

EXCLUSION POLICY

2020-2023



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. Where an exclusion is deemed necessary this policy outlines the processes and statutory responsibilities are carried out correctly.

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. Permanent exclusion would only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 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 updated by the TLP Committee and Debbie Dismore (Executive Head Teacher) using guidelines issued by Norfolk County Council and the DFE. All staff have been consulted

Relationship to other policies/procedures

- Ready to Learn; Positive Behaviour and Discipline Policy
- Anti bullying Policy
- Positive Handling Policy
- Equalities Policy
- Home School Agreement
- Whole school policy for Safeguarding, including Child Protection
- Supervision Policy
- Complaints Procedure

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Teaching, Learning and Pupil Welfare Committee. Approved by FGB 12.10.20

- DFE Guidance: Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017 & Changes to the Exclusion Process Addition COVID 19

DFE guidance <https://www.gov.uk/government/publications/school-exclusion>
<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

LA Guidance <https://www.schools.norfolk.gov.uk/pupil-safety-and-behaviour/school-exclusions>

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.

This policy will be reviewed every 3 years or earlier in light of new legislation.

Date Approved by the Full Governing Body : 12th October 2020

Date for review: October 2023

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Introduction

The school recognises that a fixed term or permanent exclusion of a child from school is a very serious matter and can have long term negative consequences on that child's future life chances. It is therefore only used after every other avenue has been explored. This includes working in partnership with parents and carers, seeking advice and support from professionals and the local authority. Permanent exclusion would only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

If there is no alternative to an exclusion, then it is crucial that the following information and process is applied fully and correctly and in line with our statutory duty. Appendix 1 gives a flowchart of actions that must be taken.

COVID Amendments

Temporary changes have been made to the school exclusion process due to coronavirus (COVID-19). These are outlined in DFE guidance. <https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

Arrangements can be made to hold exclusion panel meetings remotely and clear guidance can be found in this document.

The school has amended its behaviour policy in line with national guidance to ensure children and parents understand expectations of children to prevent the spread of Coronavirus in schools.

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 (Appendix 3 model letters)
- give the reasons for the exclusion (see list below)
- 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.

National standard list of reasons for exclusions

PP	Physical assault against a pupil
PA	Physical assault against an adult
VP	Verbal abuse/threatening behaviour against a pupil
VA	Verbal abuse/threatening behaviour against an adult
OW	Use or threat of use of an offensive weapon or prohibited item
BU	Bullying
RA	Racist abuse
LG	Abuse against sexual orientation and gender identity
DS	Abuse relating to disability
SM	Sexual misconduct
DA	Drug and alcohol related
DM	Damage
TH	Theft
DB	Persistent or general disruptive

	behaviour
MT	Inappropriate use of social media or online technology

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.

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 2 outlines in detail the Governors’ involvement and responsibilities in all exclusion matters.

Parents

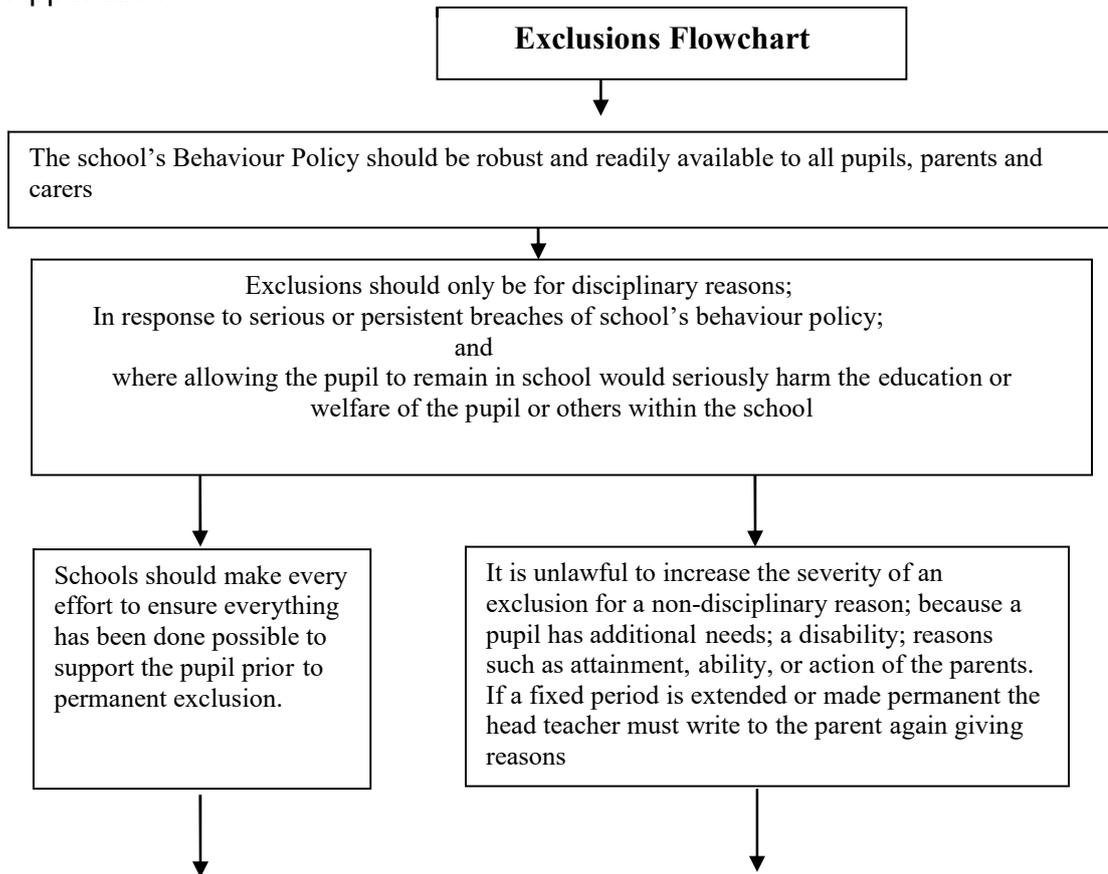
A guide for parents whose child has been excluded, either on a fixed term or a permanent exclusion can be found in Appendix 4. This is taken from the official DFE guidance on exclusions.

