

Ormiston Forge Academy

Exclusion Policy

July 2018



Approved by the Curriculum and Standards Sub-Committee under powers delegated by the Governing Body: **3rd March 2018**

Review period: **May 2019**

I. Action to be invoked in serious disciplinary matters

- a. In discharging their duties the Principal and Governors must have regard to DfE *guidance* “Exclusion from maintained schools, academies and pupil referral units in England” which was published in September 2017 and any subsequent DfE updates to this guidance. Staff will also take into account their statutory duties in relation to special educational needs (SEN) including having regard to the SEN Code of Practice.
- b. A decision to exclude a student will only be taken:
 - In response to serious breaches of the academy’s Behaviour Policy; and
 - If allowing the student to remain in the academy would seriously harm the learning or welfare of the student, other students or staff in the academy.
- c. When a serious incident occurs, a senior member of staff, i.e. member of the Leadership Team, must interview students and produce a written record of the meeting. If the nature of the incident is extremely serious then at least two staff members should be present to conduct the interviews. Students should be questioned and given ample opportunity to give a response. Students should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage the report will help to enable the academy to decide what further action should be undertaken.
- d. Whilst an exclusion may still be an appropriate sanction, the Principal will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement, has mental health issues or has been the subject of bullying. In cases involving SEN and Looked After Child/ren (LAC) students, the Principal should also consider whether appropriate provision is in place to support their needs as well as the involvement of multi-agencies.
- e. In most cases a range of alternative strategies will have been tried before excluding a child. Where a one-off incident of sufficient gravity has taken place, this may not apply.
- f. Where it is deemed an exclusion is not appropriate or suitable, an academy may arrange a governor warning meeting for the pupil with a member of the Local Governing Body (LGB), in order to meet with a pupil and parents to remind them of the academy’s behaviour policies and academy expectations. If the pupil then has further exclusions, the governor that attended this meeting would not be eligible to sit on the exclusions panel. Model Letter 1.

2. Responsibilities of the Principal

a. Decision making process

- i. The Principal alone (or the acting Principal¹ if the Principal is absent) has the power to exclude students.
- ii. In considering the exclusion of a student the Principal should ensure that the following range of activities is carried out:
 - A thorough investigation of the incident(s) producing a written report of the investigation
 - Consider all the relevant facts and firm evidence to support the allegations
 - Take into account the relevant behaviour policies

¹ An acting Principal is someone appointed to carry out the functions of the Principal in the Principal’s absence or pending the appointment of a Principal. This will not necessarily be the deputy: it will depend who is appointed to the role of acting Principal.

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_St_at_guidance_Web_version.pdf)

- Check whether an incident appeared to be provoked (for example by bullying or racial or sexual harassment)
 - Ensure that all students involved have the opportunity to give their version of events
 - Consult other people or agencies except where they may be involved in any review of the exclusion
 - Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the academy
 - Due regard to the Equality Act 2010.
- iii. Before deciding to exclude a student permanently the Principal will first try a range of strategies as outlined in the academy Behaviour Policies, including fixed term exclusion. Only when other strategies have been tried without success will the Principal consider permanent exclusion. Except, or notwithstanding where a one-off incident of sufficient gravity has taken place.
- iv. The Principal may exclude a student for up to 45 academy days in any academic year. Any exclusion beyond 45 academy days will be permanent. However, before that point is reached the Principal will have held discussions with the Local Authority (LA) with a view to arranging an appropriate placement in another academy or Pupil Referral Unit (PRU). From Day 6, students will be accessing the resources at the designated Centre.
- v. Any LAC will receive education at the Centre from Day 1. A 'looked after child' is a child who is (a) in the care of an LA, or (b) being provided with accommodation by a LA in the exercise of their social services functions.
- vi. The Principal will aim for the shortest possible period of exclusion but however brief an exclusion a plan will be made to:
- enable the student to continue their education;
 - use the time to address the student's problems;
 - examine the process of reintegration.
- vii. All incidents where a child is sent home due to behaviour, will be noted as an exclusion, even if pre-agreed with a parent, i.e. pupils being sent home during lunch times. If an exclusion is for part of the day (including lunch-time), it should be noted as a half day exclusion.
- viii. The Principal must take account of their legal duty of care when sending a pupil home following an exclusion.
- ix. The academy will take all reasonable steps to set and mark student work during the first five school days of an exclusion

b. Informing Parent(s)/carer(s) about the Exclusion

- i. The Principal will make sure that the Parent(s)/carer(s) are notified immediately of the period of the exclusion and the reasons for it either in person or by telephone which will be followed by a letter within one academy day. An exclusion will normally begin on the next academy day. Model letter 2,3,4,5.
- ii. Letters about fixed period and permanent exclusions will explain:
- Why the Principal decided to exclude the student
 - The period of a **fixed term** exclusion or for a **permanent exclusion**, the fact that it is permanent
 - The arrangements for enabling the student to continue their education, including setting and marking the student's work
 - The Parent(s)/carer(s) right to make representations about the exclusion to the governing body and how the student may be involved in this
 - Who the Parent(s)/carer(s) should contact if they wish to state their case (usually the Clerk to the Committee) and draw their attention to relevant sources of free and impartial

