

# THE FEDERATION OF NETTLESTONE & NEWCHURCH PRIMARY SCHOOLS



## EXCLUSION POLICY

Date Agreed: September 2017

Review Date: September 2018

Signed: \_\_\_\_\_

Chairman Board of Governors

## The Federation of Nettlestone & Newchurch Primary Schools

Revision No.	Date Issued	Prepared By	Approved	Comments
1	July 2014	KJH		Revision of Policy in line with Federation with Nettlestone Primary School.
2	July 2015	KJH		Minor alterations
3	Feb 2016	KJH		Alterations in line with DFE Guidance on Behaviour and Discipline in Schools published Jan 2016 New Fair Access Protocol Referenced New Exclusion Form added to Appendix 2
4	Sept 2017	KJH		<a href="#">Update in line with DFE Publication Exclusion from maintained schools, academies and pupils referral units in England – statutory guidance Sept 2017</a>

*All the governors and staff of The Federation of Nettlestone & Newchurch Primary Schools are committed to sharing a common objective to help keep the children and staff of the school community safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the school.*

## **Introduction**

This policy should be read in conjunction with the [2016 DfE guidance 'Behaviour and Discipline in Schools'](#), ['Exclusion from maintained schools, academies and pupil referral units in England'](#) as well as the procedures and protocols, School Behaviour Policy, Single Equalities Policy and IOW Fair Access Protocol.

## **Definitions:**

- The definition of a parent for the purposes of the Education Acts is broadly drawn. In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, all those with parental responsibility should be involved in the exclusions process.

## **Head teacher's power to exclude**

Only the Executive Head teacher, (or, in the absence of the Executive Head teacher the Head of School) can exclude a pupil and this must be on disciplinary grounds. Other exclusion-related activities do not have to be undertaken by the Executive Head teacher personally, but may be delegated.

Exclusion can either be a fixed term exclusion or a permanent exclusion. A fixed-period exclusion does not have to be for a continuous period.

Fixed term exclusions cannot exceed 45 school days in any one academic year.

A fixed- period exclusion can also be for parts of the school day. For example, if a pupils' behavior at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

The behavior of a pupil outside school can be considered grounds for an exclusion.

The Executive Headteacher may withdraw an exclusion that has not been reviewed

by the Governing Body.

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that is lawful; rational; reasonable; fair and proportionate.

The Headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

When establishing the facts in relation to an exclusion decision the Headteacher will apply civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than a criminal standard of 'beyond reasonable doubt'. This means that the Headteacher will accept that something happened if it is more likely that it happened than it did not happen.

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of; sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.

In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- Eliminate discrimination, harassment, victimization, and other conduct that is prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

The Headteacher and Governing Body will comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the [SEND Code of Practice](#).

It is unlawful to exclude for a non-disciplinary reason. For example, it would be

unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the actions of a pupils parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.

Informal or unofficial exclusions, such as sending pupils home to 'cool off' are unlawful, regardless of whether they occur with the agreement of the of parents or carers. Any exclusion of a pupil, even for a short period of time, must be formally recorded.

This Federation has a power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a managed move where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However the threat of exclusion must never be used to influence parents to remove their child from the school. *See IOW Fair Access Policy*

#### **Statutory guidance on factors a head teacher should take in to account before taking the decision to exclude**

A decision to exclude a pupil permanently will be taken only as a last resort: in response to serious or persistent breaches of the school's behaviour policy;

**and**

if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The standard of proof is the civil standard - 'on the balance of probabilities'. The more serious the offence the more convincing the evidence should be.

Before making the decision to exclude, either permanently or for a fixed term, the head teacher will give pupils the opportunity to present their case.

Whilst an exclusion may still be deemed appropriate, the head teacher will take account of any contributing factors that are identified following an incident of poor behaviour - for example, when it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

Early intervention to address underlying causes of disruptive behavior should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil that a pupil may have. The head teacher will also consider the use of a multi-agency assessment for any pupil who demonstrates

persistent disruptive behavior. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher will consider whether exclusion is providing effective sanction.

