



## **EXCLUSIONS POLICY**

This policy should be used in conjunction with the Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units Sept 2008, the School's SEN, Behaviour, Anti-Bullying, Equality, SRE, Drugs, and Behaviour for Learning policies.

In most cases permanent exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour. A range of strategies will address the types of behaviour which may lead to exclusion. Pupils identified as at risk of permanent or fixed period exclusion will be referred to alternative or additional provision to meet their individual needs, which could include using the Common Assessment Framework to engage the support of other agencies.

The School will ensure that staff training is in place that promotes good behaviour and prevents poor behaviour. These behaviour policies will be shared with pupils, all school staff and parents so that all are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed. The Behaviour and Rewards policy will be implemented in a consistent, rigorous and non-discriminatory way and will be monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

### **Removing pupils from a school site other than for exclusion**

These are the only sets of circumstances in which individual pupils may be required to leave the school site:

- a) There is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently.
- b) A pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the Principal may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion.
- c) For medical reasons, a pupil's presence on the school site represents a serious risk to the health or safety of other pupils or school staff. In these circumstances a Principal may send the pupil home after consultation with the pupil's parents. This is not an exclusion and may only be done for medical reasons.
- d) The pupil is given permission by the head teacher/teacher in charge, or person authorised by them, to leave the school premises briefly to remedy breaches of the school's rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, the pupil's absence may be counted as unauthorised absence. In all such cases the parent must be notified and the absence should be recorded. When making this decision, the child's age and vulnerability, and the parent's availability, will need to be considered.

### **The decision to permanently exclude**

A decision to exclude a pupil permanently will be taken only:

- a) in response to serious breaches of the school's behaviour policy; and
- b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A decision to exclude a child **permanently** is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort. Such circumstances would be, for example:

- persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on school

There will, however, be exceptional circumstances where, in the head teacher's/ teacher in charge's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- a) Serious actual or threatened violence against another pupil or a member of staff;
- b) Sexual abuse or assault;
- c) Supplying an illegal drug; or
- d) Carrying an offensive weapon (for advice on what constitutes an offensive weapon, see *School Security – Dealing with Troublemakers – Chapter 6* at [www.dcsf.gov.uk/schoolsecurity/dwt6offensive\\_weapons.shtml](http://www.dcsf.gov.uk/schoolsecurity/dwt6offensive_weapons.shtml)) Schools now have a power to screen and search pupils for weapons (please see guidance at : <http://www.teachernet.gov.uk/docbank/index.cfm?id=11454> )

Where the exclusion is related to drugs then the School Drugs policy should be consulted.

The School will normally inform the police where a criminal offence is suspected to have taken place.

### **Pupil's opportunity to participate in exclusion procedures**

The child or young person should be invited and encouraged to state their case at all stages of the exclusion process, where appropriate, taking account of their age and understanding.

### **Factors to consider before making a decision to exclude**

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal/teacher in charge should:

- a) ensure that a thorough investigation has been carried out;
- b) consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended; head teachers others involved in exclusion procedures have a positive duty to promote equality
- c) Allow and encourage the pupil to give their version of events;

d) Check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;

e) If necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's/teacher in charge's decision, for example a member of the governing body; and

f) Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

### **Procedures following permanent exclusion**

In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the school or LA in writing that no appeal is to be brought.

### **The decision to fixed-term exclude**

The decision to exclude a pupil for a fixed period will be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

Individual fixed period exclusions will be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. Ofsted inspection evidence suggests that 1–3 days are often long enough to secure the benefits of exclusion without adverse educational consequences.

Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, head teachers/teachers in charge should consider alternative strategies for addressing that behaviour (See Appendix 1)

Only the Executive Principal or Head of School, or, in the absence of the Principal/Head of School, the Assistant Headteachers can exclude a pupil. Other exclusion-related activities do not have to be undertaken by the Principal/Head of School personally, but may be delegated.

In every instance where a pupil is sent home for disciplinary reasons, the principal will formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They will ensure that:

- that parents are formally notified of the exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets;
- that work is sent home or alternative provision is arranged; and
- the appropriate person at the local authority is informed

### **Length of fixed period exclusions**

A pupil can be excluded for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year. The limit of 45 school days applies to the pupil and not to the institution. Therefore, any days of fixed period exclusion served by the pupil in any school or PRU/ARP in the same school year will count towards the total. When a pupil transfers to the School during the academic year, records of the fixed period exclusions a pupil has received and served so far during the current academic year will also be transferred.

