



THE CONSORTIUM
ACADEMY TRUST

Exclusion Policy

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
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**NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is the correct version. The linked policies can be found at www.consortiumtrust.co.uk*

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The Consortium Academy Trust (“the Trust”) believes that in order to achieve its vision of success and fulfilment for every learner and enable effective education to take place, good behaviour in all aspects of academy life is necessary. The decision to exclude any learner therefore, will only be taken in exceptional circumstances and:

- In response to significant breaches of the Academy's Behaviour For Learning Policy
- If allowing the learner to remain in the Academy would seriously harm the education or welfare of the learner or others in the Academy.

In accordance with the Exclusions from maintained school, academies and pupil referral unit in England Statutory Guidance September 2017.

Legal Framework

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

- Education Act 2002
- 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

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’

Roles and Responsibilities

The decision to exclude a learner from the Academy can and will only be taken by the Headteacher or, in their absence a Deputy Headteacher, or the most Senior Member of staff to whom the authority to exclude has been delegated.

Deciding whether to exclude a learner

The decision to exclude a learner is a matter of judgement for the Headteacher, who will take into account the likely impact of the misconduct on the life of the Academy. This may include behaviour on the Academy premises, outside the Academy e.g. bus, journey home or during Academy visits and residential activities that is in breach of the standards of behaviour expected by the Academy.

Exclusion, whether internal, fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Academy Behaviour Policy:

- Actions which put the learner or others in danger
- Verbal abuse of staff and others
- Verbal abuse of learners
- Physical abuse of/attack on staff
- Physical abuse of/attack on learners
- Malicious accusations against members of staff
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another learner or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the learner's behaviour
- Persistent refusal to accept Academy sanctions

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that Exclusion is an appropriate and fair sanction.

Before reaching a decision to exclude either permanently, or for a fixed period, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the Academy's Behaviour For Learning and Equal Opportunities policies.
- make every effort to ensure that the learner makes or dictates a written statement to give their version of events
- check whether the incident may have been provoked, for example by racial or sexual harassment
- (if necessary) consult others, being careful not to involve anyone who may have a role in any statutory review of the decision, for example members of the Governing Body's Discipline Committee
- keep a written record of the actions taken, including any interview with the learner. Witness statements should be dated and signed, wherever possible.

Learner behaviour outside the Academy will be dealt with in the same way as behaviour inside the Academy where it is considered that there is a clear link between the inappropriate behaviour outside the Academy harming the education, welfare and discipline among the Academy community as a whole. Inappropriate learner behaviour in the immediate vicinity of the Academy or on the journey to and from the Academy may result in exclusion.

Before permanently excluding a Child Looked After the Headteacher will discuss with the appropriate Local Authority Virtual Headteacher the availability of suitable alternative provision elsewhere.

In all instances of exclusion the Headteacher will ensure that parents/carers are notified without delay of the exclusion and the reasons for it (Appendix 1-5 dependent on length)

Permanent Exclusions

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, the Headteacher might consider it appropriate to permanently exclude a child for a first or one-off offence where on the balance of probability the learner has contravened the Academy Behaviour Policy. Such circumstances might include, but are not limited to:

- Where there has been serious actual, attempted or threatened violence against another learner or member of staff
- Sexual misconduct
- Misuse of illegal drugs (support should also be sought for the learner)
- Supplying an illegal drug
- Carrying an offensive weapon with intent to cause harm
- Any severe form of bullying including racist, sexist or homophobic bullying
- Any action resulting in a serious health and safety issue.
- Any activity on the way to and/or from school which contravenes acceptable behaviour

In cases where a criminal offence has taken place, the Police may be informed and where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the learner.

Should the Headteacher decide to permanently exclude a learner, they will inform the child's home Local Authority Exclusions Officer, Chair of the Local Board of Governors and CEO at the earliest possible opportunity.

The LA will then ensure that all statutory duties regarding Sixth Day provision are met and communicate with the parent/carer the necessary arrangements within specified timeframes.

Fixed term exclusion

The Headteacher may exclude a learner for up to 45 days in any one school year.

