



**Bacton**  
Primary School



**Cedars Park**  
Primary School



**Mendlesham**  
Primary School



**Stowupland**  
High School



**The John Milton**  
**Sixth Form**  
AT STOWUPLAND HIGH SCHOOL



MULBERRY



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MENDLESHAM STOWUPLAND



**JOHN MILTON**  
**ACADEMY TRUST**

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# Policy on Suspensions and Exclusions

**JMAT 032**

**John Milton Academy Trust**

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### History of Document:

Issue No	Author/ Owner	Date Written	Reviewed by Trust on	Comments
V.1	CEO	Feb 2019		To be reviewed every three years or in line with and changes to DfE guidance.
V.2		1-June-20		Appendix E added for COVID-19
V.3	CEO	May 2022	9-June-22	Updated links to services and guidance for parents/carers
V.4	CEO	Sept 2022	-	Updated following new DfE guidelines (July 2022)
V.5	CEO	Sept 2023	28-Sept-23	Updated following new DfE guidelines (July 2023)

### Updates with effect from September 2023:

Page number / section number	Update	Reason for update
Pg 2 / section 1	contained in the <a href="#">School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012</a> ,	Added in link to School Discipline Regulation 2012
Pg 2 / section 2	<a href="#">Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023</a> .	Updated link to DfE statutory guidance
Pg 5 / section 4.1.2	That parents (or the student) have the right to request that the meetings be held remotely, and how and to whom they should make this request	Parents can now request for meetings to be held remotely
Pg 5 / section 4.1.2	If the Head cancels the suspension or permanent exclusion, they will notify the parents (or student) without delay, and provide a reason for the cancellation.	
Pg 7 / section 4.1.6	Cancelling suspensions and permanent exclusions	DfE have given further clarification around cancelling suspensions or exclusions
Pg 9 / section 5.5	The Pupil Discipline Committee meeting can be held remotely at the request of parents (or student if they are age 18 or over). See section 9 for more details on remote access to meetings.	Remote meetings can now be held at the request of the parent
Pg 14 / section 9	New section: Remote access to meetings	Details of when and how meetings can be held remotely at the request of the parent. Clarification that Social Workers and Virtual School Heads can join remotely, whether the meeting is being held in person or not.

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Please note that for the purposes of this policy:

- the term “student” refers to any learner on roll at a Trust school;
- the term “Head” refers to the Headteachers at Stowupland and Cedars and the Executive Headteacher and Heads of School at Bacton and Mendlesham

### 1. Aims

The Trust aims to ensure that:

- The exclusion process (suspension and permanent) is applied fairly and consistently both within, and across, schools;
- The exclusion process (suspension and permanent) is understood by local board members, Trustees, staff, parents and students;
- Students in school are safe and happy;
- Students are not at risk of becoming NEET (not in education, employment or training).

### A note on off-rolling

The Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- Without following the statutory procedure, contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event, e.g. sending them home to 'cool off';
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support;
- Due to poor academic performance;
- Because they haven't met a specific condition, such as attending a reintegration meeting;
- By exerting undue influence on a parent to encourage them to remove their child from the school.

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#);
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#).

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils;
- Section 579 of the [Education Act 1996](#), which defines 'school day';
- 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

## 3. Definitions

**Suspension** – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

**Permanent exclusion** – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

**Off-site direction** – when a local board of a school requires a student to attend another education setting temporarily, to improve their behaviour.

**Parent** – any person who has parental responsibility and any person who has care of the child.

**Managed move** – when a student is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## 4. Roles and Responsibilities

### 4.1 The Head

#### 4.1.1 Deciding whether to suspend or exclude

Heads are the only members of staff with the power to exclude students. In a larger school, and in the case of suspensions, the power to suspend may be delegated to a senior member of staff. The decision can be made in respect of behaviour inside or outside of school. Heads will only use permanent exclusion as a last resort.

A decision to suspend or exclude a student will only be taken:

- In response to serious breaches of the School's Behaviour Policy; **and**
- If allowing the student to remain in the school would seriously harm the learning or welfare of the student, other students or staff in the school.

Before deciding whether to suspend or exclude a student, the Head will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked;
- Allow all students involved to give their version of events;
- Consider whether the student has special educational needs (SEN);
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC));
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The Head will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Head will not reach a decision until they have heard from the student, and will inform the student of how their views were taken into account when making the decision.

