

# Hope SENTAMU LEARNING TRUST

## EXCLUSION POLICY

THIS POLICY APPLIES TO THE HOPE SENTAMU LEARNING TRUST BOARD, THE CENTRAL TEAM, ALL TRUST SCHOOLS/ACADEMIES AND THE WORKFORCE DEVELOPMENT TEAM.  
IT IS TO BE READ IN CONJUNCTION WITH THE TRUST'S BEHAVIOUR POLICY.

**Document Management:**

Date Policy Approved: 3<sup>rd</sup> November 2021

Date amended:

Date updated policy approved:

Next Review Date: November 2022

Version: 2.0

Approving Body: Standards Committee

## Contents

Policy updates .....	3
Statement of Intent .....	4
1. Aims .....	5
2. Legal Framework.....	5
3. The decision to exclude .....	6
4. Definition .....	6
5. Roles and responsibilities.....	6
6. Grounds for exclusion .....	9
7. The Headteacher's/Principal's power to exclude .....	10
8. Factors to consider when excluding a pupil.....	11
9. Headteacher's/Principal's duty to inform parents / the Trust, LGC and the LA .....	12
10. Arranging education for excluded pupils .....	13
11. Considering exclusions and the reinstatement of a pupil .....	14
12. Reaching a decision .....	15
13. Notification of considered exclusions .....	15
14. Return from a fixed term exclusion .....	16
15. Removing permanently excluded pupils from the school register.....	17
16. Independent Review Panel .....	17
17. Appointing a SEND expert.....	18
18. The role of the SEND expert .....	19
19. Appointing a Clerk.....	20
20. The role of the Clerk .....	20
21. The duties of the Independent Review Panel members in the conduct of an Independent Review Panel .....	21
22. Reconsidering reinstatement following a review .....	21
23. Criminal investigations .....	22
24. Training requirements .....	22
25. Monitoring and review .....	22

## Appendix

**Appendix A** - Changes to the Exclusion Process during the Coronavirus (Covid-19) Pandemic .....23

**Appendix B** - Reviewing the Headteacher's/Principal's Exclusion Decision .....28

**Appendix C** - Reintegration Meeting Minutes Template .....29

**Appendix D** - Exclusion Checklist .....30

**Appendix E** - Permanent Exclusion Pack Checklist .....33

**Appendix F** - Chronology of events template .....34

**Appendix G** - Template Exclusion Letters .....35

**Policy updates**

Date	Page	Policy updates
Oct 2021		New policy

## Statement of Intent

Hope Sentamu Learning Trust is committed to a safe, welcoming and inclusive learning environment, in which all our pupils are happy, can flourish and will thrive, to live life in all its fullness. Every child is revered and respected as a member of our community. At Hope Sentamu Learning Trust we understand that good behaviour and discipline is essential for promoting a high-quality education, so that all within the school/academy community have the opportunity to thrive.

Amongst other disciplinary sanctions, the Hope Sentamu Learning Trust recognises that exclusion of pupils may be necessary where there has been a serious breach, or persistent breaches, of the school's Behavioural Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher/Principal, the Local Governing Committee (LGC) and the Local Authority (LA) when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Signed by:

\_\_\_\_\_ Chief Executive Officer      Date: \_\_\_\_\_

\_\_\_\_\_ Chair of Standards  
Committee      Date: \_\_\_\_\_

## 1. Aims

1.1. Our Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents/carers and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 2. Legal Framework

2.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

2.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

2.3. This policy will be implemented in conjunction with, and operates with the following Trust policies and procedures:

- Behavioural and Anti-Bullying Policy (*Trust-wide Policy*)
- Special Educational Needs and Disabilities (SEND) Policy (*Trust-wide Policy*)
- Student Mental Health and Wellbeing Policy (*Trust-wide Policy*)
- Child Protection and Safeguarding Policy (*Trust-wide Policy*)

### **3. The decision to exclude**

3.1. Only the Headteacher/Principal, or acting Headteacher/Principal, can exclude a pupil from the school/academy. The decision to permanently exclude a pupil will only be taken as a last resort.

Our academy/school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”*

3.2. We are committed to following all statutory exclusion procedures to ensure that every child receives an education in a safe and caring environment.

3.3. A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s Behaviour Policy, and
- If allowing the pupil to remain in school/academy would seriously harm the education or welfare of others

3.4. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher/Principal will:

- Consider all relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has Special Educational Needs (SEN)
- Consider the support that has been put in place (for persistent breaches)

### **4. Definition**

4.1. For the purposes of exclusions, school day is defined as a day in which there is a school session. Therefore, INSET or staff training days do not count as a school day.

### **5. Roles and responsibilities**

5.1. The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked after Children (LAC).
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school/academy.
- Reviewing and reassessing pupils’ needs in consultation with their parents/carers where they have an Education Health Care (EHC) plan and are excluded permanently, with a view to identifying a new placement.

5.2. The Trust Board is responsible for:

- Arranging for an Independent Review Panel hearing to review the decision of the Local Governing Committee (LGC) representatives not to reinstate a permanently excluded pupil where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the Independent Review Panel consists of three or five members as appropriate, which represent the required categories.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents/carers, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

5.3. The Local Governing Committee are responsible for:

- Providing information to the Secretary of State and Local Authority (LA) about any exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis, from the sixth day.
- In accordance with the Trust's Scheme of Delegation item D 23, the LGC is responsible for reviewing exclusion decisions and considering reinstatement. A sub-committee of at least three Local Governing Committee members must be convened to conduct Exclusion Hearings. These members can come from across the Trust. Henceforth, this sub-committee will be referred to as the 'LGC representatives'. Where permitted by the Exclusions Code these responsibilities can be delegated to the Chair of the LGC.
- Considering parents'/carers' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school/academy premises to sit the public examination or test.
- Considering the reinstatement of an excluded pupil.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the school/academy.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.

- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents/carers, the Headteacher/Principal and LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents/carers of where to apply for an Independent Review Panel.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school/academy admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.
- The Headteacher/Principal will arrange for a Clerk from the Governance Service to clerk the exclusion review. If the Governance Service is unable to provide a Clerk, an appropriate person from within the school/academy should be asked to clerk the review, supported by the Governance Service. The Clerk to the exclusions review panel is responsible for:
  - Making reasonable efforts to inform the appropriate individuals that they are entitled to:
    - Make written representations to the panel.
    - Attend the hearing and make oral representations to the panel.
    - Be represented.
  - Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
  - Giving all parties details of those attending and their role, once the position is clear.
  - Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

5.4. The Headteacher/Principal is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the Trust's Special Educational Needs and Disabilities (SEND) Policy.
- Informing parents/carers of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.



- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for free school meals (FSM), LAC and those from certain ethnic groups.
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the LGC representatives, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any Police investigation and/or criminal proceedings.
- Notifying a pupil's parents/carers without delay where the decision is taken to exclude the pupil, including the days on which the parents/carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents/carers is clear and easily understood.
- Notifying the LGC and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the LGC once per term of any exclusions, exceeding 5 days, not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

## **6. Grounds for exclusion**

6.1. The school/academy will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school Behavioural Policy, have failed to be successful.

6.2. The following examples of behaviour may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, for example bringing a weapon onto the premises.
- Any incident which breaches the law
- Persistent and severe bullying
- Verbal and physical abuse

- Constant disruption
  - A single, serious and major incident, e.g. serious assaults on another individual leading to injury.
- 6.3. Pupil can be excluded on a fixed-period basis i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented.
- 6.4. In all cases, the Headteacher/Principal, will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

## **7. The Headteacher's power to exclude**

- 7.1. Only the Headteacher/Principal, has the power to exclude a pupil from the school/academy, and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.
- 7.2. The Headteacher/Principal is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.
- 7.3. The Headteacher/Principal is able to consider a pupil's disruptive behaviour outside of the school/academy premises as grounds for exclusion, in accordance with the Trust's Behavioural Policy.
- 7.4. Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the European Convention on Human Rights (ECHR).
- 7.5. All exclusions will be formally recorded on the pupil information system.
- 7.6. When sending a pupil home following any exclusion, the Headteacher/Principal will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 7.7. The Headteacher/Principal will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 7.8. The Headteacher/Principal may withdraw any exclusion that has not already been reviewed by the LGC.
- 7.9. At all times, the Headteacher/Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.
- 7.10. The Headteacher/Principal will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.
- 7.11. The Headteacher/Principal will not use the threat of exclusion as a means of instructing parents/carers to remove their child from the premises.

## 8. Factors to consider when excluding a pupil

8.1. When considering the exclusion of a pupil, the Headteacher/Principal will:

- Allow the pupil the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
- The Headteacher/Principal will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:
  - Looked After Children (LAC) and previously Looked After Children (PLAC)
  - Pupils eligible for Free School Meals
  - Pupils with SEND
  - Certain ethnic groups

8.2. The Headteacher/Principal will consider avoiding permanently excluding LAC pupils, those with diagnosed SEMH or pupils with an EHC plan.

8.3. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this using the schools pastoral monitoring system. The **Headteacher/ Principal/SLT Designate/SENCo** will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

8.4. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or diagnosed Social, Emotional and Mental Health (SEMH) issues be excluded without reasonable adjustments being considered.

8.5. Where a pupil with SEND or diagnosed SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school/academy, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school/academy has a close relationship with the pupil's next destination.

8.6. The Headteacher/Principal/Senior Leadership Team (SLT) Designate/Special Educational Needs Co-ordinator (SENCo) will work in conjunction with the parents/carers of any pupil with additional needs to establish the most effective support mechanisms.

## 9. Headteacher/Principal's duty to inform parents/carers

9.1. The Headteacher/Principal will immediately provide the following information, in person, via the telephone and in writing, to the parents/carers of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents'/carers' rights to make representations about the exclusion to the LGC and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the LGC to meet to consider the reinstatement of a pupil, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

9.2. The Headteacher/Principal will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

9.3. If alternative provision is being arranged, the following information will be included when notifying parents/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provisions, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the pupil to identify the person they should report to on the first day.

9.4. 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 will be provided 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'/carers' consent.

**Please see template letters in [Appendix G](#)**

### Informing the Trust, LCG and Local Authority

9.5. The Headteacher/Principal will immediately notify the Trust, LGC and the Local Authority of:

- A permanent exclusion, including when a fixed-term exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

- Exclusions which would result in the pupil missing a public examination

9.6. All fixed-term and permanent exclusions should be reported immediately to the Trust Inclusion Lead.

9.10. For a permanent exclusion, if the pupil lives outside of the Local Authority areas in which the school is located, the Headteacher/Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

9.11. For all exclusions, the Headteacher/Principal will notify the Trust and the LGC once a half term. All notifications to the Trust, LGC and LA will include the reasons for exclusion and the duration of any fixed-term exclusions.

## **10. Arranging education for excluded pupils**

10.1. For any fixed-term exclusions of more than five school days, the LGC will ensure that the school/academy arrange suitable and appropriate full-time education for the pupil, which will begin no later than the sixth day of exclusion.

10.2. Where a pupil receives consecutive fixed-term exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.

10.3. For permanent exclusions, full-time education will also be provided for the pupil for the sixth day of exclusion.

10.4. The LGC will not ask the school to arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

10.5. The LGC is aware that it is beneficial to exclude pupils to begin their alternative provision arrangements before the sixth day of exclusion. The LGC will ensure that the school/academy always attempts to arrange alternative provision before the sixth day of exclusion.

10.6. Where it is not possible to arrange alternative provision during the first five days of exclusion, the school/academy will ensure that they take reasonable steps to set and mark work for the excluded pupil.

10.7. If a pupil with SEND has been excluded, the LGC will ensure that:

- Any alternative provision that is arranged in consultation with the pupil's parents/carers, who are able to request preferences
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents/carers.

## **11. Considering exclusions and the reinstatement of a pupil**

- 11.1. The LGC representatives will consider any representations made by parents/carers in regard to exclusions.
- 11.2. Parents/carers and, where requested, a friend or representative and the Headteacher/Principal will be invited to attend any consideration of exclusions and will be able to make representations. The Headteacher/Principal may also invite other members of staff to attend. The school/academy does not have to invite a representative from the LA to the exclusion review, but they can choose to do so.
- 11.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 11.4. The LGC will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:
- The exclusion is permanent
  - It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
  - It would result in a pupil missing a public examination or national curriculum text.
- 11.5. If requested to do so by parents/carers, the LGC, will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.
- 11.6. In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the LGC is not required to meet and cannot direct the reinstatement of the pupil.
- 11.7. Where an exclusion would result in a pupil missing a public examination the LGC will consider reinstatement of the pupil before the date of the examination. If this is not practicable, the LGC will consider the exclusion and decided whether or not to reinstate the pupil. The LGC will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination. If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the exclusion and decide whether or not to reinstate the pupil. In light of the above, the LGC will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.
- 11.8. When considering the reinstatement of an excluded pupil, the LGC representatives will:
- Only discuss the exclusion with the parties present at the meeting.
  - Ask for any written evidence prior to the meeting.
  - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.