No exclusion will be given for an unspecified period of time.

No fixed term exclusion will be extended, unless further evidence emerges on investigation. A fixed term exclusion will not be converted to a permanent exclusion. If new evidence emerges this must be a new sanction.

Procedures following a fixed term exclusion

The Headteacher will inform the parent/carer of the period of the exclusion and the reasons for it. During this process the Academy will ensure that the parent/carer is informed of their duties in the first five days.

Where the exclusion is for a period of between one and five days the Academy will set work and arrange for it to be marked where practically possible. Where a learner is given an exclusion of six 'school' days or longer the Academy will arrange suitable full-time education from and including the sixth day provided there are no health and safety risks in relation to the physical and emotional well-being of supervising staff. If a parent/carer or learner refuses the offer of suitable full time education, the Academy will not offer an alternative unless there are exceptional circumstances.

During the period of exclusion the Academy will consider strategies to address the learner's problems and identify any support that may be necessary to promote a successful reintegration.

The parent/carer has the right to make representations about the exclusion in writing to the Discipline Committee of the Local Governing Board.

Should any parent/carer refuse to comply with the terms of an exclusion, the Academy may notify the Social Services Department and the Police if, in the Headteacher's view, the learner or any other person may be at risk as a result of a failure to meet the terms of the exclusion or are at risk under safeguarding guidance. If the issues cannot be resolved, the Education Welfare Service will be contacted and the advice of the relevant Local Authority Exclusions Officer will be sought.

Lunchtime exclusion

Learners whose behaviour at lunchtime is disruptive may be excluded from the Academy premises for the duration of the lunchtime period. Any lunchtime exclusion will be treated in the same way as any other fixed term exclusion and parents/carers will be informed in the same way. Any learner entitled to a free meal will be offered a packed lunch.

Reintegration

A reintegration meeting with parents/carers will be held during or following the expiry of all fixed term exclusions. The learner should normally attend all or part of the meeting.

A fixed term exclusion will not be extended because a meeting with parents/carers cannot be arranged. In the event that a meeting with parents/carers cannot be arranged, the meeting will still be held with the learner and an appropriate adult. The Academy will keep a record if parents/carers fail to attend and any reason given.

Other considerations

The Academy will implement the Exclusion Policy with due regard to the implications arising from the Special Educational Needs and Disability Act 2001, the Race Relations (Amendment) Act 2000, the Human Rights Act 1998 and any other relevant legislation.

The Trust will be sensitive to the needs of children in public care when excludable incidents occur. Professional advice will always be sought and Social Services will be kept informed at the earliest opportunity.

Alternatives to exclusion

The Trust is committed to using exclusion as a last resort. Alternatives will always be considered and may include:

- restorative justice processes
- internal exclusion processes
- a managed move, in line with the locally agreed protocol.
- alternative provision

No learner will be excluded solely for:

- minor incidents e.g. failure to do homework
- poor academic performance
- lateness or truancy
- pregnancy

- additional need
- breaches of the Academy uniform rules except where these are persistent and/or in open defiance of the rules
- the behaviour of their parents/carers e.g. parents refusal or inability to attend meetings to discuss the behaviour of the learner.

Procedures for review and appeal

The Trust will ensure that provision for arrangements to review promptly all permanent exclusions and all fixed term exclusions totalling over 15 days in a term, is made. Where exclusion is more than 5, but not more than 15 school days in one term, the Local Governing Board will review the exclusion, within the statutory time frame, but only if the parent/carer requests such a meeting.

The Governing Board will consider any representations made by parents regarding exclusions.

Parents and, where requested, a friend or representative, and the Headteacher will attend any consideration of exclusions and will be able to make representations. The LA will be informed of the action taken and the meeting date, they are able to attend any consideration of exclusions and will be able to make representations. Any meeting to consider reinstatement of a learner will be arranged at a date and time where every effort will be made to ensure this is convenient for all parties, and in compliance with any statutory time limits.

