

**Policy Title:
Suspensions &
Permanent Exclusions
Policy (Special)**

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1. Introduction:

- 1.1. The Governing Body and staff of Prospect House accept the school's behaviour policy and seek to create an environment in the school that encourages and reinforces good behaviour. It is acknowledged in the behaviour policy that suspension or exclusion, in appropriate circumstances, is a sanction that can be used in the school.
- 1.2. The Governing Body has taken account of the DfE advice contained in 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. (Sept 2022)'
- 1.3. The Headteacher and members of the school's LGB are expected to acquaint themselves fully of their duties under the policy, and the relevant DfE guidance.

2. Aims:

2.1. The Governing Body aims:

- to give appropriate support to the Headteacher in suspension & permanent exclusion issues;
- to use its best endeavours to ensure that the school does not interfere with the continuous education of a student beyond what is necessary to modify behaviour;
- to ensure that suspension or permanent exclusion is used appropriately within the framework of the school's behaviour policy; and
- to discharge appropriately its statutory duties concerning the consideration of re-instatement of suspended or permanently excluded students.
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3. Guidance for Suspensions & Permanent Exclusions:

- 3.1. **Parental Involvement:** At all stages of the suspension or permanent exclusion process, parents will be kept informed and fully consulted.
- 3.2. **Equal opportunities:** In making decisions about suspension or permanent exclusion the Headteacher and Suspension / Permanent Exclusion Committee will take into account any Special Educational Needs, disabilities, gender, and cultural differences that may be relevant to the case.
- 3.3. **Types:** **Suspensions are for a fixed period;** exclusions are permanent. Indefinite suspensions are not permissible by law.
- 3.4. **Alternatives to Suspension:** Suspension is a severe sanction and the school will try to provide alternatives where possible. Alternatives may include:
 - A restorative justice process;
 - External agency support;

- A mediation process;
- A managed move to another school, through a review of the child's EHCP.

3.5. The threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another school.

4. The Decision to Suspend or Exclude:

4.1. Appendix 1 provides a checklist for the Headteacher when making a decision to suspend or exclude. Students should only be excluded in cases of a serious breach, or persistent breaches, of the school's behaviour/discipline policy or if the continued presence of the student in the school would seriously damage the education or the welfare of the student or others in school.

4.2. Only the Headteacher (or the Senior Leader in charge on the day, if the Headteacher is absent from school) can suspend or exclude a student.

4.3. Before deciding to suspend or exclude a student the Headteacher will:

- Ensure that an appropriate investigation has been conducted;
- Ensure that all the relevant evidence has been considered;
- Give the student an opportunity to be heard; and
- Consult other relevant people if necessary.

4.4. Having considered these matters the Headteacher will make a decision based normally on the balance of probability, having regard to any current guidance from the Department of Education. If the balance of probabilities has been established, the student may be suspended or excluded.

4.5. The Headteacher is permitted to suspend a student for one or more fixed term periods not exceeding 45 school days in any one school year.

4.6. A decision to exclude a student permanently, should only be taken as a last resort when a wide range of strategies for dealing with serious incidents has been employed to no avail or if an exceptional 'one-off' offence has been committed, e.g.:

- Serious violence, actual or threatened, against a student or member of staff;
- Sexual abuse or assault;
- Any other one-off offence considered by the Headteacher to be an exceptionally serious one.

4.7. Education for suspended or excluded students: If a student is suspended or excluded, the school will continue to set and mark work for them during the first five days of suspension, and provide alternative education from the sixth day. (In the event of a permanent exclusion the Local Authority will be responsible for the provision of alternative education from the sixth day.)

4.8. The Headteacher, in consultation with the relevant members of staff will consider the following:

- How the student's education will continue;
- How his/her problems might be addressed in the interim; and
- Reintegration post-suspension.

5. Procedure for Suspension or Permanent Exclusion:

5.1. Appendix 5 outlines the procedure following a suspension or permanent exclusion decision by the Headteacher.

5.2. Informing Parents: The Headteacher should inform parents without delay (by telephone, with a follow-up letter within one school day) and should be given the following information;

- In cases of suspensions, the length of the suspension;
- In cases of permanent exclusion, that it is a permanent exclusion;
- The reasons for the suspension or permanent exclusion;
- Their right to make representations to the Governing Body and how any representations should be made.

5.3. Written notification of this information can be provided by email, by delivering it directly to parents, leaving it at their last known address or by posting it to this address.

