Hanwell Fields Community School
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Part of United Learning

Hanwell Fields Community School Exclusions Policy

Date ratified by Governors & Signature	
Audience	All stakeholders
Date for Review	January 2022
Written By	United Learning

This policy is designed to briefly outline United Learning's and schools' responsibility and approach to exclusions in line with the statutory framework as defined in the statutory guidance 'Exclusion from maintained schools, Academies and pupil referral units in England', September 2017.

It should be read together with United Learning's Behaviour, Rewards and Sanctions policy, Special Educational Needs and Disability (SEND) Policy and Equal Opportunities policy.

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 pupils, parents and all school staff are aware of the standards of behaviour expected and the range of sanctions.

This policy provides an overview of the exclusion process. It should always be read alongside current DFE Exclusion Guidance, which should be followed in all cases.

School Leaders, Local Governing Bodies, United Learning, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding in their respective roles one of:

- whether to exclude a pupil;
- whether to decline to reinstate the pupil;
- whether to direct reinstatement of the pupil; or
- whether to recommend or direct that the governing body reconsiders reinstatement of the pupil.

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.

United Learning's approach to exclusion

United Learning believes that exclusion can be an appropriate sanction. Most exclusions are the result of persistent breaches of the school's discipline policy. Exclusions should only be instigated when all other routes have been exhausted or when behaviour is in direct conflict of the individual school's behaviour policy. During exclusions, the Principal should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil.

However permanent exclusion must only be used as a last resort when a range of other strategies have been tried and exhausted. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Particular care should be taken when excluding children with Special Education Needs and/or Disability (SEND) and those groups with disproportionately high rates of exclusion. The requirements given in Section 3 of the DfE Exclusion Guide must be followed in relation to those students.

The DFE Exclusion Guidance makes clear that only the head teacher of a school, or the acting head teacher in their absence, can exclude a pupil (see page 4). Whilst leadership structures vary across United Learning schools, this requirement applies to all schools in the Group. Each school's own exclusion policy will make clear which leadership roles can carry out an exclusion, reflecting the leadership structure in the school and whether, for example, there is an Executive Principal and a Head of School, rather than a Principal per se. In this policy, the term 'Principal' is used when setting out the roles and responsibilities of the person performing the role of head teacher in carrying out exclusions.

Exclusion from school

There are two types of official exclusion:

1. Fixed term exclusion

This is an exclusion for a **fixed number of days**. The pupil 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 pupil). For a fixed term exclusion of more than 5 days, full time education provision commences from the 6th day and must be organised by the excluding school. A pupil may not be excluded for more than 45 days in a school year. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day's fixed term exclusion. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

2. Permanent Exclusion

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

(a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; and

(b) allowing him/her to remain in the academy seriously harms the learning or welfare of the pupil 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.

On considering a permanent exclusion, the Principal should immediately contact their relevant director before making their decision. Where that is not possible (e.g. the director is tied up in an Ofsted inspection), 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 fixed term exclusion whilst waiting to speak to their Director if their view is that a permanent exclusion is the appropriate course of action. A fixed term exclusion cannot be turned or "converted" into a permanent exclusion except 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 fixed period (see "Fixed Term or Permanent?" below).

3. Unofficial exclusions

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). ***"Informal or unofficial exclusions are unlawful"*** regardless of whether they are done with the agreement of parents or carers.

Stages of exclusions

1. 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 parents, 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 discuss this with the relevant Director at** United Learning ***before*** making their decision.

2. Fixed Term or Permanent?

If sufficient 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.

In such a case, the Principal may issue fixed term exclusion for a short period (a maximum of 5 school days is advised):

- to allow investigation to take place; and
- to give opportunity for a reasoned decision.

In those exceptional cases, usually where significant further evidence emerges from further investigation, a further sanction may be appropriate, which must be issued to begin immediately after the first fixed term exclusion ends (i.e. the student must not return to school between the sanctions). This further sanction may be either further fixed term exclusion or a permanent exclusion. Conversely, the Principal may choose to withdraw an exclusion in the light of new evidence.

