Social Worker/Family Support Worker (CiN or CP), is Looked After or Post Looked After, a copy of this letter must go without delay from the school to all the relevant parties.

Date **[issued on first day of suspension]**

Dear **[Parent/Guardian]**

**[SCHOOL INSTRUCTION TO COMPLETE]**
**Pupil's Full Name:[as on official record]** **Year Group: [must be completed]**
**DoB: [dd/mm/yyyy]** **UPN:[must be completed]**

This letter is to inform you of my decision to suspend **[insert pupil's name]** during lunchtimes for **[insert number of days]** starting on **[insert dates]** …….. and ending on …….. .

The decision to suspend **[insert pupil's name]** has not been taken lightly. **[insert pupil's name]** has been suspended for this period because on **[insert date] [insert pupil's name]** ……. **[give details of reason(s)]**.

The Department for Education has stated that each lunchtime suspension should be counted as a half day. Therefore, this suspension is equivalent to **[insert number of days]** days. If you wish to discuss this suspension, will you please contact me at school to arrange a time and date that is mutually convenient.

You have the right to make representations about this decision to the school Governing Body and the decision to suspend can be reviewed.
**[DEPENDING UPON THE NUMBER OF DAYS ACCUMULATED IN ONE TERM CHOOSE THE CORRECT OPTION FROM THOSE LISTED BELOW:**

**a) For a suspension of 5 days or less, you have the right to make representations about this decision to the governing board. The governing board must consider any representation made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.**
**b) For a suspension of 5.5 - 15 days, the governing board must meet if you request it to do so within 50 school days.**
**c) For a suspension of 15.5 - 45 days, the governing board must automatically consider it within 15 school days.]**

If **[insert pupil's name]** is entitled to free school meals, a packed lunch will be provided by the school canteen. **[insert pupil's name]** should collect this before the start of the lunch break. You are responsible for your child during the lunch break. Please could you make arrangements for your child to be collected at the end of the morning session and returned to school at the beginning of the afternoon session.

You should be aware that if you think the suspension has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier

Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or to the County Court in the case of other forms of discrimination (http://www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg: the day on which the pupil was excluded.

You may wish to contact the following sources of advice about exclusion from school:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on state education matters
Telephone: 020 7713 0089. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January
http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

Yours sincerely

**[insert headteacher's name]**
Headteacher

## Letter 6 – Internal inclusion
**Sample Template 'Inclusion notice'**

Mr/Mrs Parent/Carer Date: …….

Address: ……

**Inclusion Notice**

Dear Mr and Mrs ……...

**Pupil's Name, DoB, Year Group, etc**

It is with regret that I have to inform you that **[insert pupil's name]** has been involved in a significant breach of school rules (*or 'behaviour code' etc).*

**Outline of incident**
On **[insert date] [insert pupil's name] what, where why, who and how of the incident(s)** …… .

***Examples for the letter writer*:**

a) *During the lunchbreak on* **[insert date] [insert pupil's name]** *became involved in a conflict with another pupil. As a part of this* **[insert pupil's name]** *punched the other pupil on the nose, leaving it marked.*

b) **[insert pupil's name]** *has been wandering about the school, out of lessons and failing to follow instructions.*

As a direct consequence of this behaviour **[insert pupil's name]** will be withdrawn from lessons on **[insert date]**, etc, and taught within our Inclusion Room for an initial period of **[insert number]** day(s). Working in this area has its own structure to the day and I would request that you ensure that your child is provided with a packed lunch on the day in question. If your child is entitled to a free school meal, then a packed lunch will be provided at school.

You need to be aware that this sanction provides your child with an opportunity to avoid suspension. During this time, **[insert pupil's name]** will be expected to conform to our rules and expectations and have reparative and restorative dialogue with staff, thus finding a means to return to mainstream lessons as soon as possible.

We would appreciate your involvement in supporting the school and reinforcing the seriousness of this current situation. Should you wish to discuss this matter in greater detail then I recommend that you contact your child's Head of Year, **[insert name of contact]**, at your earliest convenience.