- information (see model letter)
 - The latest date the Parent(s)/carer(s) can put a written statement to governors
 - The Parent(s)/carer(s) right to see and have a copy of their child's record
 - That for the first five days of an exclusion (or until the start date of any alternative provision) parents are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so
 - If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale
 - the start date for any provision of full time education that has been arranged for the student during exclusion
 - the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
 - the address at which the provision will take place
 - any information required by the student to identify the person they should report to on the first day
 - The letter should also enclose a copy of the academy's Exclusion Policy.
- iii. If, following an exclusion, there is a need for a further exclusion, the Principal must issue a new exclusion (fixed term or permanent), with reasons outlined in the communications to parents. Where a new exclusion is issued, there will be a new right for the Parent(s)/carer(s) to state their case to the Exclusions Committee.
- iv. For the purposes of alternative provision, 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, the academy must arrange education for the sixth academy day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

c. Informing the Governing Body and Local Authority

- i. The Principal will immediately inform the Chair of the Governing Body and the LA of all permanent exclusions. Where a student resides outside the LA in which the academy is located, the Principal must also notify the student's "home authority" of the exclusion without delay.
- ii. In addition the Principal will inform the governing body of exclusions which result, separately or in total, in the student missing more than five academy days in any one term, or which deny students the chance to take a public examination.

3. Responsibilities of the Governing Body

a. Establishing an Exclusions Committee

- i. The Governors do not have the right to exclude a student. Governors do have a duty to consider parents' representations about an exclusion. To enable this the Governing Body will establish an Exclusions Committee.
- ii. An Exclusions Committee should consist of three or five governors and should not include staff governors.
- iii. Guidance on the roles of the Exclusions Committee is available in appendix I.

b. Clerking the Exclusions Committee

N.B. clerking arrangements vary from academy to academy, all clerks should have an SLA which outlines their responsibilities, where the below is not included in the SLA, the academy is responsible for ensuring its completion.

- i. The Clerk is responsible for liaising with all parties to arrange the exclusion panel, this should include the parent of the pupil, the academy representative and the Exclusion Committee members. The parent can request the attendance of a LA representative, whom the clerk should invite if requested. Model Letter 6. Once the date has been agreed, the clerk should write to the parents to invite them to the meeting. Model letter 7.
 - ii. The Clerk is responsible for collating and circulating papers to all parties scheduled to attend the meeting. A suggested template agenda can be found in appendix 2. Papers should include:
 - An agenda
 - Statement and supporting paperwork from the academy
 - Statement and supporting paperwork from the parent/guardian and/or pupil
 - Any relevant Behaviour Policies
 - Copies of all letters sent between the academy and parent/guardian in relation to the exclusion
 - iii. The Clerk should ensure that all representatives enter the meeting at the same time and neither are alone with the panel without the other being present.
 - iv. The Clerk is responsible for taking full and accurate minutes of the appeal hearing, which will be sent to the Chair of the Exclusions Committee for approval and finalised within 5 academy days of the panel meeting. A suggested template for exclusions minutes can be found in appendix 2.
 - v. The Clerk is responsible for sending a letter to the parents and a copy to the LA notifying them of the outcome of the Exclusion Committee. Model letter 8 and 9.
- c. Fixed Term Exclusion cases**
- i. Please refer to the flowchart annexed to this policy, which provides a summary of the Exclusions Committee's duty to review the Principal's exclusion decision.
 - ii. If the student has returned to the academy before the Exclusions Committee meets, the meeting still enables the parent(s)/carer(s) to give their views. The Exclusions Committee can also consider whether more information should be added to the student's record.
 - iii. If the student is still excluded when the meeting takes place, the Exclusions Committee should decide whether to direct re-instatement. In reaching their decision the Committee should:
 - consider the parent(s)/carer(s) statements;
 - have regard to the guidance on the appropriate use of exclusion in DfE *Circular 10/99* and in the academy's behaviour policies, and consider whether the Principal has tried sufficient approaches to improve a student's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.
- d. Permanent Exclusion cases**
- i. Written evidence supporting the Principal's decision will be circulated to all parties at least five working days in advance of the meeting by the Clerk to governors. The pupil/parents will also be given the opportunity to submit a written statement and/or supporting papers for circulation.
 - ii. The Exclusions Committees will allow parents and students to be accompanied by a friend or representative.
 - iii. Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting.