Parents are expected to:

- support and uphold the Behaviour Policy of the school
- attend any meetings arranged to discuss their child's behaviour
- work with the school to ensure that exclusions are avoided and implement agreed actions
- adhere to exclusion rules outlined in a notification of exclusion letter should this become necessary

Appendix 1

Exclusions Flowchart



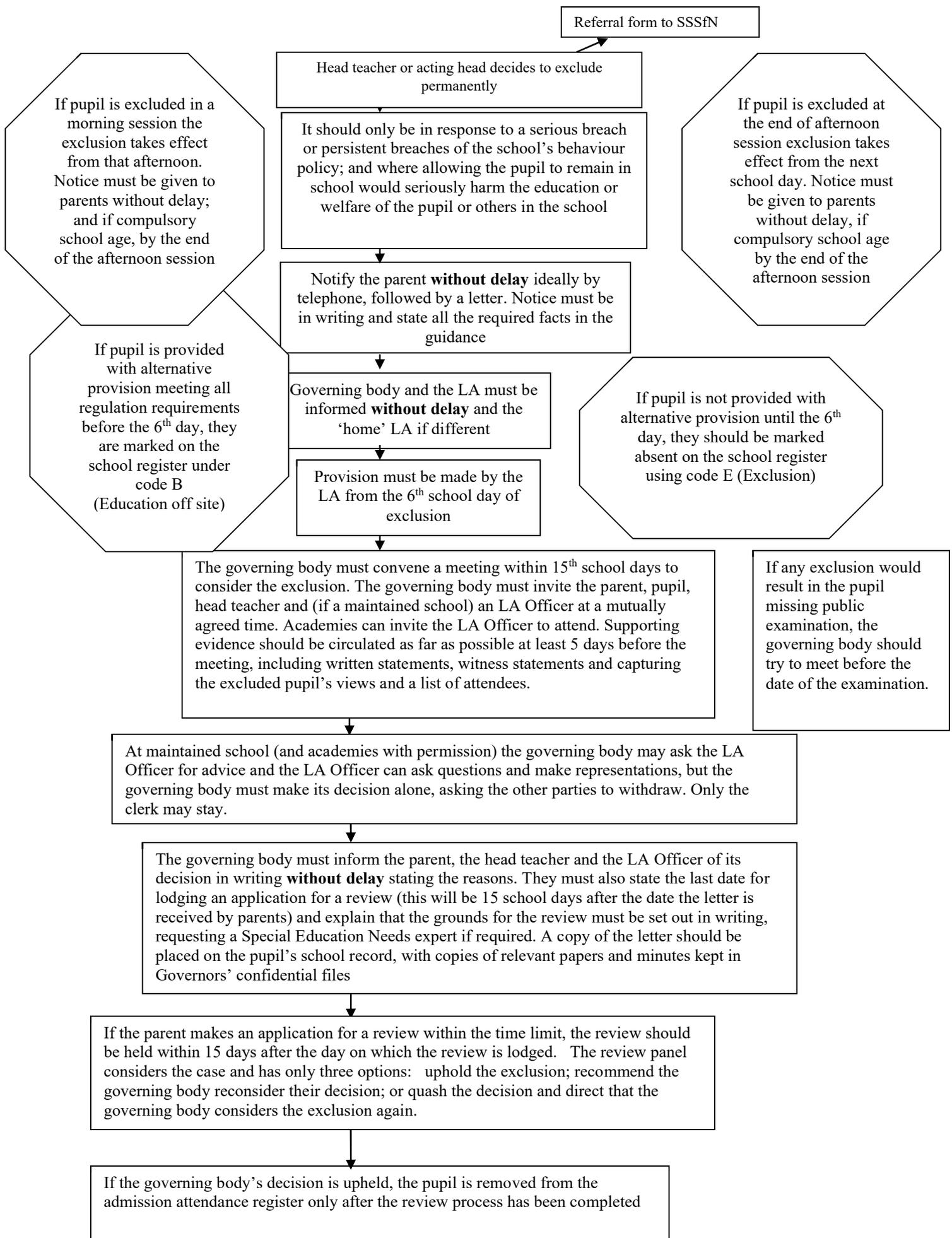
Suggested action that can be taken prior to permanent exclusions:

- If the pupil has a Statement of Special Needs or an EHCP, ensure a review has taken place recently;
- Reasonable adjustments have been made to support the pupil;
- Pastoral Support Programmes/Individual Education Plans/Behaviour Plans have been set up and reviewed;
- A Risk Assessment and Risk Management Plan;
- Application made for a place at a Special Resource Base;
- Support/advice has been accessed from others, e.g. S2S or the SSSfN;
- Support/advice from CAMHS or Ed Psych Service, if appropriate;
- Support offered for Early Help referral or a multi-agency meeting such as an FSP, particularly in the case of persistent disruptive behaviour;
- Consideration given to a managed move.