Before deciding to exclude a student permanently, the Head will first try a range of alternative strategies as outlined in the school's Behaviour Policy, including suspension. Only when other strategies have been tried without success, will the Head consider permanent exclusion. The exception to this will be where a one-off incident of sufficient gravity has taken place.

When a serious incident occurs, a designated member of staff must interview students and produce a written record of the meeting. If the students are old enough, they should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. If the nature of the incident is extremely serious, then at least two staff members should be present to conduct the interviews and one should be a member of the

senior leadership team. At this stage, the statements and record will help to enable the school to decide what, if any, further action should be undertaken.

Whilst a suspension or permanent exclusion may still be an appropriate sanction, the Head will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement, has mental health issues or has been the subject of bullying. In cases involving SEN and Looked After Child/ren (LAC) students, the Head should also consider whether appropriate provision is in place to support their needs as well as the involvement of external agencies.

Where it is deemed a suspension or permanent exclusion is not appropriate or suitable, the school may arrange a Local Board warning meeting for the student with a member of the Local Board, in order to meet with a student and parents to remind them of the school's behaviour policies and the Trust's expectations. If the student then has further suspensions, the local member that attended this meeting would not be eligible to sit on the disciplinary panel.

In addition to the strategies outlined above, and prior to issuing a permanent exclusion, the Head should consult the Chair of the Local Board. If a permanent exclusion is issued, the Chair of the Local Board will not subsequently be involved in the panel convened to consider the permanent exclusion.

The Head may suspend a student for up to 45 school days in any academic year. Any suspension beyond 45 academy days will be permanent. However, before that point is reached, the Head, or their representative will have held discussions with the Local Authority (LA) with a view to arranging an appropriate placement in another school or Pupil Referral Unit (PRU).

From Day 6 of any suspension, students will access education at a designated centre and parents/carers will be advised of arrangements relating to this in the exclusion letter.

The Head will aim for the shortest possible period of suspension. However brief the suspension, a plan will be made to:

- Enable the student to continue their education (through setting work or attending another school, for example);
- Use the time to address the student's problems;
- Examine the process of reintegration.

In exceptional circumstances, usually where more evidence has come to light, a second suspension can be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension period.

#### **4.1.2 Informing parents (or the student where they are 18 or older)**

If a student is at risk of suspension or exclusion the Head will inform the parents (or student) as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Head decides to suspend or exclude a student, the parents (or student) will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents (or student) will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion;
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- Information about parents' (or student's) right to make representations about the suspension or permanent exclusion to the Pupil Disciplinary Panel and how the student may be involved in this;

- How any representations should be made;
- Where there is a legal requirement for the Pupil Disciplinary Committee to hold a meeting to consider the reinstatement of a student, and that parents (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend;
- That parents (or the student) have the right to request that the meetings be held remotely, and how and to whom they should make this request.

If the student is of compulsory school age, the Head will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies;
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged;
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- The address at which the provision will take place;
- Any information the student needs in order to identify the person they should report to on the first day.

If the Head does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the Head cancels the suspension or permanent exclusion, they will notify the parents (or student) without delay, and provide a reason for the cancellation.

#### **4.1.3 Informing the Trust and Local Board**

The Head will, without delay, notify the Local Board and Trust of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student;
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term;
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam;
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

The Head will notify the Local Board and Trust once per term of any other suspensions of which they have not previously been notified. (The ARBOR management information system will allow the Trust to monitor the number of suspensions across its schools in real time.)

#### **4.1.4 Informing the local authority (LA)**

The Head will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion;
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Head will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

With the exception of a serious "one-off" incident, it is likely that both the Trust and the Local Authority will already have been working with the school and will be aware of any student at risk of permanent exclusion.

The Head must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

#### 4.1.5 Informing the student's social worker and/or virtual school head (VSH)

If a:

- **Student with a social worker** is at risk of suspension or permanent exclusion, the Head will inform **the social worker** as early as possible;
- **Student who is a looked-after child (LAC)** is at risk of suspension or exclusion, the Head will inform **the VSH** as early as possible.

This is in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Head decides to suspend or permanently exclude a student with a social worker / a student who is looked after, they will inform the student's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the student;
- The reason(s) for the decision;
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- The suspension or permanent exclusion affects the student's ability to sit a National Curriculum test or public exam (where relevant);
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant).