The letter informing of the initial fixed term exclusion should clearly state that the reason for the fixed term exclusion relates to the behaviour of the student, but also state if further investigation is needed that **"further investigation is still underway into the incident which may or may not result in a further sanction of further fixed or permanent exclusion".** Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of a further fixed term exclusion to begin immediately after the first period ends; or
- notification of a permanent exclusion to be begin immediately after the end of the fixed term exclusion.

3. Behaviour outside School

Subject to the requirements of this policy, 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. Schools' own policies should make clear how this operates in practice, in line with the DfE guidance.

4. 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. It is also critical that a school does not undermine the evidence gathering in a parallel police investigation: the school should consult with police before carrying out its own investigation.

Responsibilities of the Principal

Principals should 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.

When the Headteacher is out of School: the role of the acting head teacher

The DFE guidance is clear that only the head teacher, or the acting head teacher, can exclude a pupil. If the exclusion is made by another person it risks being challenged on the grounds that is unlawful. The potential for schools to get this wrong is increasing with head teachers more likely to work in more than one school (Executive Heads), work part time or work condensed hours, and attend off site meetings. The DFE guidance is clear that an acting head teacher **can** carry out an exclusion in the scenario whereby the head is not in school. It is essential that this person has been appointed to carry out the function of the head teacher in their absence, and it does not follow that this is automatically the deputy head: it requires affirmative action rather than a default position.

Where head teacher absences are short term, the necessary 'appointment' can be documented by way of a scheme of delegation which makes clear which post-holder (rather than named individual) assumes the acting head teacher role and under what circumstances e.g. the head teacher is off site for a specified period and cannot be contacted or will not return within a meaningful period of time. This should be cross-referenced in the relevant job description and contract of the post holder. As such, when the head teacher is then absent in defined circumstances, the appointment of an acting head teacher has automatically been triggered once it has been established that the circumstances apply and without any further action.

For longer term absences, e.g. where there is no head teacher in post or for long periods or foreseeable absence which may not be covered in the scheme of delegation, the school should look at a more formal appointment to cover the specific situation. Again, this should be formally documented.

All schools must be clear on how the position of acting head teacher is appointed so as to avoid challenge on the grounds of illegality to any exclusion decisions made in the head teacher's absence.

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 parents of the excluded pupil. The LGB usually delegates some or all of its functions in respect of exclusions to a committee consisting 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 fixed-period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- If the pupil will be excluded for more than five but less than 15 school days in the term, and only if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated.
- The LGB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded pupil 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 pupil's total number of school days of exclusion to more than 15 in a term; or
    - It would result in a pupil missing a public examination or national curriculum test.

A checklist for Behaviour Committees is available in the appendices. This should be used when making the final decision for every permanent exclusion.

The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal. It cannot extend a fixed term exclusion 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 one school day of the meeting, stating their reasons. Where the pupil resides in a different Local Authority to the one in which the school is based, they must also inform the pupil's 'home' authority.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil'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 pupil save that the Committee can direct reinstatement on a particular date.

Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. Model letters are contained in the appendices.

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 pupil 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 United Learning

The Local Authority does not have a decision-making role in the exclusion process for any United Learning school. The United Learning Trust Board has delegated this responsibility to each LGB. As part of considering each permanent exclusion, however, the Principal must consult fully with the relevant Director before making their decision and the case presented to the Behaviour Committee.

It is the LGB/ Behaviour Committee which has the duty to review the Principal's decision to exclude (see above).

Education of excluded pupils

The school's obligation is to ensure education continues while the pupil is on roll. In all cases of exclusion, work should be set from day one and marked. Where a pupil is given a fixed term exclusion 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 pupils from the sixth day of a permanent exclusion. Once a Principal has decided to permanently exclude a pupil, the Local Authority will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The pupil's name will be deleted from the school roll only if:

(i) the pupil was permanently excluded; and

(ii) 15 school days have passed since the parents were notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or

(iii) the parents have 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 setting up and training Independent Review Panels. It is strongly recommended that LGBs either commission an external provider who offers this service[1] or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive, and must meet strict timelines. Note that the independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent/carer of the excluded pupil, and/or the pupil if over 18.

[1] A number of schools have used Clerks Associates for this and have found them very helpful.