When excluding, the wider principles of the school's legal duties should be considered and also any contributing factors: maybe the pupil has suffered a bereavement, has mental health issues, or was a subject of bullying.



The pupil's views should be captured all through the exclusion process



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APPENDIX 2 TIMESCALES & INFORMATION FOR GOVERNORS

Length of Exclusion	Will the governors automatically review the exclusion?	Can the parent make written representations to the governors?	Can the parent meet with the governors and make representations in person?	Time Limit	Outcome of the meeting	
					Governors have power to:	Governors DO NOT have power to:
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 and capture the pupils views	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 and views and parents 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	YES. The governors must consider any of the parents' written points about the exclusion and capture the pupils views	YES. But the parent has to request a meeting with the governors.	The governors must meet within 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 Ensure the pupils views are captured Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record

	not attend					
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 and capture the pupils views	YES. The governors must invite the parent to their meeting, they can bring a friend and the pupil	The meeting must be within 15 school days after the governors receive information about the exclusion from the Head. The Head must without delay inform the governors of the exclusion	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 Ensure the pupil views are captured Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record
Perman ent Exclusio n	YES. The governors will automatically review the exclusion	YES. The governors must consider any of the parent's written points about the exclusion and capture the pupils views	YES. The governors must invite the parent to their meeting, , they can bring a friend and the pupil	The meeting must be within 15 school days after the governors receive information about the exclusion from the Head. The Head must without delay	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 Ensure the pupils views are captured Reinstate the pupil immediately or by a particular date	Erase the exclusion from the pupil's record

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				inform the governors of the exclusion		
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 and capture the pupils views	YES. The governors must invite the parent to their meeting, they can bring a friend and the pupil	The meeting should be before the date of the exam. If this is not practical, 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 Ensure the pupils views are captured 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

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The Governing Body Meeting to Consider Exclusions

This information is intended to provide the Chair, Governors and Clerk with guidance for running a Meeting of the Governing Body to consider exclusion.

It is important that the governors on the panel understand that they 'own' the meeting and not the Head teacher. 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. The meeting should be mutually convenient to all parties including the parents/carer, the date and time of the meeting should be agreed with the parents/carers in the first instance

Membership of the panel

This can be between 3 and 5 governors but must not be less than 3. An odd number of governors are 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 could make the process invalid, and flawed.

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;
- for any other reason they may not be able to be impartial;
- they are a member of the school staff;
- they are the chair of governors and has already discussed the pupil with the head teacher.

Chairing the meeting

A full member of the governing body must chair the meeting. The Chair of Governors may act as chair, provided that he/she has not discussed the matter before with anyone, especially the head teacher but it can be one of the other governors. 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, he/she should not clerk meetings of the governing body relating to exclusions. This is in case parents bring an allegation that he/she influenced

the governor's decision when left alone with the panel during their private deliberation of the matter and was not impartial. Evidence and arrangements regarding the meeting can be organised by members of the school.

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

An agenda (including details of who will be present at the meeting) should be included in the evidence pack which must be sent to all parties at least 5 school days prior to the meeting (this includes to the parents/carers and the Local Authority). A sample agenda can be found in Appendix A.

Order of the meeting

1. Noting attendance

The Clerk should take minutes and a list of the names of everyone who is present at the meeting

- the governor members of the panel, stating who is in the chair;
- the head teacher 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, and if not, how their views have been captured;
- the LA Officer, if in attendance;
- the clerk.

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and how and whether they had indicated that they would be present. Governors also need to detail the pupil's views and how they were obtained if they or their parent/carer do not attend. Parent/carers may be delayed for whatever reason and it is at the chair's discretion whether the start of the meeting will be briefly postponed, but in the light of natural justice it would be appropriate to allow parents/carers sufficient time to attend.

2. Apologies

The clerk should note any apologies offered.

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

3. 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. He/she should state the purpose of the meeting and outline its format.

The purpose of the meeting:

- to establish whether, based on the facts known at the time, the head teacher took the right action in excluding the pupil;
- to consider whether the type or length of period of exclusion was appropriate;
- to ensure the exclusion was reasonable, fair and appropriate taking into account the head teacher's legal duties;
- where the governing body is legally required to consider an exclusion, they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working in the school;
- (if a permanent exclusion) to establish that the headteacher's decision warrants a permanent exclusion and is:
 - in response to serious or persistent breaches, of the school's behaviour policy; and
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

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

- to reinstate the pupil, immediately or a future date; or
- to decline to reinstate

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

4. Verbal statement from the Head teacher

This will be in support of any written evidence previously circulated. The Head teacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. He/she may invite other staff members to attend to offer supporting evidence, being careful not to be over represented. Governors, parents/carers may make comments/ask questions after the school has presented their case.