The social worker / VSH will be invited to any meeting of the local board about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

#### 4.1.6 Cancelling suspensions and permanent exclusions

The Head may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but this will only be done where it has not yet been reviewed by the Pupil Disciplinary Committee. This situation will usually occur where the school has been in discussion with the Local Authority and the LA is able to provide more appropriate provision for the student in question. Where there is a cancellation:

- The parents (or student if they are 18 or older), local board, Trust and LA will be notified without delay;
- Where relevant, any social worker and VSH will be notified without delay;
- The notification must provide the reason for the cancellation;

- The Local Board's duty to hold a meeting and consider reinstatement ceases;
- Parents (or student if they are 18 or older) will be offered the opportunity to meet with the Head to discuss the cancellation, which will be arranged without delay;
- As referred to above, the Head will report to the local board and Trust once per term on the number of cancellations;
- The student will be allowed back in school.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

#### **4.1.7 Providing education during the first 5 days of a suspension or permanent exclusion**

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the Head will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as Google Classroom or Oak Academy may be used for this. If the student has a special educational need or disability, the Head will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online pathways.

## **4.2 Parents/Carers**

Parents/Carers have a responsibility to ensure that students are not seen in a public place during the period of suspension. Any student who tries to attend school during a period of suspension or exclusion is trespassing and legal action can be taken.

Parents/Carers are responsible for students' welfare and well-being during any period of suspension or exclusion.

## **4.3 The Trust Board (or delegated Committee)**

### **4.3.1 Considering suspensions and permanent exclusions**

The Trust Board has a duty to consider the reinstatement of an excluded student (see section 5).

Responsibility regarding exclusions is delegated to the Pupil Disciplinary Committee of the Trust—the committee hearing any representation should comprise two or more Trustees or local board members (please refer to the Trust's scheme of delegation).

The Committee has a duty to consider parents' (or student's if they are 18 or over) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the local board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Head on behalf of the Local Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

### **4.3.2 Monitoring and analysing suspensions and exclusions data**

The Trust / local board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

They will consider:

- How effectively and consistently the school's behaviour policy is being implemented;
- The school register and absence codes;
- Instances where students receive repeat suspensions;
- Interventions in place to support students at risk of suspension or permanent exclusion;
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary;
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working;
- The characteristics of suspended and permanently excluded students, and why this is taking place;
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it;
- The cost implications of directing students off-site.

#### **4.5 The Local Authority (LA)**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

For students who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

## **5. Considering the reinstatement of a student**

**5.1** The Pupil Disciplinary Committee of the Trust (which will include Local Board members) will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a suspension which would bring the student's total number of school days of exclusion to more than 15 in a term; or
- It would result in a student missing a public examination or National Curriculum test.

**5.2** Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the Pupil Disciplinary Committee must consider any representations made by parents (or student if aged 18 or over). However, it is not required to arrange a meeting with parents (or student) and it cannot direct the Head to reinstate the student.

**5.3** Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents (or student) make representations to the board, the Pupil Disciplinary Committee will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents (or student) do not make representations, the board is not required to meet and it cannot direct the Head to reinstate the student.

**5.4** Where a suspension or permanent exclusion would result in a student missing a public examination or National Curriculum test, the Pupil Disciplinary Committee will, as far as reasonably practicable, consider and decide the reinstatement of the student before the date of the examination or test. If this is not practicable, the Pupil Disciplinary Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The following parties will be invited to a meeting of the Pupil Disciplinary Committee and allowed to make representations or share information:

- Parents, or the student if they are 18 or over (and, where requested, a representative or friend);
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend);
- The Head;
- The student's social worker, if they have one;
- The Virtual School Head, if the student is looked after.

**5.5** The Pupil Discipline Committee meeting can be held remotely at the request of parents (or student if they are age 18 or over). See section 9 for more details on remote access to meetings.

**5.6** The Pupil Disciplinary Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Committee can either:

- Decline to reinstate the student, or;
- Direct the reinstatement of the student immediately, or on a particular date (except in cases where the Committee cannot do this - see earlier in this section).

**5.7** In reaching a decision the Pupil Disciplinary Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable and procedurally fair;
- Whether the Head followed their legal duties;
- The welfare and safeguarding of the student and their peers;
- Any evidence that was presented to the Pupil Disciplinary Committee.