- iv. For permanent exclusions, the Exclusions Committee, consisting of three or five Governors not employed by the Academy or known to the student, should normally satisfy itself that:
1. for a one-off serious breach of behaviour, on the balance of probabilities, the offence took place or;
 2. for persistent bad behaviour, all possible strategies to improve a student's behaviour were tried without success.
- v. The Exclusions Committee will consider the exclusion and either:
- decline to reinstate the pupil; or
 - direct reinstatement of the pupil immediately or on a particular date.
- Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance.
- vi. The Exclusions Committee may not attach conditions to the re-instatement of a student.
- vii. The Exclusions Committee will ensure that clear minutes of the meeting are taken as a record of the evidence that was considered by the governing body. These will be made available to all parties on request.
- viii. In reaching their decision the Exclusions Committee will ask all parties to withdraw before making their decision and will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair. They will also take into account the Principal's legal duties.
- ix. If the Exclusions Committee declines to reinstate the pupil, the clerk will write on behalf of the Exclusions Committee within one Academy day to the parent(s)/carer(s). The letter will :-
- state that the decision to exclude is permanent
 - give the reasons for the decision;
 - explain the parent(s)/carer(s) right to appeal to an Independent Review Panel to which the parent(s)/carer(s) can make oral and written statements;
 - give the name and address of the person the parent(s)/carer(s) should contact if they wish the decision to be reviewed, explaining that any notice for review should explain their grounds for requesting a review and stating the latest date for giving notice (15 academy days from the date of the Discipline Committee's decision). The parent(s)/carer(s) has the right to request a review even if they did not make a case to the Discipline Committee.
 - State that regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Ormiston Academy Trust to appoint a SEN expert to attend the review and that this appointment will be at no cost to parents
 - Request that parents must make it clear if they wish for a SEN expert to be appointed in any application for review
 - That parents may also bring a friend to the review
 - Provide details of sources of free and impartial information.
- x. If the Exclusion Committee declines to reinstate the pupil, the clerk will notify the LA in writing of this decision within one Academy day of the hearing.
- e. After the meeting – Fixed Term and Permanent Exclusions**
- i. A note of the Exclusions Committee's views on the exclusion shall normally be placed on the student's record with a copy of the Principal's exclusion letter.

4. Independent Review Panels

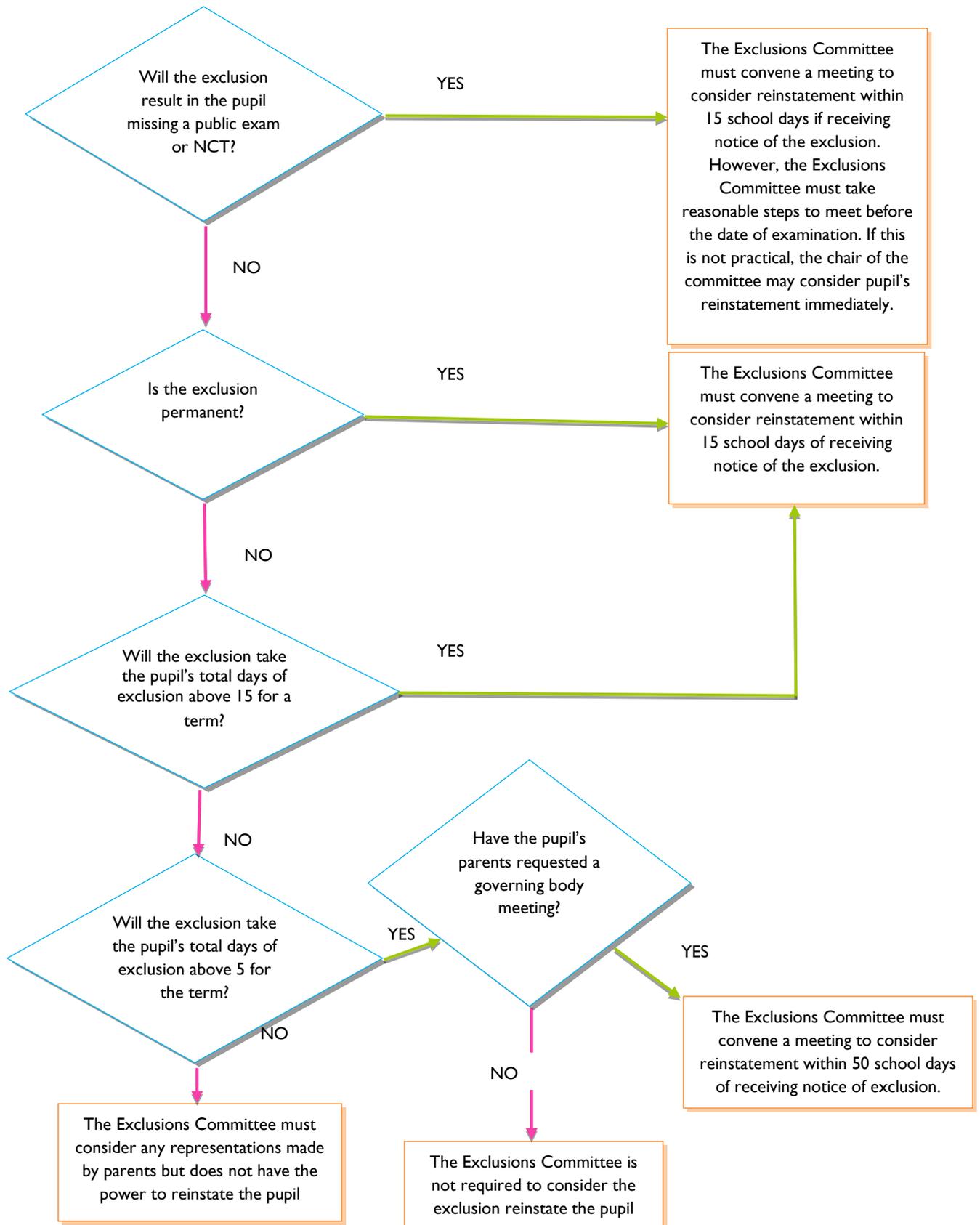
- a. If applied for by parents within the legal time frame (15 Academy days), the academy will secure an independent external clerking service/clerk who will arrange for an Independent Review Panel to review the decision of a governing body not to reinstate a permanently excluded student.
- b. Any application made outside the legal time frame will be rejected by the academy.
- c. OAT Governance Team will be notified of any request for an Independent Review Panel.
- d. Parents may request an Independent Review Panel even if they did not make a case to, or attend the meeting at which the governors made their decision.
- e. The academy should ensure that the independent clerking service/clerk secured understands that they are responsible for:-
 - Establishing an Independent Review Panel which complies with DfE regulations
 - Agreeing suitable date, time and independent venue for the hearing to take place, ideally a neutral location
 - Appointing an independent Clerk to administer the process including the circulation of the meeting pack, taking accurate minutes of the hearing and sending out the decision letter (the Clerk to the excluding academy governing body will not be eligible to perform this role)
 - The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions
 - Where it has been requested, arrange for a SEN expert to attend the review hearing
 - Where it has been requested, arrange for an interpreter to attend the review hearing.
- f. The role of the panel is to review the governing body's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the Academy. The panel must also apply the civil standard of proof "on the balance of probabilities" rather than the criminal standard of "beyond reasonable doubt".
- g. Following its review the panel can decide to:
 - Uphold the exclusion decision
 - Recommend that the governing body reconsiders their decision or,
 - Quash the decision and direct the governing body to consider the exclusion again
- h. The decision of the Independent Review Panel is binding on the: student, parents, governing body, LA and OAT.
- i. New supporting evidence may be presented to the panel but the academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced.
- j. Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion.
- k. Members of the Exclusions Committee and the Principal will be invited to attend the hearing to present their case to the panel.
- l. As with the governing body exclusion hearing, parents will be invited to attend and may bring a friend, if they are not present the case will be heard in their absence.