In addition the learner may also be invited to attend and make their own representation, this would be on an age appropriate basis and is not required for the hearing to proceed

The Clerk to the panel will contact the invited representatives 24 hours before the scheduled hearing to confirm attendance and ensure that any equality issues can be addressed to support attendance. Where the parent/carer outlines they do not intend to make representation, this will be recorded in the minutes but the meeting will still proceed.

The Governing Board will consider the reinstatement of an excluded learner, where:

- The exclusion is permanent.
- The exclusion is fixed-period, and would bring the learner's total number of excluded school days to more than 15 in any given term.
- The exclusion would result in the learner missing a public examination.

In the case of a fixed-period exclusion where the learner's total number of excluded days is more than 5 but less than 15 school days within a term, if requested by the parents, the Governing Board will consider exclusions within 50 school days of receiving notification.

In the case of a fixed period exclusion, where the learner's total number of excluded school days does not amount to more than five, in the absence of any such representations, the Governing Board is not required to meet and cannot direct the reinstatement of the learner.

Where exclusion would result in a learner missing a public examination, the Governing Board will consider the exclusion before the test to decide whether the learner 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 learner.

In light of the above, the Governing Board will also consider whether it would be appropriate to allow the excluded learner to enter the premises to take the examination, which may be outside the usual examination time or, whether alternative collaborative arrangements can be made.

When considering the reinstatement of an excluded learner, the Governing Board 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 learners and parents 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 learner 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 learner, including the grounds for exclusion.

Headteachers are responsible for ensuring that all information regarding the exclusion and the learner's education history (where appropriate) is issued to the parents/carers and Governor Panel in a timely fashion (Appendix 6) but at least 5 working days prior to the hearing. In line with our commitment to safeguard personal data the information will be sent via personal email to the parent/carer, where they have given written (email acceptable) permission to receive the information in this fashion or by recorded delivery. For Governing Board Panel members, information will be emailed using their academy email account ONLY. Where the academy deems there may be a communication issue, they may determine that the parent/carer pack should be hand delivered to the home address. In all cases where information regarding a Permanent Exclusion is shared the issuer should ensure that a receipt/confirmation of receipt by email is received from all parties.

During a meeting of the Local Governing Board Disciplinary Committee to review the decision of the Headteacher, the Clerk will arrange:

- A panel of three Governors
- Identify a Chair of the Panel
- Arrange for a record of the hearing to be made
- Contact all parties 24 hours prior to the hearing to ensure attendance
- Confirm with parents/carers if they will be attending with a representative, ascertaining the name and role of the representative
- The Clerk must ensure prior to the meeting that the Headteacher and the parent/carer (and their representative) remain independent of the Panel to ensure no unrecorded conversation takes place which may impact on the integrity of the hearing.

The Chair must have empathy for the parent/carer during the hearing but has the responsibility to ensure that proceedings are conducted in line with the statutory guidance and agenda.

Reaching a Decision

After considering exclusions, the Governing Board will either:

- Decline to reinstate the learner
- Direct the reinstatement of the learner immediately, or on a specified date.

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

The Governing Board will apply the civil standard of proof when responding to the acts relating to an exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the Governing Board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the exclusion of the learner was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the Governing Board in relation to the decision to exclude.
- Record the outcome of the decision on the learner's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the learner.

Parents/carers will be notified of the decision of the panel verbally within 24 hours and then subsequently in writing by the Clerk. The written confirmation must include the exact reason for the decision of the panel, which must be agreed with the Chair. The written confirmation will include the right of appeal.

Where a parent/carer wishes to appeal, the Clerk must notify the Clerk to the Trust to arrange an Independent Review Panel within the statutory timeframe.

Duties of the Independent Review Panel

The role of the panel is to review the Governing Board's decision not to reinstate a permanently excluded learner. In reviewing the decision, the panel will consider the interests and

circumstances of the excluded learner, including the circumstances in which the learner was excluded, and have regard to the interests of other learners and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the decision and direct that the Governing Board 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 learner, parents, the Governing Board, Headteacher and the LA.

COVID 19 Addendum

When issuing a Fixed Term Exclusion of a length of time when sixth day provision is a statutory requirement academies must balance the public health risk and the legal requirement to provide education from day 6 of a fixed term exclusion. The provision can in the current extenuating circumstances be provided remotely, the type and location of provision which is being made available must be made clear to parents in the exclusion letter sent by the Headteacher.

