

# **Exclusion Policy**

## **Purley CE Primary School**

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# Exclusion Policy

## Introduction

By working with parents and pupils we aim to create a community where children feel safe and secure whilst learning to become good members of society. We encourage children to take responsibility for their own behaviour. The Schools will apply this policy consistently and fairly.

All pupils in our Schools benefit when behaviour is good. High standards of behaviour are important in helping children feel safe and learn well, and parents and carers play a key part in this. We expect parents and carers fully to support the Schools in the application of this policy and pupils to do their best to keep high standards of behaviour.

The standards of behaviour expected at Purley Primary School are clearly set out in the Behaviour Policy, and reinforced through the positive ethos of our Schools. There is a focus on promoting positive behaviour, helping to build self-discipline and encouraging respect for others. However, this policy outlines what we will do if a child's behaviour falls below these standards.

## Alternatives to Exclusion

The decision to exclude is rare and is an acknowledgement by the Headteacher that the Schools have exhausted all available strategies for dealing with the child: exclusion should normally be used as a last resort.

Effective policies, procedures and training minimise the number of pupils at risk of either permanent or fixed period exclusion. For those at risk, additional measures could include:

- the school engaging more closely with parents.
- temporary change of teaching class.
- temporary or part-time placement in a Pupil Referral Unit or with a voluntary / private sector alternative provider, where the pupil can receive educational provision intended to improve their behaviour.
- a 'managed move' to another school, with the consent of all parties involved, in circumstances where it is in the best interests of the pupil concerned. Within West Berkshire, referral to the Pupil Placement Panel would normally be appropriate. 'Fresh Start moves' (formerly, Managed moves') can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion (see DfE Guidance paragraph 14).
- consideration by school staff of possible interventions within the school.
- assessment of special educational needs, including possible placement in a special school.
- initiating a Help for Families (HFF) review to help identify the child's needs as early as possible and agree what support is appropriate. Resulting early intervention should help reduce the risk of problems reaching the point where exclusion is considered necessary.
- allocation of a key worker such as a Learning Mentor, Education Welfare Officer or member of the Behaviour and Education Support Team.

- referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service.

In all cases where a child is receiving support from more than one agency, one practitioner should act as the 'lead professional' to coordinate support and provide a single point of contact for the child and family.

The following paragraphs are adapted for convenience from and do not supersede the DfE Guidance: *Exclusion from Maintained Schools, Academies and Pupil Referral Units in England* (June 2012). Accordingly, those subject to this policy should refer to the DfE Guidance before taking action.

## The Headteacher's power to exclude

1. Only the Headteacher (or Acting Headteacher) of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year, or permanently). A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
2. **Lunchtime.** Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered. *Taking into account the child's age and vulnerability, the Headteacher will ensure that a parent/carer is available to collect and supervise the child during lunchtime exclusion. Arrangements will be made for pupils entitled to free school meals to receive their entitlement by providing a packed lunch.*
3. **Outside School.** The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the Schools' published behaviour policy.
4. **Withdrawing Exclusion.** The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.
5. **Guiding Principles.** Any decision of our Schools, including exclusion, must be made in line with the principles of administrative law, i.e. that it is lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair and proportionate.
6. **Duty of Care.** The Headteacher must take account of the legal duty of care when sending a pupil home following an exclusion.
7. **Standard of Proof.** When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
8. **Equality.** Under the Equality Act 2010 ("the Equality Act") we must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, because of a pregnancy /

maternity or because of a gender reassignment. For disabled children, this includes our duty to make reasonable adjustments to policies and practices.

9. **Equality Duties.** In carrying out our functions under the Equality Act, the public sector equality duty means our School must also have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

10. **Avoiding Discrimination.** These duties need to be taken into account when deciding whether to exclude a pupil. As a school, we must also ensure that our policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

11. **Special Educational Needs and Disabilities (SEN,D).** We, the Headteacher and Governing Body, must take account of our statutory duties in relation to special educational needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

## **Unlawful Exclusion**

12. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as academic attainment / ability, the action of a pupil's parents or the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly disobey their teachers' academic instructions could, however, be subject to exclusion.

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

14. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

## **Statutory guidance on factors that the Headteacher should take into account before taking the decision to exclude**

15. A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach, or persistent breaches, of the school'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.
16. The decision on whether to exclude is for the Headteacher to take. However, where practical, the Headteacher should give pupils an opportunity to present their case before taking the decision to exclude.
  17. Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
  18. Our early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Headteacher should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.
  19. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, the Headteacher should consider whether exclusion is providing an effective sanction.

### **Statutory guidance to Headteachers on the exclusion of pupils from groups with disproportionately high rates of exclusion**

20. The exclusion rates for certain groups of pupils are consistently higher than average. This includes pupils with SEN, pupils eligible for Free School Meals, looked after children and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are Gypsy / Roma, Travellers of Irish Heritage and Black Caribbean communities.
21. In addition to the approaches on early intervention set out above, the Headteacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.

### **Statutory guidance to Headteachers on the exclusion of pupils with statements of SEN and looked after children**

22. As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with statements of SEN and looked after children. The Headteacher should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a looked after child.
23. Our School should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, we should co-

operate proactively with foster carers or children's home workers and the local authority that looks after the child.

24. Where we have concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child we should, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEN, we should consider requesting an early annual review or interim / emergency review.