- m. Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment of £4k to the LA if the governing body does not offer to reinstate the student within 10 Academy days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)
- n. A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.
- o. Following the review, the panel must issue written notification to all parties without delay. This notification must include:
 - The panel's decision and the reason for it
 - Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a student
 - Any information that must be recorded on the student's educational record to reflect the decision
- p. If the panel upholds the decision, the Clerk to the Independent Review Panel will immediately notify the LA and if the student lives out of the LA of the academy, the student's 'home local authority' as well.
- q. If the panel quashes or recommends the reconsideration of the Exclusion Committee's decision, the Exclusions Committee must reconvene within ten school days of being given notice of the IRP's decision.

5. Reconsidering reinstatement

- a. The Exclusions Committee must conscientiously reconsider the reinstatement of the pupil in light of the findings of the Independent Review Panel.
- b. In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:
 - the parents;
 - the principal;
 - the local authority; and, where relevant, the 'home authority'
- c. The reconsideration provides an opportunity for the Exclusions Committee to look afresh at the question of reinstating the pupil, in light of the findings of the independent review panel. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The Exclusions Committee is not prevented from taking into account other matters that it considers relevant.
- d. The Exclusions Committee should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Exclusions Committee. These minutes will include a record of the discussion of the Exclusion Committee and the reasons for the decision. These minutes should be made available to all parties on request.
- e. The Exclusions Committee should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of the Exclusions Committee to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The Exclusions Committee's decision should demonstrate how it has addressed the concerns raised by the independent review panel; this should be communicated for all parties to understand.

A summary of the Exclusions Committee's duties



MODEL LETTER I

From the principal notifying parent of Governor warning meeting

Dear **[Parent's name]**,

We would like to invite you and **[Student's name]** to attend a Governor warning meeting with **[Staff names]** and academy Governor **[Governor's name]** in order to discuss the behaviour of **[Student's name]**. The meeting will take place at the Academy on **[Date]** at **[Time]**.

Please confirm on **[Telephone number]** if you will be attending the meeting.

Yours sincerely,

[Name]

Principal

MODEL LETTER 2

From the principal notifying parent of a fixed period exclusion of 5 academy days or fewer in one term, and where a public examination is not missed.