This is not the case for Permanent Exclusion where the provision of sixth day education is to be provided by the child's home Local Authority and not the academy.

[The government has introduced regulations that change some of the procedures that must be followed in relation to an exclusion, to give greater flexibility to schools, parents and LAs during the coronavirus (COVID-19) outbreak. They apply to all maintained schools, academies (including alternative provision academies, but excluding 16-19 academies) and PRUs.

Some temporary changes have been made to the school exclusion process due to the coronavirus (COVID-19) pandemic. The arrangements and procedures that must follow a decision to exclude on disciplinary grounds, as set out in our wider Exclusion Policy above, remain unchanged unless noted within this appendix. This appendix sets out what these changes are and what this means for our exclusion procedures in practice.

1. Legal framework

This appendix has due regard to the related legislation and 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 expulsion process during the coronavirus (COVID-19) outbreak'

2. Application of arrangements

All exclusions occurring between 25 September 2020 and 24 September 2021 (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 2020 and 24 September 2021 will take place within the normal timescales set out in the main body of this policy.

The Governing Board and arranging authorities for independent review panels (IRPs) will take all reasonable steps to meet the normal timescales for exclusions occurring after 24 September 2020. In doing this, they will:

- Consider the DfE's 'Actions for schools during the coronavirus (COVID-19) outbreak'.
- 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.

3. Deciding whether a meeting should be held remotely

For exclusions occurring between 25 September 2020 and 24 September 2021 (inclusive), meetings of the Governing Board 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 Governing Board (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 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 Governing Board (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, the Governing Board 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 Governing Board or arranging authority will explain the technology they propose to use to participants and will ensure that the participants (particularly learners and their parents) know that they do not have to agree to a meeting being held via remote access.

Learners and parents 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 or learner 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.

Governing Boards, 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 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 Governing Board 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.

4. Applications for independent reviews of exclusions

This section applies to all exclusions occurring between 25 September 2020 and 24 September 2021 (inclusive).

Where the Governing Board declines to reinstate a learner who has been permanently excluded, their parents (or the learner if they are 18 or over) can apply for a review of this decision.

For exclusions covered under these arrangements, the deadline for applications will be increased to 25 school days from the date on which notice in writing of the Governing Board's decision was given to parents (or the learner if they are aged 18 or over).

The school will wait for the extended period of 25 school days to pass without an application having been made before deleting the name of the permanently excluded learner from the admissions register.

From Headteacher notifying parent /carer of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed.

Dear **[Parent/carer name]**

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

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

[for learners of compulsory school age]

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

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

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to:

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU

Fax: 0870 739 4017 Email: sendistqueries@hmcts.gsi.gov.uk If you need to contact us by telephone our number is: 01325 289350

[This paragraph applies if the Headteacher chooses to hold a reintegration interview.]

You **[and your child or learner's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a

suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed [not for parents of secondary aged learners]. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer at County Hall Beverley HU17 9BA.

Telephone 01482 392146 option 2. susan.pearce@eastriding.gov.uk or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA for advice on the guidance.

Telephone 01482 613348 email alyson.joyce@hullcc.gov.uk

You may also find it useful to contact the Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link:-
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

[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

From Headteacher notifying parent(s) /carers of a learner of that learner's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term

Dear **[Parent/carer name]**

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

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

[for learners of compulsory school age - next 3 paragraphs]

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 **[Child's Name]** during the **[first 5 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 5 days]

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

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

You should be aware that if you think the exclusion relates to a disability your child has, and

you think disability discrimination has occurred, you may make a claim to the Special Educational Needs and Disability Tribunal. The address to which claims should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the discipline committee.

(If a reintegration interview is going to be arranged)

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

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer at County Hall Beverley HU17 9BA

Telephone 01482 392146 option 2. susan.pearce@eastriding.gov.uk or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

Telephone 01482 613348 email alyson.joyce@hullcc.gov.uk

You may also find it useful to contact Children's Legal Centre 0845 345 4345 <http://www.childrenslegalcentre.com/> The advice line is open from 9.00 am to 6.30 pm Monday to Friday. They offer information and support on state education in England and Wales, including on exclusion from school.