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

### **Informing parents about an exclusion**

25. Whenever the Headteacher excludes a pupil she must, without delay, notify parents of the period of the exclusion and the reasons for it.
26. She must also, without delay, provide parents with the following information in writing:
- the reasons for the exclusion.
  - the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent.
  - parents' right to make representations about the exclusion to the governing body (in line with the requirements set out in paragraphs 50 to 57) and how the pupil may be involved in this.
  - how any representations should be made, and
  - where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
27. Written notification of the information in paragraph 26 can be provided by delivering it directly to the parents, leaving it at their last known address, or by posting it to this address.
28. Where an excluded pupil is of compulsory school age the Headteacher must also notify parents without delay, and by the end of the afternoon session:
- that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
29. If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:
- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion.

- the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant.
  - the address at which the provision will take place, and
  - any information required by the pupil to identify the person he / she should report to on the first day.
30. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.
31. The information in paragraphs 28 and 29 must be provided in writing but can be provided by any effective method (paragraph 35 provides guidance on this issue).
32. The failure of a headteacher to give notice of the information in paragraphs 28 and 29 by the required time does not relieve the Headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.
33. Parents must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required.

## **Statutory guidance to Headteachers on informing parents about an exclusion**

34. When notifying parents about an exclusion, the Headteacher should set out what arrangements have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school, in line with the guidance in paragraphs 48 and 49.
35. For notifications under paragraphs 28 and 29, effective methods for providing the information may include email or text message, giving the notice directly to the parents or sending the information home with the excluded pupil. Where information is sent home with a pupil, the Headteacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.
36. When notifying parents about an exclusion the Headteacher should draw attention to relevant sources of free and impartial information. This information should include:
- a link to this statutory guidance on exclusions:  
<https://www.gov.uk/government/publications/school-exclusion>

- a link to the Coram Children’s Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) (telephone: 08088 020 008), and
  - where considered relevant by the Headteacher, links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).
37. The Headteacher should ensure that information provided to parents is clear and easily understood. Where the parents’ first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents’ right to make representations to the governing body have been understood.

## **The Headteacher’s duty to inform the Governing Body and the Local Authority about an exclusion**

38. The Headteacher must, without delay, notify the Governing Body and the Local Authority of:
- a permanent exclusion (including where a fixed period exclusion is made permanent).
  - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term, and
  - exclusions which would result in the pupil missing a public examination or national curriculum test.
39. For all other exclusions the Headteacher must notify the Local Authority and Governing Body once a term.
40. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.
41. In addition, within 14 days of a request, the Governing Body must provide to the Secretary of State and the Local Authority, information about any exclusions within the last 12 months.
42. For a permanent exclusion, if the pupil lives outside the Local Authority in which the Schools are located, the Headteacher must also advise the pupil’s ‘Home Authority’ of the exclusion without delay.

## **The Governing Body’s and Local Authority’s duties to arrange education for excluded pupils**

43. For a fixed period exclusion of more than five school days, the Governing Body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.
44. For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil’s ‘Home Authority’ in cases where the school is maintained by (or located within) a different Local Authority.



45. In addition, where a pupil has a statement of SEN, the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.
46. Local Authorities must have regard to the statutory guidance, *Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities* when carrying out their duties in relation to the education of looked after children.
47. Provision does not have to be arranged by either the Schools or Local Authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

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

48. It is important for our School to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on the Governing Body or Local Authority is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, our School and the Local Authority should work together to arrange alternative provision from the first day following the exclusion.
49. Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, our School should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside school.

## **The Governing Body's duty to consider an exclusion**

### **The requirements on a Governing Body to consider an exclusion**

50. The Governing Body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Appendix 1 of this guidance, *A summary of the governing body's duties to review the Headteacher's exclusion decision*).
51. The Governing Body may delegate their functions with respect to the consideration of an exclusion decision to a designated committee (the Pupil Discipline Committee) consisting of at least three governors.
52. The Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
  - the exclusion is permanent.
  - it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term, or

- it would result in a pupil missing a public examination or national curriculum test.
53. If requested to do so by the parents, the Governing Body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.
54. Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the Governing Body, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the Governing Body and must be made aware of this right.
55. The following parties must be invited to a meeting of the Governing Body and allowed to make representations:
- parents.
  - the Headteacher, and
  - a representative of the Local Authority.
56. The Governing Body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, the Governors' decision will not be invalid simply on the grounds that it was not made within these time limits.
57. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

### **Statutory guidance to governing bodies in preparing for the consideration of an exclusion decision**

58. Where the Governing Body is legally required to consider the decision of the Headteacher to exclude a pupil they should:
- not discuss the exclusion with any party outside of the meeting.
  - ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
  - where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
  - allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting).

- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations), and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding, or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

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

59. Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the Governing Body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

### **The requirements on a Governing Body when considering the reinstatement of an excluded pupil**

60. Where the Governing Body is legally required to consider an exclusion the Governors must 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.

61. The governing body must also consider any representations made by:

- parents.
- the Headteacher, and
- a representative of the Local Authority.

62. When establishing the facts in relation to an exclusion decision the Governing Body must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the Governing Body can either:

- uphold an exclusion, or
- direct reinstatement of the pupil immediately or on a particular date.

63. Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Governing Body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

## **Statutory guidance to Governing Bodies on the consideration of an exclusion decision**

64. The Governing Body should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own exclusion or giving evidence to the Governing Body. (*A suggested procedure is set out at Appendix 2*).
65. The Governing Body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Governors. These minutes should be made available to all parties on request.
66. The Governing Body should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the Governing Body by reference to his / her notes of the meeting and with the wording of the decision letter.
67. In reaching a decision on whether or not to reinstate a pupil, the Governing Body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.
68. The Governing Body should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.
69. In cases where the Governing Body considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.
70. Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, the Schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

## **The Governing Body's duty to notify people after their consideration of an exclusion**

71. Where legally required to consider an exclusion, the Governing Body must notify parents, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different Local Authority from the one that maintains the school, the Governing Body must also inform the pupil's 'Home Authority'.
72. In the case of a permanent exclusion the Governing Body's notification must also include the information below:
  - The fact that it is permanent.
  - Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel and the following information:

- a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Governing Body's decision was given to parents – see paragraph 74).
  - b) the name and address to whom an application for a review (and any written evidence) should be submitted.
  - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.
  - d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the Local Authority to appoint an SEN expert to attend the review.
  - e) details of the role of the SEN expert and that there would be no cost to parents for this appointment.
  - f) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review, and
  - g) that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
  - That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

73. The Governing Body may provide the information in paragraphs 71 and 72 by: delivering it directly to parents, leaving it at their last known address, or by posting it to this address.

74. Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

### **Statutory guidance to Governing Bodies on providing information to parents following their consideration of an exclusion**

75. The Governing Body should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

76. Where relevant, it will be for schools to confirm the details of where the parents' application for an Independent Review Panel should be sent: this is normally to the clerk of the Independent Review Panel.

77. In providing details of the role of the SEN expert, the governing body should refer to the statutory guidance provided to SEN experts in paragraphs 155 to 158 of the DfE's *Exclusion Guidance*.

78. Where the Governing Body decides to uphold an exclusion they should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision to uphold an exclusion and should include:

- a link to this statutory guidance on exclusions: Exclusion Guidance.
- a link to guidance on making a claim of discrimination to the First-tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.
- a link to the Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) (telephone: 08088 020 008), and,
- where considered relevant by the governing body, links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).

## **The Headteacher's duty to remove a permanently excluded pupil's name from the school register**

79. The Headteacher must remove a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision to uphold a permanent exclusion and no application has been made for an Independent Review Panel, or
- the parents have stated in writing that they will not be applying for an Independent Review Panel.

80. Where an application for an Independent Review Panel has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

81. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

## **Statutory guidance to schools on marking attendance registers following exclusion**

82. Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E.

## **The Local Authority's duty to arrange an Independent Review Panel**

### **Arranging a date and venue**

83. If applied for by parents within the legal time frame, the Local Authority must, at their own expense, arrange for an Independent Review Panel hearing to review the decision of a Governing Body not to reinstate a permanently excluded pupil.
84. The legal time frame for an application is:
- within 15 school days of notice being given to the parents by the Governing Body of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 74), or
  - where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.
85. Any application made outside the legal time frame must be rejected by the Local Authority.
86. The Local Authority must not delay or postpone arranging an Independent Review Panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.
87. Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the Governing Body considered the exclusion.
88. The Local Authority must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the Local Authority received the parent's application for a review (Panels have the power to adjourn a hearing if required).
89. The Local Authority must arrange a venue for hearing the review, which must be in private unless the Panel directs otherwise.
90. Where the issues raised by two or more applications for review are the same, or connected, the Panel may combine the reviews if, after consultation with all parties, there are no objections.

## **The Governing Body's duty to reconsider an exclusion decision following a review**

91. Where the Panel directs or recommends that the Governing Body reconsiders their decision, the Governing Body must reconvene to do so within 10 school days of being given notice of the Panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.
92. If, following a direction to reconsider, the Governing Body does not offer to reinstate the pupil within 10 school days of being notified of the Panel's decision, an adjustment may be made to the school's budget in the sum of £4,000. This payment will be in addition to any funding that would normally follow an excluded pupil.

93. If the Governing Body offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget. The Governing Body must comply with any direction of the Panel to place a note on the pupil's educational record. This includes noting that, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice or, in the case of a community or voluntary controlled school, the Governing Body may appeal against the decision of the Local Authority as the admission authority to admit the child.
94. In the case of either a recommended or directed reconsideration, the Governing Body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:
- the parents.
  - the Headteacher.
  - the Local Authority and, where relevant, the 'Home Authority'.

## **Statutory guidance to Headteachers, Governing Bodies, Independent Review Panel members and clerks on police involvement and parallel criminal proceedings**

95. Headteachers need not postpone taking a decision on an exclusion solely because a police investigation is underway and / or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to her at the time.
96. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should give particular consideration to ensuring that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make.
97. Where the Governing Body is required to consider the Headteacher's decision in these circumstances they cannot postpone their meeting and must decide whether or not to reinstate the pupil on the evidence available.
98. The fact that parallel criminal proceedings are in progress should also not directly determine whether an Independent Review Panel should be adjourned.
99. Where a Panel decides to adjourn, the clerk will be responsible for monitoring the progress of any police investigation and / or criminal proceedings, as well as for reconvening the Panel at the earliest opportunity.



# Purley Primary School

The vast majority of our pupils are co-operative, polite and well-balanced children. Their parents are usually supportive of the Schools, co-operating fully when consulted about the behaviour of their children.

