

# EXCLUSION POLICY

2014-2017



## **Purpose**

The school is committed to providing an environment where all people can feel safe, happy, accepted and integrated. It is important that an orderly framework should exist within which effective teaching and learning can take place.

## **Summary**

- Parents will be encouraged to support good attendance and behaviour through home-school agreements, parents' meetings and newsletters.
- Staff will work closely with parents, carers and pupils to optimise the chances of every pupil succeeding; exclusion, whether fixed-term or permanent will be used as a last resort.
- In cases of Exclusion, the responsibilities of Parents/Carers, the Head Teacher and the Governing Body are outlined in this policy.

A full policy is available on request from the school office.

## **Status**

Statutory

## **Who/what was consulted?**

This policy has been written by the Health, Safety and Environment Committee: Andrea Rippon and Debbie Dismore (Head Teacher) using guidelines issued by Norfolk County Council. All staff have been consulted

## **Relationship to other policies/procedures**

- Positive Behaviour, Discipline and Anti bullying Policy
- Positive Management of Violent and Aggressive Behaviour
- Single Equality Scheme
- Home School Agreement
- Whole school policy for Safeguarding, including Child Protection
- Supervision Policy
- Complaints Procedure

Exclusion Policy  
2014 – 2017

Teaching, Learning and Pupil Welfare Committee

**Roles and responsibilities**

Parents/Carers  
Head teacher  
Governing Body

**Arrangements for monitoring and evaluation**

The governing body will evaluate the impact of this policy through receiving data analysed by year group, gender and ethnicity on the number and range of fixed-term and permanent exclusions each term together with the reasons. It will encourage debate about the relevance and effectiveness of the school's behaviour management strategies, including the involvement of pupils and parents in forming policy.

**Date approved by Full Governing Body:** 13 October 14

**Date for review:** October 17

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## **Responsibilities**

### **The Head teacher will:**

- be responsible for ensuring that this policy is implemented and for reporting to the governing body on its impact. He/she is the only person who can make a decision to exclude a pupil
- ensure that the policy and all procedures are in line with current legal requirements
- ensure that all staff receive appropriate support, advice and training in managing pupil behaviour in order to minimise the risk of needing to exclude a pupil
- ensure that staff work closely with parents and relevant specialist agencies when managing challenging behaviour
- in the event of an exclusion, officially inform the pupil's parent/carer of the period of the exclusion, or that the exclusion is permanent
- give the reasons for the exclusion
- advise the parent/carer that he or she may make representations about the exclusion to the governing body
- advise the parent/carer how and to whom his or her representations may be made
- advise the parent/carer of the days on which he or she will be responsible for ensuring the pupil is not found in a public place
- if applicable, advise the parent/carer of the latest date by which the governing body must meet to consider the circumstances of the exclusion of more than five days in one term either where the parent/carer has requested a meeting or where the exclusion would result in the pupil missing a public examination
- in the case of a fixed-term exclusion, advise the parent/carer of the date and time when the pupil should return to school
- advise the parent/carer of any alternative educational provision, including location, dates of attendance and so on
- if appropriate, advise the parent/carer of the date, time and details of the reintegration interview
- ensure that suitable full-time education is arranged for excluded pupils from the sixth school day of any fixed-period exclusion
- notify within a school day both the Local Authority and the governing body of the details of the exclusion, including the reason for it in the case of:

- permanent exclusions and fixed-period exclusions which are converted to permanent exclusions
- fixed-period exclusions totalling more than five school days in any one term
- any exclusion that would result in the loss of an opportunity to take a public examination
- arrange a reintegration interview with parents/carers following the expiry of any fixed-period exclusion of a primary-aged pupil, or of an exclusion for more than five school days of a secondary-aged pupil. The interview will be conducted by the headteacher or a senior member of staff and its purpose is to assist the pupil's reintegration and engage the parents/carers in promoting the improvement of his or her behaviour.

**The Governing Body will:**

- promote positive behaviour by celebrating the achievements of pupils and by participating in final warning meetings to encourage pupils to make full use of the opportunities the school offers them.
- review the head teacher's exclusion decisions
- dismiss exclusions that do not relate to a disciplinary issue and consider complaints about other circumstances under the complaints procedure
- receive training to equip themselves to discharge their duties properly
- establish a discipline committee as necessary which will consist of at least three members. The headteacher may not be a member
- ensure that all exclusions meetings are clerked.