Parents/carers of children with Special Educational needs and disability can contact, SENDIAS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

[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

From Headteacher notifying parent /carer of a fixed period exclusion of more than 15 school days in total in one term

Dear **[Parent /carer name]**

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

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

[for learners of compulsory school age – next 3 paragraphs]

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

We will set work for **[Child's Name]** during the **[first five school days 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]

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

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

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to the Special Educational Needs and Disability Tribunal. The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would

not affect your right to make representations to the governing body/management committee.

(If the Headteacher chooses to hold a reintegration interview)

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

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer at County Hall Beverley HU17 9BA

Telephone 01482 392146 option 2. susan.pearce@eastriding.gov.uk or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

Telephone 01482 613348 email alyson.joyce@hullcc.gov.uk

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Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

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

Yours sincerely

[Name]
Headteacher

From the Headteacher of a primary, secondary or special school notifying the parent(s)/carers of that learner's permanent exclusion

Dear **[Parent /carer name]**

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For learners of compulsory school age]

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

[For learners of compulsory school age]

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

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

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing body.

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

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer at County Hall Beverley HU17 9BA

Telephone 01482 392146 option 2. susan.pearce@eastriding.gov.uk or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

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Parents/carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

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Yours sincerely

[Name]
Headteacher

***amended to meet the COVID Addendum in respect of timescales**

From the governors of a primary, secondary or special school notifying the parent(s) /carers of the decision to uphold a learner's permanent exclusion

Dear **[Parent/carers name]**

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

Set out the reasons in sufficient detail to enable all parties to understand why the decision was made

You have the right to appeal against this decision. If you wish to do so, you should advise the school or the Local Authority, in writing, by **(date – 25 school days after the day on which notice in writing was given of the governing body's decision. Where the notice is sent by first class post it is treated as being given on the second working day after it was posted)**. Your notice of appeal should state the grounds on which it is made. Although you may wish to take a few days to consider whether you wish to appeal, I should stress that your right to appeal does expire at the end of the 25th school day.

The Clerk must notify the Company Secretary to arrange an Independent Review Panel no later than the 25th school day after the day on which the appeal was lodged.

Whether or not a school recognises that a learner has special educational needs (SEN) all parents/carers have the right to request an SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example whether the school acted reasonably in relation to legal duties when excluding (name). Parents/carers will not incur any costs if they request that the Local Authority appoints an SEN expert to attend the review.

Please make it clear if you would like an SEN expert appointed to attend the review.

Parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel. They may also bring a friend to the review.

If there is an allegation of discrimination (under the Equality Act 2010) in relation to this exclusion, parents/carers can make a claim to the First-tier Tribunal or a County Court (for other forms of discrimination). A claim of discrimination should be made within 6 months of the date on which discrimination is alleged to have taken place.

You may wish to contact Susan Pearce, Exclusion & Reintegration Officer at County Hall Beverley HU17 9BA

Telephone 01482 392146 option 2 susan.pearce@eastriding.gov.uk or

Alyson Joyce Senior Admissions Officer, Room 128, Second Floor, The Guildhall, Alfred Gelder Street, Hull, HU1 2AA who can provide advice on the guidance.

Telephone 01482 613348 email alyson.joyce@hullcc.gov.uk

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Parents/ carers of children with Special Educational needs and disability can contact, SENDIASS (Special Educational Needs and Disability Information Advice and Support Service) on 01482 396469 who will be able to offer support and advice. Their email address is;

sendiass@eastriding.gov.uk

The statutory guidance on exclusion can be accessed by following this link:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Advice on making a claim of discrimination to the First-tier Tribunal can be found by following this link:-

<http://www.justice.gov.uk/tribunals/send/appeals>

Yours sincerely

[Name]



HEADTEACHER'S PERMANENT EXCLUSION REPORT

Cumulative Exclusion/One Off Incident*

**delete as appropriate*

Academy:

Date of preparation:

Date of exclusion:

PART ONE – LEARNER DETAILS

Name:		DOB:	
Year Group:		Gender:	
Race/Ethnicity:		Disadvantaged	
Looked After:			
Disability/Medical Conditions:	N/A		

Details of Special Educational Needs - copy of the Statement of Special Educational Needs can be attached.