A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been 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, including multi agency involvement, have been tried without success.

### **Vulnerable learners – students for whom guidance gives particular protection**

Statutory guidance identifies a number of groups of pupils for whom the exclusion rate is consistently higher than average. This includes: pupils with SEN, pupils eligible for Free School Meals, looked after children, and pupils from certain ethnic groups. The groups with the highest national rates of exclusion are: Gypsy/Roma, Travellers of Irish Heritage, and Black Caribbean communities.

Statutory guidance stresses the importance of early intervention in addressing underlying causes of all disruptive behaviour. For students with SEN or a disability the intervention should include an assessment of whether appropriate provision is in place. Head teachers are advised to also consider the use of a multi-agency approach for all students who demonstrate persistent disruptive behaviour.

For pupils in the groups identified above, in addition to early intervention, the head teacher will consider what extra support might be needed to identify and address their needs in order to reduce their risk of exclusion.

The stipulations of the Equality Act 2010, covered above, detail the factors, and duties, for which schools should have due regard. As stated, schools must ensure their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting on group, where this can be shown to be a proportionate way of dealing with such issues. Such guidance clearly has particular relevance for the following:

**Pupils with special educational needs.** Guidance is that schools should as far as possible avoid permanently excluding students with EHC plans. Where a school has concerns about a pupil with additional needs or an EHCP of SEN, it should engage

proactively with parents in supporting behaviour. A school should also consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Schools should consider requesting an early annual review or interim/emergency review.

**Looked after children.** As far as possible, schools should avoid permanently excluding looked after children. Where a school does have concerns about the behaviour of a looked after child, it should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. It should also consider what additional support or alternative placement may be required.

**Disabled pupils.** Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability. For disabled children this includes a duty to make reasonable adjustments to policies and practices.

**Students from racial minorities.** Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as race. Provisions within the Equality Act 2010 allow schools to take. Schools should monitor and analyse exclusions by ethnicity to ensure they do not treat some groups of pupils more harshly than others. Schools are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If an adverse impact is identified that cannot be justified, then the policy and practice should be reviewed.

### **The Headteacher's duty to inform parties about an exclusion**

Whenever a Headteacher excludes any pupil they will, without delay, notify parents of the period of the exclusion and the reason (s) for it. Ideally this notification should be in person or by telephone in the first instance as this gives parents an opportunity to ask any initial questions or raise concerns directly with the Headteacher.

They will also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing

- body and how the pupil may be involved in this;
- how any representations should be made; and
  - where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
  - Where free and impartial information can be obtained to support parents at this time including:
    - a link to this statutory guidance on exclusions <https://www.gov.uk/government/publications/school-exclusion>;
    - a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education (<http://www.aceed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
    - where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Written notification of the information can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way. It is important that it is confirmed that the information has been received.

Where an excluded pupil is of compulsory school age the head teacher will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The head teacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session.

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 child during the 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; and
- any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

The failure of a head teacher to give notice of the information by the required time does not relieve the head of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.

If a child is excluded for a further fixed-period following their original exclusion, or is subsequently permanently excluded, the head teacher will inform parents without delay and issue a new exclusion notice to parents.

### **The Headteacher's Duty to inform the Governing Body and Local Authority about an Exclusion.**

The Headteacher will, without delay, notify the Governing Body and the local authority of:

- any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test

The Headteacher will also notify the local authority and Governing Body once per term of any other exclusions not already notified.

Notifications must include the reason for the exclusion and the duration of any fixed-period exclusion.

In addition, within 14 days of a request, a governing body must provide to the Secretary of State and the local authority, information about any exclusions within the last 12 months.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Headteacher must also notify the pupils' 'home authority' of the exclusion and the reason for it without delay.

### **Arranging Education for Excluded Pupils**

For a fixed-period exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) will arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion

For permanent exclusions, the local authority will arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority

In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

### **Statutory guidance on the education of pupils prior to the sixth day of an exclusion**

It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school will take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

### **The governing body's duty to consider an exclusion**

The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors.