5.4. The letter to parents should also state:

- the latest date by which the Governors Committee must meet to consider the case (if necessary);
- the parent's right of access to the student's school record;
- the date and time when the student should return to school (with a suspension) or the number of lunch-times for which the student is suspended (with lunch-time suspensions);
- with a permanent exclusion, its immediate effect and any relevant previous history;
- arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school);
- Sources of free and impartial information. This should include a link to statutory guidance on exclusions and a link to the Carom Children's Legal Centre (see Appendix 6)

5.5. Where the parents' first language is not English, consideration will be given, where practical, to translating the letter or taking additional steps to ensure the suspension or permanent exclusion and parents' right to make representation to the governing body have been understood.

5.6. If a student has an allocated Social Worker or if a student is Looked After the Headteacher must also, without delay after their decision, notify the Social Worker / Virtual School Head, as appropriate.

5.7. Informing the Governing Body and Local Authority: The Headteacher will inform, without delay, the Governing Body and the Local Authority of:

- Permanent exclusions;

- All suspensions using the appropriate systems of the home Local Authority of the student. This must be done regardless of the length of the suspension.

5.8. If the student lives outside the Local Authority in which the school is located, the students “home authority” must be informed without delay.

5.9. For all suspensions/exclusions the Headteacher must report to Governing Body once a term. This is to ensure that the Governing Body is able to review the data, consider the level of pupil moves and the characteristics of students who have been suspended / excluded to ensure that the sanction is effective and only used as a last resort. Notifications must include the reasons for the permanent exclusion or suspension and the duration. In addition, within 14 days of a request, the Governing Body must provide the Secretary of State information about any suspension or permanent exclusion within the last 12 months.

5.10. Cancelling exclusions: The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

6. Responsibilities of the Governing Body:

6.1. Delegation of functions: The Governing Body may delegate their functions to the consideration of suspension or permanent exclusion to a designated Committee consisting of at least three governors. Prospective panel members must declare any conflict of interest at the earliest opportunity. The committee has a duty to consider parents’ representations about suspension or permanent exclusion. The requirements to consider suspension or permanent exclusion depend on a number of factors. See Appendix 2.

6.2. The requirements on a Governing Body to consider a suspension or permanent exclusion: The designated Committee will review the suspension or permanent exclusion and consider any representations from parents. The governors have decided that for suspensions under 6 days only written representations will be accepted.

6.3. On being informed of a suspension or permanent exclusion by the Headteacher, the committee must:

- With **suspensions totalling fewer than 6 school days in one term**, convene a meeting of the Committee to consider representations from the parents, only if these have been made. The student cannot be reinstated;
- In the case of **suspensions totalling more than 5, but not more than 15 school days, in any one term**, convene a meeting to review the suspension if the parents have asked to make representations between the 6th and the 50th school day after being notified of the suspension;
- In cases of **permanent exclusion** or where **one or more suspensions add up to more than 15 days in any one term**, arrange a meeting to review the suspension or exclusion between the 6th and the 15th school day after being notified.

6.4. The process for considering the reinstatement of a suspended or permanently excluded student:

When the Governing Body is legally required to consider the reinstatement of a student the following parties must be invited to a meeting of the Committee and allowed to make representations:

- the parent (and where requested, a representative or friend)
- the Headteacher; and
- a representative of the local authority

6.5. The student would usually be allowed to attend and engage fully in the suspension/exclusion process if the parent approves of this and it is appropriate.

6.6. The Committee should:

- Take reasonable steps to arrange the meeting for a date and time that is convenient to all parties and make reasonable adjustments for people to use the school;
- Not discuss the suspension or permanent exclusion with any party outside the meeting;
- Request written statements before the meeting; and
- Circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties;
- Allow parents and students to be accompanied by a friend or representative;
- Identify the steps it will take to enable and encourage the suspended or excluded student to attend the meeting and speak on their own behalf (with parents consent)
- Ensure clear minutes are taken and made available to all parties on request
- Ask all parties to withdraw before making a decision

6.7. Appendix 3 outlines a suggested procedure for the meeting whilst **Appendix 4** shows a model agenda. The Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (i.e., its decision remains valid even if it was made out of time).

6.8. Notifying people of the Governing Body's decision: Where legally required to consider a suspension or permanent exclusion, the Governing Body must notify parents (emailing it, giving it directly to parents; leaving it at their last known address; or by posting it to this address), the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the student resides in a different Local Authority from the one where the school is located, the Governing Body must also inform the student's 'home authority'.

