

# Exclusions Policy

Holland Park School | 2025-26

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# Contents

Introduction.....	3
Exclusion from school .....	4
Suspensions .....	4
Permanent Exclusion .....	4
Unofficial exclusions .....	5
Stages of exclusions Permanent exclusions.....	5
Suspension or Permanent Exclusion .....	5
Decision can be made immediately.....	6
Decision cannot be made immediately .....	6
Rescinding a Permanent Exclusion .....	7
Behaviour outside School .....	7
Police Involvement and Parallel Criminal Proceedings .....	7
Responsibilities of the Principal .....	7
Role of the LGB (Local Governing Body).....	7
Role of the Clerk to the Behaviour Committee .....	8
The role of the Local Authority .....	9
Education of excluded students.....	9
Independent Review Panels.....	9
Notification of Governors' Decision .....	9
The timing of the hearing .....	10
Composition of Independent Review Panels .....	10
Role of the Clerk to the Independent Review Panel.....	10
Conduct and role of the Independent Review Panel .....	11
Reaching a decision.....	11
The decision .....	11
Financial Penalties .....	11
After the Independent Review Panel.....	11
Reconvening a Behaviour Committee .....	12
Remedies after the Independent Review Panel.....	12
Claims of Discrimination in relation to exclusion .....	12
Appendices.....	12
Appendix 1 - Examples of Misconduct that May Lead to Permanent Exclusion .....	12
Appendix 2: Governor Checklist .....	13

## Introduction

This policy outlines United Learning's and Holland Park School's responsibility and approach to exclusions in line with the statutory framework as defined in the 'Exclusion from maintained schools, Academies and student referral units in England' (updated September 2024).

United Learning & Holland Park believes that exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school's discipline policy. During exclusions the Principals, or a nominated senior member of staff should remain in contact, where appropriate, with the student to monitor and ensure the safety and welfare of the student. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances and exclusions should only be instigated when all other routes have been exhausted or when behaviour is in direct conflict with the Holland Park School behaviour policy.

Exclusions should only ever be issued by the Principal or Vice Principal in their absence. All permanent exclusions will be confirmed with the relevant Education Director before issuing.

In this policy, reference to 'exclusion' includes both fixed term and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

Principals, Local Governing Bodies, United Learning, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to exclude a student;
- whether to uphold an exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the governing body considers the exclusion again.

All United Learning schools must have policies, procedures and staff training in place that will promote good behaviour. Behaviour policies must be widely publicised so that students, parents, and all school staff are aware of the standards of behaviour expected and the range of sanctions.

The behaviour policy for Holland Park School can be viewed on the school website.

This policy provides an overview of the exclusion process. The school will adhere to current legislation, including the Equality Act 2010. The school is obliged to have regard to the DfE guidance on exclusions. We ensure that our policies and practices do not discriminate against students by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Principals and governing body comply with statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice when

making a decision. The exclusion policy relates to behaviour not only in school but also to behaviour out of school: e.g. travelling to and from school; on school trips; work experience placements etc.

## Exclusion from school

The decision to exclude a student must be lawful, reasonable, and fair. There are two types of official exclusion:

### Suspensions

This is an exclusion for a fixed number of days. The student must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the student). For a suspension of more than 5 days, full-time education provision commences from the 6th day and will be organised by Holland Park School. A student may not be excluded for more than 45 days in a school year. A student is entitled to return to school once the period of exclusion has ended.

A student may be excluded during lunchtimes for a fixed number of days. Each lunchtime exclusion is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the student is entitled to Free School Meals.

Repeated use of suspension for children with an EHCP or disability (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. We ensure that the SENCO is involved in the reinduction process if this is the case. This may involve advice from colleagues and specialists such as an Educational Psychologist, Speech and Language Therapist etc. as well as the consideration of reasonable adjustments.

### Permanent Exclusion

This is where the Principal's decision is that the student should not be allowed to return to the school. The decision should only be taken if:

1. the student has committed a serious breach or persistent breaches of the school's behaviour policy;

and

2. allowing him/her to remain in the school seriously harms the learning or welfare of the student or others in the school;

In most cases, this will be after a wide range of alternative strategies having been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

Each case must be judged on the facts and the context taking into account:

- The degree of severity of the offence;
- The likelihood of reoccurrence (including a consideration of the student's previous behavioural record taking care to be clear what behavioural incidents the student is actually being excluded for);

- Contributory factors (e.g. recent bereavement, mental health issues, bullying or harassment);
- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status;
- Preventative measures to a school exclusion including an off-site direction or a managed move
- The school behaviour policy, special educational needs policy and equality law obligations.
- The student's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

On considering a permanent exclusion, the Principal will immediately contact their Regional Director before making their decision. Where that is not possible, the Principal will contact the Education Director to 'sense check' their decision. If this is not possible, the Principal should issue the permanent exclusion which can be rescinded if necessary (but only before the Governors review it). Consequently, the Principal should not issue a suspension whilst waiting to speak to their Regional Director if their view is that a permanent exclusion is the appropriate course of action. A suspension can be turned or "converted" into a permanent exclusion in exceptional cases, usually where further evidence has come to light, where a permanent exclusion can be issued to begin immediately after the end of the suspension (see "Suspension or Permanent Exclusion?" below).