- Allow pupils and parents/carers to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

## **12. Reaching a decision**

12.1. After considering the exclusion, the LGC can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

12.2. In reaching a decision the LGC will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher/Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

12.3. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period exclusion or the parents/carers make clear they do not want their child reinstated, the LGC representatives will still consider whether the pupil should be officially reinstated, and whether the Headteacher's/Principal's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

12.4. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

12.5. The LGC will notify, in writing, the Headteacher/Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

## **13. Notification of considered exclusions**

13.1. The LGC representatives will notify the parents/carers of the excluded pupil, the Headteacher/Principal and the LA of their decision following the consideration of an exclusion, in writing and without delay.

13.2. In the case of a permanent exclusion, where the LGC representatives decides not to reinstate the pupil, they will notify the parents/carers:

- That it is permanent, and their right for it to be reviewed by an Independent Review Panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the LGC to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That the parents/carers are required to make it clear if they wish for a SEND expert to attend the review.
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review.

13.3. That if parents/carers believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

13.4. After any conclusion, the LGC representatives will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## **14. Return from a fixed term exclusion**

14.1. Following a fixed-term exclusion, a reintegration meeting will be held involving the pupil, parents/carers, a member of senior staff and other staff where appropriate.

14.2. The following measures will need to be implemented when a pupil returns from a fixed-term exclusion:

- Discussion of the reasons for the fixed-term exclusion.
- Any circumstances that surrounded this event, behaviours or reasons for the fixed-term exclusion.
- Agreed action plan to support a successful reintegration, including home and schools actions to support the pupil, for example, support strategies, interventions and sanctions if this behaviour is repeated.



14.3. The minutes of the reintegration meeting must be recorded on the relevant documentation and held on the pupils' file.

## **15. Removing permanently excluded pupils from the school register**

15.1. The Headteacher/Principal will remove pupils from the school register if:

- 15 school days have passed since the parents/carers were notified of the LGC representatives' decision not to reinstate the pupil and no application for an Independent Panel Review has been received.
- The parents/carers have stated in writing that they will not be applying for an Independent Panel Review following a permanent exclusion.

15.2. If an application for an Independent Panel Review has been made within 15 school days, the Headteacher/Principal will wait until the review has been determined, or abandoned, and until the LGC representatives has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

15.3. If a pupil's name is to be removed from the register, the Headteacher/Principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent/carer with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

15.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

15.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

15.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## **16. Independent review panel**

16.1. The Trust Board will review the LGC representative's decision not to reinstate a permanently excluded pupil if the parents/carers submit their application for this within the required time frame.

16.2. The Trust Board is responsible for establishing an Independent Review Panel, in line with statutory guidance on exclusions. Advice and support should be sought from the Governance Service. The Trust Board will constitute an Independent Review Panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school governor who has served for at least 12 consecutive months in the last 5 years.
- A Headteacher/Principal or individual who has been a Headteacher/Principal within the last 5 years.

16.3. Parents/carers are required to submit their applications within:

- 15 school days of the LGC representatives' notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

16.4. Any application made outside of this timeframe will not be reviewed.

16.5. Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the LGC representatives' initial consideration of the exclusion.

16.6. The Trust Board will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

## 17. Appointing an SEND expert

17.1. If requested by parents/carers in their application for an Independent Review Panel, the Trust Board will appoint a SEND expert to attend the panel and covers the associated costs of this appointment.

17.2. The Trust Board will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

17.3. Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school/academy recognises that their child has SEND.

17.4. The SEND expert's role is set out in **section 18** of this policy.

17.5. An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust Board, school/academy, parents/carers or pupil, or the incident leading to the

exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the Trust Board.

- 17.6. The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists, specialist SEND teachers, SENCos and behaviour support teachers.
- 17.7. Recently retired individuals are not precluded from fulfilling this role; however, during interview, the Trust Board will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.
- 17.8. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Trust Board, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust Board will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.
- 17.9. The final decision on the appointment of a SEND expert is for the Trust Board to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert.
- 17.10. The Trust Board will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

## **18. The role of the SEND expert**

- 18.1. The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.
- 18.2. The focus of the SEND expert's advice will be on whether the Trust's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.
- 18.3. Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

18.4. The SEND expert will not criticise a school's/academy's policies or actions simply because they believe a different approach should have been followed or because another school/academy might have taken a different approach.

## 19. Appointing a Clerk

19.1. The Trust Board will decide whether to appoint a Clerk to the Independent Review Panel, or to make alternative arrangements to administer the panel.

19.2. Where a clerk is appointed the Trust Board will ensure that the Clerk did not serve as Clerk to the LGC representatives when the decision was made not to reinstate the pupil.

## 20. The role of the Clerk

20.1. The Clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The Clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school/academy. Pupils under 18 will not be allowed to appear in person without parental consent.
- Inform the parents/carers, Headteacher/Principal, LGC and the Trust Board, that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the Independent Review Panel.

20.2. Where a Clerk is not appointed, the Trust Board will undertake the functions outlined in paragraphs **19.1** and **19.2** of this policy.

## **21. The duties of Independent Review Panel members in the conduct of an independent review panel**

- 21.1. The role of the panel is to review the LGC representatives' decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel 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/academy.
- 21.2. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.
- 21.3. Following the review, the panel will do one of the following:
- Uphold the decision.
  - Recommend that the LGC reconsiders reinstatement.
  - Quash the decision and direct that the LGC reconsiders reinstatement.

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, the LGC, Headteacher/Principal and the Trust Board.

## **22. Reconsidering reinstatement following a review**

- 22.1. Where the Independent Review Panel instructs the LGC to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.
- 22.2. The school/academy is aware that if, following an instruction to reconsider, the LGC does not offer to reinstate the pupil, then the school/academy will be required to make a payment of £4,000 directly to the LA area in which the school/academy is located.
- 22.3. Where the Independent Review Panel recommends that the LGC should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.
- 22.4. The school/academy is aware that if, following a recommendation to reconsider, the LGC does not offer to reinstate the pupil, it will not be subject to a financial adjustment.
- 22.5. If, following reconsideration, the LGC offers to reinstate the pupil but the parents/carers decline, no adjustment will be made to the school's/academy's budget.
- 22.6. Following reconsideration, the LGC will notify the parents/carers, the Headteacher/ Principal and the LA of their reconsidered decision and the reasons for this.