Yours sincerely

Headteacher

**Appendix 2**

## GDC invitation to parents/carers
## Letter/email from clerk to the Governors Discipline Committee/ Management Committee inviting parents/carers to the meeting

**CONFIDENTIAL**

Dear **[parent/carer]**

**Re: [insert name and date of birth of pupil]**

I am writing to inform you that the Governors/Management Discipline Committee will be meeting to review **[insert pupil's name]**'s suspension/permanent exclusion and has set aside the following alternative dates for that purpose:

- 
- 
- 

You and (name of child) are invited to attend the meeting. Please would you let me know if you are able to attend on any of the above dates and times, and your preference. If you are unable to attend any of the above dates, and wish to attend, please get in touch with the clerk to the committee – Phone: **[insert phone number]**

Every effort will be made to find a date convenient to all parties, bearing in mind that the meeting should take place within 15 school days from the date of the exclusion *(or 50 days for 5.5-15 days, and no time limit on 5 days or less).*

If you would like to submit any paperwork for the governors' consideration when reviewing the exclusion, please either send it to me in order that I can distribute it prior to the meeting or let me know if you will be bringing it with you on the day of the meeting so I can arrange to copy it. You may wish to use the parent and pupil voice form provided by the Hampshire Inclusion Support service.

You are welcome to bring a friend or representative along for support. Please let me know if you choose to do so.

**IF APPLICABLE: Include details if the meeting is to be held remotely.**

If I have not heard from you by **[insert date]** then the meeting will take place on **[insert date]** at **[insert time]** at the school.

Yours sincerely

**[insert clerk's name]**
clerk to the Governors/Management Discipline Committee

*(**NB:** if you are writing to parents/carers detailing only one particular date and time for the meeting, please request that parents/carers notify you as soon as possible if this*

*is not convenient. Should parents/carers have recourse to Independent Review/Judicial Review at a future date it will be necessary to show that all attempts were made to convene the meeting at a date and time convenient to all parties.)*

## Letter from the Clerk to the Governors Discipline Committee/ (Management Committee in case of an Education Centre) to parents/carers upholding a permanent exclusion

**CONFIDENTIAL**

Dear **[parent's/carer's name]**

The meeting of the Governing Body/Management Committee at **[insert name of school]** on **[insert date]** considered the decision by **[insert Headteacher's/ Teacher in Charge's name]** to permanently exclude your son/daughter **[insert pupil's name]**. The Governing Body/Education Centre Management Committee, after carefully considering the representations made and all the available evidence, has decided to uphold **[insert pupil's name]**'s exclusion.

The reasons for the Governing Body/Management Committee's decision are as follows: …….. **[give the reasons in as much detail as possible, explaining how they were arrived at] [*to assist in detailing the decision please see HCC Exclusions Guidance Section F, Minutes and decision letter*]**

You have the right to ask for the decision to be reviewed by an Independent Review Panel. If you wish for a review, please notify Inclusion Support Service who will provide a form, which has to be signed and returned, either as hard copy or scanned, and attached to an email. You must set out the reasons for requesting a review and, where appropriate, include a reference to how any special educational needs your child has were relevant to the exclusion.

Regardless of whether **[insert pupil's name]** has recognised special educational needs, either by being on the school's Special Educational Needs Register or by having an Education Health Care Plan, you have a right to require the Local Authority/Academy Trust to appoint an SEN expert to attend the review. Please make it clear if you wish for an SEN expert to be appointed in any application for a review. There will be no financial implication for a parent/carer requesting the SEN officer appointment.

The SEN expert will provide impartial advice to the Panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the Panel. The SEN expert's role does NOT include making an assessment of the pupil's special educational needs. The focus of the SEN expert's advice should be on whether the school's policies which relate to special educational needs, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair.

Please send this notice of review to Independent Appeals Service at independent.appeals.service@hants.gov.uk **[SCHOOL TO INSERT DETAILS OF HOW PARENTS CAN APPLY FOR AN APPEAL]** by no later than **[insert the latest date – THE 15TH SCHOOL DAY AFTER RECEIPT OF THIS LETTER]**. If you have not lodged a wish to review by [repeat latest date], you will lose your right to a review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[insert Independent Appeals Service or the school]** if it would be helpful for you to have an interpreter present at the hearing.

