



# Exclusions Policy

June 2021

**Learning Academies Trust**  
**Primary School**

Reviewed November 21 – letters updated in line with LA recommendations

## Contents

1. Aims .....	2
2. Legislation and statutory guidance.....	2
3. The decision to exclude .....	3
4. Definition.....	3
5. Roles and responsibilities .....	3
6. Considering the reinstatement of a pupil.....	4
7. An independent review .....	5
8. School registers.....	6
9. Returning from a fixed-term exclusion.....	6
10. Monitoring arrangements .....	6
11. Links with other policies .....	7
Appendix 1: independent review panel training .....	<b>Error! Bookmark not defined.</b>

---

### 1. Aims

Our school aims to ensure that:

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

### 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- › Section 52 of the Education Act 2002, as amended by the Education Act 2011
- › The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- › Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- › Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- › Section 579 of the [Education Act 1996](#), which defines 'school day'
- › The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association.

### 3. The decision to exclude

Only the Headteacher, or acting Headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort and must be discussed with the CEO prior to making the decision.

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

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

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

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

### 4. Definition

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

## 5. Roles and responsibilities

### 5.1 The Headteacher

#### Informing parents

The Headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

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

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

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

- The start date for any provision of full-time education that has been arranged

- › The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- › The address at which the provision will take place
- › Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Informing the governing board and local authority**

The Headteacher will immediately notify the governing board the CEO and the local authority (LA) of:

- › A permanent exclusion, including when a fixed-period exclusion is made permanent
- › Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- › Exclusions which would result in the pupil missing a public examination

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

For all other exclusions, the Headteacher will notify the governing board, the CEO and LA once a term.

## **5.2 The governing board**

Responsibilities regarding exclusions is delegated to the Local Advisory Board. The LAB has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

## **5.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. Following a permanent exclusion, the Inclusion, Attendance and Welfare Service must be contacted on 307405. The school must complete EXC1 and the ACE Referral Form and send to the EWO service within 24 hours of exclusion.

# **6. Considering the reinstatement of a pupil**

The Local Advisory Board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the LAB will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the LAB will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the LAB will consider the exclusion and decide whether or not to reinstate the pupil.

The LAB can either:

- › Decline to reinstate the pupil, or

- › Direct the reinstatement of the pupil immediately, or on a particular date

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

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

The LAB will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the LAB decision will also include the following:

- › 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 date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Learning Academies Trust to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
  - That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## 7. An independent review

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the LAB of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Headteacher category.

- › A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- › School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteacher during this time
- › Headteachers or individuals who have been a Headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- › Are a member or director of the Learning Academies Trust or governing board of the excluding school

- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Learning Academies Trust or the governing board, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil 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

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## 9. Returning from a fixed-term exclusion

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

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Regular feedback to parents

## 10. Monitoring arrangements

The Headteacher monitors the number of exclusions every term and reports back to the LAB. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the CEO every 2years. At every review, the policy will be shared with the Board of Directors and then the LAB.

Approved: June 2020

## 11. Links with other policies

This exclusions policy is linked to each school's behaviour policy

- Behaviour policy
- SEN policy and information report

### Appendix 1: Independent review panel training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- › The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- › The need for the panel to observe procedural fairness and the rules of natural justice
- › The role of the chair and the clerk of a review panel
- › The duties of Headteacher, governing boards and the panel under the Equality Act 2010
- › The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

## **Appendix 2: Letter templates to be used**

Model Letter 1: Fixed Period exclusion of 5 days or less

Model Letter 2: Lunchtime (half day) fixed period exclusion of 5 days or less

Model Letter 3: Fixed period exclusion of 6-14 days

Model Letter 4: Fixed period exclusion 15 days or more

Model Letter 5: Permanent exclusion

Model Letter 6: Invite parents to Governors meeting (up to 45 days fixed period exclusion)

Model letter 7: Invite parents to Governors meeting following a permanent exclusion

Model Letter 8: Decision on fixed term exclusion for 6-45 days

Model Letter 9: Permanent exclusion letter offering reinstatement

Model letter 10: Rescind the permanent exclusion

Model letter 11: Uphold the permanent exclusion

## Model Letter 1: Fixed Period exclusion of 5 days or less

\*\*\* Delete as appropriate

Dear **[Parents Name]**

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

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. In making my decision I have considered any Special Educational Needs and Disabilities (delete as appropriate) that **[child's name]** has. **[Child's Name]** has been excluded for this fixed period because **(Reason for Exclusion)**.