Dear [Parent's name],

I am writing to inform you of my decision to exclude [Student's name] for a fixed period of [specify period]. This means that [he/she] will not be allowed in the academy 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 [Student's name] has not been taken lightly. [Student's name] has been excluded for this fixed period because [reason for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the exclusion period [specify dates] unless there is reasonable justification for this. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for [Student's name] to be completed on academy days during [his/her] exclusion period. [Detail the arrangements for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

You have the right to make written representations about this decision to the governing body. If you wish to make representations please contact [name of contact] at [contact details – address, phone number, email], as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's academy 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 review, and/or make a claim, to the First Tier Tribunal (www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm).

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 a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the governing body/management committee.

[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 students if the Principal chooses to hold a reintegration interview.]

You and [Student's name] are requested to attend a reintegration interview with [specify staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy 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 the academy can be managed [not for parents of secondary aged pupils]. 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 may request a copy of [Student's name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the Information Advice and Support Services Network (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).]

[Student's name]'s exclusion expires on [date] at [time] and we expect [Student's name] to be back in the academy on [date] at [time].

Yours sincerely,

[name],
Principal

MODEL LETTER 3

From the Principal notifying parent of a fixed period exclusion of more than 5 and up to and including 15 days in total in one term, or where a public examination would be missed.

Dear [Parent's name],

I am writing to inform you of my decision to exclude [Student's name] for a fixed period. This means that [Student's name] will not be allowed in the academy from [date] at [time]. Your child should return to the academy on [date] at [time].

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude [Student's name] has not been taken lightly. [Student's name] has been excluded for this fixed period because [specify reasons for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child of school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the first five days of the exclusion period [specify dates] unless there is reasonable justification for this. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for [Student's name] to be completed during [the first 5 or specify other number] academy days during [his/her] exclusion period. [Detail the arrangements for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

[If the individual exclusion is for more than 5 days]

From the sixth academy day of [Student's name]'s exclusion [specify date] until the expiry of [his/her] exclusion [we] will provide suitable full time education. [Set out the arrangements including address of provider. 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].

You have the right to request a meeting of the academy's Exclusions Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than five academy days in a term the Exclusions Committee must meet if you request it to do so. The latest date by which the Exclusions Committee must meet, if you request a meeting, is [specify date – no later than the 50th Academy day after the date on which the discipline committee were notified of this exclusion]. If you and [Student's name] do wish to make representations to the Exclusions Committee and wish to be accompanied by a friend or representative, please contact [name of contact] 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 academy. 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 a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated

against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the governing body/management committee.

[Optional paragraph for reintegration interview]

You *[and your child or name of student]* 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 academy 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 the Academy can be managed.

You may request a copy of **[Student's name]**'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10 am to 1 pm during term time).

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the Information Advice and Support Services Network (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).]

[Student's name]'s exclusion expires on *[date]* at *[time]* and we expect **[Student's name]** to be back in the academy on *[date]* at *[time]*.

Yours sincerely

[name],
Principal

MODEL LETTER 4

From the principal notifying parent of a fixed term exclusion of more than 15 academy days in total in one term.

Dear [Parent's Name],

I am writing to inform you of my decision to exclude [Student's name] for a fixed period. This means that [Student's name] will not be allowed in the academy school from [date] at [time]. Your child should return to the academy on [date] at [time].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [Student's name] has not been taken lightly. [Student's name] has been excluded for this fixed period because [Specify reasons for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the first five days of the exclusion period [specify dates] unless there is reasonable justification for this. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for [Student's name] to be completed during [the first 5 or specify other number] academy days during [his/her] exclusion period. [Detail the arrangements for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

From the sixth Academy day [if applicable] of [Student's name]'s exclusion [specify date] until the expiry of [his/her] exclusion [we] will provide suitable full time education. [Set out the arrangements including address of provider. 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].

As the length of the exclusion brings [Student's name] total number of excluded days to more than 15 academy days in total in one term the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is [date here – no later than 15 Academy days from the date the governing body is notified]. If you and [Student's Name] wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of contact] 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 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 academy. 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 a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated

against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the governing body/management committee.

You and [Student's name] are requested to attend a reintegration interview with [Specify staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy 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 the Academy can be managed [not for parents of secondary aged pupils]. 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 may request a copy of [Student's name]'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the Information Advice and Support Services Network (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).]

[Student's name]'s exclusion expires on [date] at [time] and we expect [Student's name] to be back in the Academy on [date] at [time].

Yours sincerely,

[Name],
Principal

MODEL LETTER 5

From the principal notifying parent of a permanent exclusion.

