



# Exclusions Policy & Best Practice Guidance

<b>Category:</b>	Attendance & Exclusions	
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## 1. Introduction and Legal Context

- 1.1 This best practice guidance sets out our expectations for all Transforming Lives Educational Trust (“TLET”, “the Trust”) academies in ensuring we are compliant with legislation governing the exclusion of pupils and in relation to our statutory duties relating to this.
- 1.2 It should be read in conjunction with, and not in place of, statutory guidance from the Department for Education (2017): <https://www.gov.uk/government/publications/school-exclusion>, which provides a guide to the legislation that governs exclusions, and in conjunction with each academy’s Behaviour Policies.
- 1.3 In TLET academies, permanent exclusion must be the final resort; it is important to frame this in our commitment to inclusive practice for all.
- 1.4 Inclusion is a term used to describe the process of ensuring equality of learning opportunities for all children and young people. It is a process of identifying, understanding and breaking down barriers to participation and belonging. Inclusion is about the quality of their experience; how they are helped to learn, achieve and participate fully in the life of the academy.
- 1.5 Inclusion focuses particularly on those groups of children who have historically been marginalised or who have underachieved. Inclusion does not mean that all learners necessarily learn in the same way or together, but that practices are adapted to take account of all learners’ needs.
- 1.6 Educational inclusion is about equal opportunities for all learners, whatever their age, gender, ethnicity, impairment, attainment and background. All children, including those identified as having special educational needs and / or disabilities have the same common entitlement to a broad and balanced academic and social curriculum, which is accessible to them, and enables them to be fully included in all aspects of academy life.
- 1.7 All academies must operate in accordance with the law as set out in the following:
  - Section 51A of the Education Act 2002, as inserted by the Education Act 2011
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - Sections 100 to 108 of the Education and Inspections Act 2006
  - Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance for those with legal responsibilities in relation to exclusion (2017)
  - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by Regulations 2014
- 1.8 Under the Equality Act (2010) academies must not discriminate against, harass or victimise pupils because of their: gender, race, disability, social background, religion or belief, or sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

This policy also needs to be read in conjunction with:

- Education Act 1996 and the Schools Regulations 2012
- Children and Families Act, 2014
- SEN Code of Practice from January 2015
- Behaviour and discipline in schools, DfE, 2014

## 2. TLET's Approach to Exclusion

- 2.1 In accordance with DfE statutory guidance (2017) it is the case that where an academy has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early, in order to reduce the need for a subsequent exclusion.
- 2.2 Whilst the Trust supports the decisions of Principals to ensure an environment which benefits the learning opportunities presented, and safety of all pupils, as per section 3 of DfE (2017), it is expected that exclusion should be a 'last resort' and where evidence presented confirms it as "lawful, reasonable and fair".
- 2.3 Any decision of an academy, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and an academy's wider legal duties, including the European Convention on Human Rights and the Equality Act, 2010); rational; reasonable; fair; and proportionate.
- 2.4 See DfE (2017) (A non-statutory guide for head teachers) for a simple overview of exclusion processes, to ensure appropriate processes and procedures are currently in place at academy level.

## 3. Unlawful Exclusions

- 3.1 As is made clear within the DfE (2017) guidance:

"it is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could be subject to exclusion."
- 3.2 TLET does not support unlawful exclusions in any of its academies.
- 3.3 "'Informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded." (DfE, 2017).
- 3.4 As a rule, academies are "not permitted to place a pupil on a **part-time timetable**. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. A part-time timetable must not be treated as a long-term solution" (School Attendance, DfE, 2016).
- 3.5 There is "widespread lack of awareness and understanding of the law regarding exclusions...**placing challenging pupils on part-time timetables**...with the remainder of time spent at home (is) **also recognised as an unofficial means of exclusion**." (Always Someone Else's Problem: Officer of the Children's Commissioner's Report on Illegal Exclusions, 2013)
- 3.6 Ofsted will record any information received on illegal exclusions as part of its monitoring data on academies; "if inspectors find that a school is using part-time timetables for a student, they will ask the school to show them the time-limited plan to enable the student to be re-integrated quickly to full-time education and evidence of the plan's success." (Ofsted, 2014). Therefore, all exclusions in TLET academies are recorded and reported to Academy Improvement Management (AIM) Boards, the Trust's CEO and to the Board of Trustees (via the office of the CEO).
- 3.7 Academies should be aware that "the law does not allow for extending a fixed period exclusion or 'converting' a fixed

period exclusion into a permanent exclusion". (DfE, 2017)