**[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of the incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently.

**[Use this paragraph for pupils 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 **[Name of child]** during the **[..... days]** of the exclusion **[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 present your case about this decision to exclude **[Name of child]** to the school's governing body. If you wish to do so 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, they must consider any existing evidence presented by yourself and may place a copy of their findings on your child's school record.

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email [sendinquiries@hmcts.gsi.gov.uk](mailto:sendinquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> or the County Court in the case of other forms of discrimination. Making a claim would not affect your right present your case to the governing body. 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.

You also have the right to see and have a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[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 the local authority's Inclusion, Attendance & Welfare Team if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it's open from 8am – 6 pm Monday to Friday.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>.

**Where considered relevant by the head teacher include the following]**

Traveller Education Services [[insert information](#)], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or

[schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

**[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]**

**Head teacher**

## Model Letter 2: Lunchtime (half day) fixed period exclusion of 5 days or less

\*\*\* Delete as appropriate

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** during lunchtimes for **[number of days]** days from **[date]** to **[date]**. **[Child's Name]** can return for lunchtime as from **[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. In making my decision I have considered any Special Educational Needs and Disabilities (delete as appropriate) that **[child's name]** has. **[Child's Name]** has been excluded for this fixed period because **(Reason for Exclusion)**.

This exclusion covers the lunch period only from **[time]** to **[time]** and you are asked to please make arrangements for your child's supervision away from school during this period.

\*\*\* As **[Child's Name]** is eligible to receive a free school meal, I have made arrangements for **him/her** to be provided with a packed lunch for the period of the exclusion.

Each lunchtime exclusion will count as a half-day exclusion and will be added to your child's record of exclusions.

The total number of days of exclusion from this period of lunchtime exclusion is **[number of days]**.

**[Use this paragraph for pupils 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.

You have the right to challenge this decision before the **[Governing Body/Academy Trust]**. If you wish make representations 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, they must consider any submissions you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk) Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> or the County Court in the case of other forms of discrimination. Making a claim would not affect your right present your case to the governing body. 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.

You also have the right to see and have a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[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 the local authority's Inclusion, Attendance & Welfare Team if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at

<http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it's open from 8am – 6 pm Monday to Friday.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services [[insert information](#)], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

**[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]**

**Head teacher**

### Model Letter 3: Fixed period exclusion of 6-14 days

#### Fixed term exclusion of 6-14 days where cumulative number of exclusions in one (long) term fall total less than 15 days

**\*\* Where a public examination would be missed, please insert the following text into the letter at this point**

***'As a public examination will be missed, the [Governing Body/Academy Trust] will try to consider the exclusion before that date or the Chair of [Governing Body/Academy Trust] may exceptionally consider the exclusion and decide whether or not to reinstate (pupil's name) or allow return for the duration of the examination.'***

Dear [Parents Name]

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

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [Child's Name] has not been taken lightly. In making my decision I have considered any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has. [Child's Name] has been excluded for this fixed period because (Reason for Exclusion).

**[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of the incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude [Child's Name] permanently.

**[Use this paragraph for pupils 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, that is on [specify dates]. It will be for you to show that 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 without reasonable justification.

We will set work for [Name of Child] during the [first 5] 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.

**(Delete the following paragraph if this exclusion is 5 days or less)**

From the [6<sup>th</sup> 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 [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 the arrangements for suitable full time education will be notified by a further letter.

You have the right to request a meeting of the [governing body/Academy Trust] to whom 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 [governing body/Academy Trust] must meet if you request it to do so. The latest date by which the [governing body/Academy Trust] must meet, if you request a meeting is [insert date – no later than 50 school days after the date on which the governing body were notified of this exclusion]. If you do wish to challenge the decision to exclude before the [governing body/Academy Trust] 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 also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> or the County Court in the case of other forms of discrimination. Making a claim would not affect your right present your case to the governing body. 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.