Dear [Parent's name],

I regret to inform you of my decision to permanently exclude [Student's name] with effect from [date]. This means that [Student's name] will not be allowed in this academy unless [he/she] is reinstated by the governing body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Student's name] has not been taken lightly. [Student's name] has been excluded because [Specify reasons for exclusion AND THE EVIDENCE ON WHICH THE REASONS ARE BASED; include any other relevant previous history].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during academy hours throughout the first five days of the exclusion period [specify dates] unless there is reasonable justification for this. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the local authority if your child is present in a public place during academy hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for [Student's name]'s education to continue will be made. For the first five academy days of the exclusion we will set work for [Student's name] and would ask you to ensure this work is completed and returned promptly to the Academy for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth academy day of the exclusion onwards – i.e. from [specify the date], [Name of Local 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.]

[Where pupil lives in a local authority other than the excluding Academy local authority]

I have also today informed [Name of officer] at [Name of Local Authority] of [Student's name]'s exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth academy day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in the academy. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they may decline to reinstate your child in which case you may request a review of their decision to an Independent Review Panel. The latest date by which the governing body must meet is [specify the date – the 15th Academy day after the date on which the governing body was notified of the exclusion]. If you and [Student's name] wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [Name of contact] 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 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 a review, and/or make a claim, to the First Tier Tribunal (www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the governing body/management committee.

You may request a copy of **[Student's name]**'s academy record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and the GDPR. There may be a charge for photocopying.

You may also wish to contact **[Name]** at **[Local Authority name]** at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10 am to 1 pm during term time).

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the Information Advice and Support Services Network (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>).]

Yours sincerely

[Name],
Principal

MODEL LETTER 6

From the Clerk notifying LA contact of a permanent exclusion meeting

Dear **[Name of contact]**,

The Academy Exclusion Committee will meet at **[Name of Academy]** on **[Date]** at **[Time]** to consider the permanent exclusion of Year **[Year of student]** student **[Name of student]**, as per details already forwarded to you.

I should be grateful if you could arrange for a representative from **[Admissions and Family Services]** to attend if at all possible.

Please find enclosed a copy of the letter sent to parents.

Yours sincerely,

[Name]

Clerk to the Exclusions Committee

MODEL LETTER 7

From the Clerk notifying parent of permanent exclusion meeting

Dear **[Parent's name]**,

The Exclusions Committee of **[Name of Academy]** will meet at the academy on **[date]** at **[time]** to consider the reinstatement of **[Student's name]**.

You are able, by law, to attend this meeting together with **[Student's Name]** and/or a friend or representative if you wish to do so.

If there are any documents (including any written statements) which you wish the Exclusions Committee to consider at the meeting, please send them in advance to allow for time to consider those documents at least 48 hours before the meeting. This should be delivered to the academy, addressed FAO of the Exclusions Committee.

Please confirm if you wish to attend the meeting.

If you do not wish to attend the meeting you may still forward any documents and written statement that you wish the Exclusions Committee to consider. This should be delivered to the academy, addressed FAO the Exclusions Committee, as above no later than 48 hours before the meeting.

The Exclusions Committee will be made up of **[enter committee members' names and indicate Chair of the committee]**.

Should the Governors decline to reinstate the pupil, Officers of the Local Authority will contact you in the near future in order to make arrangements with you concerning **[Student's name]**'s future education.

Yours sincerely,

[Name]

Clerk to the Exclusions Committee

MODEL LETTER 8

From the Clerk to the Governing Body informing parent of the panel's decision to decline reinstatement of the pupil

Dear [Parent's name],

The meeting of the governing body of [Academy name] on [date] considered the decision by the Principal to permanently exclude [Student's name]. After carefully considering the representations made and all the available evidence, the governing body has decided to uphold [Student's name]'s exclusion.

The reasons for the governing body decision are as follows: [Provide statement used at Exclusion hearing which must set out a synopsis of the evidence and where relevant:

- (i) whether the accused did what he/she is accused of including any findings of fact required (where there was a dispute of evidence);
- (ii) whether the Principal acted in accordance with the law and statutory guidance;
- (iii) whether there are any Equality Act issues to be taken into account and if so were they addressed correctly and support provided;
- (iv) Whether there are any SEN or EHCP issues to be taken into account and if so were they addressed correctly and support provided;
- (v) whether permanent exclusion was a proportionate sanction in the circumstances in contrast to alternative sanctions such as a long fixed term exclusion; managed move; off site provision;]

You have the right to a review of this decision by an Independent Review Panel. If you wish to request a Review, please notify [Name of the clerk to the appeal panel] of your wish to request a Review. Send your request for a Review to [address] by no later than [specify the latest date – the 15th school day after receipt of this letter]. You must set out the reasons for requesting a review in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make. 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. You have a right to request the attendance of a Special Educational Needs (SEN) Expert at the review, regardless of whether the Academy recognises that your child has SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make clear that you wish for a SEN expert to be appointed in any application for a review.

You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend with you.

Your request will be heard by an Independent Review Panel, which can also hear disability discrimination claims. A three or five -member panel will comprise of serving, or recently retired

(within the last five years) head teacher, serving, or recently serving experienced governors and a lay member who will be the Chair.