Written evidence should be circulated in advance to all the parties involved at least 5 days prior to the meeting. Witness statements should be signed and dated unless there is good reason not to, but may need to be redacted. The excluded pupil's views should also be sought prior to the hearing, taking into account their age and understanding.

Where the Head teacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions and a report from the Head teacher giving the reasons why they feel the exclusion is justified. Sufficient documentary evidence must also be provided to allow governors to obtain a full picture of the situation, i.e. behaviour logs; copies of any Pastoral Support Plans, Individual Education Plans and Risk Assessments; details of any intervention strategies used and the outcomes; whether a Family Support Plan or referral to Early Help has been offered or provided; details of any special education needs/disabilities and how these were supported; and copies of any assessment reports from external agencies, e.g. Educational Psychologist assessments and recommendations.

5. Questions to the Head teacher

Panel members (governors) may ask questions to clarify points after Head teacher has presented his/her case as well as parents/carers and Local Authority representative.

6. 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

7. Questions to parents/carers

Panel members (governors) may make ask questions as well as Head teacher and Local Authority representative. If the pupil is in attendance, they may also be questioned

8. Representations from the LA Officer

Where an officer is in attendance at a maintained school the LA Officer may ask questions and make representations, and the panel may also ask for advice/guidance or clarity. In the case of an academy, the LA Officer may attend the meeting if invited by the governing board or requested by parents. However, at an academy the LA Officer can only observe unless permission is given for them to contribute by the panel.

9. Final clarification

The Chair of the panel should ensure that all parties, especially the parents/carers/pupil, have had an opportunity to say what they wish to 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.

10. 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 head teacher's decision they cannot direct reinstatement as this is not within their power, but a note should be placed on the child's file.

When reviewing other exclusions of more than 5 days, when reinstatement is not practical (because for example the pupil has returned to school following the end of a fixed term exclusion) the governing body must, in any event, consider whether the head teacher's decision to exclude the child was justified based on the evidence. In this case a note should be attached to the child's school record, to clarify whether the panel supports the head teacher's actions.

The panel may agree that whilst a fixed period of exclusion was the correct action to take, the number of days given was too severe. In this case, 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 Head teacher and staff to plan for the child's reintegration.

Where the panel judged that exclusion was not the correct course of action, it may reinstate the pupil, as outlined above. In these cases, some of the following might apply:

- the Head teacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;
- the panel judged 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, provided evidence to support their child's views with regard to their case;
- the child had not been given a voice at the meeting and their views captured by the school;
- strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the pupil presents or faces; or some time at a Specialist Resource Base; or in the case of Looked After Children, whether their Personal Education Plan has been reviewed;
- based on the balance of probabilities they felt the head teacher's decision was not lawful, reasonable and procedurally fair.

There are times when pupils with Education, Health and Care Plans are exhibiting behaviour that might lead to their exclusion or have been excluded. In these cases, the school should have requested a review of this to establish that the child has the appropriate level of support in the school or whether the placement needs to be reviewed. This may not always be possible for a one-off offence of physical violence, etc. An external review may also be requested where pupils and their behaviour has deteriorated.

Where a child with an Education, Health and Care Plan is excluded from school, the panel should always ask what the school has done to support the pupil before exclusion is imposed and satisfy itself that the school has done all it can. Schools should call a review if they feel the pupil's behaviour has deteriorated or the pupil is struggling to cope. Parents/carers of a pupil with an Education, Health and Care Plan must be informed of their right to appeal to a First Tier Tribunal with regard to any exclusion.

If parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010, so the panel need to consider whether the school has made reasonable adjustments with regard to the disability.

The clerk will take Minutes of:

- the evidence and questions by all parties;
- the main points of the discussion by panel members;

- the decision reached and the supporting reasons;
- how the pupil's views were captured.

The panel may include comments or make recommendations but cannot place conditions on the outcome - possible suggestions could be to draw together a mutually agreeable Pastoral Support Plan for the pupil, or for the school to request support or assessments from external agencies.

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 detailed reasons why governors have reached their conclusion, should be sent to the parent/ carer without delay, either hand delivered or posted by first class mail.

Further action

For a fixed-term exclusion there is no further right of appeal by the parents/carers– the decision of the Governor's panel is final, unless the pupil has special educational needs or a disability in which case they can go to First Tier Tribunal.

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 application to an Independent Review Panel.

Where parents make an application against a permanent exclusion to an Independent Review Panel (IRP) after the governing body meeting, an IRP can only uphold the decision, recommend that the governing body reconsider their decision, or quash the decision and direct the governing body reconsider the exclusion again. An IRP cannot direct reinstatement, only the Governing body and the First Tier Tribunal can reinstate.

If a case has been sent back to governors and the IRP have either recommended that they reconsider, or the decision is Quashed and the governing body is directed to reconsider, this must take place 10 school days from the date of receipt of the outcome of the Independent Review Panel. It is then the decision of the governing body to review the decision not to reinstate and write to the parent, head teacher and local authority of their decision without delay.

Copies of all paperwork,(letter and minutes) must be sent without delay to the Exclusions Team at Norwich Professional Development Centre, 144 Woodside Road, Norwich, NR7 9QL or by e mail to: exclusions@norfolk.gov.uk.