## **23. Criminal investigations**

- 23.1. The Headteacher/Principal will not postpone taking a decision to exclude a pupil due to a Police investigation being underway, or any criminal proceedings that are in place.
- 23.2. The Headteacher/Principal will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 23.3. If the LGC is required to consider the Headteacher's/Principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

## **24. Training requirements**

- 24.1. The Trust Board will ensure that all Independent Review Panel members and Clerks have received training within the two years prior to the date of the review.

Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Headteachers/Principals, LGC and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

## **25. Monitoring and review**

- 25.1. This policy will be reviewed annually by the Standards Committee and the Distinctiveness and Personal Development Committee, supported by advice and guidance from the Trust's Headteacher's/ Principal's. The next scheduled review date for this policy is listed on the cover page.

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

### Changes to the Exclusion Process During the Coronavirus (COVID-19) Pandemic

This appendix was created in accordance with the latest government guidance.

The government has introduced regulations that change some of the procedures that must be followed in relation to an exclusion, to provide greater flexibility to schools/academies, parents/carers and Local Authorities during the coronavirus outbreak. These regulations apply to all maintained schools, academies (including alternative provision academies, but excluding 16-19 academies) and Pupil Referral Units.

Certain terms have been used for policies, procedures and roles throughout this appendix. These are listed below:

#### Policies

- Exclusion Policy

#### Roles

- Headteacher/Principal
- Local Governing Committee (LGC)

### Statement of intent

The Hope Sentamu Learning Trust aims to act in accordance with the Exclusion Policy as much as possible; however, we understand that we must remain compliant with the relevant exclusion legislation while the Trust observes government guidelines during the coronavirus (COVID-19) pandemic. This appendix sets out what additional actions the Trust is taking.

The information in this appendix is under constant review and kept up-to-date to reflect any changes to national or local guidance.

## 1. Legal framework

This appendix has due regard to the relevant statutory guidance, including, but not limited to, the following:

- The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020
- DfE (2021) 'Changes to the school suspension and permanent exclusion process during the coronavirus (COVID-19) outbreak'

The policy appendix is implemented in conjunction with the following Trust policies:

- Exclusion Policy

## 2. Application of arrangements

All exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive) are subject to amended arrangements with regards to:

- The use of remote access technology for meetings relating to exclusions.
- The deadline for applications for an independent review.
- Timescale amendments, under certain circumstances.

Meetings relating to exclusions occurring between 25 September 2021 and 24 March 2022 will take place within the normal timescales set out in the main body of this policy.

The deadline for applications for an independent review in relation to permanent exclusions occurring from 25 September 2021 has been reinstated to normal statutory exclusions, which is 15 school days from the date on which notice of the LGC's decision is given in writing to parents/carers, or directly to the pupil if they are 18 or above.

The LGC and arranging authorities for Independent Review Panels (IRPs) will meet the normal timescales for exclusions occurring after 25 September 2021. In doing this, they will:

- Consider the DfE's 'Schools COVID-19 operational guidance'.
- Facilitate remote access meetings where it is not reasonably practicable to meet in person.

If deadlines are missed due to the coronavirus pandemic, the meeting will be held as soon as it becomes reasonably practicable to meet either in person or via remote access.

Any exclusions covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted. For the purpose of this appendix, an exclusion will be taken as having 'occurred' on the first day of the exclusion, not the date when the decision to exclude was made or communicated.



The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 remains at the extended period of 25 school days.

### **3. Deciding whether a meeting should be held remotely**

For exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive), meetings of the LGC or IRP will be held via remote access if:

- It is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus.
- The LGC (or arranging authority if the meeting is an IRP) is satisfied that:
  - All the participants agree to the use of remote access.
  - All the participants have access to the technology that will allow them to hear and speak throughout the meeting, and to see and be seen if a live video call is used.
  - All the participants will be able to put across their point of view or fulfil their function.
  - The meeting can be held fairly and transparently via remote access.

The LGC (or arranging authority if the meeting is an IRP) will be responsible for ensuring these conditions are met before a meeting takes place.

When determining whether it would be reasonably practicable to meet in person, LGC or arranging authority will assess:

- The facts of the case.
- The circumstances in which a meeting could be expected to take place.
- The needs of the intended participants.
- The latest public health guidance.

#### **Arranging a remote access meeting**

The LGC or arranging authority will explain the technology they propose to use to participants and will ensure that the participants, particularly pupils and their parents/carers, know that they do not have to agree to a meeting being held via remote access.

Pupils and parents/carers involved in meetings will be made aware that if they do not consent to a remote access meeting, the meeting is likely to be delayed. Where a parent/carer or pupil has consented to a remote access meeting, all other participants will make reasonable efforts to accommodate that preference unless there is a clear reason not to.

The normal requirements for who must be invited to a meeting (as set out in the wider policy) remain in place; however, those who have no intention of taking part in the meeting will not be treated as 'participants' for the purpose of the arrangements in this appendix.

LGC's, arranging authorities and panel members will comply with equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting, e.g. if they have SEND or English as an Additional Language (EAL). The chair of the meeting will check that the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly. Once the meeting starts, if it cannot proceed fairly (e.g. if a participant cannot access it), the meeting will be adjourned.

The use of remote access will not alter any other procedural requirements that apply during the meeting. As long as the conditions for a remote access meeting are met, it will be possible for some participants to attend a meeting in person and for others to join via remote access.

Though written representations will be considered, solely paper-based meetings will not be permitted.

To help meetings run smoothly and ensure they are accessible for participants, the LGC or the arranging authority will:

- Provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting.
- Indicate a named person who participants can contact to discuss any questions they may have before the meeting.
- Ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run.
- Consider holding a pre-meeting with participants to check that the available technology is suitable and that all participants understand how to access the meeting.
- Take reasonable steps to facilitate a parent/carer or pupil's access to the technology required.
- Ensure governors, panel members, and other participants are supported to access the technology required for the meeting.