In the case of a maintained school, the governing body may delegate its functions with respect to the consideration of an exclusion to a designated sub-committee consisting of at least three governors.

The governing board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

The requirements are different for fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the

examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination or test, the chair of governors, in the case of a maintained school may consider the exclusion alone and decide whether or not to reinstate the pupil

The following parties must be invited to a meeting of the governing board and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the head teacher; and
- a representative of the local authority (in the case of a maintained school or PRU)

The governing body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a fixed-period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

### **Statutory guidance to a governing board in preparing for the consideration of an exclusion**

Where the governing board is legally required to consider the reinstatement of an excluded pupil they should:

- not discuss the exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN);
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent and invite the parents to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible

information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

**Statutory guidance to a governing board on exclusions that would result in a pupil missing a public examination or national curriculum test**

Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body will consider whether it would be appropriate to exercise its discretion to allow an excluded pupil onto the premises for the sole purpose of taking the examination or test.

**The requirements on a governing body when considering the reinstatement of an excluded pupil**

Where the governing body is legally required to consider reinstating an excluded pupil they will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The governing body will also consider any representations made by or on behalf of:

- parents;
- the head teacher; and
- the local authority.

When establishing the facts in relation to an exclusion the governing body will apply the civil standard of proof; i.e. 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

In the light of its consideration, the governing body can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement would make no practical difference because for example, the pupil has already returned to school following the expiry of a fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing body will still consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

### When is exclusion not appropriate?

Exclusion should not be used or extended for non-disciplinary reasons such as:

- truancy or lateness
- pregnancy minor incidents such as failing to do homework
- simply because the school feels a student has additional needs or a disability it is unable to meet
- poor academic performance, except where pupils repeatedly disobey academic instructions
- breaches of school rules on uniform and appearance, except where such breaches are so persistent they constitute open defiance of school
- punishing pupils for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting
- the failure of a pupil to meet specific conditions before they are reinstated.

Even if there is parental agreement with the exclusion, exclusion for these reasons remains unlawful.

### Apart from exclusion, in what circumstances can a pupil be required to leave the school site?

In the vast majority of cases a pupil will only be asked to leave the school when excluded. There are however three special sets of circumstances when a school can legally ask a pupil to leave the school site without imposing an exclusion:

**A pupil is accused of a serious criminal offence, but the offence took place outside the school's jurisdiction.** In these circumstances the Executive Head teacher or Head of School may decide that it is in the interests both of the pupil and the school for the pupil to be educated off site for a certain period, subject to review at regular intervals. This would not constitute an exclusion. It would be the school's responsibility to ensure the pupil's full time education continues while off site, and arrangements would have to be in place before the absence began. The arrangements should be kept under periodic review involving the parents.

**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.** Head teachers and 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 Executive 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 special educational needs (SEN), with conditions such as attention deficit hyperactivity disorder (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.

**The pupil is given permission to leave the school premises briefly to remedy breaches of the school's rules on behaviour or uniform.** This is not an exclusion but an authorized absence. If the pupil continues to breach uniform rules as a way to be sent home to avoid school, the pupil's absence can be recorded as an unauthorised absence.

#### **Who is responsible for an excluded pupil's continued education?**

**Exclusions of five days or under where a public examination is not missed.** It is the responsibility of the school to set and mark work for exclusions of five days or under. The work should be accessible and achievable by pupils outside of school. It is the responsibility of the parent to ensure work sent home is completed and returned to school. The parent has particular responsibility to ensure that the student is not present in a public place during school hours without justification, and may be prosecuted or given a fixed penalty notice if they fail to do so.

#### **Exclusions of six days or over.**

When a school imposes a fixed term exclusion of over six days it is the responsibility of the school to ensure that the appropriate full time provision is made off site for the excluded student. While this provision must be made from day six onwards statutory guidance stresses the obvious benefit in starting it as soon as possible. In particular, in the case of a looked after child, schools and local authorities should work together to arrange alternative provision from the first day following the exclusion.