If appropriate, brief outline of learner's identified special needs including, if relevant, stage of the code of practice (SEND) and date:

Brief description of how these identified needs are being met

Involvement of Other Agencies/Services - specify the contact person, date and nature of involvement

Agency	Contact Person	Dates	Support

Student Services Leader Statement/Class Teacher/Intervening Staff Member

Any mitigating factors to be taken into consideration - was the incident provoked for example by bullying, or racial or sexual harassment

Actions taken to engage parents /carers

Educational Achievement

**the learners last Summary Report can be included as an appendix*

Subject	Current attainment level	Comments e.g. Strengths/Needs

Learner's Positive Personal Qualities and Achievements

Attendance/Punctuality - should relate to the last full academic year and the current one so far.

*Attach SIMS printout where available

Year	Possible:	Actual:	Lates

PART TWO – EXCLUSION DETAILS

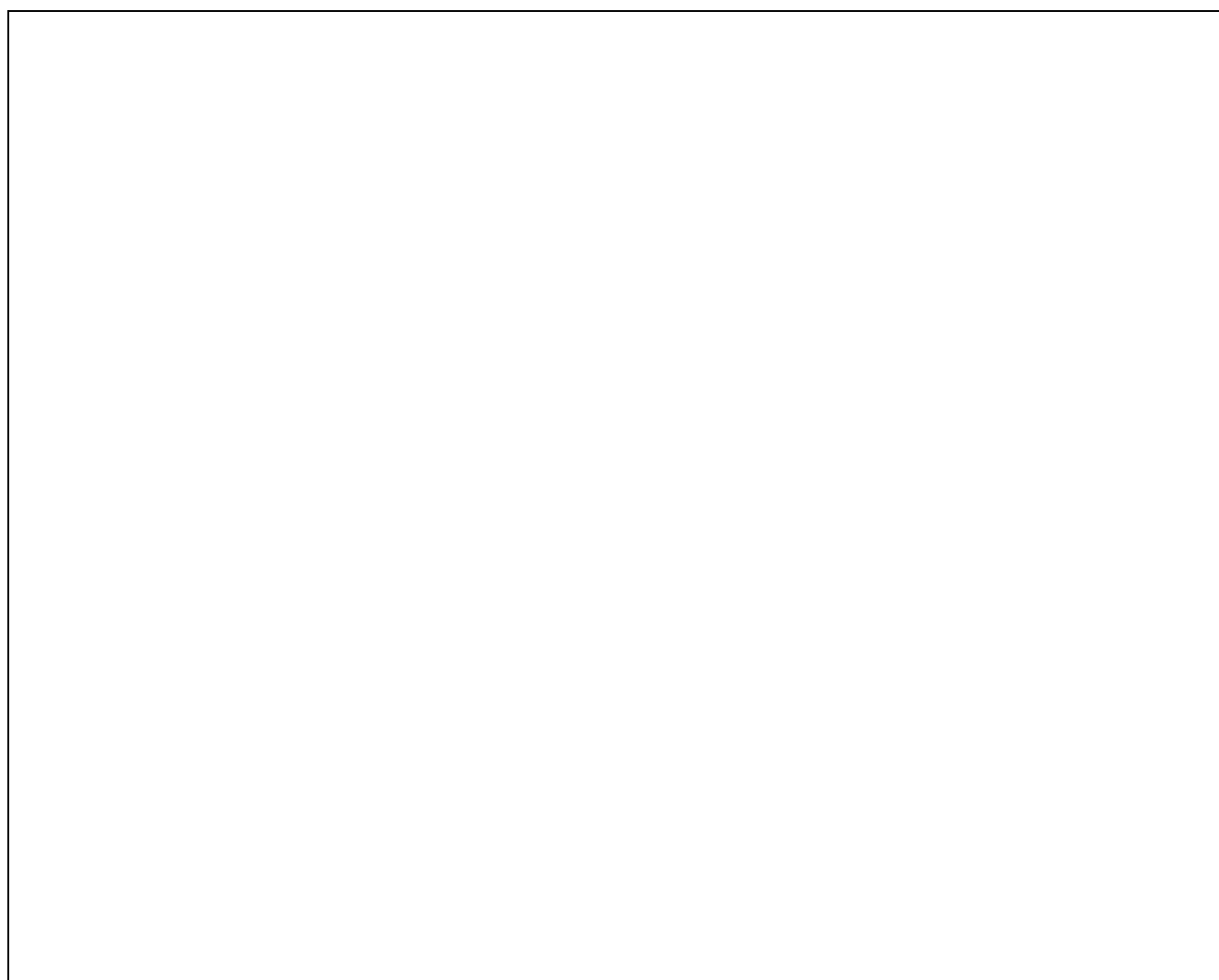
Headteacher's Statement (*supported by relevant investigatory information)