## Unofficial exclusions

Formal exclusion is the only legal method of preventing a student's attendance on disciplinary grounds. If a student is sent home for disciplinary reasons (including lunch times) for example, to "cool off" for the rest of the day and this is not recorded as a suspension: this is an informal or unofficial exclusion which is unlawful, regardless of whether they are done with the agreement of the parent.

## Stages of exclusions Permanent exclusions

The permanent exclusion process falls into three stages:

1. Decision by the Principal to exclude.
2. Consideration of the Principal's decision by the Local Governing Body (LGB), usually delegated to a Behaviour Committee.
3. In the case of a permanent exclusion, and only if requested by the parent, consideration of the Principal's decision by an Independent Review Panel.

The initial decision on whether to exclude is for the Principal to take. As part of considering a permanent exclusion, as stated above, the Principal is expected to sense check their decision with the relevant Regional Director/ National Director at United Learning before making their decision.

## Suspension or Permanent Exclusion

If enough evidence is available to warrant a permanent exclusion immediately, that sanction should be applied. However great care should be taken in issuing a permanent exclusion immediately and United Learning's procedure must also be followed as specified above. In some cases, investigation

may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

There are two scenarios that may exist:

### Decision can be made immediately

Where there is no doubt as to the facts of the incident and the Principal has been able to hear the student's version of events and to take into account relevant considerations (including support provided, the student's SEND or LAC status if appropriate and any mitigating circumstances) then a Permanent Exclusion should be issued that day in line with the guidance above and statutory guidance. The Principal should exercise caution in such circumstances.

### Decision cannot be made immediately

Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding the voice of the student (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (usually a maximum of 5 school days). However, it must be made clear to the child and parent that a further sanction, including a Permanent Exclusion, may follow once the investigation has been completed and all the facts are known and have been considered.

In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

Once the investigation is complete, a letter should be sent containing one of the following:

- notification for the student to return to school;
- notification of another suspension to begin immediately after the first period ends; or
- notification of a permanent exclusion to begin immediately after the end of the suspension.

Each case will be judged on the facts and the context, taking into account:

- the degree of severity of the offence;
- the likelihood of re-occurrence;
- the student's previous behavioural record;
- contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment);
- support provided;
- the Holland Park School behaviour for learning policy

## Rescinding a Permanent Exclusion

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a permanent exclusion has been issued, that had it been known at the time would have led to a different decision. A permanent exclusion can be rescinded, providing it is done so within the 15 school days before the LGB is required to consider it.

In such circumstances, the Principal should ensure a letter is issued and placed in the student's file. The Principal will notify parents, the LGB and the Local Authority without delay, and if relevant, the Social Worker and Virtual School Headteacher. The Principal should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made to the LGB on the number of exclusions which have been cancelled. This paragraph also applies to suspensions.

## Behaviour outside School

Subject to the requirements of this guidance, the Principal (or designated teacher in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school. This might include where the behaviour takes place on the journey to and from school, or in circumstances where the school is responsible for the conduct of a student, such as on a school trip, or where the behaviour affects the reputation of the school.

## Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. However, in certain circumstances it may be appropriate for a decision to permanently exclude to be postponed if a police investigation has not been concluded. In such circumstances, an extended fixed term exclusion should be used.

## Responsibilities of the Principal

Principals will follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

The DFE guidance is clear that only the Principal, or the acting Principal, can exclude a pupil. When the Principal is not available then the 'Acting' Principal in the Academy will be the Vice Principal.

## Role of the LGB (Local Governing Body)

The United Learning Trust Charity Board has delegated powers to the LGB to review exclusions and the LGB must consider any representations about an exclusion made by the parent of the excluded student. The LGB usually delegates some or all of its functions in respect of exclusions to a committee. Any such committee must consist of at least three governors, who are independent and have had no direct involvement with the case; such a committee may be called the Behaviour Committee.

The LGB's role is to review exclusions, either on parental request or because required to do so by law and the following different requirements apply to different types of exclusion. In the case of a suspension which does not bring the student's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by the parent.

If the student will be excluded for more than five but not more than 15 school days in the term, and only if the parent makes representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded student should be reinstated. In the absence of any representations the governing board can consider reinstatement on their own.

The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded student within 15 school days of receiving notification of the exclusion if:

- The exclusion is permanent; or
- It is a fixed-term exclusion 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.

