

Exclusion & Suspension Guidance

Document Control

This guidance is informed by: The Equality Act 2010 and DfE documentation: Exclusion from maintained schools, academies and pupil referral units in England (September 2017); reference should be made to this document and additional local authority guidance as required.

Dfe Statutory guidance

Changes to the school suspension and permanent exclusion process during the coronavirus (COVID-19) outbreak
(Updated 10 September 2021)

<https://www.gov.uk/government/publications/school-exclusion>

Each Academy must have a local Behaviour Policy which relates to this Guidance in terms of sanctions which may be applied.

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Related Policies:	CMAT Anti-Bullying Policy CMAT CCTV Code of Practice CMAT Children who are Looked After CMAT Child Protection and Safeguarding Policy CMAT IT & Acceptable Use Policy CMAT Physical Restraint Guidance CMAT Search & Confiscation Policy CMAT SENDV Policy CMAT Substance Misuse & Education Policy CMAT Transgender Guidance Equalities Guidelines Academy Behaviour Policy Academy policy on the use of mobile technology including phones

Revisions

Version	Page/Para No.	Description of Change	Approved
2	1	Addition of the word suspension in title	
2	throughout	Clarification of the term <i>Suspension</i> to replace term <i>Fixed Term Exclusion</i>	
2	14	Addition of use remote attendance where applicable to support re-admittance meetings	

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1 Introduction

The principal legislation to which the DfE guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

2 Rationale and definitions

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports head teachers in using suspensions and exclusion as a sanction where it is warranted.

This guidance sets out the procedure and practice which informs the Academy's use of suspension or exclusion. It is underpinned by the shared commitment of all members of the Academy community to achieve two important aims:

- Ensure the safety and well-being of all members of the Academy community by maintaining an appropriate educational environment in which all can learn and succeed.
- Reduce the need to use suspension or exclusion as a sanction.

An exclusion is defined as one of three types:

- Internal isolation, when a student is excluded from normal lessons, but remains within the Academy
- Suspension, when a student is excluded from the Academy for a specific period of time.
- Permanent exclusion, where steps are taken to permanently remove the student from the Academy.

3 Application

All suspensions and exclusions decisions must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

Legal duty of care is taken into consideration when sending a student home following a suspension or exclusion decision. Wherever possible the Academy will implement a suspension or exclusion decision with "immediate effect" only when it has been established the students can be cared for or collected by parents once they leave the premises

4 Responsibility for Suspension or Exclusion

In law the Principal / Headteacher holds responsibility for making all such decisions. If they are off site and not contactable, they may delegate some decisions on suspensions to a deputy, who will discuss the sanction with colleagues, prior to making a recommendation or decision. Wherever possible, a recommendation or decision should be agreed by at least two senior leaders and ideally by communication with the Principal / Headteacher.

5 Making a decision for Suspension or Exclusion

Before deciding whether to suspend or exclude a student the person making the decision will ensure that:

- Every effort has been made to take statements from parties relevant to the incident that may prompt a decision to suspend or exclude and that appropriate investigations have been carried out.
- All evidence available to support the allegations is collated
- The student has been allowed to give her/his version of events.
- Any evidence which may indicate that the incident may have been provoked has been taken into account.
- Relevant policies have been referenced to ensure decisions made are free from prejudice and mitigating factors or protected characteristics are identified and considered.

CCTV footage may be used where available to clarify events; however, if it does not exist the decision maker must be mindful of the following:

- When establishing the facts in relation to a suspension or exclusion decision staff should apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.'
- This means that the decision maker should accept that something happened if it is more likely that it happened than that it did not happen.
- CCTV evidence should not unnecessarily influence the severity of the sanction; in addition, the absence of CCTV evidence should not reduce the severity of the sanction.

The following need to be complied with when deciding whether to exclude a student:

- Public sector equality duty requires schools to have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not
 - Foster good relations between people who share a protected characteristic and people who do not share it.
- Statutory duties in relation to SEN when administering the suspension or exclusion process including having regard to the SEND Code of Practice.

Exercise of discretion

In reaching a decision on suspensions or permanent exclusion, the decision maker will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

6 Unlawful suspensions or exclusions

It is unlawful to suspend or exclude for a non-disciplinary reason.

'Informal' or 'unofficial' suspensions or exclusions, such as sending a student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.