This policy has been written with due regard for:

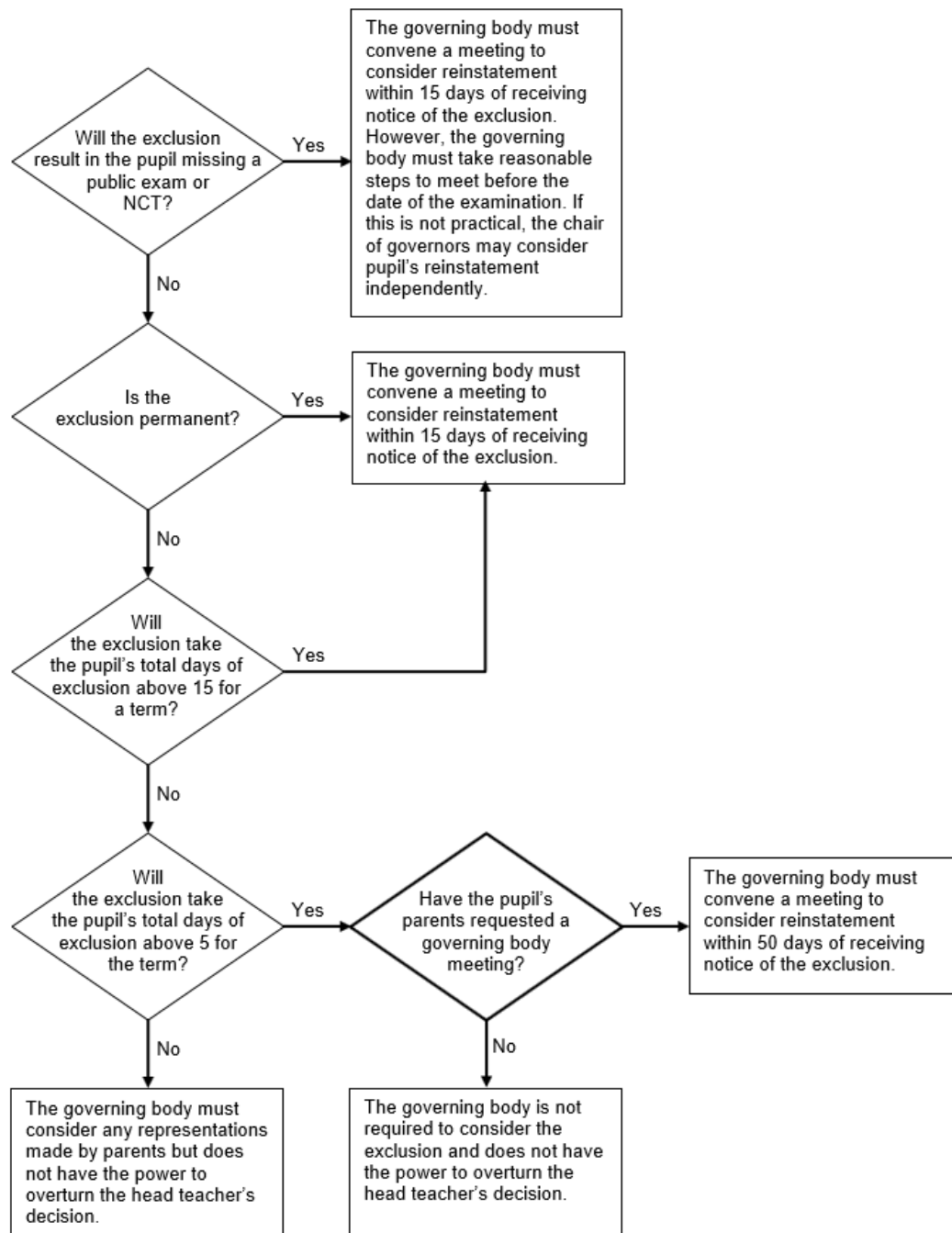
- The guidance issued by DfE in 'Exclusion from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to exclusion' – June 2012
- The Disability Discrimination Act 1995
- The Special Needs Code of Practice
- The Education of Children and Young People with Behavioural, Emotional and Social Difficulties as a Special Educational Need
- The Duty to Promote Race Equality: A guide for Schools
- Supporting Looked After Learners – A Practical Guide

Policy Agreed: November 2014    Review Date: in line with behaviour policy

**Chair of Governors .....**

Appendix 1

A summary of the Governing Body's duties to review the Headteacher's exclusion decision.



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

## **Appendix 2 – Model Letters**

### **Model Letters:**

Model letter 1 - From the Headteacher, notifying Parent(s) of a fixed-period exclusion of five school days or fewer in one term, and where a public examination is not missed.

Model letter 2 - From the Headteacher, notifying Parent(s) of a pupil of that pupil's fixed period exclusion of more than five school days (up to and including 15 school days) in a term.

Model letter 3 - From Headteacher, notifying Parent(s) of a fixed-period exclusion of more than 15 school days in total in one term.

Model letter 4 - From the Headteacher, notifying Parent(s) of that pupil's permanent exclusion.

Model letter 5 - From the Clerk to the Governing Body to the Parent(s) to Notify a Meeting of the Governors' Pupil Discipline Committee to Consider an Exclusion.

Short Guide to the Procedure – Governing Body's Pupil Discipline Committee.

Model letter 6 - From the Clerk to the Governing Body to the Parent(s), upholding a permanent exclusion.

Model letter 7 - From the Clerk to the Governing Body to the Parent(s) when the Pupil Discipline Committee has not upheld a permanent exclusion.