### **Lunchtime exclusion**

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes. Lunchtime exclusions are not counted towards the school's duty to provide fulltime education from day six of a fixed period exclusion. Taking into account the child's age and vulnerability, the principal/teacher in charge should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. All lunchtime exclusions must be for a fixed period no longer than one week.

### **Procedures following a fixed period exclusion**

The school's obligation to provide education continues and will be met during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard. Where a pupil is given a fixed period exclusion of six school days or longer, the school will arrange suitable full-time educational provision from and including the sixth school day of the exclusion. During this period the School will set work for the pupil to complete and arrange for it to be marked.

If the exclusion is for six days or more the school will:

- a) Make suitable full-time provision available to the pupil from the sixth school day  
Provision will normally be off-site.

- b) Ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked,
- c) Ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance (please see model letters 1-3);
- d) Discuss how the time might be used to address the pupil's problems; and
- e) Support the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with a parent of the pupil.

Within one school day the principal must inform the governing body and the LA of:

- a) Permanent exclusions;
- b) Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- c) Exclusions which would result in the pupil missing a public examination.

### **Reintegration interview**

The Executive Principal or Head of School will arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of six or more school days. An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year. The pupil should normally attend all or part of the interview. The interview should be conducted by the principal/teacher in charge or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or governor for Looked After Children or children with SEN.

It provides an opportunity to:

- a) Emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- b) Discuss how behaviour problems can be addressed;
- c) Explore wider issues and any circumstances that may be affecting the child's behaviour;
- d) Reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and

e) Create a useful forum to consider with parents the possibility of a parenting contract

The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to school. The principal must try to arrange the interview for a date and time that is convenient to the parent. If possible the interview should be held on the day the pupil returns to school. The interview date suggested by the principal/teacher in charge should be a school day, but the interview can be held on a non-school day if the head teacher/teacher in charge and parent agree. At least one of the child's parents is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority. Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend. The interview must be conducted on school premises. The notice must be given no later than six school days before the date of the reintegration interview.

### **Penalty notice for excluded pupils**

During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this.

Schools can only issue a penalty notice if their Local Authority have put in place a scheme for administering this and published a local code of conduct.

### **Parenting contracts and orders**

If the school considers that parental influence could be better brought to bear in improving the behaviour of the pupil, a parenting contract may be offered. It may help parents take responsibility for their children and strengthen their ability to do so. This can engender a productive relationship with parents and provide individualised support. It provides an early intervention to deal with emerging behaviour problems or after an exclusion of any duration. A parenting contract is a written voluntary agreement between the school governing body and the parent under which the parent agrees to comply with certain requirements and the school agrees to provide, or help the parent access, the support that they need.

Parenting contracts are appropriate where the parent is willing to engage with the school but is in need of (and will accept) support in order to help improve their child's behaviour. A school cannot require a parent to sign a parenting contract as a

condition of his or her child being reinstated, being admitted to a school or not being excluded from it.

If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour and the requisite standard of misbehaviour is met, the school may consider applying to the magistrates' court for a parenting order to compel the parent to comply with certain requirements including attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has or could have resulted in exclusion.

### **Parental co-operation**

If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of, him or her, including at lunchtime, the school must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful the school should consider whether to perform a Common Assessment Framework.

### **Procedures for review and appeal**

The principal/teacher in charge must notify the governing body of permanent exclusions, fixed term exclusions of more than 5 days, or 10 lunchtimes, and those where a pupil would miss a public examination.

Where the governing body is notified of an exclusion, they must (whether or not the parent requests) review any exclusion which is a permanent exclusion from their school, or a fixed period exclusions that would result in a pupil being excluded for more than 15 school days in any one term, or missing a public examination.

### **Behaviour outside school**

The school's behaviour policy regulates pupils' behaviour where the pupils are neither on school premises nor in the charge of school/PRU/ARP staff, where it is reasonable to do so. The school's behaviour policy provides for the circumstances of poor behaviour outside school – for example, on school trips, away school sports fixtures, or work experience placements – are subject to the school's behaviour policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside school, but not on school business, the principal/ teacher in charge may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This will be a matter of judgment for the principal/teacher in charge.



Pupils' behaviour in the immediate vicinity of the school, or on a journey to or from school, can be grounds for exclusion.