Your request for a review of the Governing Body's decision will be heard by an Independent Review Panel. A three-member panel will comprise one serving or recently retired (within the last five years) headteacher, one serving or recently serving experienced Governor/Management Committee member, and one lay member who will be the Chair.
**[Use the following if there is a possibility that a five-member panel may sit: a five-member panel will comprise two serving or recently retired (within the last 5 years) headteachers, two serving or recently serving experienced Governors/Management Committee members, and one lay member who will be the Chair.]**

The role of the Panel is to review the Governing Body's decision not to reinstate a permanently excluded pupil. If you have fresh evidence to present to the Panel you may do so. The Panel must meet no later than the 15th school day after the date on which your wish for a review is lodged. In exceptional circumstances the Panel may adjourn the hearing until a later date.

You can ask for a governing board meeting or independent review panel (IRP) meeting to be held via the use of remote access technology, such as video conferencing software. However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

When deciding whether to request a remote meeting, you should consider:

- your internet connectivity, whether it is good enough and not intermittent or slow
- if you have a suitable space free from distraction to enable you to fully take part
- whether a face-to-face meeting may be better.

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If the governing board does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

If you wish for the meeting to be held remotely you must inform the school within 3 school days of this notification.

You should be aware that if you think the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), and in the case of disability discrimination, or to the County Court in the case of other forms of discrimination (www.justice.gov.uk/tribunals/send). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg: the day on which the pupil was excluded.

I would advise you of the following sources of advice:

Inclusion Support Service, Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG
Enquiries to: Exclusion.queries@hants.gov.uk / 0370 7790123
https://www.hants.gov.uk/educationandlearning/educationinclusionservice

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http://www.childrenslegalcentre.com

Hampshire Special Education Needs & Disability Information, Advice & Support: Hampshire SENDIASS | Impartial SEND Advice & Support

Independent Provider of Special Education Advice (IPSEA) - independent information and support on the suspension and permanent exclusion of children with SEND

Department for Education Statutory Guidance on exclusions is published online at: https://www.gov.uk/government/publications/school-exclusion

Department of Education A Guide for Parents: A guide for parents on school behaviour and exclusion - GOV.UK (www.gov.uk)

The arrangements currently being made for **[insert pupil's name]**'s education will continue. **[insert arrangement details here]**

Yours sincerely
**[insert Clerk's name]**
Clerk to the Governing Body (or Clerk to the Management Committee in case of an Education Centre)

Copy to: Headteacher
Inclusion Officer
Virtual School / Children's Services Department (Social Care) (if appropriate)

## Suspension uphold letter
## Letter from clerk to Governors Discipline Committee/Management Committee upholding the headteacher's decision following a suspension

**CONFIDENTIAL**

Dear **[parent/carer]**

**Re: Governors/Management Discipline Committee meeting to consider the suspension of [insert name and date of birth of pupil] for the period of [state number of days]**

The meeting of the Governors/Management Discipline Committee at the **[insert name of school]** on **[insert date]** considered the decision by the headteacher to suspend your son/daughter **[insert pupil's name]** for **[insert number of days]**. The Committee, after carefully considering the representations made and all the available evidence, has decided to uphold **[insert pupil's name]** suspension.

The reasons for the Committee's decision are as follows: ……. **[give the reasons in as much detail as possible, explaining how the Committee arrived at their decision with reference to the representations where appropriate, showing that the Discipline Committee has grappled with the major issues]**.

Arrangements **[must be/have been]** made for the reintegration of **[insert pupil's name]** to school and the headteacher **[will be/has been]** in contact with you to agree a reintegration plan.

Should you have further questions about the plan please contact the headteacher **[or nominated contact person]**.