The Trust Committee will decide whether or not a fact is true based on "the balance of probabilities", which differs from the criminal standard of "beyond reasonable doubt".

The clerk will be present when the decision is made.

**5.7** Minutes will be taken of the Pupil Disciplinary Committee's meeting and a record of the evidence considered will be kept. The outcome will also be recorded on the student's educational record and copies of relevant papers will be kept with this record.

**5.8** The Pupil Disciplinary Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the student, if they are 18 or older;
- The Head;
- The student's social worker, if they have one;
- The Virtual School Head, if the student is looked after;
- The local authority;
- The student's home authority, if it differs from the school's.

**5.9** Where an exclusion is permanent and the Pupil Disciplinary Committee has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that the exclusion is permanent;
- Notice of parents' (or student's if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel;

- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the Pupil Disciplinary Committee’s decision is given to parents);
- The name and address to whom an application for a review and any written evidence should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student’s special educational needs (SEN) are considered to be relevant to the permanent exclusion;
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the school to appoint an SEN expert to advise the review panel;
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish an SEN expert to be appointed in any application for a review;
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review;
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

## 6. An independent review

### 6.1 Applying for an Independent Review

If parents (or student if they are 18 or older) apply for an independent review within the legal timeframe, the Trust will, at their own expense, arrange for an independent panel to review the decision of the Pupil Disciplinary Committee not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents (or student) by the Pupil Disciplinary Committee of its decision not to reinstate a student **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents (or student if they are 18 or older). See section 9 for more details on remote access to meetings.

### 6.2 The Panel

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the Local Board category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school advisory board member or volunteer;
- Current or former Local Board members who have served as a member for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Heads during this time;
- Heads or individuals who have been in Headship posts within the last 5 years.

A trained clerk will be appointed to the panel.

A person may not serve as a member of a review panel if they:

- Are a member or trustee of the Trust, or the Local Board of the excluding school;
- Are the Head of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Trust, or the Local Board, of the excluding school (unless they are employed as Head at another school);
- Have, or at any time have had, any connection with the Trust, the school, the Local Board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years (see Appendix A for what training must cover).

### **6.3 Considerations and representations**

The panel must consider the interests and circumstances of the student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the student's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

Where a Virtual School Head is present, the panel must have regard to any representation made by the Virtual School Head of how any of the child's background, education and safeguarding needs were considered by the Head in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

### **6.4 The decision**

Following its review, the independent panel will decide to do one of the following:

- Uphold the Pupil Disciplinary Committee's decision;
- Recommend that the Pupil Disciplinary Committee reconsiders reinstatement;
- Quash the Pupil Disciplinary Committee's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Pupil Disciplinary Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Committee and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Pupil Disciplinary Committee to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Committee reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 6.5 Notifying all parties

Once the panel has reached its decision, the panel will notify all parties in writing without delay. This notification will include:

- The panel's decision and the reasons for it;
- Where relevant, details of any financial readjustment or payment to be made if the Pupil Disciplinary Committee does not subsequently decide to offer to reinstate the student within 10 school days;
- Any information that the panel has directed the Pupil Disciplinary Committee to place on the student's educational record.

## 7. School registers

### 7.1 Removing a student's name from the register

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents (or student if they are 18 or older) were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents (or student) have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made within 15 school days, the local board will wait until that review has concluded before removing a student's name from the register.

While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (absent) will be used.

### 7.2 Making a return to the Local Authority (LA)

Where a student's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The student's full name
- The full name and address of any parent with whom the student normally resides
- At least one telephone number at which any parent with whom the student normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents have told the school the student is moving to another school
- Details of the student's new address, including the new address, the name of the parent(s) the student is going to live there with, and the date when the student is going to start living there, if the parents have informed the school that the student is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the student's name.

## 8. Returning from a suspension

### 8.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education and, where necessary, the school will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the student.

- Agreeing a behaviour contract;
- Putting a student 'on report';
- A direction to Alternative Provision in order to moderate behaviour;
- Other suitable tracking/ behaviour modification strategies.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties.

### 8.2 Reintegration meetings

The school will explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

The student, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

Notes will be taken at the reintegration meeting and a copy will be provided to the parents and also kept by the school.

## 9. Remote access to meetings

Parents, (or students if they are 18 or older), can request that a local board meeting, or independent review panel be held remotely. If the parents (or student) don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The local board and the Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen;
- All the participants will be able participate fully;

- The remote meeting can be held fairly and transparently.

