

Ormiston Endeavour Academy

EXCLUSIONS POLICY

Serious incidents of Misbehaviour leading to Fixed Term or Permanent Exclusion

Date adopted: 19/04/16

Next review date: 19/04/18

Date	Changes Made	Agreed By	Authorised for Use by	Date of Review

Ormiston Academies Trust

Exclusion Policy

Policy Version Control

Policy type	Academy Model Policy
Policy prepared by (name and department)	Nicki Wadley – Head of Governance
Review date	December 2015
Description of changes	Policy amended to reflect current DfE guidance. Template letters revised to include signposting parents to independent sources of advice. Flow chart for exclusion process included.
Name and date of line manager's approval	Julie Bloor, Executive Head and Regional Director. 9 th December 2015
Date of executive approval	Julie Bloor, Executive Head and Regional Director. 9 th December 2015
Date released	10/12/2015
Next review date	December 2016

Action to be invoked by Senior Staff in Serious Disciplinary Matters

1. When a serious incident occurs, a senior member of staff, i.e. member of the Leadership Team, must interview students and produce a written record of the meeting. If the nature of the incident is extremely serious then at least two staff members should be present to conduct the interview. The student should be questioned and given ample opportunity to give a response. The student should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage the report will help to enable the Academy to decide on what further action should be undertaken.
2. In discharging their duties the Principal and Governors must have regard to DfE *guidance* “Exclusion from maintained schools, Academies and pupil referral units in England” which was published in September 2012 and any subsequent DfE updates to this guidance They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.
3. A decision to exclude a student will only be taken:
 - In response to serious breaches of The Academy’s Behaviour policy; and
 - If allowing the student to remain in The Academy would seriously harm the learning or welfare of the student, other students or staff in the Academy.
4. Whilst an exclusion may still be an appropriate sanction, the Principal will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement; has mental health issues or has been the subject of bullying. In cases involving SEN students, the Principal should also consider whether appropriate provision is in place to support their needs as well as the involvement of multi-agencies
5. Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

Responsibilities of the Principal

6. The Principal alone (or his/her designate, if s/he is absent) has the power to exclude students.
7. In considering the exclusion of a student the Principal should ensure that the following range of activities are carried out:
 - Undertake a thorough investigation producing a written report of the investigation
 - Consider all the relevant facts and firm evidence to support the allegations
 - Take into account the Behaviour Rewards, Strategies and Sanctions Policy including the Equalities Statement and Anti Bullying policy
 - Check whether an incident appeared to be provoked (for example by bullying or racial or sexual harassment)
 - Ensure that all students involved have the opportunity to give their version of events
 - Consult other people or agencies except where they may be involved in any review of the exclusion
 - Ensure time has been given to addressing and supporting the student’s individual problems within the capabilities of the Academy
8. Before deciding to exclude a student permanently the Principal will first try a range of strategies as outlined in the Behaviour Rewards, Strategies and Sanctions Policy, including fixed term exclusion. Only when other strategies have been tried without success will the Principal consider permanent exclusion. Except, or notwithstanding where a one-off incident of sufficient gravity has taken place.
9. The Principal may exclude a student for up to 45 academy days in any academic year. Any exclusion beyond 45 academy days will be permanent. However before that point is reached the Principal will have held discussions with the Local Authority with a view to arranging an appropriate placement in another academy or Pupil Referral Unit (PRU). From Day 6, students will be accessing the resources at the designated Centre.