**Model letter 1 - From the Headteacher, notifying Parent(s) of a fixed-period exclusion of five school days or fewer in one term, and where a public examination is not missed.**

[Date]

[Name(s) and Address(es) of Parent(s)]

Dear [Parents' Name(s)]

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

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

You are legally required 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 (or until the start date of any alternative provision where this is earlier). I must advise you that you may receive a fixed penalty notice from or be prosecuted by the Local Authority if your child is present in a public place during school hours on the specified dates.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion. **[detail the arrangements for this]**. Please ensure that work set by the School is completed and returned to us promptly for marking. We will expect **[Child's Name]** to return to School on **[specify date and time]** and will meet with you then to discuss how we may work with you to enable **[Child's Name]** to re-integrate successfully into school.

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

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 have the right to make representations about this decision to the Governing Body. As parents, you have a right to request that the Governors' Pupil Discipline Committee meet to consider my decision to exclude, however, in cases of exclusion of no more than five days in a term, the Committee is not required to meet with you. If the Committee chooses to meet with you, you have the right to be represented at that meeting (at your own expense), and to bring a friend. The latest date by which the Pupil Discipline Committee must meet, if you make representations, is **[specify date — no later than the 50th school day after the date on which the Pupil Discipline Committee were notified of this exclusion]**. The Governing Body will make reasonable endeavours to arrange the meeting for a date and time convenient to all parties but in compliance with the statutory time limits. If you wish to make representations, for example, if you wish to ask the Committee to consider your views on the exclusion, please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the Governing Body has no power to direct reinstatement in cases of exclusion of no more than five days in a term, they must consider any

representations you make and may place a copy of their findings on your child's school record. You will, if you choose to make representations, be notified by the Clerk to the Governing Body of the time, date and location of the Committee's meeting and, subsequently, of their decision. You may request a copy of the minutes of their meeting.

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right, up to six months after the discrimination is alleged to have occurred, to appeal, and/or make a claim, to the First-tier Tribunal or to the County Court (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). You may find useful HM Courts and Tribunals Service booklet *How to claim against disability discrimination in schools - a guide for parents* (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>). Making an appeal or claim would not affect your right to make representations to the Governing Body.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free and impartial information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The Advice Line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. **[insert reference to local sources of independent advice if known, e.g., Parent Partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk).)]**

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

Yours sincerely,

**[Name]**  
Headteacher

**Model letter 2 - From the Headteacher, notifying Parent(s) of a pupil of that pupil's fixed period exclusion of more than five school days (up to and including 15 school days) in a term.**

**[Date]**

**[Name(s) and Address(es) of Parent(s)]**

Dear **[Parents' Name(s)]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

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

You are legally required 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 (or until the start date of any alternative provision where this is earlier). I must advise you that you may receive a fixed penalty notice from or be prosecuted by the Local Authority if your child is present in a public place during school hours on the specified dates.

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

From the **[sixth school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. The morning session starts at **[give time]** and the afternoon ends at **[give time]**. **[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]**.

We will expect **[Child's Name]** to return to School on **[specify date and time]** and will meet with you then to discuss how we may work with you to enable **[Child's Name]** to re-integrate successfully into school.

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

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 have the right to make representations about this decision to the Governing Body. As parents, you have a right to attend a meeting of the Governors' Pupil Discipline Committee, who will consider my decision to exclude, to be represented at that meeting (at your own expense), and to bring a friend. If you wish to make representations, for example, if you wish to ask the Committee not to uphold the exclusion and to reinstate your child in school, please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. The latest date by which the Pupil Discipline Committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the Pupil Discipline Committee were notified of this exclusion]**. The Governing Body will make reasonable endeavours to arrange the meeting for a date and time convenient to all parties but in compliance with the statutory time limits. Where an exclusion is for more than five school days in a single term, the Pupil Discipline Committee has power to review my decision and to direct reinstatement; they must consider any representations you make and may place a copy of their findings on your child's school record. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the Committee's meeting and, subsequently, of their decision. You may request a copy of the minutes of their meeting.

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right up to six months after the discrimination is alleged to have occurred to appeal, and/or make a claim, to the First-tier Tribunal or to the County Court (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). You may find useful HM Courts and Tribunals Service booklet *How to claim against disability discrimination in schools - a guide for parents* (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>). Making an appeal or claim would not affect your right to make representations to the Governing Body.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free and impartial information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The Advice Line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. **[insert reference to local sources of independent advice if known, e.g., Parent [www.parentpartnership.org.uk](http://www.parentpartnership.org.uk).]**

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

Yours sincerely,

**[Name]**  
Headteacher

**Model letter 3 - From the Headteacher, notifying Parent(s) of a fixed-period exclusion that brings the total exclusion to more than 15 school days in one term.**

[Date]

[Name(s) and Address(es) of Parent(s)]

Dear [Parents' Name(s)]

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

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

You are legally required 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 (or until the start date of any alternative provision where this is earlier). I must advise you that you may receive a fixed penalty notice from or be prosecuted by the Local Authority if your child is present in a public place during school hours on the specified dates.

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

**[If the individual exclusion is for more than five days]**

From the **[sixth school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. The morning session starts at **[give time]** and the afternoon ends at **[give time]**. **[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]**.

We will expect **[Child's Name]** to return to School on **[specify date and time]** and will meet with you then to discuss how we may work with you to enable **[Child's Name]** to re-integrate successfully into school.

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

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.