Yours sincerely

**[insert clerk's name]**
Clerk to the Governors/Management Discipline Committee

Copy to: Headteacher
Inclusion Officer
Virtual School / Children's Services Department (Social Care) (if appropriate)

## Permanent exclusion reinstatement letter
## Letter from clerk to Governors Discipline Committee/Management Committee directing reinstatement following permanent exclusion

**CONFIDENTIAL**

Dear **[parent/carer]**

**Re: Governors/Management Discipline Committee meeting to consider the permanent exclusion of [insert name and date of birth of pupil]**

The meeting of the **[insert name of school]** Governors Discipline Committee at the **[insert name of school]** on **[insert date]** considered the decision by the headteacher to permanently exclude your son/daughter **[insert pupil's name]**. The Committee, after carefully considering the representations made and all the available evidence, has decided to direct the reinstatement of **[insert pupil's name]**.

The reasons for the Committee's decision are: …….. **[give details of all reasons]**.

**[insert pupil's name]** should, therefore, return to school on **[insert date]** and the headteacher will contact you to agree a reintegration plan and arrange a reintegration interview.

**[Insert below paragraph if applicable]**
If you do not want your child to return to **[insert name of school]** because you have made other arrangements for their education because (eg: they are now on roll at another school or because you have chosen to electively home educate), please reply to this letter in writing giving details of those other arrangements so that **[insert name of school]** is able to remove **[insert pupil's name]**'s name from the school roll.

Yours sincerely

**[insert clerk's name]**
Clerk to the Governors/Management Discipline Committee

Copy to: Headteacher
Inclusion Officer
Virtual School / Children's Services Department (Social Care) (if appropriate)

## Suspension length mitigation letter
## Letter from clerk to Governors Discipline Committee/Management Committee mitigating the length of a suspension

**CONFIDENTIAL**

Dear **[parent/carer]**

**Re: Governors/Management Discipline Committee meeting to consider the suspension of [insert name and date of birth of pupil] for the period of [insert number of days]**

The meeting of the Governors/Management Discipline Committee at the **[insert name of school]** on **[insert date]** considered the decision by the headteacher to suspend your son/daughter **[insert pupil's name]** for **[insert number of days]**. The committee, after carefully considering the representations made and all the available evidence, has decided to reduce the length of the suspension to **[insert number of days]** days. **[insert pupil's name]** should, therefore, return to school on **[insert date]**. **OR** A record of the reduction in the number of days will be placed on your child's file as **[insert pupil's name]** has already returned to school.

The reasons for the committee's decision are: ……. **[give details of all reasons]**.

Arrangements **[must be/have been]** made for the reintegration of **[insert pupil's name]** to the school and the Headteacher **[will be/has been]** in contact with you in order to arrange a reintegration meeting.

Should you have further questions about the arrangements please contact the headteacher **[or nominated contact person]**.

Yours sincerely

**[insert clerk's name]**
Clerk to Governors/Management Discipline Committee

Copy to: Headteacher
Inclusion Officer
Virtual School / Children's Services Department (Social Care) (if appropriate)

**Appendix 3**

## Template notification form

**N.B. Notification forms are no longer required for suspensions – only for permanent exclusions.**

Electronic forms and templates of the exclusion notification and letters are available from:

Exclusion, Reduced Hours Provision, Attendance & Alternative Provision (sharepoint.com)

Schools who are having difficulty uploading to the Education Information Hub can send them to exclusion.uploads@hants.gov.uk

- Forms should be completed by the **Headteacher on the day** on which a pupil and his/her parents/carer are notified that he/she has been **excluded.**

- Copies of the letter and form (if permanent exclusion) should be sent immediately to both:

  - the Clerk to the Governors Discipline Committee/Management Committee and
  - ISS, either via the Education Information Hub or the Exclusions Team Inbox:

    exclusion.uploads@hants.gov.uk

  Please attach to each form a copy of the notification letter to parents/carers for all exclusions. It is a legal requirement to inform the governing board and the LA. This process is strongly recommended for reporting suspensions, and in all cases affecting public examinations and permanent exclusions, it must be **immediate**.