## 4. Fixed Term Exclusion

Fixed Term exclusion is a last resort and requires the Principal to notify the TLET CEO and the Chair of the AIM Board, either by phone or email, on the day the decision to exclude is taken. A decision to exclude a pupil, either for a fixed period or permanently is seen as a **last resort** by the Trust while always bearing in mind our duty of care to pupils and staff.

Each Academy is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place in each Academy to promote acceptable behaviour and appropriate conduct.

The Academy will take account of pupils' special educational needs when considering whether or not to exclude them. The Principal will ensure that reasonable steps have been taken by the Academy to respond to a pupil's individual needs so the pupil is not treated less favourably for reasons related to their unique needs or disability. Reasonable steps will include:

- Differentiation in the Academy's Behaviour Procedures
- Developing strategies to prevent the pupil's unacceptable behaviour
- Requesting external support from an external agency with the pupil
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the Academy may be such a reason.

No exclusion will be initiated without having **first exhausted other strategies** or, in the case of a serious single incident, a thorough investigation (see **Appendix 1**).

### 4.1 Possible reasons for exclusion:

- Serious breach of the Academy's policies
- Extreme, unsafe, disruptive, or lower level and repeated disruptive behaviours
- Actual harm to the education and welfare of pupils and others in the Academy
- Risk of harm to the education or welfare of the pupil or others in the Academy

Pupils' behaviour outside the Academy on trips and sporting events is subject to the Academy's behaviour policy. Concerning behaviour in such circumstances will be dealt with as if it had taken place in the Academy.

Exclusion will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

**In no circumstances will the Academy or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Principal has acquired during an investigation.**

### Removal from the School for Other Reasons

The Principal may send a pupil home, after consultation with the parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, e.g. because of a diagnosed illness such as a notifiable disease. This will not be classed as an exclusion and should be for the shortest possible time.

## 4.2 Single Incident

Temporary exclusion may be used in response to a serious breach of Academy policies or extreme, unsafe, disruptive behaviour. In such cases the Principal will investigate the incident thoroughly, usually via the management team, and will consider all evidence to support the allegation. The pupil will be encouraged, and if necessary be supported by familiar staff or parents, to give his/her version of events. A member of the Leadership Team will check to find out whether the incident may have been provoked, for example by bullying or harassment.

## 4.3 Period of Exclusion

A fixed term exclusion will be used for the **shortest time** necessary to secure benefits without adverse educational consequences.

Exclusion for a period of time from half a day to 5 days would be imposed only when the Academy had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the pupil
- Mentoring (adult support)
- Discussion with parents
- Setting targets and agreeing an individual action plan
- Checking on any possible provocation
- Mediation
- Counselling
- Internal provision away from the main teaching group (time-limited)
- Multi-agency support

## 4.4 Monitoring Fixed Period Exclusions – Guidance for Academies

4.4.1 The Principal must, without delay, notify the pupil's parent/s (**Appendix 6**), the Trust's CEO, the Chair of the Academy Improvement Management (AIM) Board and the local authority of:

- Any permanent exclusion
- Any fixed term exclusion

4.4.2 This is in accordance with Section 51A of the Education Act (2002) and regulations made under that section.

4.4.3 As the regulatory body, TLET is responsible for monitoring the frequency of fixed term and permanent exclusions across all its academies.

**4.4.4 It is therefore a requirement for all academies to complete the 'Principal's Evidence of Self-Evaluation Decision' (Appendix 2) and the 'Notification of Fixed Term Exclusion', as per Appendix 3, so that academy-based documentation follows a best-practice approach.**

4.4.5 Where pupils are excluded for a fixed period up to five days, academies should take reasonable steps to set and mark work.