#### **4. Applications for independent reviews of exclusions**

Where the LGC representatives declines to reinstate a pupil who has been permanently excluded, their parents/carers (or the pupil if they are 18 or over) can apply for a review of this decision.

For exclusions covered under these arrangements, the deadline for applications has been reinstated to 15 school days from the date on which notice in writing of the LGC representatives' decision was given to parents/carers (or the pupil if they are aged 18 or over).

The school will wait for the period of 15 school days to pass without an application having been made before deleting the name of the permanently excluded pupil from the admissions register.

The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 remains 25 school days from the date on which notice of the LGC representatives' decision is given in writing to parents/carers, or directly to the pupil if they are 18 or above.

## **5. Meetings to consider permanent exclusions**

If it has not be reasonably practicable for a review panel to meet in person within 15 school days due to coronavirus and it has not been possible to hold a remote meeting, the arranging authority will arrange for overdue meetings to take place via remote access, if the conditions can be met, or in person as soon as it is safe and practicable to do so. If deadlines are missed because of coronavirus, the meeting will be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

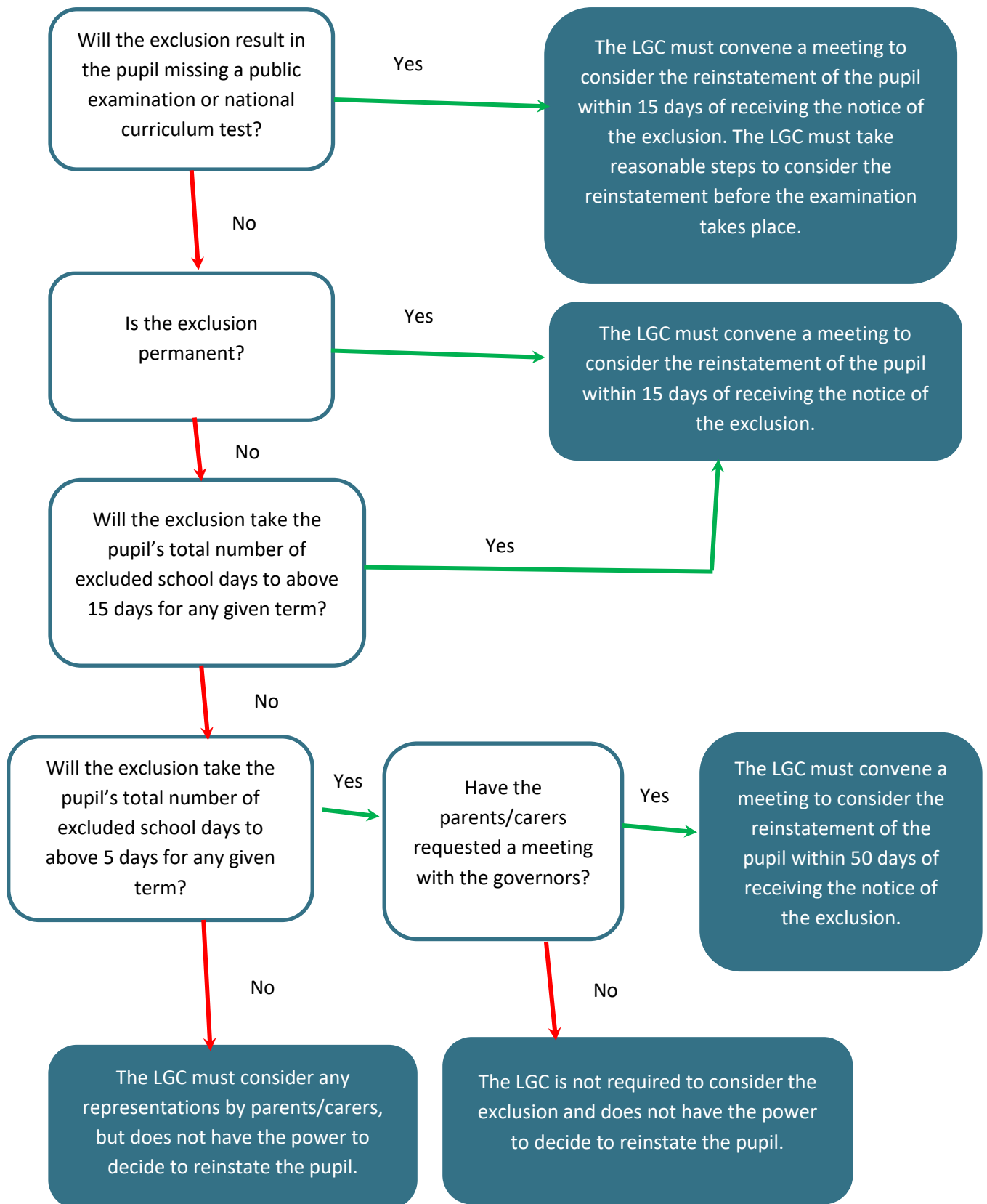
## **6. Meetings to consider fixed-term exclusions**

If a pupil has received a fixed-term exclusion which results in them been excluded for 16 or more days in a term, the LGC representatives will try to meet to review the exclusion within 15 school days. If it has not be reasonably practicable for a review panel to meet in person within 15 school days due to coronavirus and it has not been possible to hold a remote meeting, the arranging authority will arrange for overdue meetings to take place via remote access, if the conditions can be met, or in person as soon as it is safe and practicable to do so. If deadlines are missed because of coronavirus, the meeting will be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

If a pupil receives a fixed-term exclusion which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent/carers (or pupil if they are 18 or over) chooses to make representations about the exclusion, the LGC representatives will meet to discuss reinstatement within 50 school days.