6.9. In the case of a permanent exclusion the Governing Body's notification must also include the fact that it is permanent and notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Governing Body's decision was 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, this should include a reference to how the student's special educational needs are considered to be relevant to the exclusion;
- That, regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Local Authority / Academy Trust to appoint an SEN expert to attend the review;
- 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 for a SEN expert to be appointed in any application for a review; and
- That parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

7. Monitoring of Suspensions & Permanent Exclusions:

The Senior Leader with responsibility for Behaviour & Attitudes will report to the Governing Body termly on suspensions & permanent exclusions.

Appendix 1: Headteacher's checklist for a decision to suspend or permanently exclude

The following are not all statutory requirements, however they are all essential to ensure best practice and to minimise the possibility of a decision to exclude being overturned or reversed at a later date.

"The decision to exclude a pupil must be lawful, reasonable and fair" (DfE, Guidance on Exclusions).

REQUIREMENTS FOR SUSPENSION OR PERMANENT EXCLUSION

- ☐ Only the Headteacher can suspend or permanently exclude (or in their absence, the person with that delegated responsibility)
- ☐ The Headteacher should contact a member of the safeguarding Team so that any safeguarding information can be taken into account when making the decision to suspend/exclude.

Decision to suspend or permanently exclude should be taken only:

- ☐ In response to serious breaches of the school's behaviour policy; AND
- ☐ If allowing pupil to remain would seriously harm the education/welfare of pupil or others in the school.

For suspension or permanent exclusion on basis of persistent disruptive behaviour:

- ☐ Is this the last resort following a wide range of strategies that have been unsuccessful?
- ☐ Do you have evidence of the persistent disruptive behaviour, and the range of strategies used & their impact?

For serious first offence or one-off incident:

- ☐ Is this a serious incident? (e.g. serious actual or threatened violence; sexual abuse or assault;) Is there no other alternative which would be appropriate?

INVESTIGATION CONDUCTED

- ☐ Ensure a thorough investigation is carried out;
- ☐ Record actions taken to investigate
- ☐ Record interviews
- ☐ Interview records and statements must be dated and should be signed
- ☐ Allow/encourage the pupil concerned to give their version of events and record this
- ☐ Check whether incident may have been provoked (to get full picture of the situation)

SPECIAL CONSIDERATIONS FOR SPECIFIC GROUPS (DfE, Guidance on Exclusions):

Special Educational Needs:

- ☐ Have the pupil's special educational needs been identified and addressed?
- ☐ For pupil with an EHCP, has the situation been discussed with the LA/early review been considered?
- ☐ For pupil with a EHCP, is exclusion undertaken only in exceptional circumstances?

Pupil with Disability:

- ☐ They should not be excluded for behaviour relating to their disability.
- ☐ Have reasonable adjustments been made to ensure the pupil can fully participate and to ensure they are not placed at a disadvantage because of their disability?

Looked After Children:

- ☐ Have social workers (and other agencies) been involved from an early stage to avoid exclusion?
- ☐ Is exclusion the 'absolute last resort'?
- ☐ Have options other than exclusion been considered with the Local Authority?

If Pupil is BME:

- ☐ Has consideration been given to indirect or unintended discrimination? (Equality Act 2010).

CONSIDER, CONSULT AND DECIDE:

- ☐ Have alternatives to suspension or permanent exclusion been considered (e.g. internal isolation, managed move etc.)?
- ☐ Consider the evidence of behaviour in the light of the school's behaviour policy and the impact on the education/welfare of others – the standard of proof is the **balance of probabilities**.
- ☐ Consult with others; but not those that may be involved in reviewing the HT's decision, for example, the Governing Body as they need to be independent.
- ☐ Consider child protection issues, bearing in mind the child's age and vulnerability, e.g. child not left to wander street, or enter an unsafe situation. (Ultimately, this may lead to LA/police involvement)
- ☐ Make a decision
- ☐ If the Governing Body Committee will need to meet to consider the decision to suspend or permanently exclude you will need to have evidence of the following to support the case: recent dated IEPs/ PSPs /PEPs/ Statement reviews as appropriate to each case. These must evidence, in a chronology, targets, strategies offered and taken up / internal and external advice and support/ interventions, engagement with parents and pupils over time.
- ☐ Record your consideration of the relevant issues above and of decision

Appendix 2 – The Governing Body’s duties to review the Headteacher’s decision:**A summary of the governing board’s duties to review the headteacher’s exclusion decision****1. Is it a permanent exclusion?**

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

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil’s total number of days out of school above 15 for a term

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension.