4.4.6 From the sixth day of exclusion, alternative provision must be arranged; it is the AIM Board's duty and responsibility to ensure this. It should be noted that 'sixth day provision' is based on a cumulative period of exclusion and requires that an

alternative and full-time education is provided.

4.4.7 Academies should have a strategy for reintegrating pupils that return following a fixed period exclusion, and for managing their future behaviour, so that their long-term success can be secured.

4.4.8 Points 5.3.4 to 5.3.8 inclusive are made in accordance with Section 100 of the Education and Inspections Act (2006), Section 19 of the Education Act (1996) and regulations made under those sections.

## 5. Permanent Exclusion

5.1. Permanent exclusion should:

- Only be used as a last resort, when all other reasonable approaches have been unsuccessful;
- Be in response to persistent and/or an extreme breach of the school's code of behaviour;
- Be implemented when allowing the pupil to remain in school would seriously harm the education or welfare of other pupils

A permanent exclusion is a very serious decision, and the Principal will consult with the CEO and Chair of the AIM Board before enforcing it, having completed the 'Principal's Evidence of Self-Evaluation Evidence' (Appendix 2) and 'Pre-Exclusions Assessment Process' (Appendix 2). As with a fixed term exclusion, it will follow a range of strategies and be seen as a **last resort**, or it will be in response to a very serious breach of Academy rules and policies, such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on the Academy premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Serious and persistent disruptive behaviour

5.2 To ensure compliance with the above prerequisites, and in the event of a permanent exclusion referral being made, the Principal is required to undertake a Pre-Exclusion Assessment, as per **Appendix 3**; the documentation produced as part of this process **MUST** be included in the Permanent Exclusion Documentation as per paragraph 6.3.

### 5.3 Permanent Exclusion Documentation

5.3.1 To ensure compliance with the letter of the law and the ethos of the Trust's approach to inclusion, academies are expected to produce evidence of documentation for scrutiny at Exclusion Appeal Hearings.

5.3.2 All documentation **MUST** be with all members of the panel, five academy days prior to the appeal hearing.

5.3.3 Suggested papers to be included are referenced in **Appendix 4** 'Exemplar Documentation for Consideration at Exclusion Appeal Hearings'.

## 6 Attendance at Permanent Exclusion Appeal Hearings – General Guidance for AIM Boards

6.1 The purpose of the Exclusion Appeal Hearing is for the Trust's CEO, and a panel of three AIM Board Partners, to have

oversight of whether the Principal's decision to exclude was lawful, rational, reasonable, fair and proportionate.

- 6.2 The trustee with responsibility for safeguarding should also be present at the Hearing as an observer.
- 6.3 In preparing for a consideration of exclusion hearing, CEO/AIM Board Partners, through coordination by the Clerk, if appropriate, should:
- Not discuss the exclusion with any other party;
  - Ask for written evidence in advance of the meeting (including witness statements and other relevant information);
  - Circulate any written evidence and information, including a list of those who will be present, to all parties, where possible, at least five academy days in advance of the meeting;
  - Allow parents and pupils to be accompanied by a friend or representative;
  - Make reasonable adjustments as appropriate for people attending the meeting;
  - Take steps to enable the excluded pupil to attend the meeting, considering their age and understanding. Alternatively, the CEO/AIM Board Partners should consider how the excluded pupil can feed in his/her views by other means; this can have been undertaken during the Pre-Exclusion Assessment, if appropriate.
- 6.4 It is crucial that exclusion hearings are clerked; ideally by the Academy or the Trust's own Clerk. They act as a contact point, arranging the meeting, and collating and distributing any relevant papers in advance of the meeting.
- 6.5 At the meeting itself, the Clerk should be able to provide impartial procedural advice where necessary.
- 6.6 The chair of the panel will also have a role in ensuring that the review is held in the correct procedural manner and will have the crucial role of mediating where necessary.
- 6.7 Minutes should be taken and made available to all parties on request.