Minutes of the meeting should be held in a Governors Confidential Minute folder in the Head teacher's Office and a copy of the letter attached to the pupil's school record. These do not need to be circulated unless requested.

One copy of all paperwork needs to be kept as a parent can go the First Tier Tribunal for disability discrimination before and after an Independent Review, and claims can be made up to 6 months after the review.

Evidence needed for a Permanent Exclusion Meeting

<p>A copy of the invitation letter(s) sent to parents confirming the date and time of the Governors Disciplinary Hearing, together with a copy of the agenda notifying the names of the panel members.</p> <p>Note any supporting evidence from the school must be sent to all parties at least 5 school days in advance</p>	
<p>Copies of the letter(s) advising the parent/carer of the permanent exclusion – this must be sent to everyone with parental responsibility, even if the child does not live with them</p>	
<p>A copy of the Head teacher/Principal’s report giving details of the reason for the permanent exclusion, including a summary of the time at the School/Academy</p>	
<p>Witness Statements (if there are any) from staff and students re any significant incidents. CCTV footage or photographic evidence may also be provided</p>	
<p>Evidence that the pupil’s views have been sought – this could be through a transcript of an interview with the pupil or a written statement – these should be signed and dated by the pupil</p>	
<p>Provide details of the pupil’s Special Education Needs or disabilities, or any other risk factors which may be contributing to the pupil’s behaviour.</p> <p>If the child has an EHCP, include a copy of the plan and details of any reviews</p>	
<p>Copies of any documented support plans, including regular reviews, e.g. Individual Education Plans, Pastoral Support Plans, Behaviour Support Plans.</p> <p>Records of any intervention strategies and the reasonable adjustments implemented by the school, including records of the outcomes and impacts, and evidence that the strategies have been regularly reviewed</p>	
<p>Details of other agencies that have been involved - include copies of any assessment reports or recommendations, e.g. Ed Psych, S2S, SRB Outreach Teams or Inclusion Team reports</p>	
<p>A copy of the behaviour log, especially if there has been a history of persistent disruptive behaviour etc. Copies of any ABC reports (if available) to identify triggers</p>	

Information on previous fixed term exclusions and copies of the notification letters	
Copies of any Risk Assessments and Risk Management Plans, including reviews	
Information on whether a Family Support Plan or referral to Early Help has been offered or implemented and details of any other support given	
Copies of all relevant policies, e.g. Behaviour SEND Policy Drugs Policy Safeguarding Policy Anti-Bullying Policy	

The definition of parent is laid down in Section 576 of the Education Act 1996 which defines 'parent' as

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person;
- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).



Norfolk County Council

Appendix 3

Exclusions & Reviews
Model letters

Children's Services Fair Access Team and Governor Services

Exclusion Model letters

These letters have been produced by Norfolk Children's Services – it is recommended that you use these model letters as this ensures you meet the statutory requirements for notifications.

The Department for Education issued New Guidance in 2017:

['Exclusion from maintained schools, academies and pupil referral units in England – Statutory guidance for those with legal responsibilities in relation to exclusion'](#)

Please note these letters should be sent to anyone with parental responsibility for the child, even if the child does not live with them. The school should take reasonable steps to ascertain the addresses for everyone with parental responsibility.

The head teacher should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood.

Any letters must be issued without delay.

Model Letter 1

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying parent(s) of a fixed period exclusion which takes the total exclusions to 5 school days or fewer in one term.

Model Letter 2

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/ Principal of an Academy/Free School notifying parent(s) of a pupil's fixed period exclusion which takes the total exclusions to more than 5 school days (up to and including 15 school days) in a term.

Model Letter 3

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/ Principal of an Academy/Free School notifying parent of a fixed period exclusion which takes the total exclusions in one term to more than 15 school days.

Model Letter 4

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying the parent(s) of the pupil's permanent exclusion.

Model Letter 5

Outcome letter from the clerk to the governing body (management committee of a PRU/board of directors of an Academy/Free School) to parent(s) where the panel have declined to reinstate the pupil

Model Letter 6

From clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) (after speaking to them) to confirm the date and time of the meeting to consider the exclusion of a pupil

Model Letter 7

Outcome letter from clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) that the pupil has been reinstated

Model Letter 8

From clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) of the outcome after a reconsideration of the reinstatement of the pupil following an Independent Review Panel

Model letter 9

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying the parent(s) that a pupil's permanent exclusion has been withdrawn.

Model letter 1

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying parent(s) of a fixed period exclusion which takes the total exclusions to 5 school days or fewer in one term.

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[pupil'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 **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[state reason for exclusion. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

[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 without reasonable justification. It will be for you to show that there is reasonable justification for this.

[For a non-consecutive fixed-term exclusion]

We will set work for **[pupil's name]** during the first five school days 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.