You also have the right to see and have a copy of [Name of Child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [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 the local authority's Inclusion, Attendance & Welfare Team if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it's open from 8am – 6 pm Monday to Friday.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services [*insert information*], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

[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]

Head teacher

## Model Letter 4: Fixed period exclusion 15 days or more

### Fixed term exclusion of 15 days or more, or where cumulative exclusions in one (long) term total 15 days or more

**\*\* Where a public examination would be missed, please insert the following text into the letter at this point**

***'As a public examination will be missed, the [Governing Body/Academy Trust] will try to consider the exclusion before that date or the Chair of Governing Body/Academy Trust may exceptionally consider the exclusion and decide whether or not to reinstate (pupil's name)' or allow return for the duration of the examination.'***

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period of exclusion]**. 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. In making my decision I have considered any Special Educational Needs and Disabilities (delete as appropriate) that **[child's name]** has. **[Child's Name]** has been excluded for this fixed period because **(Reason for Exclusion)**.

**[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of the incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently.

**[Use this paragraph for pupils 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, that is on **[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 **[Name of Child]** during the **[first 5]** school days 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.

**(Delete the following paragraph if this exclusion is less than 6 days)**

From the **[6<sup>th</sup> school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will provide suitable full-time education.

**[The following information must be included with this notice where it can reasonably be found out within the timescale]**

The arrangements for **[pupil name]**'s education are as follows:

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

**[Use if education arrangements are not available by the date of this letter]**

The arrangements for **[pupil name]**'s education will be set out in writing shortly in a further letter.

As the length of the exclusion is 15 school days or more in total in one term the governing body must meet to consider the exclusion. At the meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is **[date ... no later than 15 school days after the date on which the [Governing Body/Academy Trust] was notified of this 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/Academy Trust]** of the time, date and location of the meeting. Please advise if you have a disability or special needs that 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 this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email [sendinquiries@hmcts.gsi.gov.uk](mailto:sendinquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350 Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> or the County Court in the case of other forms of discrimination. Making a claim would not affect your right present your case to the governing body. 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.

You also have the right to see and have a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[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 the local authority's Inclusion, Attendance & Welfare Team if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <http://www.childrenslegalcentre.com/>. The advice line to contact about education law is 0300 330 5485, it's open from 8am – 6 pm Monday to Friday.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/> .

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services **[insert information]**, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or

[schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

**[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

## Model Letter 5: Permanent exclusion

**\*\* Where a public examination would be missed, please insert the following text into the letter at this point**

***'As a public examination will be missed, the [Governing Body/Academy Trust] will try to consider the exclusion before that date or the Chair of [Governing Body/Academy Trust] may exceptionally consider the exclusion and decide whether or not to reinstate (pupil's name) or allow return for the duration of the examination.'***

Dear [Parent's Name]

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

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. In making my decision I have considered any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has. [Child's Name] has been excluded permanently because **[Reason for Exclusion – also include any relevant previous history here]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on **[specify precise 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.

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 **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that arrangements will be notified shortly by a further letter or by phone]**.

**[Add this paragraph where a pupil lives in a local authority other than the excluding school's local authority]**

I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **his/her** education from the sixth 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. The meeting must consist of at least 3 Governors, unless the exclusion results in your child missing a public examination or national curriculum test. At the meeting, you may make representations to the governing body and you may wish and ask them to reinstate your child in school. The **[Governing Body/Academy Trust]** committee have the power to reinstate your child immediately or from a specified date; or, alternatively, they have the power to decline to reinstate your child, in which case you may request an independent review of their decision by requesting an independent review panel.

The latest date on which the governing body/academy trust must meet is **[date .....no later than 15 school days after the date on which the governing body were notified of this exclusion]**. We will endeavour to arrange the meeting at a date and time that is convenient for you to attend within this timeframe. If you wish to make representations to the **[governing body/academy trust]** 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 chose to make representations or not, be notified by the Clerk to the **[governing body/academy trust]** 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 or take part in the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

The governing body/academy trust will ask for written evidence from the school 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) and will endeavour to circulate this information to you and all those who will be present at the

meeting at least five school days in advance of the meeting. If you have any written evidence that you would like to submit to the governing body/academy trust, please send this to the Clerk to the governing body/academy trust at the earliest opportunity.