1. Notifying parents

When a permanent exclusion is upheld by the Behaviour Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 further school days[2]) 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.

2. 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.

3. 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 head teachers.

- 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 head teachers during this time.
- Head teachers or individuals who have been a head teacher 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 head teacher 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 head teacher at another school),
- have, or at any time have had, any connection with the local authority / Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise

[2] Or within 15 days of the final determination of a claim of discrimination in relation to the exclusion to the first tier Tribunal.

doubts about their impartially (though an individual must not be taken to have such a connection simply because they are a head teacher 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 pupil referral units in England guidance)

4. **Request for a SEN Expert** (see section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance). If requested by the parents, the person convening the panel must appoint a SEN Expert to attend the independent review panel. Parents have 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 pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

1. 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.

2. 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 pupil'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.

3. 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 pupil 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 pupils.

4. After the Independent Review Panel

The independent review panel is independent. Its 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.

If the panel upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority. If the pupil 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 pupil is of compulsory school age, it is for the Local Authority in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the 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 pupil's name from the school roll the day after the conclusion of the independent review panel.

5. 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. The DfE Exclusion Guidance gives specific advice as to what the further meeting of the LGB should involve and the requirement that the LGB must have serious justification for continuing to support the exclusion. 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.

6. 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.

Decisions of both governing bodies and independent review panels can be subject to judicial review. If this occurs, immediate legal advice must be sought.

7. Claims of Discrimination in relation to exclusion

Parents can also apply to the First-tier tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

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 persistent misconduct of a serious nature, 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 yourself;
- use or possession of or supply of alcohol or illegal drugs within the academy premises or during academy organised activities;
- 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 pupil, 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 racial, sexual or homophobic harassment;
- extreme defiance of the properly exercised authority of the academy and its staff;

Appendix 2 Model letter one

*From the Principal, notifying parent of a fixed term exclusion of **5 school days or fewer** in one term, and where a public examination is not missed*

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. [Child's name] has been excluded for this fixed period because [reason for exclusion].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed on the days specified in the previous paragraph [detail the arrangements for this].

Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make written representations about this decision to the governing body. If you wish to make representations please contact [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

[name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal

Appendix 3 Model letter two

From the Principal notifying parent of a fixed term exclusion of ***more than 5 and up to and including 15*** *school days in total in one term where a public examination is not missed.*

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [period]. This means that [child's name] will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. [Child's name] has been excluded for this fixed period because [reason for exclusion].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

You have the right to request a meeting of the school's Behaviour Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the Behaviour Committee must meet if you request it to do so. The latest date by which the Behaviour Committee can meet, if you request a meeting is [specify date — no later than the 15th school day after the date on which the Behaviour Committee were notified of this exclusion].

If you wish to make representations to the Behaviour Committee, and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to

attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding. You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal:

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

[name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal

Appendix 4 Model letter three

From the Principal notifying parent of a fixed term exclusion of ***more than 15 school days in total*** *in one term OR where a public examination / national curriculum test is missed.*

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [period]. This means that [child's name] will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. [Child's name] has been excluded for this fixed period because [reason for exclusion].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

We will set work for [name of child] to be completed during the first 5 days of this exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

As the length of the exclusion means that [ ] has been excluded for more than 15 school days in total in one term and / or [ ] will miss a public examination / national curriculum test, the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is [date here — no later than 15 school days from the date the governing body is notified]. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on [date] at [time]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

[name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[name]
Principal

Appendix 5 Model Letter 4

*From the Principal notifying parent of a **permanent exclusion***

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear [parent's name]

I regret to inform you of my decision to permanently exclude [child's name] with effect from [date]. This means that [child's name] will not be allowed back to this school pending a meeting of the Behaviour Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [child's name] has been excluded permanently because [reason for exclusion — serious breach (one off incident) or persistent breaches of the school's behaviour policy - also include any other relevant previous history here].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is reasonable justification for this.

Alternative arrangements for [child's name] education to continue will be made. For the first five days of this exclusion we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards [specify date] the Local Authority in which you reside will provide suitable full time education. I have also today informed the Local Authority of your child's exclusion and they will be in touch with you about arrangements for his/her education from the 6th school day of exclusion. You can contact them on [insert telephone number and name]

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations to the governing body if you wish and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request an independent review panel to review their decision. The latest date on which the governing body can meet is [specify date — no later than 15 school days from the date the governing body is notified].