Any suspension or exclusion of a student even for short periods of time, must be formally recorded

7 Reasons to Suspend or Exclude

Exclusion, whether internal, suspensions or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the Academy's Behaviour Policy:

Action	Linked Policy
Actions which put the student or others in danger.	CMAT SENDV Policy
Verbal abuse to staff or students	CMAT SENDV Policy
Physical abuse to/attack on staff or students	CMAT Physical Restraint Guidance

Persistent bullying or discrimination of others	CMAT Anti-Bullying Policy, Equality & Diversity Policy, CMAT SENDV Policy, CMAT Transgender Guidance
Indecent behaviour	CMAT Child Protection & Safeguarding Policy
Breach of E-Safety policy	CMAT E-Safety Policy
Wilful damage to property	CMAT SENDV Policy
Use of, possession of, banned substances	CMAT Substance Misuse & Education Policy
Theft	
Serious actual or threatened violence against another student or a member of staff	CMAT Physical Restraint Guidance
Sexual abuse or assault	CMAT Child Protection & Safeguarding Policy
Supplying a banned substance	CMAT Substance Misuse & Education Policy
Carrying an offensive weapon.	
Arson	
Persistent unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the student's behaviour.	Reference Local Academy Policy CMAT SENDV Policy

This is not an exhaustive list and there may be other situations where senior staff make the judgment that suspension or exclusion is an appropriate sanction.

8 Procedures

If a decision is taken to internally isolate a student, a senior leader must, without delay, notify parents of the period of the isolation and the reason(s) for it.

Whenever the Principal / Headteacher excludes a student, either suspended or permanent, they must, without delay, notify parents of the period of the exclusion and the reason(s) for it.

8.1 Internal isolation

In some cases, behaviour which justifies a suspension will result in referral to internal isolation. By these means, students whose behaviour transgresses the behaviour standards of the Academy will be sanctioned, but their academic work may suffer less than if they were suspended from the Academy.

On occasion the safety and welfare of the student may be in doubt should they be suspended from the site; as such internal isolation could be deemed an appropriate alternative. The decision maker must be mindful of their legal duty of care for the student when making decisions.

Internal isolations, used in place of a suspension sanction should be recorded appropriately.

The decision to recommend a student for a suspension or permanent exclusion may still be taken in the following circumstances:

- In response to a serious breach of the Academy's Behaviour Policy, beyond that which would result in referral to internal isolation
- If allowing the student to remain in internal isolation would seriously harm the education or welfare of others in the room.
- The student fails to comply with the internal isolation protocols.

Please refer to the Academy Behaviour Policy regarding the use of internal isolation as this will be appropriate to local context.

8.2 Suspension

A suspension is of short duration and may be necessary if a student commits an offence which is considered serious (refer to Section 7: Reasons to Suspend or Exclude).

The terms of this type of suspension are:

- The Academy will inform parents, as soon as practically possible by phone call when the decision has been taken to suspend a student. This will be followed, subsequently by a letter in which the terms of the suspension are set out, together with the time and date of the re-admission meeting
- A suspension does not have to be for a continuous period and can be applied to parts of the school day, e.g. lunchtime; or applied to specific days of a week.
- Suspensions can be used on more than one occasion and up to 45 days per academic year.
- Students will be forbidden from attending the Academy, or being on the Academy grounds for the term of their suspension.
- Under current legislation, parents/carers are obliged to take responsibility for their child if they are suspended and ensure that they are not in a public place without good reason during school hours within the first 5 Academy days of any exclusion. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.
- Parents/carers must also ensure that their child attends the suitable full-time education provided by the Academy or the local authority from the sixth day of suspension.
- The Academy will send work home for students who are suspended, which will be marked when the student returns.
- ***In exceptional cases*** if, after further investigation, additional information comes to light that requires a student to be suspended for a further fixed-period following their original suspension, or is subsequently permanently excluded, the Principal must inform parents without delay and issue a new suspension or exclusion notice to parents. This new suspension / exclusion must begin immediately after the end of the original suspension.

8.3 Managed Move

A 'Managed Move' may be used in order to avoid a permanent exclusion. A 'Managed Move' or alternative educational provision may be discussed if:

- A student persistently and repeatedly breaks Academy Behaviour Policy
- A student is repeatedly being sanctioned by internal isolation or suspension
- All reasonable steps, support and behaviour interventions have been applied, but have failed to make positive impact on the behaviour of the student
- A serious 'one off' incident has occurred which renders the return of the student to the Academy untenable: this could lead immediately to a permanent exclusion.