[For consecutive fixed-term exclusions of more than 5 days]

From the **[6th school day of the pupil's exclusion [specify date]]** until the expiry of this exclusion we **[For PRUs the local authority, for Academies it would be the Academy Trust] - set out the arrangements for provision if known** will provide suitable full-time education. On **[date]** **[he/she]** should attend at **[give name and address of the alternative provider if not the home school/Academy]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. Note: where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion]**

You have the right to make representations about this decision to the **[governing body/management committee/board of directors of the Academy Trust]**. If you wish to make representations please contact **[Name of Contact]** at **[contact details — address, phone number, email]**, as soon as possible. Whilst the **[governing body/management committee/board of directors of the Academy Trust]** 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 First Tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

[This paragraph can be used if school/PRU/academy chooses to hold a reintegration interview.]

You and **[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 to discuss how best we can support your child.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or **ACE Education** <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (<http://www.autism.org.uk/services/helplines/school-exclusions.aspx>) (0808 800 4002 or schooexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

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

Yours sincerely

[Name]

Head teacher (teacher in charge of a PRU)
Principal of Academy/Free School

Model letter 2

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/ Principal of an Academy/Free School notifying parent(s) of a pupil's fixed period exclusion which takes the total exclusions to more than 5 school days (up to and including 15 school days) in a term.

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** for a fixed period of **[specify period]**. This means that **[pupil'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 **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[state reason for exclusion. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

[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 **[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.

[For a non-consecutive fixed-term exclusion]

We will set work for **[pupil's name]** during the first five school days 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.

[In all cases]

From the **[6th school day of the pupil's exclusion [specify date] until the expiry of this exclusion we [For PRUs the local authority, for Academies it would be the Academy Trust] - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** **[he/she]** should attend at **[give name and address of the alternative provider if not the home school/Academy]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider.**

Note- where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion].

You have the right to request a meeting of the **[governing body/PRU's management committee/board of directors of the Academy Trust]** to whom you may make

representations, where the decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the **[governing body/management committee/board of directors of the Academy Trust]** must meet if you request it to do so to consider reinstatement. The latest date by which the **[governing body/management committee/board of directors of the Academy Trust]** must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the governing body/management committee/board of directors were notified of this exclusion]**. If you do wish to make representations to the **[governing body/management committee/board of directors of the Academy Trust]** and wish to be accompanied by your child and 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 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 First Tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the governing body/management committee/board of directors of the Academy Trust.

[This paragraph can be used if school/PRU/academy chooses to hold a reintegration interview.]

You and **[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.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or **ACE Education** <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or

schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

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

Yours sincerely

[Name]

Head teacher (teacher in charge in case of a PRU)

Principal of Academy/Free School

Model letter 3

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/ Principal of an Academy/Free School notifying parent of a fixed period exclusion which takes the total exclusions in one term to more than 15 school days.

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** for a fixed period of **[specify period]**. This means that **[pupil'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 **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[state reason for exclusion. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**

[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 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.

[For a non-consecutive fixed-term exclusion]

We will set work for **[pupil'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.

[In all cases]

From the **[6th school day of the pupil's exclusion] [specify date]** until the expiry of **[his/her]** exclusion we **[For PRUs the local authority for Academies it would be the Academy trust - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** **[he/she]** should attend **[give name and address of the alternative provider]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider.]**

Note- where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the 6th day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion].

As the length of exclusions is more than 15 school days in total in one term the **[governing body/management committee/board of directors of the Academy Trust]** must meet to consider reinstatement. At the meeting you may make representations. The latest date on which the **[governing body/management committee/board of directors of the Academy Trust]** can meet is **[date here — no later than 15 school days from the date the governing body/management committee/board of director of Academy Trust is notified]**. If you wish to make representations to the **[governing body/management committee/board of directors of the Academy Trust]** and wish to be accompanied by your child and 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 **[governing body/management committee/board of directors of the Academy Trust]** 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, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the **[governing body/management committee/board of directors of the Academy Trust]**.

[This paragraph can be used if school/PRU/academy chooses to hold a reintegration interview.]

You and **[pupil's name]** 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 to discuss how we can best support your child

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or **ACE Education** <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

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

Yours sincerely

[Name]

Head teacher (teacher in charge in case of a PRU)
Principal of Academy/Free School

Model letter 4

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying the parent(s) of the pupil's permanent exclusion.

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[pupil's name]** with effect from **[date]**. This means that **[pupil's name]** will not be allowed in this school unless **[he/she]** is reinstated by the **[governing body/PRU management committee/board of directors of the Academy Trust]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded because **[state reason for exclusion. This can be more than one reason but be clear on the reasons and how the behaviour policy has been breached]**.

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.

Alternative arrangements for **[pupil's name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[pupil's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. 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.]**

[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/PRU management committee/board of directors of the Academy Trust]** must meet to consider it. At the meeting you may make representations, your **[son/daughter]** can also attend the meeting if you wish and you can ask them to reinstate your child in school. In light of its consideration, the **[governing body/PRU management committee/board of directors of the Academy Trust]** can either direct reinstatement immediately or on a particular date, or decline to reinstate your child in which case you may make application against their decision to an Independent Review Panel. The latest date by which the **[governing body/PRU management committee/board of directors of the Academy Trust]** must meet is **[specify the date — the 15th school day after the date on which the governing body/PRU management committee/ board of directors of the Academy Trust was notified of the exclusion]**. If you wish to make representations to the **[governing body/PRU management committee/board of directors of the Academy Trust]**

and wish to be accompanied by your **[son/daughter]**, 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 **[governing body/PRU management committee/board of directors of the Academy Trust]** 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.