As the length of exclusion is more than 15 school days in total in one term the Governing Body's Pupil Discipline Committee must meet to consider the decision to exclude. As parents,



you have a right to attend this meeting of the Pupil Discipline Committee, to be represented at this meeting (at your own expense), and to bring a friend. If you wish to make representations, for example, if you wish to ask the Committee not to uphold the exclusion and to reinstate your child in school, please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. The latest date by which the Pupil Discipline Committee must meet is **[date here — no later than 15 school days from the date the Governing Body is notified of this exclusion]**. The Governing Body will make reasonable endeavours to arrange the meeting for a date and time convenient to all parties but in compliance with the statutory time limits. Where an exclusion is for more than five school days in a single term, the Pupil Discipline Committee has power to review my decision and to direct reinstatement; they must consider any representations you make and may place a copy of their findings on your child's school record. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the Committee's meeting and, subsequently, of their decision. You may request a copy of the minutes of their meeting.

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right up to six months after the discrimination is alleged to have occurred to appeal, and/or make a claim, to the First-tier Tribunal or to the County Court (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). You may find useful HM Courts and Tribunals Service booklet *How to claim against disability discrimination in schools - a guide for parents* (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>). Making a claim would not affect your right to make representations to the Governing Body.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free and impartial information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The Advice Line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. **[insert reference to local sources of independent advice if known, e.g., Parent Partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk).)]**

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

Yours sincerely,

**[Name]**  
Headteacher

**Model letter 4 - From the Headteacher, notifying the Parent(s) of that pupil's permanent exclusion.**

**[Date]**

**[Name(s) and Address(es) of Parent(s)]**

Dear **[Parents' Name(s)]**

I regret to inform you of my decision permanently to exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless **[he/she]** is reinstated by the Governing Body, its Pupil Discipline Committee or as a result of an Independent Review Panel.

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

You are legally required 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 (or until the start date of any alternative provision where this is earlier). I must advise you that you may receive a fixed penalty notice from or be prosecuted by the Local Authority if your child is present in a public place during school hours on the specified dates.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. We will set work for **[Child's Name]** during the **[first five or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by this school is completed and returned to us promptly for marking.

From the **[sixth school day of the pupil's exclusion] [specify date]** West Berkshire Local Authority will provide suitable full-time education. On **[date] [Child's Name]** 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]**. The morning session starts at **[give time]** and the afternoon ends at **[give time]**. **[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]**.

**[Where the pupil lives in a Local Authority other than West Berkshire]** I have also today informed **[name of officer]** at **[name of Local Authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth day.

As this is a permanent exclusion, the Governing Body's Pupil Discipline Committee must meet to consider the decision to exclude. As parents, you have a right to attend this meeting of the Pupil Discipline Committee, to be represented (at your own expense), and to bring a friend. At the meeting you may make representations to the Pupil Discipline Committee, for example, if you wish to ask the Committee not to uphold the exclusion and to reinstate your child in school. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. The latest date by which the Pupil Discipline Committee must meet is **[date here — no later than 15 school days from the date the Governing Body is notified of this exclusion]**. The Governing Body will make reasonable endeavours to arrange the meeting for a date and time convenient to all parties but in compliance with the statutory time limits. Where an exclusion is for more than five school days in a single term, the Pupil Discipline Committee has power to review my decision and to direct reinstatement; they must consider any representations you make and may place a copy of their

findings on your child's school record. The Pupil Discipline Committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion. If the permanent exclusion is upheld, you may apply to the Independent Review Panel to review the Committee's decision. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the Committee's meeting and, subsequently, of their decision. You may request a copy of the minutes of their meeting.

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right up to six months after the discrimination is alleged to have occurred to appeal, and/or make a claim, to the First-tier Tribunal or to the County Court (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). You may find useful HM Courts and Tribunals Service booklet *How to claim against disability discrimination in schools - a guide for parents* (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>). Making a claim would not affect your right to make representations to the Governing Body.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>.

You may wish to contact **[Name]** at **[LA name]** LA on/at **[contact details — address, phone number, email]**, who can provide advice.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free and impartial information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The Advice Line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. **[insert reference to local sources of independent advice if known, e.g., Parent Partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk))]**

Yours sincerely,

**[Name]**  
Headteacher

**Model letter 5 - From the Clerk to the Governing Body to the Parent(s) to Notify a Meeting of the Governors' Pupil Discipline Committee to Consider an Exclusion.**

[Date]

[Name(s) and Address(es) of Parent(s)]

Dear [Parents' Name(s)]

**Governing Body's Pupil Discipline Committee meeting to consider (Fixed Term/Permanent) Exclusion**

I am writing, further to [ **Headteacher's Name**]'s letter of [date], to inform you that the Governing Body's Pupil Discipline Committee will be holding a meeting on [date] at [time] to consider [child's name]'s [Fixed Term or Permanent] exclusion. The meeting will be held in the Headteacher's office at Purley Primary School. Please arrive at Reception and someone will welcome you and take you through. There is opportunity for [child's name] to come with you to this meeting and to speak to the Committee if they wish to do so.

The Committee will be chaired by [Name], sitting with [Name] and [Name]. Please contact me on the number above if you have any doubts about the impartiality of any of the Committee members. We have asked that a Local Authority representative attend and we will tell you their name as soon as possible. Please find attached a short guide to the procedure; this meeting is necessarily formal but will be as relaxed as possible. [Headteacher's name] will explain to the Governors why [child's name] has been excluded from school and you will be able to ask her questions about her decision if you wish.