10. Any looked after children will receive education at the Centre from Day 1. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions.
11. The Principal will aim for the shortest possible period of exclusion but however brief an exclusion a plan will be made to:
 - enable the student to continue their education;
 - use the time to address the student's problems;
 - examine the process of reintegration.
12. The Academy will take all reasonable steps to set and mark student work during the first five school days of an exclusion

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

13. The Principal will make sure that the Parent(s)/carer(s) are notified immediately of the period of the exclusion and the reasons for it by telephone which will be followed by a letter within one academy day. An exclusion will normally begin on the next academy day.
14. Letters about fixed period and permanent exclusions will explain:
 - Why the Principal decided to exclude the student
 - The period of a **fixed term** exclusion or for a **permanent exclusion**, the fact that it is permanent
 - The arrangements for enabling the student to continue their education, including setting and marking the student's work
 - The Parent(s)/carer(s) right to make representations about the exclusion to the governing body and how the student may be involved in this
 - Who the Parent(s)/carer(s) should contact if they wish to state their case (usually the Clerk to the Committee) and draw their attention to relevant sources of free and impartial information (see model letter)
 - The latest date the Parent(s)/carer(s) can put a written statement to governors
 - The Parent(s)/carer(s) right to see and have a copy of their child's record
 - That for the first five days of an exclusion (or until the start date of any alternative provision) parents are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so
 - If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found be found out within the timescale
 - the start date for any provision of full time education that has been arranged for the student during exclusion
 - the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
 - the address at which the provision will take place
 - any information required by the student to identify the person s/he should report to on the first day
 - The letter should also enclose a copy of the Academy's Exclusion policy
15. If the Principal wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Principal will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where an exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

Informing the Governing Body and Local Authority

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

Responsibilities of the Governing Body

18. The Governors do not have the right to exclude a student. Governors do have a duty to consider parents' representations about an exclusion. To enable this the Governing Body will establish a Discipline Committee and when the need arises an Independent Review Panel.

The Role of the Discipline Committee in Fixed Term Exclusion cases

Please refer to the flowchart annexed to this policy which provides a summary of the Discipline Committee's duties to review the Principal's exclusion decision.

Procedure at the meeting for Fixed Term Exclusion cases

19. If the student is back at the Academy before the Discipline Committee meets, the meeting still enables the parent(s)/carer(s) to give their views. The Discipline Committee can also consider whether more information should be added to the student's record.
20. If the student is still excluded when the meeting takes place, the Discipline Committee should decide whether to direct re-instatement. In reaching their decision the Committee should:
 - consider the parent(s)/carer(s) statements;
 - have regard to the guidance on the appropriate use of exclusion in DfE *Circular 10/99* and in The Academy's Behaviour Rewards, Strategies and Sanctions Policy, and consider whether the Principal has tried sufficient approaches to improve a student's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.

Role and Procedure of the Permanent Exclusion Committee (PEC)

21. Written evidence supporting the Principal's decision will be circulated to all parties at least five working days in advance of the meeting by the Clerk to governors
22. The Discipline Committee and Permanent Exclusion Committees will allow parents and students to be accompanied by a friend or representative
23. Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting

24. For permanent exclusion, the PEC, consisting of three or five Governors not employed by the Academy or known to the student, should normally satisfy itself that for a one-off serious breach of behaviour the offence took place **on the balance of probabilities** or for persistent bad behaviour, all possible strategies to improve a student's behaviour were tried without success.
25. The PEC will consider the exclusion and decide whether
 - to uphold the Principal's decision to exclude or
 - whether the student should be reinstated immediately or on a particular date

Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance

26. The Permanent Exclusion Committee may not attach conditions to the re-instatement of a student.
27. The governing body will ensure that clear minutes of the meeting are taken as a record of the evidence that was considered by the governing body. These will be made available to all parties on request
28. In reaching their decision the governing body will ask all parties to withdraw before making their decision and will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair. They will also take into account the Principal's legal duties
29. If the PEC upholds the Principal's decision to exclude a student permanently, the clerk will write on behalf of the Permanent Exclusion Committee within one Academy day to the parent(s)/carer(s). The letter will :-
 - state that the decision to exclude is permanent
 - give the reasons for the decision;
 - explain the parent(s)/carer(s) right to appeal to an Independent Review Panel to which the parent(s)/carer(s) can make oral and written statements;
 - give the name and address of the person the parent(s)/carer(s) should contact if they wish the decision to be reviewed, explaining that any notice for review should explain their grounds for requesting a review and stating the latest date for giving notice (15 academy days from the date of the Discipline Committee's decision). The parent(s)/carer(s) has the right to request a review even if they did not make a case to the Discipline Committee.
 - State that regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Ormiston Academy Trust to appoint a SEN expert to attend the review and that this will be at no cost to parents for this appointment
 - Request that parents must make it clear if they wish for a SEN expert to be appointed in any application for review
 - That parents may also bring a friend to the review
 - Provide details of sources of free and impartial information