The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal. It cannot extend a suspension nor substitute it with a permanent exclusion.

The Behaviour Committee must inform the parent, Principal and the Local Authority of their decision, in writing without delay, preferably within 2-3 school days, stating their reasons. Where the student resides in a different Local Authority to the one in which the school is based, they must also inform the student's 'home' authority.

A note of the Behaviour Committee's views on the exclusion should be placed on the student's school record with copies of relevant papers. If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the student save that the Committee can direct reinstatement on a particular date.

However, the Behaviour Committee should not use this as a way of effectively imposing an alternative sanction, e.g. a fixed-term suspension in place of a permanent exclusion. Future dates should be for purely practical purposes and be reasonable in all the circumstances.

## Role of the Clerk to the Behaviour Committee

The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the governing body or the Principal. The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the student or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.

## The role of the Local Authority

The Local Authority does not have a decision-making role in the exclusion process for any United Learning school. A representative from the LA can however attend the Behaviour Committee or the Independent Review Panel if requested by the parent. They can only make representations if invited to do so by the Chair of the respective bodies.

## Education of excluded students

The school's obligation is to ensure education continues while the student is on roll. In all cases of exclusion, work should be set from day one and marked. Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered. During a suspension, the school's legal duties to students with disabilities and SEN remain in force, for example, to make reasonable adjustments in how they support disabled students during this period. Where a student is given a suspension of six school days or longer, the school must arrange full time educational provision from and including the sixth day of exclusion.

The Local Authority is required to arrange full time educational provision for permanently excluded students from the sixth day of a permanent exclusion. Once a Principal has decided to permanently exclude a student, the Local Authority will arrange to assess the student's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The student's name will be deleted from the school roll only if:

- the student was permanently excluded; and
- 15 school days have passed since the parent was notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or
- the parent has stated in writing they will not be applying for an independent review panel.

It is the responsibility of the Local Authority to offer an alternative school place.

## Independent Review Panels

Each LGB must take responsibility for ensuring any Independent Review Panel is appropriately set up and trained. The independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent of the excluded student, and/or the student if over 18.

## Notification of Governors' Decision

In cases where Governors consider either a permanent exclusion, or a suspension above 15 days' suspension for the term, or suspension between 6-15 days where the parent makes representations to the Behaviour Committee, must notify parents (or the student if they are 18 years or over), the Principal, and where relevant, the student's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. The Behaviour Committee's decision letter to the parent must also give the last day for lodging a review (within 15 further school days<sup>1</sup>) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the LGB must reject the application.

## The timing of the hearing

An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, only if strictly necessary, the panel may then decide to adjourn the hearing to a later date.

## Composition of Independent Review Panels

Review panels must consist of 3 or 5 members. A five-member panel must be constituted with two members from each of the categories of school governors and Headteachers.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the last five years.

All panel members, including the clerk, must have received training within the two years prior to the date of the review. The DFE statutory guidance details what this training must have covered (page 33).

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

- they are a member / director of the local authority / Academy Trust or governing body of the excluding school,
- are the Headteacher of the excluding school or anyone who has held this position in the last five years,
- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a Headteacher at another school),
- have, or at any time have had, any connection with the local authority / Academy Trust; school; parent or student; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a Headteacher at another school) or
- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and student referral units in England guidance).

Request for a SEN Expert (see section 8.5 of Exclusion from maintained schools, Academies and student referral units in England guidance).

If requested by the parent, the person convening the panel must appoint a SEN Expert to attend the independent review panel. The parent has a right to the above, regardless of whether their child has recognised or identified SEN.

## Role of the Clerk to the Independent Review Panel

It is strongly advised that the independent review panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures and law for all parties.

## Conduct and role of the Independent Review Panel

The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded student. The panel must take account of the circumstances of the excluded student and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

### Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the DFE Guidance on Exclusions.

### The decision

An independent review panel can decide to:

- uphold the Behaviour Committee's decision;
- recommend that the Behaviour Committee reconsiders reinstatement; or
- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the student's record and the school must comply with this request.

The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of one or more of the principles applicable on an application for judicial review, which are illegality, irrationality and procedural impropriety.

### Financial Penalties

Where a panel directs the LGB to reconsider its decision it has the power to order that a readjustment of the academy budget be made if the governing body does not offer to reinstate the student within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded students.

### After the Independent Review Panel

The independent review panel's decision is binding on the parent, the LGB and the Principal. The panel cannot revisit its decision once made. The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made. The summary of the findings from the IRP must be given due consideration by Governors.

If the panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority. If the student lives outside the area of the Local Authority, the Clerk should make sure that the home Authority is also informed immediately of the position.

If the student is of compulsory school age, it is for the Local Authority in whose area the student lives to make arrangements as quickly as possible for the student to continue in suitable full-time education.