#### **Permanent exclusion.**

When a student is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onward it is the responsibility of the local authority to make a full time provision. Where a pupil has a statement of SEN, an appropriate full time placement should be identified in consultation between the local authority and the parents, who retain their rights to express a preference for a school they wish their child to attend, or make representations for a placement in any other school.

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**Letter from head teacher notifying parent of a fixed period exclusion of five days or fewer in one term, and where a public examination is not missed.**

*Note: The head teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day.*

Dear **(Name of parent)**,

**(Name of pupil)**

**Fixed Term Exclusion**

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means he/she will not be allowed in school for this period. The exclusion begins on **(date)** and ends on **(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. **(Name of pupil)** has been excluded for the 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 **(specify dates)** unless there is reasonable justification for this. I must warn 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 **(name of pupil)** to be completed on the days specified in the previous paragraph. **(Detail the arrangements for this.)** Please ensure that work set by the school is completed and returned to us promptly for marking.

**(School)** You have the right to make a written statement to the governing body/. If you wish to do so please contact **(Clerk to GDC)** on/at **(contact details - address, phone number, email)** as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs

and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

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

You may wish to contact **the Local Authority**.

You may also find it useful to contact the **Coram** Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January.

**(Name of pupil)**'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**

Yours sincerely,

**(Name)**

Head Teacher

cc. The Local Authority

**Letter from head teacher notifying parent(s) of a fixed period exclusion of more than five and up to and including 15 school days in total in one term.**

*Note:- The head teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day. **Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day exclusion is imposed.***

Dear **(Name of parent)**,

**(Name of pupil)**

**Fixed Term Exclusion**

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means **(name of pupil)** 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 the 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 five **(amend if the off site provision is to start earlier)** days of this exclusion **(specify dates)** unless there is reasonable justification for this. I must warn 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 **(name of pupil)** during the first five **(amend if the off site provision is to start earlier)** school days of his/her exclusion **(detail the arrangements for this)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the sixth **(or earlier if so arranged)** school day of the pupil's exclusion **(specify date)** until the end of his exclusion we will provide suitable full time education. On **(date)** he should attend at **(give name and address of the alternative provision if not the home school)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(If applicable say something about transport arrangements from home to the alternative provision. If not**

known, say that the arrangements for suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)

**(School)** 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 length of this exclusion is more than five school days in one term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee can meet, if you request a meeting, is **(specify date - no later than 50th school day after the date on which 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 a meeting at the school. Also please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

If you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You have the right to see and have a copy of your child's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of 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.

The school will set work for **(name of pupil)** during the period of his/her exclusion **(give details of the arrangements)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You may wish to contact **the Local Authority**

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. Statutory guidance can be accessed at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

**(Name of pupil)**'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely,

**(Name)**

Head Teacher

cc. The Local Authority

**Letter from head teacher notifying parent of a single fixed period exclusion of more than 15 school days in one term, or any exclusion that takes the total of excluded days to over 15 days for one term.**

*Note:- The head teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day. Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day exclusion is imposed.*

Dear **(Name of parent)**,

**(Name of pupil)**

**Fixed period exclusion**

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means that **(name of pupil)** will not be allowed in school for this period. The exclusion begins on **(date)** and ends 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. **(Name of pupil)** has been excluded for the fixed period because **(specify reason for exclusion)**. Your child should return to school on **(date)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five **(amend if the off site provision is to start earlier)** days of this exclusion **(specify dates)** unless there is reasonable justification for this. I must warn 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 **(name of pupil)** during the first five **(amend if the off site provision is to start earlier)** school days of his/her exclusion **(detail 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 five days.)**

From the sixth **(or earlier if so arranged)** school day of the pupil's exclusion **(specify date)** until the end of his exclusion we will provide suitable full time education. On **(date)** he should attend at **(give name and address of the**

alternative provision if not the home school) at (specify time as start times vary between schools) and report to (staff member). (If applicable say something about transport arrangements from home to the alternative provision. If not known, say that the arrangements for suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)

From the sixth school day of the pupil's exclusion (specify date) until the end of his exclusion we (for Short Stay Schools the local authority - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter) will provide suitable full time education. (Set out the arrangements if known at the time of writing, eg) On (date) he should attend at (give name and address of the alternative provider) at (specify time as start times vary between schools) and report to (staff member). (If applicable say something about transport arrangements from home to the alternative provider. If not known say that the arrangements for suitable full time education will be notified by a further letter.)