You may request that the local authority and/or the home local authority attend the meeting of the academy's governing board as an observer; that representative may only make representations with the governing board's consent. Where possible, the representative will prepare a statement based on the evidence pack circulated by the Clerk. You may wish to contact the local authority's Inclusion, Attendance & Welfare Team to discuss this or if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk). Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

\*\*

You should also be aware that, if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability), Mowden Hall, Staindrop Road, Darlington, DL3 9BG. (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>) or the County Court in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded. Making a claim would not affect your right to make representations to the **[governing body/Academy Trust]**.

You also have the right to see and have a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[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 find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com/>. The advice line is open from 8am – 8 pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January.

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services **[insert information]**, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or

[schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

Yours sincerely

**[Name]**

**Headteacher**

## Model Letter 6: Invite parents to Governors meeting (up to 45 days fixed period exclusion)

### FROM CLERK TO THE GOVERNING BODY/ACADEMY TRUST INVITING PARENTS TO THE LOCAL GOVERNING BODY EXCLUSION MEETING

**\*\* Add a paragraph at this point to identify the steps you will take to enable and encourage the excluded pupils 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.**

Dear [Parent's Name]

**PUPIL NAME: [ENTER NAME]                      D.O.B: 00.00.00**

I am writing to inform you that a meeting of the **[Governing body/Academy Trust]** will take place on **[date]** at **[time]** to consider the head teacher's decision to exclude **[pupil's name]** from school from **[start date]** to **[end date]**.

You and your child are encouraged to attend and contribute to the meeting. You are welcome to bring a friend, advocate or legal advisor with you should you wish. Please let me know if you have a disability or special needs which would affect your ability to attend or take part in the meeting or if it would be helpful for you to have an interpreter at the meeting.

If you are unable to attend on the date or at the time of this meeting, please contact me at the earliest opportunity.

**\*\***

The **[Governing body/Academy Trust]** committee has the power to reinstate your child immediately or from a specified date; or, alternatively, decline to reinstate your child.

The Department for Education exclusion guidance states:

*'In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude' (Paragraph 71).*

The school will provide a pack of evidence about the exclusion which is circulated to all parties invited to the meeting. You should receive the pack of evidence at least 5 school days in advance of this meeting. If you have written evidence that you would like to submit to the meeting, please send this to me at the earliest opportunity so it can be circulated to all parties.

The meeting must consist of at least 3 Governors, unless the exclusion results in your child missing a public examination or national curriculum test or in the case of an academy trust: the trust's articles of association allow them to do so. At this meeting the Chairperson will briefly explain the procedure the meeting will follow and the order in which each party will have the opportunity to put their case to the panel of governors and ask questions. The head teacher will present the reasons for the exclusion and witnesses may be called if appropriate. You and/or your legal representative/friend/advocate can present your case and/or give a written account. You will also have the opportunity to question the head teacher.

At the close of the meeting, the **[Governing body/Academy Trust]** will ask all parties to leave the room so they can discuss the evidence presented by all parties, **including any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has** and make a decision on whether they will offer to reinstate your child immediately or on a particular date, or if they will not offer to reinstate your child.

Where offering to reinstate your child would make no practical difference because for example, your child has already returned to school following the expiry of a fixed-period exclusion, the governing board must still consider whether your child should be officially reinstated.

You may request that the local authority and/or the home local authority attend the meeting of the academy's governing board as an observer; that representative may only make representations with the governing board's consent. If you would like a Local Authority representative to attend, please inform the Clerk of this and contact the local authority's Inclusion, Attendance & Welfare Team on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk). Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

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

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services [**insert information**], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

<https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

Please contact me [**insert telephone, email and address details**] and let me know the following:

- if you will be attending this meeting
- if your child will be attending this meeting
- if you will be bringing a friend, representative or advocate
- if there is any support that we could offer to assist you or your child to attend and contribute to this meeting
- if you wish to call any witnesses – their name and contact details
- if you have any written/documented evidence that you would like to provide ahead of the meeting
- if you would like a local authority representative to be invited to the meeting

Please find enclosed an order of proceedings for the meeting.