Social workers and the Virtual School Head always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently.

## 10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions;
- Use of pupil referral units, off-site directions and managed moves;
- Anonymous surveys of staff, students, local board, trustees and other stakeholders on their perceptions and experiences.

A member of the senior team monitors the number of exclusions regularly (fortnightly as a minimum) and reports back to the Head regularly and the Local Board via the School Improvement Report.

Exclusions will be reported to the Trust as set out through the Scheme of Delegation and in real time through the Trust's management information system (Arbor).

The data will be analysed from a variety of perspectives including:

- At school level;
- By age group;
- By time of day/week/term
- By protected characteristic.

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the school will review its policies in order to tackle it, seeking support from the Trust as appropriate.

The Trust will work with its schools to consider this data, and to analyse whether there are patterns across the Trust, recognising that numbers in any one school may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Trust every 3 years. At every review, the policy will be shared with Local Boards.

## 11. Links with other policies

This exclusions policy is linked to the Behaviour Policies, SEND Policy and SEN Information Reports already in place at Trust schools.

## Appendix A: Independent Review Panel Training

The Trust must make sure that all members of an independent review panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

## Appendix B: Template Letter up to 5 days Suspension

PROTECT

Date

### Private and Confidential

Name

Address

Dear [Parent's Name]

### Suspension for [Child's Name] (date of birth: xx/xx/xxxx)

I am writing to inform you of my decision to suspend [Child's Name] for a fixed period of [XX] days. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. Your child should return to school on [date].

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

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on [specify dates] unless there is reasonable justification for this. 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 [Child's Name] to be completed on the school days during the period of his/her suspension. 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 Local Board. If you wish to make representations please contact The Chair of the Local Board at the school as soon as possible. Whilst the Local Board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You and [Child's name] are requested to attend a reintegration interview with [Name and job title of member of staff]. The school will contact you to arrange a date and time. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

[Child's Name]'s suspension expires on [date] and we expect [Child's Name] to be back in school on [date] at [state time].

Yours sincerely

Name

Head

Further information relating to suspensions:

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- Statutory guidance on suspensions <https://www.gov.uk/government/publications/school-exclusion>
- The Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service (England) [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iassnetwork.org.uk/>
- Traveller Education Services <https://www.eani.org.uk/school-management/intercultural-education-service-ies/traveller-education>

## Appendix C: Template Letter up to 5 days suspension, over 5 days in the term

PROTECT

DATE

### Private and Confidential

Name

Address

Dear [Parent's name]

**Suspension for [Child's Name] (date of birth: xx/xx/xxxx)**

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

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend [Child's Name] has not been taken lightly. [Child's Name] has been suspended for this fixed period because [specify reasons for exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days [or specify dates if suspension is for fewer than 5 days] of this suspension, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his/her suspension. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is [specify date — no later than the 50th school day after the date on which the discipline committee were notified of this suspension]. If you do wish to make representations to the discipline committee, and wish to be accompanied by a friend or representative, please contact the Clerk to the Local Board as soon as possible. This meeting can be held remotely at your request, please advise the school if you would prefer this option. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school.

You and [Child's name] are requested to attend a reintegration interview with [name and job title of member of staff]. Please contact the school before your child is due to return to arrange a suitable date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be

managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

[Child's Name]'s suspension expires on [date] and we expect [Child's Name] to be back in school on [date] at [time].

Yours sincerely

Name  
Head

Further information relating to suspensions:

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- Statutory guidance on suspensions <https://www.gov.uk/government/publications/school-exclusion>
- The Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service (England) [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iasnetwork.org.uk/>
- Traveller Education Services <https://www.eani.org.uk/school-management/intercultural-education-service-ies/traveller-education>

## Appendix D: Template Letter over 5 days suspension and up to 15 days in a term

### PROTECT

Date

#### Private and Confidential

Name

Address

Dear [Parent's name]

#### Suspension for [Child's Name] (date of birth: xx/xx/xxxx)

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days [or specify dates if suspension is for fewer than 5 days] of this suspension, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

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

#### ***Please include the following if the individual suspension is for more than 5 days:***

From the 6th school day of [Child's Name] suspension [specify date] until the expiry of his/her suspension we will provide suitable full-time education. On [date] [Child's Name] should attend at [give name and address of the alternative provider] at [specify the time — this may not be identical to the start time of the home school] and report to [staff member's name]. [If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].