See Model letter 5

30. If the Permanent Exclusion Committee upholds a decision to exclude a student permanently the clerk will notify the Local Authority in writing of this decision within one Academy day of the hearing.

After the meeting – Fixed Term and Permanent Exclusions

31. A note of the PEC's views on the exclusion shall normally be placed on the student's record with a copy of the Principal's exclusion letter.

Independent Review Hearings

32. If applied for by parents within the legal time frame (15 Academy days), The Ormiston Academies Trust (OAT) will arrange for an Independent Review Panel hearing to review the decision of a governing body not

- to reinstate a permanently excluded student.
33. Any application made outside the legal time frame will be rejected by OAT.
 34. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision
 35. All arrangements for the Independent review hearing will be made by OAT or the organisation commissioned by OAT to manage this process on their behalf and this includes:-
 - Establishing an Independent Review Panel which complies with DfE regulations
 - Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding Academy)
 - Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding Academy governing body will not be eligible to perform this role)
 - The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions
 - Where it has been requested, arrange for a SEN expert to attend the review hearing
 36. The role of the panel is to review the governing body's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the Academy. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"
 37. Following its review the panel can decide to:
 - Uphold the exclusion decision
 - Recommend that the governing body reconsiders their decision or,
 - Quash the decision and direct the governing body to consider the exclusion again
 38. The decision of the Independent Review Panel is binding on the; student, parents, governing body, LA and OAT.
 39. New supporting evidence may be presented to the panel but the Academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced
 40. Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion
 41. Members of the Academy Permanent Exclusion Committee and Academy presenting team will be invited to attend the hearing to present their case to the panel
 42. As with the governing body exclusion hearing, parents will be invited to attend and may bring a friend, if they are not present the case will be heard in their absence
 43. Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment of £4k to the Local Authority if the governing body does not offer to reinstate the student within 10 Academy days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)