In cases of:

- permanent exclusions and fixed-period exclusions converted to permanent exclusions
- all fixed-period exclusions totalling more than 15 school days in any one term
- fixed-period exclusions totalling more than five school days in any one term, where the parent expresses a wish to make representations to the governing body
- exclusions that would result in the loss of an opportunity to take a public examination

the governing body (or discipline committee) will meet to:

- consider the circumstances in which the pupil was excluded
- consider any representations about the exclusion made by the parent/carer and by the Local Authority

- consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.

The timescales and requirements about presentation of evidence as set out in the *Guide to Law for School Governors* will be followed at all times.

Where the governing body has upheld a permanent exclusion, parents/carers may appeal against its decision to the local authority. The decision of the local authority panel is binding on the parties. If the parent/carer considers that there was maladministration by the appeal panel, he or she may make a complaint to the Local Government Ombudsman or the Secretary of State, depending on what the arrangements are in the local authority (from September 2011 it is expected that complaints can only be made to the Local Government Ombudsman).

Where a reintegration meeting is arranged following a fixed term the parents'/carers' presence is crucial. A parent/carer's failure to attend may be a factor taken into account by a court when considering whether to impose a parenting order, if one is applied for at some future time.

## **Appendix 1: EXCLUSION INFORMATION AND MODEL LETTERS**

### **Index:**

*Please note the model letters are those from the September 2008 DCSF document "Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units (PRU's)"*

- Table of summary on exclusions process and questions
- Notes on conducting the Pupil Discipline Meeting
- Model Letter 1 From headteacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed (paragraph 101)
- Model Letter 2 From headteacher (or teacher in charge of a PRU) notifying parent(s) of a pupil that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term. (Paragraph 103a)
- Model Letter 3 From headteacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of more than 15 school days in total in one term (paragraph 103b)
- Model Letter 4 From headteacher of a primary, secondary or special school (or teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion (paragraph 103b)
- Model Letter 5 From the clerk to the governing body (management committee in case of a PRU) to parent upholding a permanent exclusion (paragraph 115)
- Model Letter 6 From the clerk to the Independent Appeal Panel notifying parent (or pupil if aged 18 or over) of the outcome of the appeal.

<b>Table of summary on exclusions process and questions</b>						
<b>Length of Exclusion</b>	<b>Will the governors automatically review the exclusion?</b>	<b>Can the parent make written representations to the governors?</b>	<b>Can the parent meet with the governors and make representations in person?</b>	<b>Time Limit</b>	<b>Outcome of the meeting</b>	
					<b>Governors have power to:</b>	<b>Governors DO NOT have power to:</b>
Total 5 school days or less in one term	NO. The governors will not automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion	MAYBE. Governors can agree to meet with the parent if the parent requests this, but they do not have to	No time limit for the meeting but governors should consider responding promptly	Decide whether or not the Head was justified in excluding the pupil and note their views on the pupil's record Include copies of other relevant papers on the pupil's record, e.g. the pupil's version of the incident or the parent's statement	Reinstate the pupil Erase the exclusion from the pupil's record
Total 5.5 – 15 school days in one term	NO. The governors will not automatically review the exclusion BUT they must meet if the parent requests it, even if the parent does not attend	YES. The governors must consider any of the parents' written points about the exclusion	YES. But the parent has to request a meeting with the governors.	The governors must meet between 6 and 50 school days after they receive the parent's request	Decide whether or not the Head was justified in excluding the pupil and note this on their school record Consider whether the Head followed the guidance Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record
Total 15.5 school days or more in one term	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion	YES. The governors must invite the parent to their meeting	The meeting must be between 6 and 15 school days after the governors receive information about the exclusion from the Head. The Head should inform the governors of the exclusion within one school day	Decide whether or not the Head was justified in excluding the pupil and note this on their school record Consider whether the Head followed the guidance Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record
Permanent Exclusion	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion	YES. The governors must invite the parent to their meeting	The meeting must be between 6 and 15 school days after the governors receive information about the exclusion from the Head. The Head should inform the governors of the exclusion within one school day	Decide whether or not the Head was justified in excluding the pupil and note this on their school record Consider whether the Head followed the guidance Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record
Any exclusion which will result in the pupil missing a public exam	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion	YES. The governors must invite the parent to their meeting/review	The meeting should be before the date of the exam. If this is not possible, the Chair of governors can review the exclusion alone	Decide whether or not the Head was justified in excluding the pupil and note this on their school record Consider whether the Head followed the guidance Reinstate the pupil immediately or by a particular date Allow the pupil into school just to take the exam	Erase the exclusion from the pupil's record

## **The Pupil Discipline Meeting**

This document is intended to provide the Chair and Clerk with guidance for running a meeting of the Governor's Pupil Discipline Panel.