Yours sincerely

**[Name]**

**Clerk to the [Governing Body/Academy Trust]**

## **Local Governing Body Consideration of Exclusion**

### **The order in which the meeting will be conducted**

**The Clerk meets with the Local Governing Body, explains the process, answers questions and asks for a volunteer or nominations to be Chair if one is not already appointed.**

**The governing body should not discuss the exclusion with any party prior to the start of the meeting. The head teacher, parents and all others attending the hearing should enter and leave the meeting at the same time.**

**The Clerk ushers in the parent(s), head teacher and others attending.**

**The Clerk makes introductions, explains the purpose and the order of the meeting before handing over to the Chair.**

#### **Step 1**

- a)** The head teacher describes the incident and presents evidence.
- b)** The parent(s) may question the head teacher about the evidence they've presented.  
[Parent(s) have an opportunity to state their case in full at Step 2].
- c)** The members of the Local Governing Body question the head teacher.

#### **Step 2**

- a)** The parent(s) put their case.
- b)** The head teacher may ask questions of the parent(s) about their case.
- c)** The members of the Local Governing Body may ask questions of the parent(s) about their case.

#### **Step 3**

- a)** The LA representative makes a statement.
- b)** The members of the Local Governing Body question the LA representative.

#### **Step 4**

- a)** The head teacher sums up his/her case.
- b)** The parent(s) sum up their case.

**Members close the meeting and clarify how parties will be informed of their decision. Members retire and discuss the case and come to a decision.**

#### **Model letter 7: Invite parents to Governors meeting following a permanent exclusion**

#### **FROM CLERK TO THE LOCAL GOVERNING BODY/ACADEMY TRUST INVITING PARENTS TO THE LOCAL GOVERNING BODY EXCLUSION MEETING**

**\*\* Add a paragraph at this point to identify the steps you will take to enable and encourage the excluded pupils 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.**

Dear **[Parent's Name]**

**PUPIL NAME: [ENTER NAME]                      D.O.B: 00.00.00**

I am writing to inform you that a meeting of school Local Governing Board take place on **[date]** at **[time]** to consider the head teacher's decision to exclude permanently **[pupil's name]** from school.

You and your child are encouraged to attend and contribute to the meeting. You are welcome to bring a friend, advocate or legal advisor with you should you wish. Please let me know if you have a disability or special needs which would affect your ability to attend or take part in the meeting or if it would be helpful for you to have an interpreter at the meeting.

If you are unable to attend on the date or at the time of this meeting, please contact me at the earliest opportunity.

**\*\***

The Local Governing Body committee has the power to reinstate your child immediately or from a specified date; or, alternatively, decline to reinstate your child in which case you may request a review of the decision by an independent review panel.

The Department for Education exclusion guidance states:

*'In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude' (Paragraph 71).*

The school will provide a pack of evidence about the exclusion which is circulated to all parties invited to the meeting. You should receive the pack of evidence at least 5 school days in advance of this meeting. If you have written evidence that you would like to submit to the meeting, please send this to me at the earliest opportunity so it can be circulated to all parties.

The meeting must consist of at least 3 Governors, unless the exclusion results in your child missing a public examination or national curriculum test or in the case of an academy trust: the trust's articles of association allow them to do so. At this meeting the Chairperson will briefly explain the procedure the meeting will follow and the order in which each party will have the opportunity to put their case to the panel of governors and ask questions. The head teacher will present the reasons for the exclusion and witnesses may be called if appropriate. You and/or your legal representative/friend/advocate can present your case and/or give a written account. You will also have the opportunity to question the head teacher.

At the close of the meeting, the Local Governing Body will ask all parties to leave the room so they can discuss the evidence presented by all parties and make a decision on whether they will offer to reinstate your child immediately or on a particular date, or if they will not offer to reinstate your child.

Where reinstatement would make no practical difference because for example, you make clear you do not want your child reinstated, the governing board must still consider whether your child should be officially reinstated. If it decides against reinstatement of your child following the permanent exclusion, you can request an independent review.

You may request that the local authority and/or the home local authority attend the meeting of the academy's governing board as an observer; that representative may only make representations with the governing board's consent. If you would like a Local Authority representative to attend, please inform the Clerk of this and contact the local authority's Inclusion, Attendance & Welfare Team on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk). Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

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

Plymouth Information, Advice and Support for SEND (PIAS) provides information, advice and support relating to Special Educational Needs and Disabilities (SEND) for parents, carers, children and young people within the Plymouth Local Authority area. PIAS provides parents, carers of children and young people with SEND and also the children and young people independently with:

- support at meetings
- support around education and training issues.