Reasons for exclusion as contained in the letter to parents /carers

All supporting and relevant documentation arising from the investigation are contained within this evidence pack.

The evidence of the Headteacher is to ensure that the reason for exclusion is evidenced against the civil standard of proof, required on the balance of probability

- Attach all supporting and relevant documentation arising from the investigation e.g. reports, statements from witnesses , teachers, learners and excluded learner's statement, photographs relevant to this incident or any appropriate physical evidence. All statements must be redacted
- Supporting evidence and documentation should be provided for all parties to consider.
- Original witness statements should be retained, but can be kept anonymous within the Headteacher's report. *(If retyped, the witness statements must be in the witness's own words and not a summary of what was said.)*
- Details of the events leading to the exclusion and summary of the event



Learner behaviour and attitude - this information should be pertinent to the exclusion and related to incidents since admission to the School

Previous Relevant Exclusion (if any)				
Exclusions for behaviour that is similar to the behaviour leading to this exclusion.				
Date	Type	Reason	No. of days	Year

**Where this exclusion is for a serious one off isolated incident there will be no previous behavioural history or support is to be considered, unless this is relevant to establishing the facts*

Please send this report with the following attachments - where appropriate

- **Behaviour Policy** - Governors need to consider whether there has been a serious breach of the Academy policy
- Individual Educational Plan – if applicable
- Pastoral Support Plan – if applicable
- SEND Statement – if applicable
- Record of letters to parents/carers
- Witness Statements (redacted)
- Learner Statement regarding incident leading to Permanent Exclusion

This information pack must be sent to the following groups at least five days prior to the Permanent Exclusion Hearing

- Parent/carer*
- Governors' Discipline Committee Members

*It is the responsibility of the parent/carer to provide copies of documentation to their representative where appropriate

Appendix 7 – Letter of Rescission

Dear [Parent/carer]

Rescinding of Permanent Exclusion of **Name** – D.O.B **DD.MM.YYYY**

As you are aware I made a decision to permanently exclude **First name** with effect from date of exclusion. My decision was subject to a review by the Governing Board. The Governing Board has yet to meet to review that decision and consider reinstatement. Therefore, I am able to rescind my decision.

Whilst I considered permanent exclusion to be the appropriate response at the time of my original decision, an alternative to permanent exclusion has been agreed. Therefore in light of your co-operation I consider it appropriate to rescind my decision to permanently exclude **Name**. You and **Name** will be invited to a meeting in order to develop a reintegration plan.

Accordingly I confirm rescission of the permanent exclusion with effect from **DD.MM.YYYY** [which should be the date of the letter; or the date that the alternative plan can be implemented or the date that the learner has been admitted back to school or an alternative school in the case of a managed move]

As there is no longer a permanent exclusion decision requiring a review, the Governing Board meeting will not take place to consider re-instatement of **Name**.

Yours sincerely

Headteacher

Copies: Chair of the Governing Body, Clerk to the Governing Body, Local Authority Exclusions Officer, File