It is important that the governors on the panel understand that they, and not the Headteacher, 'own' the meeting. How the meeting is arranged, and conducted, is a vital part of working with the parents/carers of the pupil involved to support the young person's future.

Within the following text, sections written in *Italics* provide additional advice to support the separate points on how to run the meeting.

### **Membership of the panel**

This can be between 3 and 5 governors, but **must not** be less than 3. An odd number of governors is strongly recommended. Members should, as far as possible, have no prior knowledge of the matter, which means that the detail of individual pupil exclusions must not be discussed in governors' meetings. To discuss the matter in advance will compromise the ability of governors to reach a fair decision, based on natural justice, and will make the process invalid.

Governors **must not** sit on the panel if any of the following apply:

- they know the pupil and/or his/her family;
- they witnessed the incident that led to the exclusion;
- they have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- they have a spouse/partner who was involved in the incident;
- they may not be able to be impartial, for any other reason;

### **Chairing the meeting**

A full member of the governing body must chair the meeting. The Chair of Governors may act as chair, provided that s/he has not discussed the matter before with anyone, especially the headteacher.

Only full governors can take part. Associate Members of the governing body may not sit on the panel.

### **Clerking the meeting**

In Norfolk the Local Authority (LA) strongly recommends that, in cases where the Clerk to Governors is an employee of the school, s/he should not clerk meetings of the Pupil Discipline panel. This is in case parents bring an allegation that s/he influenced the governor's decision when left alone with the panel during their private deliberation of the matter.

Where parents make an appeal against a permanent exclusion to an Independent Appeal Panel (the stage after the Governor's panel), if such an allegation is made it is possible that the panel will automatically reinstate the pupil to school.

Governor Services offers an independent Clerking Service that governing bodies can purchase if they wish.

## **Order of the meeting**

### **Noting attendance**

The Clerk should list in the notes of the meeting the names of everyone who is present:

- the governor members of the panel, stating who is in the chair;
- the headteacher and any other members of school staff present;
- the parents/carers, and anyone accompanying them, i.e. a friend or representative
- the pupil, if in attendance
- the LA Officer, if in attendance - usually only for permanent exclusions, or long-term fixed period exclusions
- the clerk

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and whether or not they had indicated that they would be present. It is at the chair's discretion whether the start of the meeting will be briefly postponed, in case the parents/carers have been delayed.

### **Apologies**

The clerk should note any apologies offered.

**NB** the meeting must not take place with less than 3 governors.

### **Chair's welcome, introductions and opening remarks**

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. S/he should state the purpose of the meeting and outline its format.

The purpose of the meeting is two-fold:

- to establish whether, based on the facts known at the time, the headteacher took the right action in excluding the pupil;
- to consider whether the type or length of period of exclusion was appropriate.

Based on the evidence presented to them the governors on the panel have two basic options:

- to uphold the headteacher's action, or
- to reinstate the pupil

In order to help them reach their judgement the meeting should take the following pattern.

### **Verbal statement from the Headteacher**

This will be in support of any written evidence previously circulated. The Headteacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. S/he may invite other staff members to attend to offer supporting evidence. Parents/carers may make comments after the Headteacher has presented his/her case.

Where written evidence is circulated in advance it must be sent to all the parties involved. Witness statements may have the name/contact details of the witnesses removed or hidden. In the case of a permanent exclusion, where the Headteacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions. Fixed-term exclusion should only consider the single issue that caused the exclusion to be given.

### **Questions to the Headteacher**

Panel members (governors) may ask questions to clarify points

### **Verbal statement from the parent/carer (or pupil if appropriate)**

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf. The Headteacher may make comments after the parent/carer has presented their case.