- The permanent exclusion notification form has a second page where we require the school to provide as much detail as possible on the pupil's background to benefit the respective Education Centre when providing 6th day provision. **Immediate notification to the LA is required at the time of the Headteacher's decision to permanently exclude the pupil. It is essential any significant risk elements associated with a pupil are noted.**

When considering the exclusion of a child or young person who is known to Children's Services (Social Care), the Headteacher must liaise with and inform the relevant Social Worker/Family Support Worker of any intended exclusion, given schools' safeguarding responsibilities.

# Notification of Permanent Exclusion
# (September 2025)

**(Day 6 and Inclusion Support Service Referral Form)**

*The completed form and notification letter to parents/carers should be sent **immediately** to the Inclusion Support Service and Social Worker/Virtual School if applicable. Schools should share generic exclusion information with Governors according to school processes. Procedural guidance is provided in both the DfE and HCC Exclusions Guidance.*

| | | | | | |
|---|---|---|---|---|---|
| **School:** | | | | **DfE No:** | |
| **School Contact:** | | **Email Address:** | | | |
| **Pupil UPN:** | | **Age:** | | **Date of Birth:** | |
| **Surname:** | | **Gender:** | | **Year Group:** | |
| **Forename:** | | **Preferred Forename:** | | | |
| **Home Address:** | | | | | |
| **% Attendance:** | | | | | |
| **Ethnicity including GRT:** | | **First Language:** | | | |
| **SEN Need Code:** | K SEN Support / EHCP / EHCP draft (delete as applicable) | | | | |
| **SEN Needs:** | | | | | |
| **Free school meals:** | Yes / No | | | | |

| | | | |
|---|---|---|---|
| **In Care:** | Yes / No | **Home authority:** | |
| **Details of Care Order:** | | **Accommodated authority:** | |

**<u>Contacts</u>**

| **Pupil's Contacts: (Priority and Name)** | **Relationship:** | **Address:** | **Court Order:** | **Email:** | **Landline + Mobile No:** |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

**External Agencies Involved in Supporting Pupil:**

| Service: | Name: | Contact Details: | Informed about Exclusion: |
|---|---|---|---|
| Social worker/Family support worker | | | Yes / No |
| Virtual School | | | Yes / No |
| SEN Caseworker | | | Yes / No |
| Educational Psychology | | | |
| Education Centre/PBS | | | |
| Youth Justice Service | | | |
| Other (please specify e.g. EMTAS) | | | |

**Date of Exclusion and Exclusion Reason**

Select up to **3 reasons** if appropriate.

| **Date Permanent Exclusion issued:** | | | |
|---|---|---|---|
| Physical assault against a pupil | | Abuse relating to disability | |
| Physical assault against an adult | | Sexual misconduct | |
| Verbal abuse / Threatening behaviour against a pupil | | Drug/Alcohol related | |
| Verbal abuse / Threatening behaviour against an adult | | Damage to property | |
| Use or threat of an offensive weapon/prohibited item | | Theft | |
| Bullying | | Persistent or general disruptive behaviour | |
| Racist abuse | | Inappropriate use of social media or online technology | |
| Abuse against sexual orientation and gender identity | | | |

**Academic Profile**

| KS1 & KS2 Attainment | | | |
|---|---|---|---|
| | **Reading** | **Writing** | **Maths** |
| **Current Status** (e.g. WTS, ARE, GDS) | | | |
| **SAT results** | | | |

| CAT Scores | | | |
|---|---|---|---|
| **Verbal** | **Non-Verbal** | **Quantitative** | **Average** |
| | | | |

| KS3 & KS4 Attainment | | | |
|---|---|---|---|
| **Subject** | **Current Grade** | **Exam Board** | **Predicted Grade** |
| Maths | | | |
| Science | | | |
| English | | | |
| Other | | | |
| Other | | | |
| Other | | | |
| Other | | | |
| Other | | | |
| Other | | | |
| Other | | | |

| |
|---|
| **Risks to Pupil or Other Pupils/Adults:** |
| **Relationships with Peer Group:** |
| **Relationship between Home and School:** |
| **Pupil's Relationships with Staff:** |
| **Pupil's strengths and interests:** |
| **Details of Behaviours Shown:** |
| **Details of SEN:** |
| **Physical or Mental Health Concerns including allergies etc:** |
| **What would need to happen for this pupil to be successfully re-integrated into a new school?:** |
| **Are there any child protection concerns for this pupil? Is this pupil on the CiN/CP register? Please ensure relevant details are given:** |
| **Name of the School's Designated Safeguarding Lead:** |