The Independent Review Panel will rehear all the facts of the case - if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th academy day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review the panel can decide to:

- uphold your child's exclusion;
- recommend that the governing body reconsiders its decision, or
- quash the decision and direct that the governing body considers the exclusion again.

As stated above you have the right to apply for an independent review panel. In order to assist you to make an informed decision on whether, and if so, how to seek a review please see the information at the end of this letter. In addition if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review and/or make a claim, to the First Tier Tribunal www.justice.gov.uk/tribunals/send/appeals who have the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

The Department for Education statutory exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10 am to 1 pm during term time).

[Repeat details from the original exclusion letter, i.e. a named LA officer and/or any local sources].

The arrangements currently being made for [Student's name]'s education will continue. [Specify details].

Yours sincerely

[Name],

Clerk to the Exclusions Committee

MODEL LETTER 9

From the clerk notifying parent of the exclusion panel's decision to reinstate a student

Further to the meeting of the governors' exclusion panel to review **[insert student's name]** permanent exclusion from the academy, I can confirm the decision of the panel to reinstate **[insert student's name]** to the academy.

In reaching its decision the panel considered the case for exclusion presented by the academy along with your representations, as well as the view given by the local authority **[if represented]**. On balance the panel felt that **[insert student's name]** should be reinstated **[provide summary of reasons for decision and verbal statement from governor panel]**.

In the circumstances, the governors it was agreed that **[insert student's name]** should return to the academy on **[insert date]**.

Members of the panel hope that **[insert student's name]** will establish a successful return to the academy. You should be aware that a copy of this letter will be placed on **[insert student's name]** academy record along with a copy of the Principal's exclusion letter.

I am sure it would be helpful for you to meet with the Principal to discuss **[name of student]'s** return to academy before they are due back. Please could you contact **[insert name and contact details — address, phone number and email]** to arrange a convenient time and date.

Yours sincerely

[Insert name]

Clerk to the Exclusions Committee

MODEL LETTER 10

From clerk to parents following IRP requesting reconsideration of the decision

The governing body has reconsidered the decision to reinstate [Student's name] after being requested to do so by the independent review panel. After careful consideration governors have decided not to reinstate / to reinstate [Student's name] [insert detailed reason for decision which needs to review the evidence and, in particular the IRPs decision to direct the GB to reconsider ensuring that any points raised are addressed in the decision letter] [if reinstatement please advise date to be reinstated].

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 a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Alternatively, if you consider your child has been discriminated against on other Equality Act grounds you have the right to make a claim in the County Court.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (www.aceed.org.uk) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[Only required if the student is reinstated by governing body]

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

Yours sincerely

[Name],

Clerk to the Exclusions Committee

Appendix I

Exclusions Committee Guidance

The role of the Chair

The role of the Chair of the exclusion panel is particularly important, not only does it set the tone, but also ensures that the hearing conforms to the law.

Advice for chairs

- Read all paperwork prior to the meeting and make notes on any points of interest
- Spend some time with fellow panel members and the clerk prior to the meeting, going over any major points and receiving any guidance
- Advise attendees whether the decision will be communicated verbally immediately after panel deliberation as well as receiving written notification the following day, or whether the decision will only be communicated in writing.
- Always remain in control and avoid confrontation whilst also making it clear that rudeness and any aggressive behaviour is unacceptable
- Have a view as to how long each section of the meeting should last
- Ascertain whether the pupil will be attending and ensure that they are given the opportunity to speak
- Ascertain whether an LA representative will be attending and advise whether you will be accepting their attendance in the capacity as an observer or whether they have your consent to make representations
- Ask the clerk for advice on legal matters should you need it
- Recap and summarise regularly
- If an appellant or presenter fails to attend the meeting, continue to follow the standard procedure as closely as possible. This ensures that their case is given proper consideration
- If any changes are to be made to the order of the hearing, ensure that all parties are in agreement
- Ensure that all parties feel listened to and have ample opportunity to present their case and ask questions of the other
- Approve the minutes following the meeting
- Ensure that following a panel the outcome is noted on the student's educational record along with copies of relevant papers for future reference

The role of the panel member

Members of the panel should ensure that they act in an impartial manner at all times in order to ensure that the hearing is fair and their decisions are consistent with the evidence presented. Panel members should also ensure that they do not discuss the exclusion with any party outside the meeting.

Advice for panel members

- Read all paperwork prior to the meeting and make notes on any points of interest or areas for clarification
- Be familiar with the law and current DfE guidance
- Respect the chair and their authority throughout the meeting
- Consider carefully any advice provided by the clerk/minute taker
- Avoid giving any indication about feelings on any individual case
- Test all evidence available to them as far as possible and ensure that they ask sufficient questions
- Decide on the **balance of probabilities** whether the student did what is alleged – this is the civil standard of proof and not the criminal standard of “beyond reasonable doubt”
- Be clear about the reasons for decisions made and be prepared to support them with evidence gained during a hearing. Panel members need to be aware that in light of their consideration, they can either:
- Uphold an exclusion; or
- Direct reinstatement of the student immediately or on a particular date

- Where reinstatement is not practical, the panel must consider whether the principal's decision to exclude the student was justified based on the evidence.