Information provided by the PIAS is impartial and confidential. For further information or support, you can ring PIAS on 01752 258933 or 0800 9531131. Alternatively you can visit their website at <http://www.plymouthias.org.uk/>

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services [**insert information**], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at: <https://www.gov.uk/government/publications/school-exclusion>

Along with information and advice for parents: <https://www.gov.uk/school-discipline-exclusions/exclusions>

Please contact me [**insert telephone, email and address details**] and let me know the following:

- if you will be attending this meeting
- if your child will be attending this meeting
- if you will be bringing a friend, representative or advocate
- if there is any support that we could offer to assist you or your child to attend and contribute to this meeting
- if you wish to call any witnesses – their name and contact details
- if you have any written/documented evidence that you would like to provide ahead of the meeting
- if you would like a local authority representative to be invited to the meeting

Please find enclosed an order of proceedings for the meeting.

Yours sincerely

**[Name]**

## **Local Governing Body Consideration of Exclusion**

### **The order in which the meeting will be conducted**

**The Clerk meets with the Local Governing Body, explains the process, answers questions and asks for a volunteer or nominations to be Chair if one is not already appointed.**

**The governing body should not discuss the exclusion with any party prior to the start of the meeting. The head teacher, parents and all others attending the hearing should enter and leave the meeting at the same time.**

**The Clerk ushers in the parent(s), head teacher and others attending.**

**The Clerk makes introductions, explains the purpose and the order of the meeting before handing over to the Chair.**

#### **Step 1**

- a) The head teacher describes the incident and presents evidence.
- b) The parent(s) may question the head teacher about the evidence they've presented.  
[Parent(s) have an opportunity to state their case in full at Step 2].
- c) The members of the Local Governing Body question the head teacher.

#### **Step 2**

- a) The parent(s) put their case.
- b) The head teacher may ask questions of the parent(s) about their case.
- c) The members of the Local Governing Body may ask questions of the parent(s) about their case.

#### **Step 3**

- a) The LA representative makes a statement.
- b) The members of the Local Governing Body question the LA representative.

#### **Step 4**

- a) The head teacher sums up his/her case.
- b) The parent(s) sum up their case.

**Members close the meeting and clarify how parties will be informed of their decision. Members retire and discuss the case and come to a decision.**

**Model Letter 8: Decision on fixed term exclusion for 6-45 days**

**LETTER FROM CLERK TO THE LOCAL GOVERNING BODY TO A PARENT OF A PUPIL SERVING  
FIXED TERM EXCLUSION**

Dear **[Parent's Name]**

**PUPIL NAME: [ENTER NAME]            D.O.B: 00.00.00**

**Fixed Term Exclusion From [start date] To [end date]**

I am writing to let you know of the decision reached by the school's **[governing body/Academy Trust]** at the meeting held to consider the actions of the head teacher, in relation to your child's exclusion from school. **In making its decision, the governing board have considered any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has.**

The **[governing body/Academy Trust]** decided to:

- \* Confirm the head teacher's action **[stating reasons]**
- \* Direct reinstatement **[stating reasons]**
- \* Place a note on **[Pupil's Name]** school file that even though the exclusion has been served the Governing Body felt that it was **[inappropriate / length was inappropriate]** and should have been **[stating reasons]**

**Yours sincerely**

**[Name]**

**Clerk to the [Governing Body/Academy Trust]**

**Model Letter 9: Permanent exclusion letter offering reinstatement**

**FROM CLERK TO THE LOCAL GOVERNING BODY TO THE PARENT OF A PERMANENTLY EXCLUDED PUPIL OFFERING REINSTATEMENT OF A PERMANENTLY EXCLUDED PUPIL**

Dear **[Parent's Name]**

**PERMANENT EXCLUSION: [ENTER PUPIL NAME] [ENTER D.O.B 00.00.00]**

The meeting of the governing body at **[school]** on **[date]** considered the decision by **[head teacher]** to exclude **[name of pupil]** permanently. In making their decision, the **[Governing Body/Academy Trust]** carefully considered the representations made and all the available evidence, **including any Special Educational Needs and Disabilities (delete as appropriate) that [child's name] has**. As a result the decision has been made to reinstate **[name of pupil]**.