## 7 Attendance at Permanent Exclusion Hearings – Standard Agenda

- 7.1 The meeting will follow a clear agenda which gives everyone an opportunity to have their say. If in attendance, the parent will have an opportunity to put forward their point of view and refer to any written representation.
- 7.2 Refer to **Appendix 5** for the standard agenda template to be used.

## 8. Attendance at Permanent Exclusion Hearings – The Role of the Panel

- 8.1. CEO/AIM Board Partners should adhere to the following basic rules:
- They operate as a corporate body and not through individual action, unless delegated specific tasks;
  - Decisions of the Panel are made by a majority vote, and all Partners hold the majority decision;
  - The decisions they make should always be in the best interests of the pupils;
  - Within their role the CEO/AIM Board Partners should strive to always uphold the principles of public life, as set out by the Nolan Committee in 1995. These are: selflessness, integrity, honesty, openness, accountability, objectivity and leadership;
- 8.2 **With this in mind, the panel's decision must be based upon the 'balance of probabilities'; that is how likely it is that the child did what s/he is alleged to have done and what behaviour policies were not followed, as a result. The panel must consider the evidence for the exclusion itself, but also the personal circumstances of the excluded pupil and how**

**their presence at the Academy will affect the staff and other pupils.**

8.3 In determining the lawful, rational, reasonable, fair and proportionate response of the Principal, the panel needs to consider:

- Whether the correct procedures were applied; was the decision legal and fair? Did it comply with the Academy's behaviour policy?
- Did the decision comply with the Equality Act 2010 Was the process in line with the SEND Code of Practice?
- The seriousness of the incident and the appropriateness of a permanent exclusion
- The likelihood of the incident being repeated, should the pupil be allowed to return
- The fairness of the exclusion in relation to any other pupils involved in the same incident
- Any relevant previous misbehaviour
- The support provided by the Academy and for how long it was provided
- Any special educational needs and disabilities (SEND) the pupil may have
- Any mitigating circumstances

8.4 The panel can either:

- Uphold the permanent exclusion OR
- Direct the reinstatement of the pupil either immediately or on a specific date

8.5 The outcome should be noted on the pupil's educational record, along with copies of all relevant documents.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Advisor. Legal representation will not normally be appropriate.

## **9. Actions to be Taken Following the Permanent Exclusion Hearing**

9.1 Following the permanent exclusion hearing, the Trust's CEO should notify the Chair of Trust Board immediately.

9.2 In accordance with best practice guidance, it is expected that parents are informed of the decision within 24 hours by telephone and an electronic version of the letter, if this mode of communication is appropriate.

9.3 To ensure parents are appropriately supported, the CEO is responsible for making telephone contact. The purpose of this phone call is to advise of the formal decision of the Academy and to signpost parents to additional support; it is not to engage in additional dialogue about the decision.

9.4 The Clerk to the AIM Board is responsible for sending the electronic version of the decision letter to parents, if appropriate.