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 First Tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the **[governing body/management committee/board of directors of the Academy Trust]**.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or **ACE Education** <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

Yours sincerely

[Name]

Head teacher (teacher in charge in case of a PRU)
Principal of Academy/Free School

Model letter 5

Outcome letter from the clerk to the governing body (management committee of a PRU/board of directors of an Academy/Free School) to parent(s) where the panel have declined to reinstate the pupil

Dear **[Parent's name]**

The meeting of the **[governing body/management committee/board of directors of the Academy Trust]** at **[school/PRU/Academy]** on **[date]** considered the decision by **[head teacher/teacher in charge/Principal of Academy]** to permanently exclude your **[son/daughter] [name of pupil]**. The **[governing body/management committee/board of directors of the Academy Trust]**, after carefully considering the representations made and all the available evidence, has decided not to reinstate **[name of pupil]**.

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

You have the right to apply for a review against this decision to an Independent Review Panel. If you wish to request a review, please notify **[insert full contact details as per the footnote]** in writing no later than **[specify the latest date — the 15th school day after receipt of this letter]** together with any written evidence, and also include if appropriate details of how the pupil's special education needs are considered relevant to the exclusion. If you have not lodged a request for a review by **[repeat latest date]**, you will lose your right to a review. If you require an SEN expert at the Independent Review please request this when requesting a review. The **[Local Authority/Academy Trust]** must appoint a Special Educational Needs expert. Please advise if you have a disability or special needs which would affect your ability to attend the hearing.

The role of the Special Educational Needs expert is to give impartial advice to the panel on how special educational needs might be relevant to the exclusion. Their advice will be based on the evidence provided by the panel but does not include making an assessment of the pupil's special education need. The SEN expert should give advice on whether the schools policies relate to SEN in relation to the excluded pupil were legal, reasonable and fair and any possible contribution that could have been made. Where SEN had not been recognised by the school with regard to the pupil the SEN expert should advise the panel whether they believe the school acted legally, reasonable and procedurally fair with respect to the identification of any special education need that the pupil may have. There would be no cost for this advice for you. Please inform **[insert full contact details as per the footnote]** if it would be helpful for you to have an interpreter present at the hearing.

The review panel can make the following decisions:

- Uphold the decision;
- Recommend that the **[governing body/management committee/board of directors of Academy Trust]** reconsiders reinstatement; or

- Quash the decision and direct that the **[governing body/management committee/board of directors of Academy Trust]** reconsiders reinstatement.

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 First Tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

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

Yours sincerely

[Name]

Clerk to the **[governing body/management committee/board of directors of the Academy Trust]**

Footnote: Address for parents to use when requesting an Independent Review Panel: If you are an Academy, then the clerk will need to check whether they use the Local Authority service to arrange review panels, or whether they have their own arrangements. You must insert the contact details accordingly – this should include clear instructions of to whom and where the parent should write, including the full address. Often this will be the Clerk to the Governing Body in the first instance, who would then contact the LA Service to arrange a review if one is subsequently requested. In the case of an LA maintained school, you must always enter the contact details below.

If you use the Local Authority service, please insert the following contact details in the above letter:

Perry Richens-Pyatt, Administrator to the Independent Review Panels, Bay 33, Floor 8, County Hall, Martineau Lane, Norwich, Norfolk NR1 2DH.

Model letter 6

From clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) (after speaking to them) to confirm the date and time of the meeting to consider the exclusion of a pupil.

Please note – everyone with parental responsibility for the child should be invited to make representations at the hearing, even if the child does not live with them.

Dear **[Parent's name]**

With reference to the decision by the head teacher to **[permanently/fixed term]** exclude your **[son/daughter]** and recent telephone conversations we would like to confirm the arrangement for you and **[pupil's name]** to attend a meeting of the **[governing body/management committee/board of directors of the Academy Trust]** at **[address of venue]** to consider the exclusion. This has been arranged for **[date]** at **[time]**.

Please contact us on **[telephone number and email if available]** if this is no longer a convenient date and time to re-arrange a suitable time for you to attend a meeting.

[We will forward all evidence to you 5 school days prior to the meeting/Please find enclosed evidence for the meeting].

Yours sincerely,

[Name]

Clerk to the **[governing body/management committee/board of directors of the Academy Trust]**

Model letter 7

Outcome letter from clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) that the pupil has been reinstated

Dear **[Parent's Name]**

Meeting of governing body to consider the permanent exclusion of **[pupil's name]**

Following the meeting of the **[governing body/management committee/board of directors of Academy Trust]** today and after careful consideration of all the evidence and your representations and those of the **[Name of School/PRU/Academy]** the panel decided to direct re-instatement of **[pupil's name]** to **[Name of School/PRU/Academy]** on **[specify date]**.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

You and **[pupil's name]** are invited to attend a reintegration meeting with **[Staff member's name]** on **[date]** and **[time]**

Yours sincerely,

Clerk to the **[governing body/management committee/board of directors of the Academy Trust]**

Model letter 8

From clerk to the governing body (management committee of PRU/board of directors of an Academy Trust/Free School) advising parent(s) of the outcome after a reconsideration of the reinstatement of the pupil following an Independent Review Panel