### **Pupils with special educational needs (SEN)**

Other than in the most exceptional circumstances, the school will avoid permanently excluding pupils with statements. We will also make every effort to avoid excluding pupils who are being supported at *School SEN Support* under the Special Educational Needs Code of Practice, including those who are being assessed for an Education and Health Care Plan. For a pupil with an Education and Health Care Plan, the school will liaise with their LA about initiating an interim review of the pupil's statement.

Where a child is permanently excluded, the principal will use the period between his or her initial decision and the meeting of the governing body to work with the LA to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the exclusion will be withdrawn.

### **Disabled Pupils**

It is unlawful to exclude a disabled pupil for a reason related to their disability without justification. When considering whether or not it is appropriate to exclude a pupil who may be disabled within the meaning of the Disability Discrimination Act 1995 and Equality Act 2010, the principal will consider:

#### **a. Is the pupil disabled?**

The Act covers pupils whose physical or mental impairment has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities.

#### **b. Is the exclusion for a reason related to the pupil's disability?**

If there is a connection between the pupil's disability and the behaviour resulting in the exclusion, this may be considered less favourable treatment for a reason related to the pupil's disability.

#### **c. Would another pupil, to whom the reason did not apply, be excluded?**

Following the decision of the House of Lords in *London Borough of Lewisham v. Malcolm* (25 June 2008), a comparison has to be made between the disabled child who has been excluded for a reason allegedly relating to their disability and a child who is not disabled but has behaved in the same way. In other words, if the reason for the exclusion is the pupil's disability-related behaviour, then it is necessary to consider whether or not another pupil without that disability who behaved in that way would be excluded. The comparison should be with a pupil who is not disabled and who has behaved in the same way.

#### **d. Can the exclusion be justified?**

An exclusion of a disabled pupil for a reason related to their disability can only

be justified if there is a 'material' and 'substantial' reason for it. Maintaining order and discipline in the school may be a material and substantial reason. However, it may not be possible to justify the less favourable treatment if there are reasonable adjustments that should have been made but were not. Reasonable adjustments could include developing strategies to prevent or manage the pupil's behaviour; drawing on external advice on effective approaches with a pupil and staff training. If reasonable steps could have been taken but were not, it may not be possible to justify the pupil's exclusion. If reasonable steps were taken, but the incident still happened, then the school is likely to be able to justify the exclusion.

### **Race relations**

The school will take steps to ensure that they will not discriminate against pupils on racial grounds when making a decision about whether to exclude a pupil. Exclusions will be monitored and analysed by ethnicity to ensure that they do not treat some groups of pupils more harshly than others. Policies that lead to sanctions will also be monitored to ensure they do not have disproportionately adverse impact on pupils from particular racial groups. If this is found to be the case then policy and practice will be modified.

### **Looked After Children**

Exclusion of looked after children will be an absolute last resort. The School will work in partnership with social workers and other professionals and try every practicable means to maintain them in school. No looked after child will be excluded from the school without discussion with the local authority.

## **Procedure for Excluding a Pupil**

### **The parents' role**

All exclusions cases must be treated in the strictest confidence.

If a fixed term exclusion, after investigation, becomes a permanent exclusion parents must be informed fully in writing.

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon session;
- Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

### **Informing the governing body and LA about the exclusion**

An exclusion report should be sent to the Local Authority, the local governing body and copied to the Chapel Street Community Schools Trust (Regional Director of Schools for London). Reports should include the following:

- a) The pupil's name;
- b) The length of the exclusion;
- c) The reason for the exclusion;
- d) The pupil's age, gender and ethnicity;
- e) Whether the pupil has a statement of SEN, is being assessed for such a statement, or is on the school's SEN register;
- f) Whether the pupil is looked after as defined in section 22 of the Children Act 1989; and
- g) For fixed period exclusions of pupils of, compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

### **Marking attendance registers following exclusion**

Where pupils are excluded up to 6 days code E should be used. Where suitable alternative provision is used code B should be used.

For permanently excluded pupils they must not be deleted from the register until the appeals process has been completed.

### **Responsibility of the LA**

The LA should send a representative to all permanent exclusion meetings and to longer fixed period exclusion meetings if possible. The LA's role at the governing body meeting is not to give its view on the merits of the particular exclusion. But it can make a statement to the governing body/management committee in general terms, for example about how other schools in the area (and the LA itself, if applicable) have dealt with similar incidents. The LA representative should also draw the attention of governors/committee members to issues where there is a lack of clarity or where more information may be needed or where guidance appears to have been ignored. The principal should attend the meeting to clarify points and answer any questions relating to the incident or events leading to the exclusion. No party to the review should be alone with the governors at any point before, during or after the meeting.