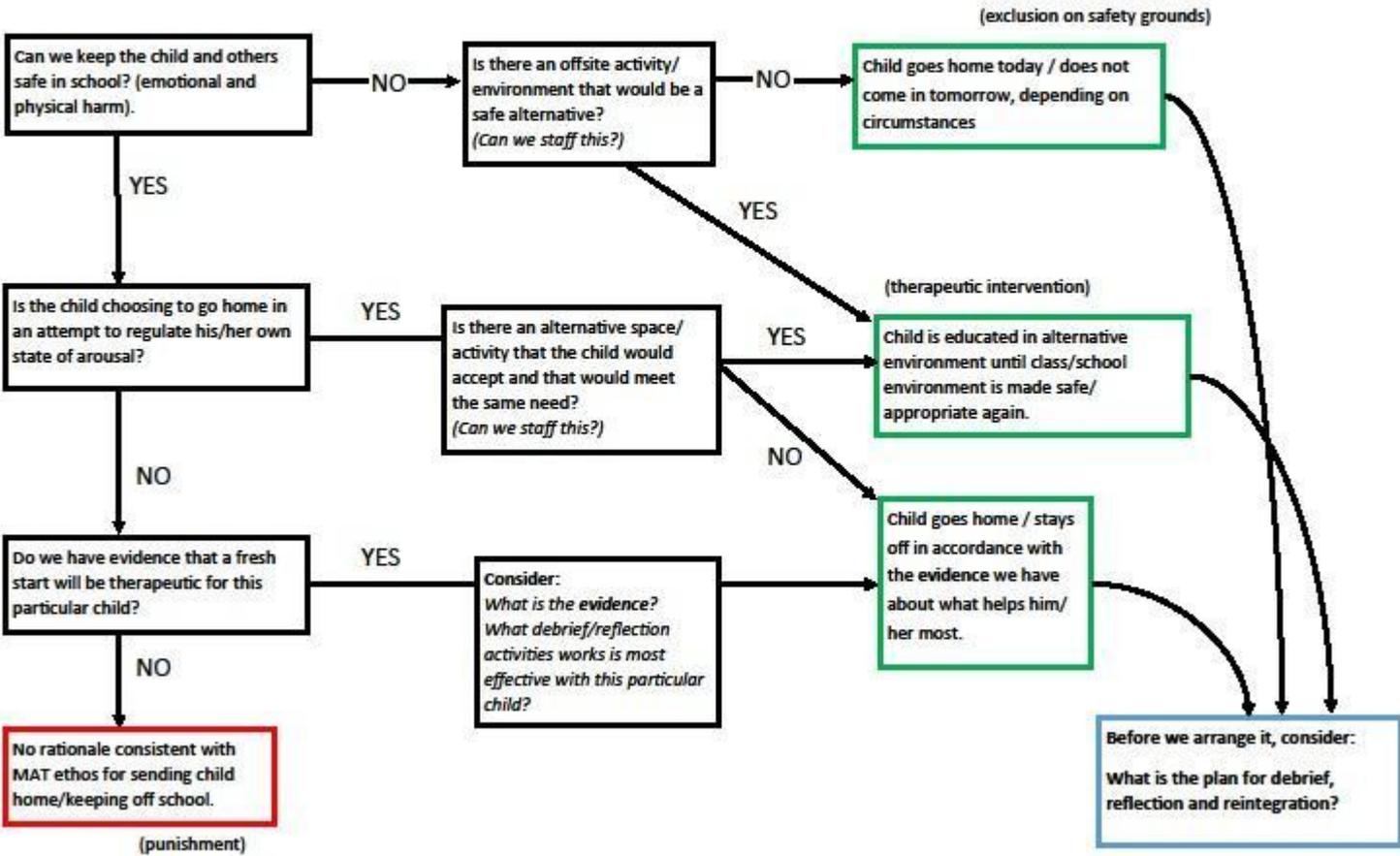
9.5 In addition, the original letter informing parents of the decision should be sent by the Clerk as soon as possible within the 24-hour period.

## **10. Procedure for Independent Appeal**

10.1 If parents wish to appeal against the decision to exclude, they can do so to an independent panel. The outcome of appeal letter will detail the right to appeal to an independent panel.

- 10.2 If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Panel not to reinstate a permanently excluded pupil.
- 10.3 Applications for an independent review must be made within 15 academy days of notice being given to the parents by the Panel of its decision to not reinstate a pupil.
- 10.4 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 governor category and 2 members will come from the Principal category.
- A lay member to chair the panel who has not worked in any school or academy in a paid capacity, disregarding any experience as a trustee, governor or volunteer
  - School governors who have served as a trustee/governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or principals/headteachers during this time
  - Headteachers/Principals or individuals who have been a headteacher/principal within the last 5 years
- 10.5 A person may not serve as a member of a review panel if they:
- Are a member or trustee of the Trust, or AIM Board of the excluding academy
  - Are the Principal of the excluding academy, or have held this position in the last 5 years
  - Are an employee of the Trust or the AIM Board, of the excluding academy (unless they are employed as a headteacher/principal at another school/academy)
  - Have, or at any time have had, any connection with the Trust, academy, AIM 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).
- 10.6 A clerk will be appointed to the panel.
- 10.7 The independent panel will decide one of the following:
- Uphold the Panel's decision
  - Recommend that the AIM Board reconsiders reinstatement
  - Quash the Panel's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
- 10.8 The independent panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Exclusion, safety precaution or therapeutic intervention?