If it has not been reasonably practicable for the LGC representatives to meet in person within 50 school days due to coronavirus, the meeting will be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

### Reviewing the Headteacher/Principal's Exclusion Decision



## Reintegration Meeting Minutes Template

<b>Name of student:</b>	<b>Date:</b>
<b>Parent(s)/Carer(s) in attendance:</b>	<b>Staff in attendance:</b>

**Summary of discussion:**

**Reasons for the fixed term exclusion:  
(Include the number of days received for the FTE)**

**An relevant background information:**

**Any additional information:**

Action plan for successful reintegration	School Actions	Pupil/home Actions
	e.g. - Time out card - Restorative session - Attendance at a lunch group - Key member of staff - Monitoring report - Increase contact with home	e.g. - Not leaving lesson/site without permission - Parents/carers to contact school to update them on key information
<b>Success Criteria:</b>	Increase attendance by... No further FTEs...	
<b>Review date:</b>		

## Exclusion Checklist

Actions to be taken	Evidence	RAG
<b>The Facts</b>		
Has the school/academy properly and fully presented a case for the exclusion?		
If the facts are disputed, on the balance of probabilities (i.e. more likely than not), did they occur as alleged by the school/academy?		
Was the decision based on a breach of the Behaviour Policy? Are the reviewers satisfied that the child knew, or ought reasonably to have known, that his/her behaviour breached the Behaviour Policy?		
If the decision was based on a breach of the Behaviour Policy, was the Behaviour Policy applied appropriately?		
Has the student received any fixed term exclusions? If so, have parents/carers attended reintegration meetings? Have these meeting minutes been appropriately recorded? If so please provide details.		
Has the student acquired 15 days or more fixed term exclusions? If so, has a Governor's panel taken place? If so, please provide details.		
<b>The Process</b>		
Have the pupils and parents/carers been formally notified of the exclusion, the hearing?		
Has the pupil, parents/carers had the opportunity to represent themselves?		
Has the school/academy provided the pupil with an opportunity to provide a statement? If no statement was obtained, has the school/academy satisfactorily explained why not?		
Has the school/academy obtained statements from witnesses, rather than relying on hear-say? Are the statements creditable? Were they taken in the proper way, signed and dated?		
Does the school/academy have any additional evidence to put forward? If so, please detail and ensure that this is included.		

Does the school/academy have sufficient information and evidence to ensure the reviewers have the opportunity to make a fully informed decision? Please note both written submissions and oral testimony may be made at the hearing, and will constitute evidence and may be taken into consideration.		
Has the school/academy provided work for the first five days of exclusion and has it been marked?		
Has educational provision from day 6 of exclusion in place?		
<b>Discrimination and Intervention</b>		
Will the reviewers be satisfied that the exclusion was not based on any element of discrimination? If the pupil is from an at-risk ethnic or social background (e.g. Black Caribbean, Gypsy/Roma, Traveller, LAC, previously LAC, Child Protection or Child In Need) was this given additional scrutiny?		
Has the school/academy considered whether the child has Special Educational Needs? Have they considered that disruptive or impulsive behaviour might constitute a social, emotional or mental health need under the SEN Code of Practice?		
If the pupil has an EHCP, did the school conduct an emergency annual review?		
If the pupil is a Looked After Child, has the school accessed all the resources available from the Virtual School?		
In a case of persistent breaches of the school/academy Behaviour Policy, has the school/academy attempted to identify underlying causes and address them through interventions and support? Have reviewers received sufficient evidence of this?		
<b>The Headteacher/Principal's Decision</b>		
Is the decision lawful? An example of an unlawful decision might be where the Headteacher/Principal has applied the wrong legal standard or has exceeded his/her powers.		
Is the decision fair? An example of an unfair decision might be when one pupil is permanently excluded for the same offence as a pupil who was not, where no other differences between the pupils to explain this.		

Is the sanction proportionate? Proportionality means that it is the minimum sanction available effectively to achieve the ends required by the school/academy.		
When taking into account the above, is the decision the last resort? Did the Principal consider alternatives e.g. managed move? And if rejected, has this been explained? Has the school/academy explained why no other sanction would suffice? Did the school/academy do all it could to mitigate against exclusion or has it satisfactorily argued that the behaviour could not have been foreseen?		
Is the decision rational and reasonable? An irrational decision is one that no ordinary and objective person would reasonably make. An example of an unreasonable decision might be one that is unreasoned – for example, if the Headteacher/Principal could not give reasons for his/her decision.		
<b>Considering Reinstatement</b>		
Would reinstatement seriously harm the education or wellbeing of the child or others in the school community? 'Would' requires a higher level of certainty than 'might', 'could', or 'is likely to'. 'Serious harm' requires a higher level of impact than 'detriment' – the impact cannot merely be negative.		
Having considered the child's or parents/carers evidence, will the reviewers be satisfied that any mitigating factors do not excuse/explain the behaviour? This includes bereavement, divorce, family discord, bullying at school etc? Has the Headteacher/Principal taken any mitigating factors into account?		
What will the impact of the exclusion have on the pupil's education and wellbeing? Will the reviewers be satisfied that this negative impact is justified in the circumstances?		

If any of these questions cannot be answered with a 'yes' or RAG rated Green, reviewers must be given serious consideration to reinstatement. If reviewers choose to reinstate, they must clearly explain their decision despite the school's/academy's failure to meet these thresholds.



### Permanent Exclusion Pack Checklist

When considering a Permanent Exclusion for a pupil in your school/academy, the following information should be gathered and presented as follows:

#### Section 1: Information about the exclusion

1. Copy of the letter to parents/carers informing them of the Permanent Exclusion.
2. Headteacher/Principal statement
  - This should include any background or overview of behaviours and support that the school/academy have put in place for the pupil.
3. Chronology of events

#### Section 2: Background Information

4. Record of any previous Fixed-Term Exclusions
5. Letters to the parents/carers regarding the previous Fixed-Term Exclusions
6. Reintegration meeting minutes from the previous Fixed-Term Exclusions issued
7. Record of attendance
8. Academic Reports
9. Behaviour reports

#### Section 3: Evidence relating to the Permanent Exclusion

10. Witness statements
11. Student voice/account of the event
12. Risk assessment and risk management plan

#### Section 4: Evidence related to support offered

13. Support strategies and interventions log
14. Pastoral support plan/student passport
15. Assessment action plan i.e. Boxhall, Thrive etc

#### Section 5: Any other additional information that needs to be considered

## Chronology of events template

### Chronology of events

Date	Incident/Type of Event	Details	Impact	Follow Up
	e.g. Left site without permission	e.g what happened during the event? Who was involved?	e.g did this create a significant safeguarding risk to pupil or others? Undermine/breach Trust/School policies and/or procedures and expectations? Loss of learning time?	e.g What was put in place during/ immediately after the event? Pastoral support? Restorative session? Parental contact /support?