If you would like to make a representation to the Committee, - and if you wish to be accompanied by a friend or representative (at your own expense), - please contact me as soon as possible. We ask that any written statement be sent to me by [date 7 days ahead of Meeting] so that all parties at the meeting may be sent copies at least 5 days beforehand.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>.

As [ **Headteacher's Name**] said in her letter on [date], you may wish to speak with [Name], Principal Education Welfare Officer at West Berkshire Local Authority on/at [contact details — address, phone number, email], who can provide advice.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right up to six months after the discrimination is alleged to have occurred to appeal, and/or make a claim, to the First-tier Tribunal or to the County Court (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). You may find useful HM Courts and Tribunals Service booklet *How to claim against disability discrimination in schools - a guide for parents* (<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>). Making a claim would not affect your right to make representations to the Governing Body.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free and impartial information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The Advice Line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January. [insert reference to local sources of independent advice if known, e.g., Parent Partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk).)

Yours sincerely,

**[Name]**

Clerk to the Governing Body  
Purley Primary School

## Short Guide to the Procedure – Governors’ Pupil Discipline Committee

### PURLEY PRIMARY SCHOOL

Pupil – [Name in full]

School Exclusion Appeal – [Date]

Location [e.g., Headteacher’s Office] at [e.g. 9.15am start]

Committee:	[Name]	(e.g. Co-opted Governor) (Chairman)
	[Name]	(e.g. LA Governor)
	[Name]	(e.g. Foundation Governor)

#### PROCEDURE:

**1. Introduction by Chair of Committee and by all.**

**2. Representation by Headteacher**

After representation, all other parties will have an opportunity to question her, as will Committee Members.

**3. Representation by the Parent(s)**

After representation, all other parties will have an opportunity to question the Parent(s), as will Committee Members.

**4. Representation by Officer nominated by the Local Authority [Name or *To Be Notified, if appropriate*]**

After representation, all other parties will have an opportunity to question the representative, as will Committee Members.

**5. Closing submissions by the Headteacher and the Parent(s).**

**6. All parties withdraw so that the Committee may make their decision.**

**The Committee’s Decision will be sent by post to all parties within one school day of the meeting, stating the reasons for the Decision. A copy of the minutes of the meeting is available on request.**

**Model letter 6 - From the Clerk to the Governing Body to Parent(s) when the Pupil Discipline Committee has upheld a permanent exclusion.**

[Date]

[Name(s) and Address(es) of Parent(s)]

Dear [Parents' Name(s)]

The meeting of the Governing Body's Pupil Discipline Committee at [school] on [date] considered the decision by [the Head teacher/] permanently to exclude your [son/daughter], [name of pupil]. The Committee, after carefully considering the representations made and all the available evidence, has decided to uphold [name of pupil]'s exclusion.

The reasons for the Pupil Discipline Committee's decision are as follows: **[give the specific reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to apply for an Independent Review Panel to consider this decision. Please notify **[name of the clerk to the Independent Review Panel and address, telephone and email]** if you wish to do so. You must set out the reasons for your application in writing, and, if appropriate, may also include reference to any disability discrimination claim you may wish to make, and send this application to [address] by no later than **[specify the latest date — the fifteenth school day after receipt of this letter]**. If you have not lodged your application by **[repeat latest date]**, you will lose your right to apply for a Review. However, if you are making a claim of discrimination under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) or County Court in relation to the exclusion, the application for an Independent Review Panel must be made within 15 school days of the final determination by the First-tier Tribunal (Special Educational Needs and Disability) or Court.

Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[name of the clerk to the Independent Review Panel]** if it would be helpful for you to have an interpreter present at the hearing.

Your Review will be heard by an Independent Review Panel, which can also consider issues of discrimination in reaching its decision. A three-member panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor/ management committee member and one lay member who will be the Chairman. **[Use the following if there is a possibility that a five-member panel may sit: A five-member panel will comprise two serving or recently retired (within the last five years) headteachers, two serving or recently serving, experienced governors and one lay member who will be the Chairman.]** You have the right to request that the Local Authority appoint at their expense an SEN expert to attend the Panel, regardless of whether the School recognises that your child has SEN; the SEN expert's role is set out in paragraphs 155-158 of the DfE Guidance. The Independent Review Panel will rehear 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 fifteenth school day after the date on which your application is lodged. In exceptional circumstances, Panels may adjourn the hearing until a later date.

In determining your application the Panel can make one of three decisions: they may uphold your child's exclusion, they may recommend that the Governing Body reconsiders their decision, or may quash the decision and direct that the Governing Body considers the decision again. The Independent Review Panel's decision is binding on the pupil, parents, Governing Body, Headteacher, and Local Authority.

The DfE Guidance on Exclusions which sets out the procedures that we follow is available at <http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20q>

[uide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf](#).

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

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

Yours sincerely,

**[Name]**

Clerk to the Governing Body



**Model letter 7 - From the Clerk to the Governing Body to Parent(s) when the Pupil Discipline Committee has not upheld a permanent exclusion.**

**[Date]**

**[Name(s) and Address(es) of Parent(s)]**

Dear **[Parents' Name(s)]**

The meeting of the Governing Body's Pupil Discipline Committee at **[school]** on **[date]** considered the decision by **[the Head teacher]** permanently to exclude your **[son/daughter]**, **[name of pupil]**. The Committee, after carefully considering the representations made and all the available evidence, has decided not to uphold **[name of pupil]**'s exclusion.