## Principal's Evidence of Self-Evaluation Exclusion Decision

Questions	Yes/ No	Supporting Commentary as evidence of actions taken
Have I investigated specific incidents with all parties in a sensitive and fair way?		
Have I considered factors that could have contributed to the pupil's behaviour (e.g. SEND, Adverse Childhood Experience (ACE) or bereavement) and have I taken these factors sufficiently into account?		
Is exclusion the most appropriate and reasonable sanction, and consistent with the Academy's behaviour policy?		
I have considered the details of the family background. Is there any additional relevant contextual information, which could be a factor of the behaviour exhibited?		
Are there any safeguarding concerns, which could be raised, following an exclusion?		
Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?		
Is relevant evidence properly recorded/ retained/ documented? (E.g. summaries of interviews, past behaviour and support given)?		
Have I spoken to the parents to ensure they fully understand the type/ scale of the incident?		
Is there evidence of work provided and marked for any fixed-term exclusions (FTE) up to 5 days in the last 12 months?		

Is there evidence of an educational provider engaging in teaching activities with any child who has been issued a FTE of 6 days or more in the last 12 months?		
Is there evidence of parental views being sought in the last 6 months?		
Is there evidence of the Academy complying with the statutory guidance on informing parents about an exclusion?		
Has the family been made aware of the statutory guidance on exclusions and the range of free and impartial advice which is available?		

**Note: In the case of permanent exclusions, this self-evaluation should be completed prior to the Pre-Exclusion Assessment Process (PEAP) and sent to the CEO.**

**Summary Recommendations by CEO (permanent exclusions only)**

Evaluation of Actions Undertaken by the Academy	Yes	No	Comment
The Academy has extensive evidence of a range of support put in place to meet the needs of the pupil			
There is evidence that the needs of the pupil and the involvement of the parents/carers have been central to all decisions made			
The Academy has met all statutory guidance without exception			
The pupil's actions have breached the behaviour policy of the Academy and continue to pose a serious threat to the education of the pupils or the safety and wellbeing of pupils/ staff/ themselves			

**I am/ am not satisfied that the evidence provided, justifies the case being put forward to approve a permanent exclusion for the child named: \_\_\_\_\_ in Year \_\_\_\_\_**

**Signed** \_\_\_\_\_

**Name:** \_\_\_\_\_

Date \_\_\_\_\_

Title: \_\_\_\_\_

**Academy Response to Recommendations**

**Signed** \_\_\_\_\_

**Name:** \_\_\_\_\_

## Pre- Exclusion Assessment Process (PEAP)

Date of Assessment: \_\_\_\_\_

Name of Child		Year Group	
Academy Name		Start Date at the Academy	
Date of 1 <sup>st</sup> Issue recorded			

### Details of Previous Fixed-Term Exclusions in the last 12 months

Date	Duration	Reasons

### Details of External Support Involved:

Name	Agency	Date last involved	Reason/Outcome	Still Involved?	Date of Next Visit

### School based interventions and strategies:

Date	Duration	Reasons

# NOTIFICATION OF FIXED TERM EXCLUSION

Appendix 3

Legal surname of pupil: \_\_\_\_\_ Male/Female (please delete as appropriate)  
First Name(s): \_\_\_\_\_ Date of Birth of Pupil: \_\_\_\_\_  
Name of parent/guardian/carer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: Work \_\_\_\_\_ Home \_\_\_\_\_  
Name of other parent/guardian/carer entitled to notification: \_\_\_\_\_

Year Group of Pupil: \_\_\_\_\_

Is the Pupil a Look After Child?: Yes or No (delete as appropriate)