### **Responsibilities of the governing body**

The governing body must review certain exclusions:

- a) permanent exclusions;
- b) exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- c) exclusions which would result in the pupil missing a public examination

All or some of the functions can be delegated to a Discipline committee made up of at least three impartial members of the governing body. It will appoint a clerk to the committee. Chapel St will provide training for these roles. If the exclusion involves missing public examinations then it should meet before that examination. If this is not possible the Chair of Governors alone can consider the decision and make the decision to reinstate. In some cases the excluded pupil may be allowed on the premises to take public examinations but this is not a right.

Parents can make oral representation to the committee or Chair of governors at this meeting.

The pupil should be encouraged to attend the meeting and speak on their own behalf.

No party to the review should be alone with the governors at any point before, during or after the meeting.

The governing body should decide whether to direct reinstatement. In reaching its decision the committee should consider:

- a. any representations made by the parent, the pupil and the LA;
- b. whether on a balance of probabilities the pupil did what he or she is alleged to have done; and
- c. whether the head teacher/teacher in charge has complied with the law on exclusion and has had regard to this guidance on exclusion.

In considering whether to direct reinstatement, the governing body/ management committee should seek the LA's views as to what support could be made available to assist with reintegrating the pupil.

There are only two decisions open to the governing body/management committee – to uphold the exclusion or to direct the pupil's reinstatement, either immediately or by a particular date.

### *Step 1*

The decision is made to exclude, the principal immediately informs the parents, ideally by telephone, and follows this up in writing (see model letter 4)

### *Step 2*

The principal informs the governing body and LA (for a pupil who lives outside the LA then the home LA also must be informed)

### *Step 3*

The governors convene a Discipline Committee, and appoint a clerk, which will meet before the fifteenth day after receiving the note.

*Step 4*

The parents are invited to make oral representations and the pupil to speak on their own behalf. The principal is invited to the meeting. The LA is invited to send a representative. Witness statements and other paperwork is collated and distributed to the governors by the clerk.

*Step 5*

The paperwork to be used in the meeting must be circulated at least 5 days in advance along with a list of those to be present at the meeting.

*Step 6*

The Discipline committee reviews the paperwork, listens to representations from the parent, pupil and principal. The LA representative makes their comments. Everyone except the Discipline Committee and clerk are asked to leave and the governors make their decision to reinstate or not.

*Step 7*

The governing body must inform the parent (see model letter 5), the principal and the LA of its decision in writing within one school day of the hearing, stating the reasons. A copy of the letter is placed on the pupil's file.

**Independent Appeals Panel**

The School will follow the guidelines in the DfE guidelines Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units, September 2008.

It will use Clerks Associates to conduct the appeal.

## **Appendix 1: Strategies for those at risk of Permanent Exclusion**

- the school engaging with parents;
- a change of teaching set or class;
- curriculum alternatives including partnership working with appropriate outside agencies or another form of alternative provision;
- temporary placement in the school's nurture provision as part of a planned positive programme for pupils;
- temporary or part-time placement in an additional resource provision within the London Borough of Merton or with a voluntary/ private sector alternative provider, where the pupil can receive educational provision intended to improve their behaviour
- a managed move to another school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion; consideration by the Special Educational Needs Co-ordinator (SENCO), with colleagues, of possible interventions within the school will also take place;
- assessment of special educational needs, including possible placement in specialist provision or additionally resourced provision;
- allocation of a key worker such as a specialist coach, Education Welfare Officer or member of a Behaviour and Education Support Team; and
- referral to a specific support service, such as the Education Welfare Service, Children's Services; Targeted Adolescent Mental Health in Schools or the Child and Adolescent Mental Health Service