### **Questions to parents/carers**

Panel members may ask questions to clarify points

### **Advice/comments from the LA Officer**

Where an officer is in attendance (usually permanent and possibly long fixed-term exclusions) the panel may ask for advice/guidance on what action might have been taken in similar situations in other schools. The officer may also advise on what information is currently 'missing' from the discussion that should be pursued, so that the panel can be assured they have made their decision based on the fullest evidence available.

### **Final clarification**

The Chair of the panel should ensure that **all** parties, especially the parents/carers, have had an opportunity to say what they want, and that all points are clear. Governors should be confident that they have all the information they need to be able to reach a correct decision.

### **Reaching a Decision**

At this point everyone other than the governors and clerk should withdraw from the meeting, to allow the governors to discuss the case/s under consideration and form a judgement.

*In the case of a short fixed-term exclusion of 5 days or fewer, if the panel do not uphold the headteacher's decision it will probably not be possible to reinstate, as the child will very likely already have returned to school before the meeting can be arranged.*

*In this case a note will be attached to the child's school record, to clarify that the panel did not support the headteacher's action.*

**NB** – *the actual note of the exclusion can not be removed from the child's record.*

*The panel may agree that, whilst a fixed period of exclusion (not permanent) was the correct action to take, the number of days given was too severe. In this case, provided the pupil has not already returned to school, the panel may decide to reinstate the pupil sooner than planned. This does not have to be immediately, but may be from an earlier date than initially set down. Governors may also want to consider whether, if it has not already happened, a brief time needs to be allowed for the Headteacher and staff to plan for the child's reintegration, as s/he was not expected back in school quite so soon.*

*Where the panel judges that exclusion was not the correct course of action, it may reinstate the pupil, as outlined above. In these cases one, or more, of the following might apply:*

- *the Headteacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;*

- *the panel judge that insufficient strategies\* had been put in place to support the pupil prior to the incident that resulted in the exclusion (i.e. it could have been avoided if the school had given better support), or;*
- *the parent/carer has made an acceptable representation against the exclusion, e.g. provided evidence of mitigating circumstances*

*\* strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the child presents or faces; or, in the case of Looked After Children, whether their Personal Education Plan has been reviewed.*

*There are times when pupils with Statements of Special Educational Needs (SEN) are exhibiting behaviour that might lead to their exclusion, or have been excluded. In these cases the school should have requested an urgent review of the Statement, to establish that the child has the appropriate level of support in the school, or is even the appropriate school for the child to attend. An external review may also be requested where pupils are on School Action or School Action Plus. The LA does not support the permanent exclusion of statemented pupils without a high level review of the child's needs. Where a child is causing concern and the Headteacher decides the only action s/he can take is to exclude, it should only be on a fixed-term basis initially, to allow a review to take place. Appropriate action at the right time could prevent a permanent exclusion appearing on the child's record. Where a child with a statement of Special Educational Needs is excluded from school the panel should always ask about what the school has done to support the child before any exclusion is imposed and satisfy itself that the school has done all it can. If a fixed term exclusion is upheld by the panel the parent of a statemented child must be informed of their right to appeal to SENDIST, the Special Educational Needs & Disability Tribunal.*

The clerk will take notes (**not** formal minutes) of:

- the main points of the discussion by panel members;
- the decision reached, and:
- the supporting reasons.

The panel may include comments or make recommendations, possibly such as including establishing a meeting, during a fixed-term exclusion period, to draw together a mutually agreeable Pastoral Support Plan for the pupil.

Where all parties have chosen to stay to be told the decision they should be invited back into the meeting room to receive this. However, it is not an opportunity for further discussion of the case. In any event, a formal letter detailing the decision, and setting out the reasons why governors have reached their conclusion, should be sent to the parent/ carer to reach them within 24 hours.

### **Further action**

For a **fixed-term** exclusion there is usually no further right of appeal by the parents/carers– the decision of the Governor's Panel is final. The parent/carer can only approach the LA if they can provide evidence that correct procedures were not followed. **See the note above re appeals for statemented children.** In the case of a **permanent** exclusion, the parents/carers must be informed in the letter from the panel of how they can make an appeal to an Independent Appeal Tribunal.

## Model letter 1

**From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed (paragraph 101)**

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]**.

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 for this fixed period because **[reason for exclusion]**.