**(School)** As the length of the exclusion is more than 15 school days or brings the total of excluded days to over 15 in one term the discipline committee must meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish. The latest date on which the committee can meet is **(date here - no later than 15 school days from the date the discipline committee is notified)**. 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. You will, whether you choose to make representations or not, be notified by the clerk to the discipline 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 a meeting at the school. Also please inform **(name of 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 this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You also have the right to see a copy of **(name of pupil)**'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 your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **the Local Authority**.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. Statutory guidance can be accessed at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

**(Name of pupil)**'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely,

**(Name)**

Head Teacher

cc. The Local Authority

From the head teacher the school notifying the parent(s) of a pupil of compulsory school age of that pupil's permanent exclusion.

*Note:- The head teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day.*

Dear **(Name of parent)**,

**(Name of pupil)**

**Permanent exclusion**

I regret to inform you of my decision to permanently exclude **(name of pupil)** with effect from **(date)**. This means that **(name of pupil)** will not be allowed in this school/Short Stay School unless he/she is reinstated by the discipline committee/management committee **(SSS)** or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but my decision to permanently exclude **(name of pupil)** has not been taken lightly. **(Name of pupil)** has been excluded because **(reasons for exclusion - include any other relevant previous history here)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this, ie on **(specify the precise dates)** unless there is reasonable justification. You could be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during normal school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **(name of pupil)**'s education to continue will be made. For the first five school days of the exclusion we will set work for **(name of pupil)** and would ask you to ensure this work is completed and returned promptly to school for marking **(this may be different if supervised education is being provided earlier than the sixth day)**. From the sixth day of the exclusion onwards - ie from **(specify the date)** Surrey County Council will provide suitable full time education. **(Set out the arrangements if known at the 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 day of exclusion. You can contact them at **(give contact details)**.

As this is a permanent exclusion the discipline committee/management committee **(SSS)** must meet to consider it. At the review meeting you may make representations to the discipline committee/management committee if you wish and ask it to reinstate your child in school. The discipline committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion in which case you may appeal against its decision to an independent **review** appeal panel. The latest date by which the discipline committee/management committee must meet is **(specify the date - the 15<sup>th</sup> school day after the date on which the discipline committee/management committee was notified of the 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. You will, whether you choose to make representations or not, be notified by the clerk to the discipline committee/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 a meeting at the school. Also please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

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

You may wish to contact **the Local Authority**

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. Statutory guidance can be accessed at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

If you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability)

<http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

Yours sincerely,

**(Name)**

Head Teacher

cc. The Local Authority

Letter to parents from Clerk to the Governors' Discipline Committee advising them of the meeting.

Dear (Name of parent),

(Name of pupil)  
(Fixed term/Permanent) Exclusion

I am writing to inform you that following (name of pupil)'s (fixed term/permanent) exclusion, the Governors Discipline committee will meet to consider this decision at the (school/college) on (date) at (time).

You are invited to this meeting in order to ( ) the exclusion.  
*('make representations about' in the case of fixed term exclusions of between five and 15 school days where the pupil has returned to school.  
'appeal against' in the case of fixed term exclusions over five days where the pupil has not returned, fixed term exclusions over 15 days either in a block or in total in one term and permanent exclusions.)*

(Name of pupil) is encouraged to attend if he/she wishes.

You may, if you wish, be accompanied by a friend or representative to this meeting. Should you wish any written representations to be considered these should be forwarded to me as soon as possible so that they can be circulated to all parties prior to the meeting. Please advise us of any adjustments that can reasonably be made to support your attendance at the meeting (for example if you suffer from a disability in relation to mobility or communication that make it difficult for you to attend).

A decision will then be taken will then be taken either to reinstate (name of pupil) to the school or confirm the exclusion. The Discipline Committee may decide to amend (name of pupil)'s record in light of any representations you may make.