## Template Exclusion Letters

**Letter 1: to be used for a fixed term exclusion, of 5 days of fewer in one term, and where a public examination is not missed. If the pupil's total excluded days for the term exceeds 5 days please use Letter 2.**

Dear **[Parent's/carers Name]**

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

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

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

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

### **[School/PRU]**

You have the right to make representations about this decision to the Local Governing Committee (LGC)/LGC representatives. If you wish to make representations please contact **[Name of Contact – your Clerk to the Governor/Clerk of the Pupil Discipline Committee]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the Local Governing Committee (LGC)/LGC representatives 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.

### **[North Yorkshire Schools]**

You should also be aware that if you think the exclusion relates to discrimination (under the Equality Act 2010) you can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which First-tier discrimination claims should be sent is the First-tier Tribunal (Special Educational Needs and Disability), 1st Floor, Darlington Magistrates Court, Parkgate Darlington, DL1 1RU <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

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

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

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you:

- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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 headteacher]**, links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Yours sincerely

**[Name]**  
Headteacher/Principal

**Letter 2: To be used for a fixed-term exclusion of more than 5 school days in one term (or where cumulative days excluded in the term are between 6 and 15 days in total. If the total days excluded in the terms totals more than 15 days please use Letter 3.**

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

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Pupil's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. **[NB – if you are making provision from day 1 i.e. for Looked After Children – information should be given as to what provision will be made, the venue, the start and finish of the day and who they should report to on the first day]**

**[if the individual exclusion is for more than 5 days – NB this includes if 2 exclusions run consecutively and total more than 5 days]**

From the 6th school day of the pupil's exclusion **[specify date]** until the expiry of his/her exclusion we **[For PRUs the local authority] – set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter – this must be 48 hours before commencement].**

You have the right to request a meeting of the school's/academy's **Local Governing Committee (LGC)/LGC representatives** to whom you may make representations. The Local Governing Committee (LGC)/LGC representatives will consider the reinstatement of your child. As the period of this exclusion is more than 5 school days in a term the Local Governing Committee (LGC)/LGC representatives must meet if you request it to do so. The latest date by which the Local Governing Committee (LGC)/LGC representatives must meet, if you request a meeting, is **[specify date – no later than the 50th school day after the date on which the Local Governing Committee (LGC)/LGC representatives were notified of this exclusion]**. If you wish to make representations to the Local Governing Committee (LGC)/LGC representatives, and wish to be accompanied by a friend or

representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school/academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting. Representation can also be made in writing.

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

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact your local Children and Families: Early Help Team **[The School's contact in the Children and Families: Early Help Team]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice. I have also included below further information which may be of use to you:-

- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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 SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Yours sincerely

**[Name]**  
Headteacher/Principal

**Letter 3: To be used for a fixed-term exclusion of more than 15 school days (or cumulative days of totalling more than 15 days in total in one term).**

Dear **[Parent's/carer's Name]**

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

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

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

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

**[if the individual exclusion is for more than 5 days - NB this includes if 2 exclusions run consecutively and total more than 5 days]**

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

As the length of the exclusion is more than 15 school days in total in one term the Local Governing Committee (LGC)/LGC representatives must meet. The Local Governing Committee (LGC)/LGC representatives will consider the reinstatement of your child. At the review meeting you may make representations to the Local Governing Committee (LGC)/LGC representatives if you wish, either written or verbal representation. The latest date on which the Local Governing Committee (LGC)/LGC representatives can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the Local Governing Committee (LGC)/LGC representatives 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 Local Governing Committee (LGC)/LGC representatives of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

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

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

You may wish to contact your local Children and Families: Early Help Team [The School's contact in the Children and Families: Early Help Team] at [LA name] LA on/at [contact details — address, phone number, email], who can provide advice. I have also included below further information which may be of use to you:

- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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 SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

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

Yours sincerely

[Name]  
Headteacher/Principal



**Letter 4: Letter from the Clerk inviting parents/carers to a Local Governing Committee (LGC)/LGC representatives meeting. For exclusions of 15 days or more (or less when a parent/carer requests a meeting).**

Dear **Parent/carer's name**

Further to **name of Headteacher/Principal's** letter dated **date** and our subsequent telephone conversation, I am writing to confirm that the Local Governing Committee (LGC)/LGC representatives of this school/academy will meet on **date** at **time** in the **location at school** to consider the exclusion of your **son/daughter, name**.

The duty of the Committee is to consider the exclusion and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the fixed term exclusion would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the Local Governing Committee (LGC)/LGC representatives and the Headteacher/Principal, **name**. **name** will also join the meeting when necessary (**if witnesses being called**). An officer of the Local Authority has also been invited to attend. **[NB: LA rep will only attend Permanent Exclusion meetings and, for Academies, this will be by invitation of the parents/carers or school]**

The Committee will consider carefully all the circumstances of the exclusion, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the Committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the LA and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **he/she** is entitled to bring a friend. Alternatively, **he/she** may wish to communicate **his/her** views by other means i.e. a letter or statement of the incident.

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governors why you think **name** should return to school and to ask the Headteacher/Principal and the LA representative questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and me, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within one day of the meeting.

During our telephone conversation, you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above (**extension xxx**), by email: **email address** or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible. Could you also please advise me if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school/academy. Also, could you please inform me if it would be helpful if you had an interpreter at the meeting.

For your information the following sources of advice are available to you:

- Early Help Team, at North Yorkshire/City of York/Hull City Council **(delete as appropriate)**
- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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), SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours sincerely

**Clerk to the Local Governing Committee**

To: Clerk to Governors, **school**

**Name of student, DOB, Year**

Meeting of Local Governing Committee (LGC)/LGC representatives to be held on **date** at **time** to review the Principal's decision to exclude **name** from school

I/we wish/do not wish\* to attend the meeting to consider the reinstatement of my child into school.

I/we will/will not be\* accompanied by a friend and/or representative (if applicable)

My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable)

I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:

.....

.....

\* please delete as applicable

Signed: .....

## Letter 5: Letter from the Clerk for a Permanent Exclusion

Dear **Parent/carer's name**,

Further to the Headteacher/Principal's letter dated **date** and our subsequent telephone conversation, I am writing to confirm that the Local Governing Committee (LGC)/LGC representatives of this school will meet on **date** at **time** in the **location** at **school** to consider the exclusion of your **son/daughter, name**.

The duty of the Committee is to consider the exclusion and decide whether to reinstate **name** (that is, may return to school) or whether to decline reinstatement (that is the permanent exclusions would remain in place).