### ***[for pupils of compulsory school age]***

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. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

### ***[School/PRU]***

You have the right to make representations about this decision to the governing body/management committee. 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/ management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You 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 appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

[66 Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units](#)

**[This paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary aged pupils if the head teacher chooses to hold a reintegration interview.]**

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed **[not for parents of secondary aged pupils]**. Failure to attend a reintegration interview will be a factor taken into account by magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[Child's Name]**'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 **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details – address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808 **[insert reference to local sources of independent advice if known.]**

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

Yours sincerely

**[Name]**

Headteacher

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## **Model letter 2**

***From head teacher (or teacher in charge of a PRU) notifying parent(s) of a pupil of that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term (paragraph 103a).***

Dear **[Parent's name]**

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Teaching, Learning & Pupil Welfare Committee

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I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**.

This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

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

***[for pupils of compulsory school age – next 3 paragraphs]***

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

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

***[if the individual exclusion is for more than 5 days]***

From the **[6th school day of the pupil's exclusion [specify date] until the expiry of his exclusion we [For PRUs the local authority]** – set out the arrangements if known at time of writing, if not known say that **the arrangements will be notified shortly by a further letter.**] will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

***[School/PRU]***

You have the right to request a meeting of the school's discipline committee/PRU's management 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 discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline [68 Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units](#) committee/management committee must meet, if you request a meeting, is **[specify date – no later than the 50th school day after the date on which the discipline committee were notified of this exclusion]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, 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. You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to the Special Educational Needs and Disability Tribunal (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements).

The

address to which claims should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

Making a claim would not affect your right to make representations to the discipline committee.

*[not mandatory for fixed period exclusions of five days or fewer of secondary aged pupils]*

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by

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Magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details – address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808 **[Insert reference to local sources of independent advice if known]**.

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

Yours sincerely

**[Name]**

Headteacher

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### **Model letter 3**

**From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of more than 15 school days in total in one term (paragraph 103b).**

Dear **[Parent's name]**

Exclusion Policy

2014 - 17

Teaching, Learning & Pupil Welfare Committee

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I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify 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]**.

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 for this fixed period because **[reason for exclusion]**.

***[for pupils of compulsory school age – next 3 paragraphs]***

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of exclusion or specify dates]**, unless there is reasonable justification for this. I must advise you

that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

***[if the individual exclusion is for more than 5 days]***

From the **[6th school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we **[For PRU's the local authority – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education.

**[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

***[School and PRU]***

As the length of the exclusion is more than 15 school days in total in one term the governing body/management committee must meet to consider the exclusion. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date on which the governing body/management committee 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/management committee and wish to be accompanied by a friend or representative please

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contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible.

You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee 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.

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 appeal to the Special Educational Needs and Disability Tribunal (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the governing body/management committee.

***[mandatory for all exclusions of primary-aged pupils and those of more than 5 days of secondary aged pupils]***

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

You also have the right to see and have a copy of **[Child's Name]**'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 **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may want to contact **[Name]** at **[LA name]** LA on/at **[contact details – address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent national advice centre for parents of children in state maintained schools.

They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808. **[Insert reference to source of local independent advice if known.]**

**[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]**

Headteacher

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#### Model letter 4

**From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion (paragraph 103b).**

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 in this school/this PRU unless he/she is reinstated by the governing body/the discipline committee (management committee in case of a PRU) or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant previous history]**.

***[For pupils of compulsory school age]***

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

You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

***[For pupils of compulsory school age]***

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards – i.e. from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]**

***[For pupils of compulsory school age, Where pupil lives in a local authority other than the excluding school's local authority]***

I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**. As this is a permanent exclusion the governing body (or management committee in case of a PRU) must meet to consider it. At the review meeting you may make representations to the governing body/PRU management committee if you wish and ask them to reinstate your child in school. The governing body/PRU management committee have the power to reinstate your child immediately or from a specified

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date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the governing

body/PRU management committee must meet is **[specify the date – the 15th school day after the date on**

**which the governing body/PRU management committee was notified of the exclusion]**. If you wish to make representations to the governing body/PRU management committee and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/PRU management committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

***[If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing body/PRU management committee.]***

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must 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. You may also wish to contact **[Name]** at **[LA name]** on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you. Additionally, you may find it useful to contact the Advisory Centre for Education (ACE)– an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808. **[Insert reference to sources of local independent advice if known.]**

Yours sincerely

**[Name]**

Headteacher (teacher in charge in case of a PRU)

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## Model letter 5

### From the clerk to the governing body (management committee in case of a PRU) to parent upholding a permanent exclusion (paragraph 115).