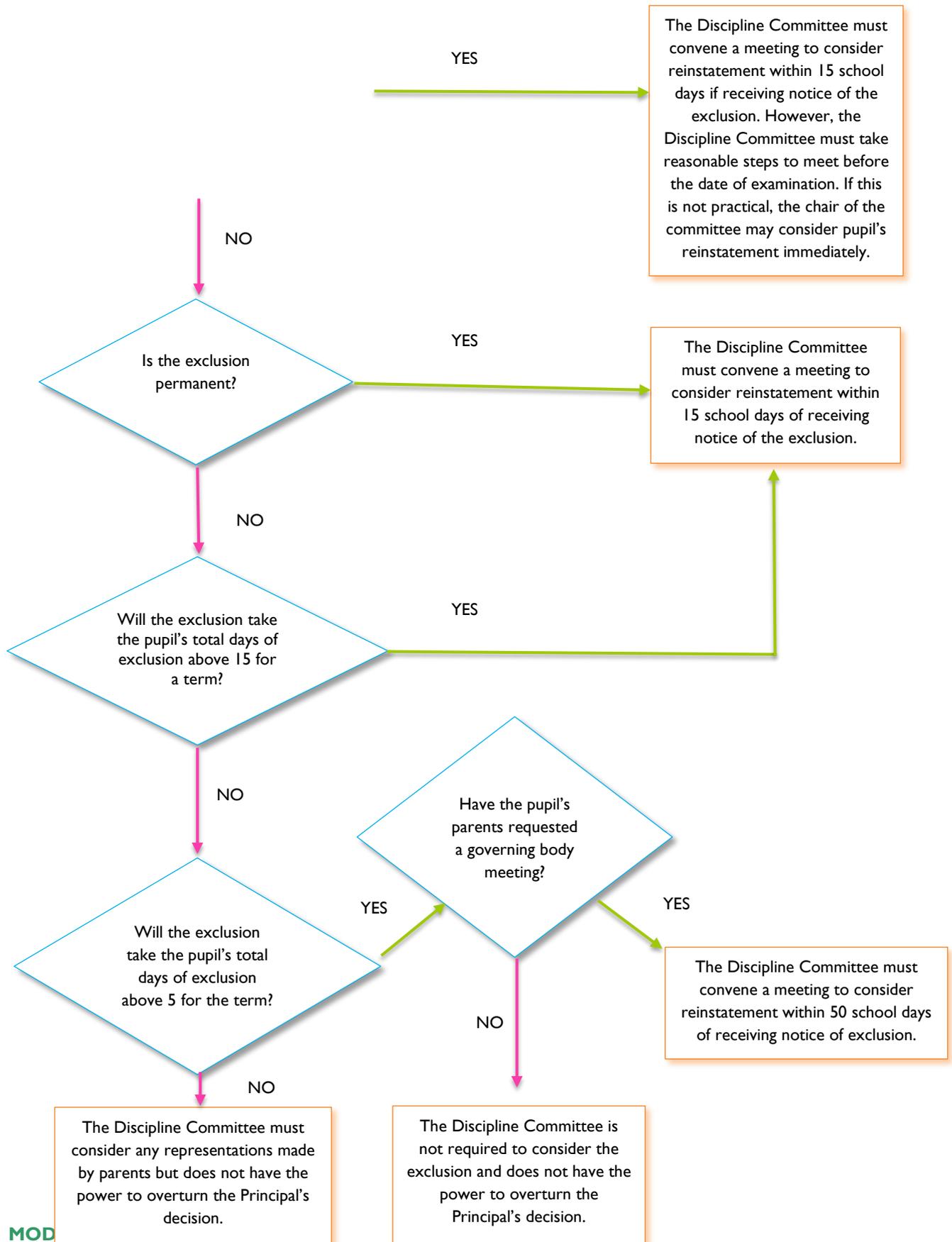
44. A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.
45. Following the review, the panel must issue written notification to all parties without delay. This notification must include:-
 - The panel's decision and the reason for it
 - Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a student
 - Any information that must be recorded on the student's educational record to reflect the decision
46. If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the Academy, the student's "home local authority".

Date approved:

Date to be reviewed:

Signed (governor):

A summary of the Discipline Committee's duties to review the Principal's exclusion decision



MOD

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

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

I am writing to inform you of my decision to exclude **[Student's name]** for a fixed period of **[specify period]**. This means that **[he/she]** will not be allowed in Academy for this period. The exclusion **[begins/began]** on **[date]** and ends on **[date]**.

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

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

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

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

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

You also have the right to see a copy of **[Student's name]**'s Academy record. Due to Data Protection processes you will need to notify me in writing if you wish to be supplied with a copy of **[Student's name]**'s Academy record. There may be a charge for photocopying.

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 24th December to the 1st January. **[Insert reference to local sources of independent advice if known.]**

[Insert reference to local sources of independent advice if known and /or] where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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



Yours sincerely, **[Name]**, Principal

MODEL LETTER 2

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

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

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

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

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

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

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

From the sixth Academy day of **[Student's name]**'s exclusion **[specify date]** until the expiry of **[his/her]** exclusion **[we/the Local Authority]** will provide suitable full time education. **[Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

You have the right to request a meeting of the Academy's 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 five Academy 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 Academy 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 and wish to be accompanied by a friend or representative, please contact **[Name of contact]** at **[Contact details - address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the Academy. Also, please inform **[Contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the discipline committee.

Optional paragraph for reintegration interview]

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

You also have the right to see a copy of **[Student's name]**'s Academy record. Due to Data Protection processes you will need to notify me in writing if you wish to be supplied with a copy of **[Student's name]**'s Academy record. There may be a charge for photocopying.