## Appendix 2 Alternatives to Exclusion

A number of options may be available to Principals/teachers in charge in response to a serious breach of behaviour policy:

a) **restorative justice**, which enables the offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise have resulted in exclusion. All the professionals need to be thoroughly involved in the process and this can only work with the consent of all parties; further information is available from the Youth Justice Board at <http://www.yjb.gov.uk/en-gb/practitioners/WorkingwithVictims/RestorativeJustice/RJinSchools.htm>;

b) **mediation** through a third party, usually a trained mediator, is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. a pupil and a teacher, or two pupils;

c) **internal exclusion** which can be used to defuse situations that occur in schools that require a pupil to be removed from class but may not require removal from the school premises. The internal exclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal exclusion should be for the shortest time possible. Further guidance on using internal exclusion is available at <http://www.teachernet.gov.uk/docbank/index.cfm?id=12506>).

d) **lunchtime exclusion** which can be used for severe cases of behaviour during play time which puts oneself or others in danger but may not require removal from the school premises. This could include "squaring up" or full on fighting, continued bullying after intervention or other red zone behaviour which directly relates to play times.

### **Model letter 1**

#### **From Executive Principal/ Head of School notifying parent of a fixed period exclusion of 5 school 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 **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

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

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact Robert Buckley, the Chair of Governors at **[contact details – address, phone number, email]**, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

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 Health, Education and Social Care Chamber of the First Tier Tribunal.

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

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

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you



with a copy if you request it. There may be a charge for photocopying. You may also find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school.

They can be contacted on 020 7704 9822 or text 'AskACE' to

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

Yours sincerely

## Model letter 2

**From Executive Principal/ Head of School notifying parent(s) of a pupil of that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term**

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**. I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

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, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

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

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

You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is **[specify date – no later than the 50th school day after the date on which the discipline committee were notified of this exclusion]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school.

Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to the Health, Education and Social Care Chamber of the First Tier Tribunal address to which claims should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

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

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

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying. You may also find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808

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

Yours sincerely

### Model letter 3

**From the Executive Principal/ Head of School notifying parent of a fixed period exclusion of more than 15 school days in total in one term.**

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of exclusion or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification. We will set work for **[Child's Name]** during the first five school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

From the **[6th school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we will provide suitable full-time education.

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

As the length of the exclusion is more than 15 school days in total in one term the governing body will 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/management committee can meet is **[date here – no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact Robert Buckley, the Chair of Governors on/at **[contact details – address, phone number, email]**, as soon as possible.

You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school.

Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to the Health, Education and Social Care Chamber of the First Tier Tribunal. The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the governing body/management committee.

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

You also have the right to see and have a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying. You may want to contact **[Name]** at **[LA name]** LA on/at **[contact details – address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808.

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

Yours sincerely

#### Model letter 4

### From the Executive Principal/ Head of School I notifying the parent(s) of a pupil's permanent exclusion

Dear **[Parent's name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the governing body/the discipline committee or by an appeal panel.

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

**[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant previous history]**.

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

**[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 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 school. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the governing body must meet is **[specify the date – the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing

body/PRU management committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

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

Yours sincerely

## Model letter 5

### From the clerk to the governing body upholding a permanent exclusion

Dear **[Parent's name]**

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

The reasons for the governing body/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]** You have the right to appeal against this decision. If you wish to appeal, please notify **[name of the clerk to the appeal panel]** of your wish to appeal. You must set out the reasons for your appeal in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make, and send this notice of appeal to **[address]** by no later than **[specify the latest date – the 15th school day after receipt of this letter]**. If you have not lodged an appeal by [repeat latest date], you will lose your right to appeal. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[name of the clerk to the appeal panel]** if it would be helpful for you to have an interpreter present at the hearing

Your appeal will be heard by an Independent Appeal Panel, which can also hear disability discrimination claims. A three-member panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman.

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

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

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

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

Yours sincerely



**[Name]**

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

## **Appendix: Removal of pupils on medical grounds**

### **Extracted from First Aid and Medical Care Policy**

Head teachers/teachers in charge may send a pupil home, after consultation with that pupil's parents and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other pupils and staff. This is not an exclusion, but it is an authorised absence and should be recorded as such in the attendance register. It should be for the shortest possible time. If difficulties persist, the head teacher should seek medical advice.

Health and safety considerations, including a risk assessment, can contribute to a school's case for exclusion, but cannot in themselves be grounds for exclusion, which can only lawfully be for disciplinary reasons. Similarly, pupils cannot be sent home on health and safety grounds for their own protection because they are being bullied. It is not appropriate to send home children with SEN, with conditions such as ADHD and autism, purely for that reason and schools should arrange a statutory annual or interim/emergency review if they feel they are no longer able to meet a child's needs. The child should not be sent home in anticipation of such a review.