If the answer is no, go to step 3.

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

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or permanent exclusion.

The governing board must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil’s reinstatement alone.

If the answer is no, go to step 4.

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

If the answer is yes, go to step 5.

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

5. Have the pupil’s parents requested a governing board meeting?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

Appendix 3: Committee Suggested Procedure

1	The governors gather on their own, supported by the Clerk. The Headteacher, student, parents (and their representative/friend if any) and LA representative (if present) then enter together, as equals.
2	The Chair of the Committee: introduces all those present and their role; explains the purpose of meeting (to review the Headteacher's decision); explains the order of the meeting.
3	The Headteacher outlines the case, referring to the Headteacher's report.
4	Governors, parents and their representative, student and LA representative have the opportunity to question the Headteacher.
5	Parents (& their representative) present their case. If parents are not present, the Clerk should read out their written submission if sent. If the student is present, the Chair should ask for their views.
6	Headteacher, governors and LA representative have the opportunity to question parents and student.
7	For permanent exclusions - LA representative gives view. (If LA has made written representations then these should be read out.)
8	For permanent exclusions - All present have the opportunity to question the LA representative.
9	Headteacher sums up the case..
10	Parents sum up their view.
11	All leave, except the Clerk who remains to advise the governors on the decision. The clerk may stay with the Committee to help it by reference to the notes and with the wording of the decision letter.

No party to the review should be alone with the governors at any point before, during or after the meeting. Governors should not discuss the suspension or exclusion with any party outside of the meeting.

Appendix 4: Model Committee Agenda:

GOVERNORS' MEETING: Suspension or Permanent Exclusion Review

Venue:; **Date:**; **Time:**

AGENDA

Purpose of Meeting: to review the suspension/permanent exclusion of [name of pupil] from [name of school] for the period of.... days This began on [date]. (Delete as appropriate.)

Invitees:

- [list invitees]

Schedule of Meeting

1. Clerk/ other invites attendees into the meeting, and makes introductions
2. Chair explains the purpose of the meeting, and the sequence of the meeting
3. Headteacher's representations, referring to Headteacher Report
4. Questions for Headteacher from attendees
5. Parents' representations and pupil views
6. Questions for parent (and pupil) representations from attendees
7. (For permanent exclusions) Local Authority representations (by letter or in person)
8. (As appropriate) Questions for LA representative from attendees
9. Headteacher sums up the case
10. Parents sum up their view
11. All withdraw except Governors and Clerk/ Minute secretary
12. Governors consider the representations and evidence with the Clerk/ Minute Secretary present, and come to decision
13. Governors consider a draft wording of the letter to parents

Attendees will be informed of the decision by letter. (GM may also inform attendees by telephone the same day, as appropriate)

Enclosed:

- Headteacher Report
- Parent representations
- School behaviour policy
- School Equal Opportunities Policy
- [Other policy, as appropriate – e.g. SEN Policy, if appropriate to the case]

Appendix 5: Summary of Procedures

School day of exclusion	Permanent Exclusions	Suspensions – <u>cumulative</u> days in a term		
		16+ days <u>in total</u> in a term	6-15 days (<u>in total</u>) in a term	Up to 5 days (<u>in total</u>) in a term
Same day	<ul style="list-style-type: none">School notifies parent without delay by the end of the afternoon session of the period and reason (by telephone, email, text or letter home with the pupil [check delivery]).School sends parent letter to be delivered directly to the parents, leaving it at their last known address: or by posting it to this address.Local Authority must be informed without delay of all suspensions or exclusions.Inform the governing body without delay for permanent exclusions, suspensions of more than 5 days, where the suspension will take the pupils total above 15 days for a term, or where the pupil will miss a public exam or national curriculum test.			
School Day 1	Letter received by parent.			
	Governors (particularly Chair) – to consider immediate plans if exam/NCT in jeopardy.		Parents may request a meeting with governors. If so, follow procedure shown to left – to meet between 6 th and 50 th school day. If parents are to make a request for a governors' meeting, they should do this 'as soon as possible'	Parents may wish to make representations to governing body – governors must consider this but do not have to meet with parents nor have the power to overturn.
Perm Ex Reporting Form emailed to LA: exclusions@manchester.gov.uk				
As soon as practicable - info. sent to clerk before Governors' Meeting	Headteacher's Report prepared and sent to Clerk of Governors/ other person. Report should include: <ul style="list-style-type: none">ReasonsAccount of investigationCorroborative evidenceHistory of behaviour and strategies used Included with Headteacher's report: witness statements (anonymised) and any IEP/PSP			
	Parental representations prepared by parent and sent to Clerk of Governors/ other person			
School Day 6	From 6 th day, <u>Local Authority</u> responsible for providing full-time education	From 6 th day, <u>school</u> responsible for providing full-time education	From 6 th school day, school is responsible for providing full-time education	
<u>By at least 5</u> school days before the Governors' Meeting	Preparation for Governors' Meeting (GM). Governors' Clerk/ other person will: <ul style="list-style-type: none">Determine who will attend GM (HT, parent (with rep/friend?), pupil? LA rep. for perm. exc.)Determine date, time, place for GM which is acceptable for all partiesSend letter of invitation with list of attendeesCirculate <u>all</u> papers for GM to <u>all</u> of Headteacher, parent (and LA for permanent exclusions only), including whole Headteacher Report and parent representations			
By School Day 15	Governors' Meeting.			
1 School Day after GM	Letter of GM decision to parents, HT & LA			
Up to 3 <i>working</i> days after GM	LA also writes to parent explaining independent appeal/review process			
Up to 15 school days after GM letter received	Parent can lodge appeal with the Independent Review Panel	No appeal to Independent Review Panel can consider fixed-term exclusions.		
16 School Days after GM letter	If no review requested, pupil taken off roll			