Protocols are as follows

- A Managed Move to another secondary school, or appropriate educational provider, is offered initially as a trial, usually for 2 weeks in the first instance in Cambridgeshire, a minimum of 6 weeks in East Northamptonshire. Lincolnshire to follow local authority procedure
- If the parent/carer or student does not accept the 'trial' school, then the Managed Move cannot proceed, however, in such circumstances it should be noted that a permanent exclusion may well be the result.
- If accepted, following an induction meeting, the student joins the 'receiving' school for the trial period. At the induction meeting the student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support.
- A trial period may be extended after full agreement of all parties; this ensures the best possible opportunity for the student to make the placement successful.
- If, during the trial period the student fully abides by the rules of the receiving school, then following discussion and agreement with the receiving school, a place is offered on a permanent basis.
- If unsuccessful, the student is returned to the original placement. The Academy has the right to seek and secure a second Managed Move placement for the student.
- If a Managed Move is unsuccessful, either a single or subsequent placement, a permanent exclusion may be the likely result.

8.4 Alternative educational provision

A move to alternative educational provision is arranged when the student is in serious danger of permanent exclusion or if the student is too close to the end of formal education (mid-way through Year 10 or Year 11) for a move to another secondary school or college to be successful. The student remains a member of the originating academy, but will attend the alternative institution for lessons, following an agreed alternative programme of study.

8.5 Permanent exclusion

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a student's life chances.

There are two main types of situation in which permanent exclusion may be considered.

- A final, formal step in a concerted process for dealing with disciplinary offences, including persistent and defiant misbehaviour, following the implementation and use of a wide range of other strategies. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
- Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another student or a member of staff.
 - Sexual abuse or assault.
 - Supplying an illegal drug.
 - Carrying an offensive weapon*
 - Arson.

The Academy will ensure police involvement for any of the above offences.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the Academy.

When deciding whether a permanent exclusion is the most appropriate sanction, the decision maker must consult with the Executive Principal and they will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy Behaviour Policy
- The effect that the student remaining in the Academy would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Academy Council Exclusion Panel when it meets to consider the decision to permanently exclude or to hear an appeal against an exclusion decision. This Committee will

- Require the Principal / Headteacher to explain the reasons for the decision
- Look at appropriate evidence, such as the student's record, witness statements and the strategies used by the Academy to support the student prior to recommendation for permanent exclusion.

Alternative strategies to permanent exclusion are used wherever possible and the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

9 Application of the Equality Act 2010

Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise students because of:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Pregnancy/maternity
- Gender reassignment.

For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.

10 Special Educational Needs & Disability (SEND) students and permanent exclusion

Whether or not the Academy recognises that a student has special educational needs (SEN), all parents, or students (if aged 18 or over) have the right to request the presence of a SEN expert at any review panel.

The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the Academy acted reasonably in relation to its legal duties when excluding the student.

11 Appealing a permanent exclusion

Where parents (or excluded student, if aged 18 or over) dispute the decision of the Academy Council not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the Academy Council to reinstate an excluded student. However, where a panel decides that the Academy Council's decision is flawed when considered in the light of the principles applicable on an application for judicial review; it can direct the Academy Council to reconsider its decision.

12 Behaviour outside school

The behaviour of a student outside school can be considered grounds for a suspension or exclusion.

Student behaviour on Academy "business" for example trips, travelling to and from Academy, away sports fixtures or residential visits, is subject to the Academy's Behaviour Policy. Poor behaviour in these circumstances will be dealt with as if it had taken place in the Academy. Serious infringements of the Academy's Behaviour Policy that occur 'outside of' the Academy may lead to a suspension or permanent exclusion.

Student behaviour outside of school that impacts on the safety and well-being of other students in school will be considered within the Academy's Behaviour Policy.

13 Review of exclusions

The senior leadership team review:

- All permanent exclusions from the Academy and all suspensions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.
- Suspensions which would lead to a student being removed for over 5 days but not over 15 days in an Academy term where a parent/carer has expressed a wish to make representations.