The reasons for the **[Governing Body/Academy Trust]**'s decision are as follows: **[give the reasons in as much details as possible, explaining how they were arrived at, making reference to how the DfE exclusion guidance has been followed]**.

You and **[your child or pupil's name]** will be invited to attend a reintegration interview with **[Name of head teacher]**. The purpose of the reintegration interview is to discuss how we can best manage your child's return to school.

You may wish to contact the local authority's Inclusion, Attendance & Welfare Team to discuss this or if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

Yours sincerely

**[Name]**

**Clerk to the [Governing Body/Academy Trust]**

## Model letter 10: Rescind the permanent exclusion

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

Further to my decision to permanently exclude **[Child's name]** effective from **[date]**; I am writing to inform you of my decision to withdraw this permanent exclusion **[insert description of the reason]**.

**[If the pupil is reinstated use the following paragraph]**

I would like to confirm that **[child's name]** is welcome to return to **[school's name]** and in order to facilitate **[child's name]**'s reintegration I have planned a reintegration meeting on **[date]** at **[time]** in school.

**[If the pupil is leaving the school use the following paragraph]**

Once **[Child's name]** has started at **[receiving school's name]** his/her name will be removed from **[sending school's name]**'s roll. **[Enter details of any interim arrangements]**

As we notified the local authority of the permanent exclusion, a copy of this letter has been sent to the Inclusion, Attendance & Welfare Team for Plymouth County Council **[Include the details of the home authority if the pupil living in a different local authority]** to inform them that the permanent exclusion has been withdrawn.

You may wish to contact the local authority's Inclusion, Attendance & Welfare Team to discuss this or if you have any questions about the exclusion procedures on 01752 307405 or by email [educationwelfare@plymouth.gov.uk](mailto:educationwelfare@plymouth.gov.uk)

Yours sincerely

**[Name]**  
Head teacher

## Model letter 11: Uphold the permanent exclusion

### For After GDC when PEX upheld

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

The meeting of the Governing Body/Management Committee at **[School name]** on **[date]** has considered the decision by **[Head Teacher's name]** to permanently exclude **[Child's name]**. The Governing Body, after carefully considering the representations made and all the available evidence, has decided not to reinstate **[Child's name]**. The reasons for the Governing Body/Management Committee's decision are as follows:

- **[Please list/summarise reasons]**
- Allowing **[Child's name]** to remain in school would seriously harm the education or welfare of the pupil or others in the school.

You have the right to appeal against the decision. If you wish to appeal, please notify me of your wish to appeal. You must set out the reasons for your appeal in writing, along with any written evidence, and if appropriate, may also include reference to any disability discrimination claim you may wish to make. Send this notice of appeal to: **[Clerk name]** Clerk to Governors, **[School address]**, no later than **[date]** (15 working days from the date of this letter).

If you have not lodged an appeal by this date then you will lose your right to appeal. Please advise if you have a disability or special need which would affect your ability to attend the hearing. You may, at your own expense, appoint someone to make written and/or oral representations to the panel.

Your appeal will be heard by an Independent Review Panel, which can also hear disability discrimination claims. A three member panel will comprise one serving or recently retired (within the last five years) Headteacher, one serving or recently serving experienced Governor/Management Committee member and one lay member who will be the Chairman. The Review Panel will review the Governors' decision – if you have fresh evidence to present to the Panel you may do so. The Panel must meet no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstance Panels may adjourn the hearing until a later date. You have a right to request the attendance of a Special Educational Needs expert at the review, regardless of whether the school recognises that your child has special educational needs.

Following the review the Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Governing Body reconsiders reinstatement; or
- Quash the decision and direct that the Governing Body consider reinstatement.

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

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 the Special

Educational Needs and Disability Tribunal [SENDIST]. The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington, DL3 9DN. This should be made within six months, from the day your child was excluded.

**You can contact the local authority Inclusion and Welfare Service for impartial advice regarding the Independent Panel Review process on 01752 307405.**

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24th December to 1st January.

You can also access the statutory exclusion guidance at <http://www.gov.uk/government/publications/school-exclusion>.

If making a claim of discrimination to First-tier Tribunal go to <https://www.justice.gov.uk/tribunals/send/appeals> for information.

Yours sincerely

**[Name]**  
**Headteacher**