If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details — address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

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

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

Impartial advice for parents can be found at the Coram Children's Legal Centre:
http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

Yours sincerely

[name]
Principal

Appendix 6 Model

Letter from the Clerk ***upholding a permanent exclusion***

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear [Parents name],

The meeting of the governing body at [school] on [date] considered the decision by **[Principal]** to permanently exclude your son/daughter [**name of pupil**]. The governing body, after carefully considering the representations made and all the available evidence, have decided to uphold **[name of pupil]**'s permanent exclusion.

The reasons for the governing body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at, including details of the relevant evidence considered].**

You have the right to request an Independent Review Panel to reconsider the exclusion. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to **[insert contact details for Clerk]** by **[specify the latest date — no later than 15 school days from the date the letter is posted, allowing 2 school days for receipt of letter]**. If you have not lodged a request for an Independent Review Panel by **[repeat latest date],** your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three or five member panel will comprise one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. The Independent Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances panels may then adjourn a hearing until a later date.

In determining your request for reconsideration, the Independent Review Panel can make one of three decisions: they may uphold the governing body's decision; they may recommend the governing body reconsiders their decision; or they can quash the decision and direct that the governing body reconsiders reinstatement. However, the Independent Review Panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. You must make it clear if you wish for such an SEN expert to be appointed. Please advise as soon as possible.

Please also note you are permitted, at your own expense, to appoint someone to make written or oral representations to the Independent Review Panel and you may bring a friend to support you.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal. www.justice.gov.uk/tribunals/send/appeals

Further guidance on the exclusions process can be found at:
https://www.gov.uk/government/publications/school-exclusion

Impartial advice for parents can be found at the Coram Children's Legal Centre: http://www.childrenslegalcentre.com 08088 020 008, or ACE Education www.ace-ed.org.uk.

Helpful information can also be provided [where considered relevant by the head teacher: links to local services, such as Traveller Education Services or the Information Advice and Support Services Network].

The arrangements currently being made for **[pupil's name]**'s education will continue. The LA / LGB [delete as appropriate] convened panel will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

[name]
Clerk to the Governing body

7 Governor checklist

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the relevant Director at the end of the process.

Pupil 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 and fixed term exclusions of more than 15 school days (or total more than 15 school days in a term), or it would result in the pupil missing a public examination or national curriculum test **OR** Within 50 school days from Principal's letter, for fixed term exclusions 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 pupil, including: SEN Status; Care status if looked after or active case for Social Care; whether disabled and, if so, reasonable adjustments made; academic progress **Yes/No**
6	Where it is a permanent exclusion decision that it: • meets the legal conditions in which permanent exclusion is appropriate: o in response to a serious breach or persistent breaches of the school's behaviour policy; **and** o allowing him/her to remain in the academy would seriously harm the education or welfare of the pupil or others in the school

	Yes/No
6	Evidence and use of procedures are satisfactory in relation to: • The investigation conducted • Firm evidence collected to support decision to exclude • Pupil has been given the opportunity to give his/her version of events • Provocation/harassment has been taken into account, if appropriate • The school's SEND, behaviour and equality policies were legal, reasonable and procedurally fair and the school adhered to these policies in practice • Where appropriate, a Pastoral Support Programme – or Individual Education Plan has been implemented fully. • There is evidence of all relevant interventions having been made for this specific pupil, including, where appropriate: o alternative or enhanced curriculum o mediation o education welfare involvement o family support o mentor support for the pupil • 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 pupil planning and interventions above or otherwise. • Parent has been given adequate time to make representations • All parties to the meeting know how this decision will be communicated • Satisfactory arrangements in place for pupil to continue their education during exclusion period **Yes/No** If no, what concerns exist:
7	**To be completed after the Behaviour Committee meeting** Parent, Principal and Local Authority notified of decision on (date): Letter regarding decision sent out on (date): **Signed (Clerk to the Behaviour Committee):** Date:

	A copy of this checklist should be sent to the relevant Director at the conclusion of the process.