**Completed by:** **Role:** **Date:**

**Agreed by Headteacher Yes / No**

**Please refer to ISS for support and guidance:** Exclusion, Reduced Hours Provision, Attendance & Alternative Provision (sharepoint.com)

## Appendix 4

## National standard list of reasons for exclusions

*The Guidance* notified LAs in March 2003 of plans to collect termly data on suspensions and permanent exclusions. The notification was amended in September 2020 so that up to three reasons may be given for each exclusion. The list provides descriptors of reasons for exclusions. The 16 categories should cover the main reasons for exclusions. The further detail which suggests what the descriptors cover should be used as a guide: this list is not intended to be used as a '*tick list*' for exclusions.

It may be helpful for the administrators filling in the forms to have a copy of the list below; the list of sub-categories may assist in defining the main category for the form.

**Physical assault against pupil**
Includes:

- fighting
- violent behaviour
- wounding
- obstruction and jostling

**Physical assault against adult**
Includes:

- violent behaviour
- wounding
- obstruction and jostling

**Verbal abuse / threatening behaviour against pupil**
Includes:

- threatened violence
- aggressive behaviour
- swearing
- homophobic abuse and harassment
- verbal intimidation
- carrying an offensive weapon

**Verbal abuse / threatening behaviour against adult**
Includes:

- threatened violence
- aggressive behaviour
- swearing
- homophobic abuse and harassment
- verbal intimidation
- carrying an offensive weapon

**Bullying**
Includes:

- verbal
- physical
- homophobic bullying
- racist bullying

**Racist abuse**
Includes:

- racist taunting and harassment
- derogatory racist statements
- racist bullying
- racist graffiti

- swearing that can be attributed to racist characteristics

**Sexual misconduct**
Includes:

- sexual abuse
- sexual assault
- sexual harassment
- lewd behaviour
- sexual bullying
- sexual graffiti

**Drug and alcohol related**
Includes:

- possession of illegal drugs
- inappropriate use of prescribed drugs
- drug dealing
- smoking/vaping
- alcohol abuse
- substance abuse

**Damage**
Includes:

- damage to school or personal property belonging to any member of the school community
- vandalism
- arson
- graffiti

**Theft**
Includes:

- stealing school property
- stealing personal property (from pupil or adult)
- stealing from local shops on a school outing
- selling and dealing in stolen property

**Persistent disruptive behaviour / Disruptive general behaviour**
Includes:

- challenging behaviour
- disobedience
- persistent violation of school rules

**Use or threat of use of an offensive weapon or prohibited item**
Includes:

- deliberately bringing an offensive weapon to school in order to cause harm
- threatening others with an offensive weapon
- using an offensive weapon or prohibited item to harm someone
- possession

**Abuse against sexual orientation and gender identity**
Includes:

- verbal / threatened / taunting / mimicking / mocking / harassment abuse
- written abuse / derogatory comments and/or publishing on social media
- physical abuse/contact

**Abuse relating to disability**
Includes:

- verbal / threatened / taunting / mimicking / mocking / harassment abuse
- written abuse / derogatory comments and/or publishing on social media
- Physical abuse/contact

**Inappropriate use of social media or online technology**
Includes:

- filming staff or pupils without permission
- circulating / distributing filmed footage to cause deliberate offence
- creating web pages or social media accounts relating to staff and/or pupils
- commenting on web pages or social media accounts relating to staff and/or pupils
- hacking into school IT systems and deliberately misusing systems to cause offence or disruption

**Wilful and repeated transgression of protected measures in place to protect public health**
Includes:

- refusal to follow health and safety rules
- refusal to follow social distancing rules / bubble cross-over
- refusal to follow one-way system
- refusing to wear a mask
- misuse of antibacterial spray/gel