You have the right to request a meeting of the Pupil Disciplinary Committee to whom you may make representations, and my decision to suspend can be reviewed. As the period of this suspension is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is [specify date — no later than the 50th school day after the date on which the discipline committee were notified of this suspension]. If you do wish to make representations to the discipline committee, and wish to be accompanied by a friend or representative, please contact The Clerk to the Local Board at the school, as soon as possible. This meeting can be held remotely at your request, please advise the school if you would prefer this option. 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 The Clerk to the Local Board if it would be helpful for you to have an interpreter present at the meeting.

You and [Child's Name] are requested to attend a reintegration interview with [name and job title of staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

[Child's Name]'s suspension expires on [date] and we expect [Child's Name] to be back in school on [date] at [time].

Yours sincerely

Name  
Head

Further information relating to suspensions:

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- Statutory guidance on suspensions <https://www.gov.uk/government/publications/school-exclusion>
- The Information Advice & Support Services Network (formerly known as the local parent partnership) <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service (England) [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iasnetwork.org.uk/>
- Traveller Education Services <https://www.eani.org.uk/school-management/intercultural-education-service-ies/traveller-education>

## Appendix E: Template paragraph for Suspension when reached over 15 days in a single term

*Please use template letters from Appendices C or D as appropriate and include this paragraph if the total number of suspension days in one single term is over 15 days.*

Remove the paragraph from appendix C or appendix D which begins: You have the right to request a meeting of the school's discipline committee ..... and replace it with the section below:

As this suspension means [Child's name] suspension days exceed 15 days in a single term, the Pupil Discipline Committee must meet to consider it. At the review meeting you may make representations to the committee if you wish and ask them to overturn the suspension decision. The committee has the power to overturn the decision immediately or from a specified date, or, alternatively, they have the power to uphold the suspension in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the pupil discipline committee must meet is [specify the date - within 15 days from date of this suspension]. If you wish to make representations to the pupil discipline committee and wish to be accompanied by a friend or representative please contact [name of staff] as soon as possible. This meeting can be held remotely at your request, please advise the school if you would prefer this option. You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting.

## Appendix F: Template Letter for Permanent Exclusion

PROTECT

### Private and Confidential

Name  
Address

Dear [Parent's Name]

### Permanent Exclusion for [Child's Name] (date of birth: xx/xx/xxxx)

I regret to inform you of my decision to permanently exclude [Child's Name] with effect from [date]. This means that [Child's Name] will not be allowed in this school unless he is reinstated by the governing body or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for a serious breach of school policy and this breach falls within conduct which can justify permanent exclusion: [detail reasons for permanent exclusion and include any other relevant previous history].

#### ***If not already excluded please use this wording:***

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

#### ***If already on an exclusion over 6 days please use this wording:***

[Child's Name] will continue to attend Alternative Provision at [details of provision - please state name, address and transport arrangements for Alternative Provision]. We will set work for [Child's Name] to be completed on the school days whilst attending alternative provision. Please ensure that work set by the school is returned to us promptly for marking.

From the sixth school day of the permanent exclusion onwards — i.e. from [date] - the local authority, Suffolk County Council, will provide suitable full-time education, the arrangements for this will be notified to you shortly.

As this is a permanent exclusion, the Pupil Disciplinary Committee must meet to consider it. At the review meeting you may make representations to the committee if you wish and ask them to reinstate your child in school. The committee 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 may appeal against their decision to an Independent Appeal Panel. The latest date by which the pupil disciplinary committee must meet is [specify the date — the 15th school day after the date on which the local board was notified of the exclusion]. If you wish to make representations to the pupil disciplinary committee and wish to be accompanied by a friend or representative please contact [name of staff] as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting. This meeting can be held remotely at your request, please advise the school if you would prefer this option. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Committee.

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

You may find it useful to contact the Local Offer Broker, [Name], at the Local Authority, West Suffolk House, Western Way, Bury St Edmunds on 01284 758757 who will be able to provide guidance and advice. You may also find it useful to contact the Children's Legal Centre <http://www.childrenslegalcentre.com/>. They aim to provide free legal advice and information to parents on state education matters. Or, ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Yours sincerely

Name  
Head

Cc: *Name, Chair of Local Board*  
*Name, Local Offer Broker, Suffolk County Council*

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