Decision making

Some points for members of exclusion panels to consider when reviewing the principal's decision to exclude a student.

- Did the student, on the balance of probabilities, commit the breach of the Behaviour Policy of which they are accused?
- Would allowing the student to remain in academy seriously harm the education or welfare of others in the academy?
- Did the academy evidence that all the strategies available had been exhausted prior to the decision to exclude?
- Did the principal have any alternative to exclusion?
- Is the principal's decision in line with the academy's Behaviour Policy?
- Was the decision to exclude based on one serious incident or a series of incidents?
- Is the student defined as having special needs / a disability? If so, has the student been treated less favourably than others and have reasonable adjustments been made?
- Are there any contributing or mitigating factors to consider?
- Are you satisfied that a full and appropriate investigation was undertaken?
- Did the academy apply the correct procedures when excluding the student?
- Was the student allowed the opportunity to give their own version of events?
- Was the decision to exclude the student lawful, reasonable and procedurally fair?

With regards to any exclusion resulting in a student missing a public examination or national curriculum test there is no legal imperative to allow an excluded student to return to the academy in order to take a public examination or test. The governing body should consider whether it would be appropriate to exercise discretion and allow the excluded student back on academy premises for this purpose. The governing body may place additional conditions if they choose to grant permission onto the academy site.

Decision statements

Decline to reinstate the pupil:

1. 'This committee, having carefully considered all available evidence, has decided to decline to reinstate **[student's name]** on the grounds of **[insert appropriate term]**.'

Optional additional statements

1. 'Despite an extensive programme of support provided by both the academy and a variety of external agencies, **[student's name]'s** behaviour has continued to be **[insert appropriate term]**.

We feel that the academy has exhausted its capability to meet **[student's name]'s** needs and as such has no other alternative other than to permanently exclude'.

2. 'On the basis that **[student's name]'s** repeated poor behaviour constantly falls considerably below the standard expected of students at the academy and we are concerned for the welfare of staff and other students.'
3. 'We feel that the academy has done everything in its power to support **[student's name]** and despite this **[he / she]** has continued to behave in an inappropriate manner, affecting both the safety and education of **[himself / herself]** and other students.'

Direct reinstatement of the pupil immediately or on a particular date

- I. Having carefully considered all available evidence and representations, we, as a panel, have decided to direct reinstatement of **[student's name]**. As such, **[student's name]** will be allowed to return to the academy on **[date]** at **[time]**.

Appendix 2

Exclusions Committee Agenda [Academy Name]

Meeting to consider the [permanent/fixed term] exclusion of [insert student name]

Date:	
Time:	
Location:	

Attendees	Initials	Responsibility
Governors:		
[Insert Name]		[Academy Name] Governor (Chair of Exclusions Committee)
[Insert Name]		[Academy Name] Governor
[Insert Name]		[Academy Name] Governor
Representatives		
[Insert Name]		[Academy Name] Principal
[Insert Name]		Parent
[Insert Name]		Parent friend or representative
[Insert Name]		Student
[Insert Name]		Clerk to Exclusions Committee

Part	Item	Resp
1	Introduction and procedures	
2	Verbal statement from the academy	
3	Questions to the academy from all attendees	
4	Verbal statement from the parent/guardian and/or pupil	
5	Questions to the parent/guardian and/or pupil from all attendees	
6	Advice/comments from the LA representative (if the parent has requested attendance. Representations made at the discretion of the Chair)	
7	Summary statement from the academy	
8	Summary statement from the parent/guardian and/or pupil	
9	All parties other than the panel and clerk leave the room whilst panel discuss	
10	Panel decision – decision letter to be sent within 24hours	

Exclusions Committee Minutes

[Academy Name]

Meeting to consider the [permanent/fixed term] exclusion of [insert student name]

Date:	
Time:	
Location:	

Attendees	Initials	Responsibility
Governors:		
[Insert Name]		[Academy Name] Governor (Chair of Exclusions Committee)
[Insert Name]		[Academy Name] Governor
[Insert Name]		[Academy Name] Governor
Representatives		
[Insert Name]		[Academy Name] Principal
[Insert Name]		Parent
[Insert Name]		Parent friend or representative
[Insert Name]		Student
[Insert Name]		Clerk to Exclusions Committee

Part	Item
1	Introduction and procedures
2	Verbal statement from the academy
3	Questions to the academy from all attendees
4	Verbal statement from the parent/guardian and/or pupil
5	Questions to the parent/guardian and/or pupil from all attendees
6	Advice/comments from the LA representative (at the discretion of the Chair)

7	Summary statement from the academy
8	Summary statement from the parent/guardian and/or pupil
9	All parties other than the panel and clerk leave the room whilst panel discuss
10	Panel decision – decision letter to be sent within 24hours