Where the permanent exclusion is upheld the Clerk should also advise the parent to contact the appropriate person at the home Local Authority about arrangements for their child's continuing education. The Principal should remove the student's name from the school roll the day after the conclusion of the independent review panel.

## Reconvening a Behaviour Committee

If the independent review panel directs or recommends that the LGB reconsider the exclusion, the LGB must meet to reconsider within 10 school days of notification. This can be the same panel, if all members are available. Where the LGB has reconsidered an exclusion decision it must inform the relevant person, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

## Remedies after the Independent Review Panel

A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

## Claims of Discrimination in relation to exclusion

A parent can also apply to the First-tier Tribunal (SEND) on grounds of disability discrimination. In addition, they may bring a claim on other discriminatory grounds in the County Court under the Equality Act 2010. The First- tier Tribunal has a wide range of potential remedies it could order, if it finds discrimination has occurred, including reinstatement if appropriate.

## Appendices

### Appendix 1 - Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to a serious breach or persistent breaches of the Holland Park School behaviour policy and, in all but the most extreme one-off incidents, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion. These include (but are not restricted to) the follow categories:

- a serious breach of safety requirements likely to endanger other people or the student themselves
- Possession, use or supply of alcohol or illegal drugs
- stealing from the academy, employees of the academy, or from students;
- intentional damage to property;
- very serious / extreme abuse of the academy's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another student, member of staff or worker in the academy;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- very significant / extreme bullying and/or harassment including harassment on racial, sexual or homophobic (or any other Equality Act protected characteristic) grounds;
- extreme defiance of the properly exercised authority of the academy and its staff;

## Appendix 2: Governor Checklist

This should be used in behaviour committees to ensure proper process has been followed and a completed checklist should be sent to the relevant director at the end of the process. A behaviour committee must comprise of at least three governors independent of the case.

Student Name: Date of Meeting:	
1	Telephone call to parent/visit from parent on (date): Letter of notification using model text sent on (date):  Copied and sent to Behaviour Committee on (date):
2	Date of Behaviour Committee Meeting:  Within 15 school days from Principal's letter, for permanent exclusions and suspensions of more than 15 school days (or total more than 15 school days in a term), or it would result in the student missing a public examination or national curriculum test OR  Within 50 school days from Principal's letter, for suspensions of less than 15 school days in a term) if  the parents make representations.
	Yes/No
3	All written statements/evidence circulated in advance of this meeting (at least 5 school days before)
	Yes/No
4	Procedure for the meeting and confirmation circulated in advance of the meeting
	Yes/No
5	All relevant information provided on student, including: SEN Status; Care status if looked after or active case for Social Care; whether disabled and, if so, reasonable adjustments made (in line with the school's graduated approach); academic progress
	Yes/No
6	Where it is a permanent exclusion decision that it:

	<p>meets the legal conditions in which permanent exclusion is appropriate:</p> <p>in response to a serious breach or persistent breaches of the school's behaviour policy; and</p> <p>allowing him/her to remain in the academy would seriously harm the education or welfare of the student or others in the school</p> <p>Yes/No</p>
7	<p>Evidence and use of procedures are satisfactory in relation to:</p> <ul style="list-style-type: none"> <li>• The investigation conducted</li> <li>• Firm evidence collected to support decision to exclude</li> <li>• Student has been given the opportunity to give his/her version of events</li> <li>• Provocation/harassment has been taken into account, if appropriate</li> <li>• The school's SEND, behaviour and equality policies were legal, reasonable and procedurally</li> </ul> <p>fair and the school adhered to these policies in practice</p> <ul style="list-style-type: none"> <li>• Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been implemented fully.</li> <li>• There is evidence of all relevant interventions having been made for this specific student, including, where appropriate: <ul style="list-style-type: none"> <li>○ alternative or enhanced curriculum</li> <li>○ mediation</li> <li>○ education welfare involvement</li> <li>○ family support</li> <li>○ mentor support for the student</li> </ul> </li> <li>• Specifically, equality requirements under the Equality Act 2010 have been considered (disability, race, religion, sexual orientation, gender reassignment, pregnancy or maternity) and any reasonably adjustments required have been made, whether as part of the student planning and interventions above or otherwise.</li> <li>• Parent has been given adequate time to make representations</li> <li>• All parties to the meeting know how this decision will be communicated</li> <li>• Satisfactory arrangements in place for student to continue their education during exclusion period</li> </ul> <p>Yes/No</p>

	If no, what concerns exist:
8	<p>To be completed after the Behaviour Committee meeting</p> <p>Parent, Principal and Local Authority (and where relevant the student's social worker and/or VSH) notified of decision on (date):</p> <p>Letter regarding decision sent out on (date):</p> <p>Signed (Clerk to the Behaviour Committee):</p> <p>Date:</p> <p>A copy of this checklist should be <u>sent to the relevant Director</u> at the conclusion of the process.</p>