The Academy Council will:

- Review suspension and exclusion data as part of the Principal's / Headteacher's presentation to the Academy Council.
- Adhere to their duty regarding Exclusions as set out in the DfE Exclusions Guidance 2017

14 Re-admission meetings and re-integration

Following a fixed-term suspension:

- Parents/carers are invited into the Academy to attend a re-admission meeting. Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed period of suspension.
- The student will be set specific goals in order to help him/her avoid the behaviour that led to suspension.
- It is Academy practice to sign an agreement that explains expectations for future behaviour at the Academy during this meeting.
- Academies may choose to accept remote attendance to re-admission meetings; reasons for this arrangement could be childcare difficulties, working arrangements, transport problems or medical issues. All of these should be discussed prior to making the arrangement as the Academy must be satisfied that the true parent / career is being presented at the meeting.

Appendix A: MODEL LETTER FOR SUSPENSION

Dear

I am writing to inform you of my decision to suspend **XXXX** for a fixed period of **XXXX** day. **She/he** has been suspended for the following reasons: **XXXX**

We have taken the following steps to try and avoid this suspension: **XXXX**

This brings the total days suspended this term to **XXXX**

However, should you believe the suspension relates to your child's SEN or a disability your child has, and you think that discrimination may have occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination).

I will arrange for **XXXX** to have work during the period of suspension. The relevant house office will be in touch over these arrangements.

To be readmitted to the Academy, **XXXX** will be expected to sign an agreement regarding their future conduct, and I would be grateful if you could accompany **her/him** to the Academy so that you can see and also sign the agreement. This means **XXXX** should return to the Academy on **XXXX** at **XXXX** am, presenting themselves at the main reception.

You have a right to make written representations, regarding this suspension to the Chair of the Academy Council. The Chair of the Academy Council will consider any representations made and may choose to convene a committee to look into the matter further by application of the complaints procedure. If you wish to make representations, you should contact my PA **XXXX** who will outline your next steps.

I must further advise you that during the period for which your child is suspended you are responsible for ensuring that they are not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £50 issued by the Local Authority.

Yours sincerely
Headteacher

Appendix B:**INITIAL MANAGED MOVE MEETING**

Template taken from Lincolnshire Local Authority

INITIAL MANAGED MOVE MEETING**(following the potential issuing or in place of a Permanent Exclusion)*****To be completed by the Home School and shared with the proposed school and PRT prior to the Initial Meeting*****Student Details**

Full Name:			D.O.B:	
Likes to be called:			Year Group:	
Gender status:	Male / Female	UPN:		
Home Address:				
Parent/Carer Name:		Telephone:		
Parent/Carer Address:				
Parent/Carer Name:		Telephone:		
Parent/Carer Address:				

Referring School Details

School/Academy Name			
Designated Staff Member (and role within school):			
Telephone Number:		Email:	

DATE OF INITIAL PLANNING MEETING	
HOME SCHOOL	
PROPOSED SCHOOL	
PUPIL	
PARENT/CARERS	
PRT/OTHER AGENCIES	
DATE OF BIRTH	
CURRENT YEAR GROUP	

PUPIL AGREES TO:

PARENT/CARER AGREES TO:

HOME SCHOOL AGREES TO:

PROPOSED ACADEMY /SCHOOL AGREE TO:

OTHER PROFESSIONALS AGREE TO:

TRANSPORT REQUIRED (LA to support)	
START DATE AT PROPOSED SCHOOL	
INTERIM REVIEW DATE	

Appendix C:**MANAGED MOVE REVIEW MEETING**

Template taken from Lincolnshire Local Authority

MANAGED MOVE REVIEW MEETING

(Under no circumstances should a MM placement be withdrawn without notice or discussion between both schools and family)

DATE OF REVIEW MEETING (8week unless otherwise stated)	
HOME SCHOOL	
PROPOSED SCHOOL	
PUPIL	
PARENT/CARER	
PRT/OTHER AGENCIES	
DATE OF BIRTH	
YEAR GROUP	

PROGRESS UPDATE FROM NEW SCHOOL:

PUPIL'S VIEWS/COMMENTS:**PARENT/CARER VIEWS/ COMMENTS:****HOME SCHOOL VIEWS/COMMENTS:**

OTHER PROFESSIONAL'S VIEWS/COMMENTS:

MANAGED MOVE TO CONTINUE (Y/N)	
FINAL REVIEW DATE	

Appendix D:
FINAL MANAGED MOVE REVIEW MEETING
Template taken from Lincolnshire Local Authority

FINAL MANAGED MOVE REVIEW MEETING

DATE OF FINAL MEETING	
HOME SCHOOL	
PROPOSED SCHOOL	
PUPIL	
PARENT/CARER	
PRT/ OTHER AGENCIES	
DATE OF BIRTH	
CURRENT YEAR GROUP	

PROGRESS UPDATE FROM NEW SCHOOL (If the placement has broken down, detail reasons below including any FTE's issued)	
MANAGED MOVE UNSUCCESSFUL (details of FTE to be given)	

PUPIL'S VIEWS/COMMENTS:

PARENT/CARER VIEWS/ COMMENTS:

HOME SCHOOL VIEWS/COMMENTS:
(If MM is unsuccessful confirm reasons for issuing PX)

OTHER PROFESSIONAL'S VIEWS/COMMENTS:

(include cancellation to transport)

Appendix E:

Model Letter following a Permanent Exclusion when a Managed Move has been agreed.

Template taken from Lincolnshire Local Authority

Dear name of parent(s)

I am writing to confirm that, following recent discussions, the Permanent Exclusion of **name of student** which was issued on **date of Permanent Exclusion** will be put on hold to enable the Managed Move offered by **name of receiving school** to go ahead.

As agreed with you the placement at **name of receiving school** will be carefully monitored throughout the **?? week** transition period and during this time **name of student** will be dual registered with both schools.

If, at the end of the **?? week** period, the placement is considered to be a success, **name of student** will transfer onto the roll of **name of receiving school** and at that time I write to you to confirm that the Permanent Exclusion will be withdrawn. In the event that the transition is unsuccessful, however, the Permanent Exclusion process will continue.

The meeting of the Academy Council Pupil Discipline Committee to review the Permanent Exclusion will now be opened and adjourned to provide time for the Managed Move to be completed. In the event that the move is not successful I will write to you again to confirm that the Permanent Exclusion is to go ahead. The Clerk to the Academy Council will also contact you at this time to make arrangements for the Pupil Discipline Committee and advise you of your right to attend the meeting.

I must stress that this is an exceptionally important opportunity which has been offered to **name of student** to enable him to avoid a Permanent Exclusion and have a fresh start in a new setting. I wish **him/her** every success and hope **s/he** can take full advantage of the opportunity which is being made available to **him/her**.

Should you require any further clarification about this process please contact **name of key member of staff** on the above number.

Yours sincerely,

Head Teacher

Appendix F:

Model Letter following the Failure of a Managed Move

Template taken from Lincolnshire Local Authority

(NB – a copy of the original Notification of P/X letter to parent must be sent with this letter).

Dear **name of parent**

As you are aware I wrote to you on **date** informing you that I had issued a Permanent Exclusion on **date**. I also advised that the Pupil Discipline Committee would be opened and adjourned to allow **name of student** to have a Managed Move to **name of receiving school**.

Unfortunately, this move has proved to be unsuccessful and so I am writing to confirm that the Permanent Exclusion **procedure** will continue with immediate effect. This means that **name of student** will not be allowed to attend this school unless **they** are reinstated by the Academy Councils' Pupil Discipline Committee.

The Pupil Disciplinary Committee will now be re-convened and **name of clerk**, the Clerk to the Academy Council will make contact with you about the date and time of the meeting. The letter I sent to you on **date** outlines your right to make representations to this meeting and I enclose a further copy of this letter for your information.

Yours sincerely

Head teacher

Appendix G:

Model Letter following a successful Managed Move (to avoid a P/X)

Template taken from Lincolnshire Local Authority

Dear name of parent

I am writing to advise you that following the Final Review of name of student's Managed Move to name of receiving school, and in consultation and agreement with all parties, I am pleased to confirm that the Managed Move has been successful.

Name of student will therefore transfer onto the roll of name of receiving school with effect from date.

I can also confirm that the Permanent Exclusion of name of student which was made on date will now be withdrawn.

I would like to take this opportunity to wish name of student continued success in this new setting and hope he/she can continue to take full advantage of the opportunity which has been made available to him/her.

Yours sincerely,

Head Teacher