The reasons for the Pupil Discipline Committee's decision are as follows: **[give the specific reasons in as much detail as possible, explaining how they were arrived at.]**

We will expect **[Child's Name]** to return to School on **[specify date and time]** and will meet with you then to discuss how we may work with you to enable **[Child's Name]** to re-integrate successfully into school.

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

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.

As the Governing Body has directed reinstatement **[immediately, or on a particular date]**, we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely,

**[Name]**

Clerk to the Governing Body

## Appendix 3

### Procedure at the Governing Body's Pupil Discipline Committee

The Governing Body's Pupil Discipline Committee must comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to comply. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

The Pupil Discipline Committee's role is to review exclusions imposed by the Headteacher, who alone has the power to exclude. It follows that the Committee cannot increase the severity of an exclusion, for example, by extending the period of a fixed-term exclusion or by imposing a permanent exclusion in substitution for a fixed-term exclusion. The Committee can uphold an exclusion, or direct the pupil's reinstatement, either immediately or by a particular date. If the Committee cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they can place a copy of their findings on his or her school record. Governors should bear in mind that, in the case of a permanent exclusion, if an application for review is lodged, the Independent Review Panel can decide to:

- Uphold the exclusion decision.
- Recommend that the Governing Body reconsiders their decision, or
- Quash the decision and direct that the Governing Body considers the exclusion again.

The Independent Review Panel's decision is binding on the pupil, parents, Headteacher, Governing Body and Local Authority.

### Procedure at the Governors' Pupil Discipline Committee

The Governing Body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Pupil Discipline Committee. These minutes should be made available to all parties on request. The Pupil Discipline Committee should conduct the meeting as follows:

Following introductions, the clerk should explain the order in which the parties entitled to be heard will state their case (as previously notified to them) and that there will be an opportunity for questioning by the other parties after each presentation. The chair should then lead the Committee in establishing the relevant facts. Committee members may wish to ask questions to clarify an issue or to elicit more information. Questions from the Committee should generally be taken at the end of each party's statement and following questioning by the other parties.

Sufficient time must be allowed for each party to put their case. The Committee should ensure that the parent is given the opportunity to comment on relevant information obtained from the LA or Governing Body. Care must be taken to ensure that no party attending the hearing is present alone with the Committee in the absence of any other party.

The meeting cannot continue if the number of Committee members drops below three at any stage. In this event, the Committee may need to adjourn until its quorum is restored. Once the meeting has begun, no Committee member may be substituted by a new member for any reason. Accordingly, where a member cannot continue as a result of illness or death, a new Committee will have to be constituted.

Where the School's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the Committee. Where there are difficulties in retaining physical evidence, photographs or signed and dated witness statements are acceptable.

All parties may put forward new evidence about the event that led to the exclusion, including evidence that was not available to the Headteacher. All parties should be given the opportunity to respond to any such new evidence which has been put forward. However, the Headteacher may not introduce new reasons for the exclusion.

To reach a decision, the Committee will generally need to hear from those directly or indirectly involved. At the hearing the Committee may wish to call witnesses who saw the incident that gave rise to the exclusion. These may include any alleged victim or any teacher, other than the Headteacher, who investigated the incident and interviewed pupils. A teacher may be accompanied by a friend or representative.

In the case of witnesses who are pupils of the school, it will normally be more appropriate for the Committee to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and with their parent's consent. The Committee should be sensitive to the needs of child witnesses to ensure that the child's view is properly heard.

All written witness statements must be attributed and signed and dated, unless the school has good reason to wish to protect the anonymity of pupils, in which case they should at least be dated. The general principle remains that an accused person is entitled to know the substance and the source of the accusation. The Committee must consider what weight to attach to written statements, whether made by adults or pupils, as against oral evidence. They should bear in mind that a written statement may not encompass all the relevant issues, nor can the author be interrogated.

The calling of character witnesses is at the discretion of the Committee, but should be allowed unless there is good reason to refuse. It is for the Committee to decide whether any witnesses should stay for the rest of the hearing, but they should not be present before giving evidence.

Where an allegation of misconduct against the pupil is in dispute, the Committee should apply the 'balance of probabilities' standard of proof, i.e. whether it is more probable than not that the pupil did what he is accused of. However, the more serious the allegation, and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied, but it does mean that when investigating more serious allegations the Headteacher will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour, if relevant to the allegation) in determining whether it is distinctly more probable than not that the pupil has committed the offence. The Committee should allow and encourage the excluded pupil to attend the meeting and speak, subject to their age and understanding. They should allow the parent to be accompanied by a friend or legal representative at their request.

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

The Committee may ask the LA officer for advice. However, it should make its decision alone, asking the other parties, including the LA officer, to withdraw. The Clerk may stay with the Committee to help it by reference to the notes and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the Committee should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

Where the exclusion is for more than five school days in total in one term and where reinstatement is practical, the Committee should decide whether to direct reinstatement. In reaching its decision, the Committee should consider:

- a) any representations made by the parent, the pupil and the LA.
- b) whether, on a balance of probabilities, the pupil did what he or she is alleged to have done, and
- c) whether the Headteacher has complied with the law on exclusion and has had regard to the DfE guidance on exclusion.

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

The parents' right to make representations to the Committee is not affected in any way by the requirement for suitable full-time education to be provided from the sixth day of exclusion.

The Governing Body should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the Governing Body considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, the School should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.