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 24th December to the 1st January. **[Insert reference to local sources of independent advice if known.]**

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

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

Yours sincerely **[Name]**

Principal

MODEL LETTER 3

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

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

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

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

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

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

From the sixth Academy day **[if applicable]** of **[Student's name]**'s exclusion **[specify date]** until the expiry of **[his/her]** exclusion **[we/the Local Authority]** will provide suitable full time education. **[Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter]**.

As the length of the exclusion brings **[Student's name]** total number of excluded days to more than 15 Academy days in total in one term the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is **[date here — no later than 15 Academy days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** at **[contact details - address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the Academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the governing body/management committee.

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

You also have the right to see a copy of **[Student's name]**'s Academy record. Due to Data Protection processes you will need to notify me in writing if you wish to be supplied with a copy of **[Student's name]**'s Academy record. There may be a charge for photocopying.

The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

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 24th December to the 1st January. **[Insert reference to local sources of independent advice if known.]**

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

[Student's name]'s exclusion expires on **[date]** at **[time]** and we expect **[Student's name]** to be back in the Academy on **[date]** at **[time]**. Yours sincerely, **[Name]**, Principal

MODEL LETTER 4

From the principal notifying parent of PDC meeting

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

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

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

Yours sincerely,

[Name]

Principal

MODEL LETTER 5

From the principal notifying parent of a permanent exclusion.

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

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

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

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

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

[Where pupil lives in a local authority other than the excluding Academy local authority] I have also today informed **[Name of officer]** at **[Name of Local Authority]** of **[Student's name]**'s exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth Academy day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in the Academy. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request a review of their decision to an Independent Review Panel. The latest date by which the governing body must meet is **[Specify the date - the 15th Academy day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[Name of contact]** at **[Contact details - address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[Contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the governing body/management committee.

You also have the right to see a copy of **[Student's name]**'s Academy record. Due to Data Protection processes you will need to notify me in writing if you wish to be supplied with a copy of **[Student's name]**'s Academy record. There may be a charge for photocopying. You may also wish to contact **[Name]** at **[Local Authority]**

[name] at **[Contact details - address, phone number, email]**, who can provide advice on what options are available to you.

The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

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 24th December to the 1st January.

[Insert reference to local sources of independent advice if known and /or where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).

Yours sincerely

[Name]

Principal

MODEL LETTER 6

From the Clerk notifying parent of permanent exclusion meeting

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

The Academy Exclusion Panel of **[Name of Academy]** will meet at the Academy on **[date]** at **[time]** to consider the decision of the [principal / head teacher] to permanently exclude **[Student's name]**.

You are able, by law, to attend this meeting together with a friend or representative if you wish to do so.

If there are any documents (including any written statements) which you wish the Exclusions Committee to consider at the meeting, please send them in advance to allow for time to consider those documents at least 48 hours before the meeting. This should be delivered to the Academy, addressed to the Chair of Governors, **[Governor's name]**, Exclusions Committee

Please confirm if you wish to attend the meeting.

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

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

Yours sincerely,

[Name]

Clerk

MODEL LETTER 7

From the Clerk notifying LA contact of a permanent exclusion meeting

Dear **[Name of contact]**,

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

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

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

Yours sincerely,

[Name]

Clerk

MODEL LETTER 8

From the Clerk to the Governing Body informing parent of the panel's decision to uphold a permanent exclusion

Dear **[Parent's name]**

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

The reasons for the governing body decision are as follows: **[Provide statement used at Exclusion hearing]**

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

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

Your request will be heard by an Independent Review 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 Chair.

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

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

Following its review the panel can decide to:

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

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

I would advise you of the following sources of advice: **[repeat details from the original exclusion letter, i.e. a named LA officer and/or any local sources]**. The Children's Legal Centre aims to provide free legal advice and information to parents regarding 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 24th December to the 1st January.

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

Yours sincerely

[Name]

Clerk to the Governing Body



Annex to Exclusions Policy