Within 15
School Days of
request for IRP

Independent Review Panel
(IRP) meets only if requested

Appendix 6: Where Can Parents Get Advice On Exclusions?

1. The Children's Legal Centre

This is a parent's helpline which provides free legal advice on family, child and education law, including on exclusion matters. (It is supported and funded by the Department for Education.)

Adviceline: 0808 802 0008 (8am to 8pm, Mon to Fri, except Bank Holidays and 24 Dec to 1 Jan)

Internet: <http://www.childrenslegalcentre.com/>

Leaflet: (Follow the links for 'school exclusions'.) The school exclusions leaflet is currently at <http://www.childrenslegalcentre.com/userfiles/file/School%20exclusions%20leaflet.pdf>

2. DfE Exclusion Guidance

Government information and guidance on exclusions

Internet: <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

3. Advisory Centre for Education (ACE)

This is a charity specialising in providing independent advice for parents on exclusions.

General advice line is at 0808 800 5793 **Exclusions advice** 0808 800 0327.

Internet: <http://www.ace-ed.org.uk/>

Leaflets: ACE has helpful information available on-line but, at the time of writing, had not been updated in respect of the 2012 government guidance on exclusions:

ACE leaflet for parents advising on permanent exclusions is at:

<http://www.ace-ed.org.uk/Resources/ACE/advice%20booklets/Perm%20Exclusion%20%20Jan2011.pdf>

ACE leaflet for parents advising on fixed-term exclusions is at:

<http://www.ace-ed.org.uk/Resources/ACE/advice%20booklets/Fixed%20Period%20Exclusion%20Mar%202011%20.pdf>

4. Manchester Local Authority

For pupils who receive a permanent exclusion, the Local Authority's Complex Admissions/Exclusions Team (Telephone 245 7166, email exclusions@manchester.gov.uk) will allocate a **Caseworker** to support them through the process. The Caseworker will get in touch with parents.

If your child has special educational needs or a disability, you may wish to contact:

4. Manchester Parent Partnership Service

This is a service providing support, advice and information for parents and carers of children with **special educational needs** (SEN). The Parent Partnership Service should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

Parent Confidential Helpline: 0161 209 8356 (Monday – Friday, 10am – 3pm)

Internet: http://www.manchester.gov.uk/a_to_z/service/2202/parent_partnership_service

5. First-tier Tribunal (Special Educational Needs and Disability)

This is a service that handles disability discrimination claims for children with **special educational needs or disabilities**.

Helpline: 01325 392760 **Email** SENDISTQUERIES@hmcts.gsi.gov.uk

Internet: <http://www.justice.gov.uk/tribunals/send>

5. WHERE CAN YOUNG PEOPLE GET ADVICE ON EXCLUSIONS?

There is a very helpful leaflet for Year 10 and Year 11 pupils on the ACE website. The leaflet is at:

<http://www.ace-ed.org.uk/Resources/ACE/Migrated%20Resources/Documents/fbx.pdf> but, at the time of writing, had not been updated in respect of the 2012 government guidance on exclusions.