Dear **[Parent's name]**

The **[governing body/management committee/board of directors of Academy Trust]** have reconsidered the decision to reinstate **[pupil's name]** after being requested to do so by the Independent Review Panel. After careful considerations the panel have decided **[not to reinstate/to reinstate] [pupil's name]**. **[If reinstatement please advise date to be reinstated]**

The reasons for the **[governing body/management committee/ board of directors of the Academy Trust]** decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at. The governing body/management committee/board of directors of the Academy Trust's decision should demonstrate how they have addressed the concerns raised by the Independent Review Panel, as it may face challenge in the courts if it refuses to reinstate the pupil without strong justification]**.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to exclusions@norfolk.gov.uk, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to sendpartnership.iass@norfolk.gov.uk (for pupils with special educational needs).

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 First Tier Tribunal (Special Educational Needs and Disability) <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]

[Only required if reinstated by governing body/management committee/board of directors of Academy Trust]

You and **[pupil's name]** are invited to attend a reintegration meeting with **[Staff member's name]** on **[date]** and **[time]**

Yours sincerely,

Clerk to the **[governing body/management committee/board of directors of the Academy Trust]**

Model letter 9

From the head teacher of a Primary, Secondary or Special school or teacher in charge of a PRU/Principal of an Academy/Free School notifying the parent(s) that a pupil's permanent exclusion has been withdrawn.

Dear **[Parent/Carer's name]**

Further to my decision to permanently exclude **[Child's name]** effective from **[date]**; I am writing to inform you of my decision to withdraw this permanent exclusion **[insert description of the reason]**.

[If the pupil is leaving the school use the following paragraph]

Once **[Child's name]** has started at **[receiving school's name]** **[his/her]** name will be removed from **[sending school's name]**'s roll. **[Enter details of any interim arrangements]**

[If the pupil is remaining at the school use the following paragraph]

I would like to confirm that **[child's name]** is welcome to return to **[school's name]**. To facilitate **[child's name]**'s reintegration I have planned a reintegration meeting on **[date]** at **[time]** at the school.

As we notified the local authority of the permanent exclusion, a copy of this letter has been sent to the Fair Access Team for Norfolk County Council **[Include the details of the home authority if the pupil living in a different local authority]** to inform them that the permanent exclusion has been withdrawn.

You may wish to contact the local authority's Exclusion Team to discuss this or if you have any questions about the exclusion procedures on 01603 307727 or by email to csexclusions@norfolk.gov.uk.

Yours sincerely

[Name]
Head teacher/Principal

cc Exclusions - Fair Access Team - csexclusions@norfolk.gov.uk.

Appendix 4 Information for parents/carers

Glossary

The term '**must**' refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, 'parents' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term 'governing board' includes the governing body of a maintained school, the management committee of a PRU and the academy trust of an academy.

Fixed-period exclusion: when a pupil is barred from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: This refers to the education arrangements made for excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision can be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour.

Reasons for exclusion

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded, and the decision to exclude lies with the head teacher. Head teachers can only exclude a pupil for a disciplinary reason (e.g. because their behaviour violates the school's behaviour policy). They cannot, for example, exclude a pupil for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A head teacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

Schools have the power to send a pupil to another education provider at a different location to improve their behaviour without the parents having to agree.

A school can also transfer a pupil to another school – a process called a ‘managed move’ - if they have the agreement of everyone involved, including the parents and the admission authority for the new school.

Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

‘Informal’ or ‘unofficial’ exclusions, such as sending pupils home ‘to cool off’, are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded. Any fixed-period exclusion must have a stated end date.

Exclusion process

What happens when my child is excluded?

Please go to section 2 entitled ‘What happens when your child is excluded’ on the gov.uk website. <https://www.gov.uk/school-discipline-exclusions/exclusions>

What are the legal obligations on a school when excluding a pupil?

When a head teacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
 - the length of the exclusion;
 - the parents’ right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved;
- and

- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Is there a limit to the number of times my child can be excluded?

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more; and also they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools.

Lunchtime exclusions - where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

Scrutiny of the exclusion

Can I question the decision to exclude my child?

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE) or a national curriculum test (e.g. a key stage 2 test taken at the end of primary school). For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision.

Information on school discipline and exclusions issued by the Department for Education can be found here <https://www.gov.uk/school-discipline-exclusions/exclusions>.

What can I do if I feel my child is being discriminated against in the exclusion process, for example because he/she has a disability?

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the governing board.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. When making their request parents can ask for a Special Educational Needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion:

www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm. The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through http://www.childrenslegalcentre.com/index.php?page=education_legal_practice

• ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

• The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through:

<http://www.autism.org.uk/services/helplines/school-exclusions.aspx>

• Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

• Departmental advice on setting the behaviour policy

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

• The Department's guidance to schools on exclusion

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

• 'School discipline and exclusions' and 'Complaint about a school or childminder':

<https://www.gov.uk/school-discipline-exclusions/exclusions>

and <https://www.gov.uk/complain-about-school>

Arrangements for my child after exclusion

Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion.

From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements). If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of

compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their exams or national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education provided from the sixth day of exclusion (unless they have arranged suitable alternative education themselves).