Start Date of Exclusion: \_\_\_\_\_ Last day of Exclusion: \_\_\_\_\_ Age when excluded: \_\_\_\_\_

Number of school days for this exclusion:

Total number of school days excluded this term: \_\_\_\_\_ Total number of  
school days excluded in the current academic year: \_\_\_\_\_

Reason for exclusion

PP Physical aggression towards another Pupil PA Physical aggression towards an adult TP  
Threatening towards Pupil TB Threatening Behaviour against Adult  
BU Bullying RA Racial Abuse SM Sexually Inappropriate Behaviour DA Drug and Alcohol Related  
DM Damage TH Theft DB Persistent Disruptive Behaviour  
OT Other (use sparingly when incidents are not covered in above categories) \_\_\_\_\_

If Support Agencies (within and or outside the education service) are currently involved with this pupil, please give details:

**Agency**

**Contact Person**

Is the pupil due to sit a public examination during the period of Exclusion?

YES or NO (please delete)

# Exemplar Documentation for Consideration at Exclusion Hearings

Appendix 4

Suggested Documentation to Include in the Evidence File	Included ✓ / X
Pre-Exclusion Assessment	
Academy Behaviour Policy	
Attendance Records	
Information of any Special Educational Needs / Disabilities (SEND)	
Confirmation of whether Looked After	
Chronology of Actions	
Description of interventions tried and summary of impact / outcomes	
Phone call logs of action taken	
LA Inclusion panel summary and any recommendations	
Evidence of parent meetings	
Voice of the pupil documented	
Behaviour logs and individual pupil response following the incident, as per the Bound Book	
Evidence of work undertaken by Behaviour Support in school and pupil feedback	
Evidence of letters sent to parents re Fixed Period Exclusions	
For EAL families, evidence of translated documents being sent	
Letter sent re Permanent Exclusion	
Evidence of Emergency Plans or Pastoral Support Plans in place	
Evidence of work provided for any exclusions up to 5 days	
Evidence of the communication trail between the Local Authority and the Academy	

Academy account and witness statements, if appropriate, relating to the issue which precipitated the permanent exclusion referral	
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Exclusion Hearing: Standard Agenda	Suggested Timings
Chair opens meeting explaining the role of the panel - to consider the permanent exclusion or reinstatement of the excluded pupil	10 mins
Introductions	
Chair explains the order of the meeting	
The Principal explains why the child was excluded	5 mins
The parents /s and representative ask questions of clarification of the Principal	15 mins
The panel ask questions of clarification of the Principal	
The parents put forward their case	
Questions from the Principal	
Questions from the panel	
Panel checks with LA representative / expert representative - re any areas where there may be lack of clarity/ more information required or guidance not adhered to; cross-referenced with relevant documentation	5 mins
Principal and parents leave the meeting for panel to review briefly the evidence that was heard and to confirm that all the issues have been resolved/ clarified; this also allow parents/s and Principal a chance to reflect before summing up	10 mins
All parties resume meeting	
Principal sums up	15 mins
Parents sums up	
Chair explains a decision will be made in consideration of statutory guidance and that full reasons for the decision reached will be sent by letter to the parents	
Principal, parents and LA representative / expert representative leave the meeting - panel considers its decision	30 mins

## Appendix 6 – 1 to 5 days exclusion

Our ref:

DATE

[ADDRESS]

Dear [NAME]

### **Student Name, D.O.B., Current Yr**

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

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion, specifically [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 dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[Optional paragraph]** We will set work for [Name] to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion [specify the arrangements for this]. Please ensure that work set by the school is completed and returned promptly for marking.

You have the right to make representations about this decision to the AIM board. If you wish to make representations please contact [Name], Clerk to the AIM board on [tel no], as soon as possible. Whilst the AIM board 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 the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>

**[Optional paragraph for reintegration interview]** You and [Name] are invited to attend a reintegration interview with [staff member] at [school name] on [date] at [time]. If that is not convenient, please contact the school before [Name] is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best their return to school can be managed.