It is anticipated that the following people will be present at the meeting: **names**, of the Local Governing Committee (LGC)/LGC representatives and the Headteacher/Principal, **name. Name**, will also join the meeting when necessary **(if witnesses are being called)**. An officer of the Local Authority may also be invited. **(NB: LA representative will only attend Permanent Exclusions meetings and, for academies this will be by invitation of the parents/carers or the school).**

The Committee will consider carefully all the circumstances of the exclusion, including any letter that you send to them and statements you make at the meeting, as well as the report of the Headteacher/Principal. If you would like to write to the committee, I would be grateful to receive your letter by **date** so that I can send copies to the Committee, the Local Authority and to the Headteacher/Principal. Similarly, I will send you a copy of the reports sent to the Committee.

The Committee would also like **name** to attend and speak and answer questions at the meeting if you are in agreement with this and **name** is entitled to bring a friend. Alternatively, **name** may wish to communicate their views by other means.

At the meeting, the Chair will explain how it will proceed, but you will have the opportunity to tell the Governors why you think **name** should return to school and to ask the Headteacher/Principal questions.

When you and the Headteacher/Principal have completed what you want to say, the Chair will ask everyone, apart from the Committee and myself, to withdraw whilst the Committee arrives at its decision.

You should be given the decision as soon as possible and in writing by me within one day of the meeting.

During our telephone conversation, you indicated your intention to attend the meeting, but I would be grateful if you could confirm by either contacting me at the number detailed above, by email **(email address)** or, alternatively, please complete and return the reply slip at the bottom of this letter (SAE attached).

If you wish to be accompanied by a friend or representative, could you please let me know as soon as possible. Could you also please advise me if you have a disability or special needs which would affect your ability to attend or take part in the meeting at the school/academy. Also, could you please inform me if it would be helpful if you had an interpreter at the meeting.

For your information the following sources of advice are available to you:

- Early Help Team, at North Yorkshire/City of York/Hull City Council (**delete as appropriate**)
- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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), SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

Please do not hesitate to contact me should you require clarification with regard to this letter. Please remember the date by which I need any letter you wish to send i.e. **date**.

Yours Sincerely

**Clerk to the Local Governing Committee**

To: Clerk to Governors, **school**

**Name of student, DOB, Year**

Meeting of Local Governing Committee (LGC)/LGC representatives to be held on **date** at **time** to review the Headteacher/Principal's decision to exclude **name** from school/academy

I/we wish/do not wish\* to attend the meeting to review my child's exclusion.

I/we will/will not be\* accompanied by a friend and/or representative (if applicable)

My/our child will/will not be\* attending (if applicable)

My/our child will/will not\* be accompanied by a friend and/or representative (if applicable)

I/we do/do not\* wish to have an interpreter present at the meeting.

Disability/Special Need\*: Please either telephone the Clerk or detail below arrangements which may assist you to attend the meeting, as applicable:

.....  
.....

\* please delete as applicable

Signed: .....

**Letter 6: Letter from the Clerk informing parents/carers (Reinstatement)**

Dear **Parent's/carer's Name**

As you know, the Local Governing Committee (LGC)/LGC representatives met on **date** to consider the permanent exclusion of your son/daughter. At the meeting the Governors resolved to reinstate **Pupil's Name**.

The Governors decided that ..... The reasons for the decision were as follows:-

**Pupil's Name** should return to school on **date** and report to **Name**.

The Governors expect that **Pupil's Name** will carry out the undertakings given to them about their future behaviour and trust that you will support the school's efforts to educate your **son/daughter**.

Yours sincerely

**Clerk to the Local Governing Committee**

## Letter 7: Letter from the Clerk informing parents/carers (Upholding Permanent Exclusion)

Dear **Parent's/carer's name**

The meeting of the Local Governing Committee (LGC)/LGC representatives at **school** on **date** considered the decision by the **Headteacher/Principal** to permanently exclude your son/daughter **name of pupil**. The Local Governing Committee (LGC)/LGC representatives, after carefully considering the representations made and all the available evidence, has decided to decline the request to reinstate **name of pupil's** to the school.

The reasons for the Local Governing Committee (LGC)/LGC representative's decision are in line with the Department for Education Guidance paragraph 16; that the exclusion was taken:

- in response to a serious breach or persistent breaches of the Trust's Behaviour Policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

**[please give the reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to have this decision reviewed by the Independent Review Panel. If you wish to have the decision reviewed, please notify **The Appeals Clerk : include local arrangements here.**

**(NB – Academies may choose to appoint their own Independent Review Panel)**

You must set out the reasons for your review in writing including, if you feel it is appropriate, any reference to how **(pupil's name)** special needs are considered to be relevant to the exclusion and send this notice for Review to the Appeals Clerk, **(include contact details for local Appeals Clerk)** by no later than **(specify the latest date — the 15th school day after receipt of this letter)**. If you have not lodged your request to have the decision to be reviewed by **(repeat latest date)** you will lose your right to have the decision reviewed. Please advise the Appeals Clerk if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **the Appeals Clerk** if it would be helpful for you to have an interpreter present at the hearing.

The review will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years), headteacher, one serving, or recently serving, experienced governor/ 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 school day after the date on which your application for review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Under the Department for Education guidance Exclusion from maintained schools, Academies and pupil referral units in England – September 2017 you have the right to require the local authority/Academy to appoint an SEN expert to attend the review at no cost to you.

- *The SEN expert's role is analogous to an expert witness, providing impartial specialist advice to the panel on how SEN might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.*



- *The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were lawful, reasonable and procedurally fair (in line with the guidance to panels in paragraph 159). If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.*
- *Where the school does not recognise a pupil as having SEN, the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.*
- *The SEN expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.*

If you wish the Local Authority/academy to appoint an SEN expert could you **please make this clearly in your application for a review.**

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

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 then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability). **(Include details of local service)**

Any such 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:

- your local Children and Families: Early Help Team **(The School's contact in the Children and Families: Early Help Team)** at **(LA name)** LA on/at **(contact details - address, phone number, email)**, who can provide advice.
- a link to this statutory guidance on exclusions – September 2017 (<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.ace-ed.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
- links to local services, such as SENDIASS, Special Educational Needs Information Advice and Support Service (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about> ), the National Autistic Society (NAS) School Exclusion Service (England) (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 arrangements currently being made for **(pupil's name)**'s education will continue. **(Specify details here).**

Yours sincerely

**[name]**

Clerk to the Local Governing Committee (LGC)/LGC representatives