Dear [Parent's name]

The meeting of the governing body/management committee at [school] on [date] considered the decision by [head teacher/teacher in charge] to permanently exclude your son/daughter [name of pupil]. The governing body/PRU management committee, after carefully considering the representations made and all the available evidence, has decided to uphold [name of pupil]'s exclusion.

The reasons for the governing body/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to appeal against this decision. If you wish to appeal, please notify [name of the clerk to the appeal panel] of your wish to appeal. You must set out the reasons for your appeal in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make, and send this notice of appeal to [address] by no later than **[specify the latest date – the 15<sup>th</sup> school day after receipt of this letter]**. If you have not lodged an appeal by [repeat latest date], you will lose your right to appeal. Please advise if you have a disability or special needs, which would affect your ability to attend the hearing. Also, please inform [name of the clerk to the appeal panel] if it would be helpful for you to have an interpreter present at the hearing. Your appeal will be heard by an Independent Appeal Panel, which can also hear disability discrimination claims. A three-member panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor/management committee members and one lay member who will be the Chairman.

***[Use the following if there is a possibility that a five-member panel may sit: A five-member panel will comprise two serving, or recently retired (within the last 5 years), head teachers, two serving, or recently serving, experienced governors/management committee members and one lay member who will be the Chairman.]***

The appeal 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 appeal is lodged.

In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your appeal the panel can make one of three decisions: they may uphold your child's exclusion; they may direct your child's reinstatement in school, either immediately or by a particular date; or they may decide that the exclusion should not have taken place, but that reinstatement in the school is not in the best interests of all concerned.

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I would advise you of the following sources of advice: **[repeat details from the original exclusion letter, i.e. a named LA officer and the Advisory Centre for Education and any local sources of independent advice]**

The arrangements currently being made for **[pupil's name]**'s education will continue. **[specify details here]**.

Yours sincerely

**[Name]**

Clerk to the Governing Body (or clerk to the Management Committee in case of a PRU)

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## Model letter 6

**From the clerk to the Independent Appeal Panel notifying parent (or pupil if aged 18 or over) of the outcome of the appeal.**

Dear **[Parent's name]**

Following the hearing of your appeal by the Independent Appeal Panel constituted by **[Name]** Authority on **[date]** at **[location]** against the decision of the governing body of **[Name]** School/the teacher in charge **[Name]** of **[Name]** Pupil Referral Unit not to reinstate **[Child's Name]**, I am writing to advise you of the panel's decision.

After careful consideration of your representations both oral and written and those of the **[School/PRU]** and **[Name]** LA **[and of others if applicable, for example any victim]** and in the light of the available evidence, the panel has decided:

Either

(i) to uphold the exclusion;

or

(ii) to direct **[pupil's name]**'s reinstatement in **[name of school/PRU]** with effect from **[date and time]**. **[Pupil's name]** should report to **[name of staff member]** at that time;

or

(iii) that it is not practical to direct **[pupil's name]**'s reinstatement **[here give reasons, for example because this is an exceptional case where reinstatement would not be in the pupil's best interests or those of the whole school/PRU community]** although otherwise reinstatement would have been appropriate. Your child's school record will show that the permanent exclusion was overturned on appeal even though reinstatement was not directed.

***[Give reasons in as much detail as possible for the panel's decision: the decision may be challenged by judicial review; or be the subject of a complaint of maladministration to the Local Government Ombudsman]***

The panel's decision is binding on you, the governing body and the head teacher of **[Name]** School/the teacher in charge of **[Name]** PRU and **[Name]** Local Authority.

For decisions (i) and (iii) above: The alternative arrangements put in place for **[pupil's name]**'s full-time education will continue for the time being; but **[LA officer's name]** will/may be in touch with you to discuss future provision.

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If you think that the appeal panel's decision was unlawful or not a decision which a reasonable panel could have reached and you wish to challenge it, the only way of doing so is to apply to the High Court for a judicial review. This must be done as soon as possible and in any event within three months of the date of the panel's decision. You can complain to the Local Government Ombudsman about maladministration by the appeal panel, but not about its decision.

A copy of this letter will be added to **[pupil's name]**'s school record for future reference.

Yours sincerely

**[Name]**