Please would you let me know as soon as possible whether or not you will be able to attend.

Yours sincerely,

**(Name)**

Clerk to the Governors Discipline Committee

**Letter from the clerk to the discipline committee to parent upholding a permanent exclusion.**

This letter should be sent within one school day of the meeting of the discipline committee/management committee.

Dear **(Name of parent)**

**(Name of pupil)**

**Permanent exclusion**

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

The reasons for the discipline committee's decision are as follows: **(give in as much detail as possible, explaining how they were arrived at and making reference where appropriate a reference to how the pupil's special educational needs are relevant to the exclusion).**

You have the right to have this decision reviewed. During the next few days you will receive an appeal form from the Schools Appeal Service, with details of how to fill the form in and where to send it. You will have 15 school days to return the (appeal) form, after which you lose your right to review.

Your appeal will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years) head teacher, one governor who has served at least 12 consecutive months in the previous five years and one lay member who will be the chairman.

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

You have the right to request the presence of a special educational need expert at the meeting of the Review Panel, regardless of whether any special need has been

recognised to date. The role of the SEN expert will be to provide impartial advice on how special educational need may be relevant to the exclusion, and he/she should advise the panel on whether he/she believes the school acted in legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

In determining your appeal the panel can make one of three decisions: it may uphold your child's exclusion; it may recommend that the Discipline Committee reconsider the exclusion; or direct that the Discipline Committee reconsiders its decision. If the review panel either recommends or directs that the discipline committee reconsider its decision, a further meeting must be convened at the school within 10 school days of the committee receiving the panel decision.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. In the case of other forms of discrimination, a claim may be made to the County Court.

You may wish to contact **the Local Authority**.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January.

Yours sincerely,

**(Name)**

Clerk to the Governing Body/Management Committee

**Letter from the clerk to the discipline committee/management committee to parent upholding a fixed term exclusion.**

*This letter should be sent within one school day of the meeting of the discipline committee/management committee.*

**Dear (Name of parent)**

**(Name of pupil)**

**Fixed term exclusion**

Further to the meeting of the governors' discipline committee to review **(name of pupil)**'s fixed term exclusion from school, I am now writing to confirm the decision of the Committee.

**(The case made by the head teacher/ head of centre and the representations made by the parents which had a bearing on the decision should be noted here.)**

After careful consideration of all the representations put to the meeting, the discipline committee/management committee decided that **(name of pupil)** was responsible for the behaviour complained of, and that the head teacher's/head of centre's decision to impose a fixed term exclusion of **(insert number)** days was justified. The Committee therefore upheld the head teacher's/head of centre's decision.

Yours sincerely,

**(Name)**

Clerk to the Governors discipline committee

**Letter from the Clerk to the discipline committee parents confirming the decision of the Discipline Committee to reinstate.**

*This letter should be sent within one school day of the meeting of the discipline committee/management committee.*

Dear **(Name of parent)**

**(Name of pupil)**

**Fixed term/permanent exclusion**

Further to the meeting of the governors' discipline committee/management committee to review **(name of pupil)**'s **(fixed term/permanent)** exclusion from school, I am now writing to confirm the decision of the Committee to reinstate **(name of pupil)** to the school.

In reaching its decision the committee considered the case for exclusion presented by the school along with your representations, as well as the view given by the local authority **(if represented)**. On balance the committee felt that **(name of pupil)** should be reinstated **(provide summary of reasons for decision)**.

In the circumstances it was agreed that **(name of pupil)** should return to school on **(specify date)**.

Members of the Discipline Committee hope that **(name of pupil)** will establish a successful return to school. Finally you should be aware that a copy of this letter will be placed on **(name of pupil)**'s school record along with a copy of the head teacher's/head of centre's exclusion letter.

Yours sincerely,

**(Name)**

Clerk to the Governors' Discipline Committee

**Appendix 3 - IOW Fair Access Protocol**

<https://www.iwight.com/azservices/documents/1380-IoW-Fair-Access-Protocol-2015-final-updated-july-15.pdf>