You also have the right to see a copy of [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 their school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following sources of information are available to you:

- For general advice on the exclusions process you may contact the Admissions Service at Warwickshire County Council by telephone: 01926 738353, by email: [exclusions@warwickshire.gov.uk](mailto:exclusions@warwickshire.gov.uk) or view the website at [www.warwickshire.gov.uk/exclusions](http://www.warwickshire.gov.uk/exclusions).
- You may also find it useful to view the Coram Children's Legal Centre website [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk). The website can offer advice and information on child, family and education law.
- The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

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

Yours sincerely

[Name]  
Principal

## Appendix 6 – 5 to 15 days exclusion

Our ref:

DATE

[ADDRESS]

Dear [NAME]

### **Student Name, D.O.B., Current Yr**

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, specifically [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 dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[Schools should take reasonable steps to set and mark work]** We will set work for [Name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion [specify the arrangements for this]. Please ensure that work set by the school is completed and returned promptly for marking.

[If the individual exclusion is for more than 5 days] From the [6th school day of the pupil's exclusion] [specify date] until the expiry of this exclusion period 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. [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]

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 must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is [specify date — no later than the 50th 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 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 First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the discipline committee.

[Optional paragraph for reintegration interview] You and [Name] 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 [Name] is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best their return to school can be managed.

You also have the right to see a copy of [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 their school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following sources of information are available to you:

- For general advice on the exclusions process you may contact the Admissions Service at Warwickshire County Council by telephone: 01926 738353, by email: [exclusions@warwickshire.gov.uk](mailto:exclusions@warwickshire.gov.uk) or view the website at [www.warwickshire.gov.uk/exclusions](http://www.warwickshire.gov.uk/exclusions).
- You may also find it useful to view the Coram Children's Legal Centre website [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk). The website can offer advice and information on child, family and education law.
- The Department for Education statutory exclusions guidance can be found at [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

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

Yours sincerely

[Name]  
Principal

## Appendix 6 – permanent exclusion

Our ref:

DATE

[ADDRESS]

Dear [NAME]

**Student Name, D.O.B., Current Yr**

I regret to inform you of my decision to permanently exclude [Name] with effect from [date]. This means that [Name] will not be allowed into school unless [he/she] is reinstated by the AIM Board Disciplinary Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Name] has not been taken lightly. [Name] has been excluded because [specify full reasons for permanent exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, specifically [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 during school hours on the specified dates. It will be for you to show that there is reasonable justification for this.

Alternative arrangements for [Name]'s education to continue will be made. For the first 5 school days of the exclusion we will set work for [Name] and would ask you to ensure this work is completed and returned promptly to school for marking. Please contact [Name] on [tel no] to arrange a convenient time to collect it. From the sixth school day of the exclusion onwards [date], the local authority, Warwickshire County Council will provide suitable full-time education. These arrangements will be notified to you shortly.

As this is a permanent exclusion the AIM board must meet to consider it. At the review meeting you may make representations to the AIM Board if you wish and ask them to reinstate your child in school. The AIM board have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request a review of their decision by an Independent Review Panel.

The latest date by which the AIM board must meet is **[specify — the 15<sup>th</sup> school day after the date on which the AIM board was notified of the exclusion]**. If you wish to make representations to the AIM board and wish to be accompanied by a friend or representative please contact [Name], Clerk to the AIM board on [tel.no.], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the AIM board 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 the meeting. Also, please inform [Name] 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, and/or make a claim, to the First Tier Tribunal, <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the AIM board.

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 will be a charge for photocopying.

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

- You may wish to contact Exclusions at Warwickshire LA by telephone on 01926 742517, by email to [exclusions@warwickshire.gov.uk](mailto:exclusions@warwickshire.gov.uk) or view the website at [www.warwickshire.gov.uk/exclusions](http://www.warwickshire.gov.uk/exclusions), who can offer general advice on the exclusion process.
- You may also find it useful to contact the Coram 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 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8:00am to 8:00pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion).

Yours sincerely

[NAME]  
Principal

**Model Letter: from Clerk to the AIM Board to a Parent Offering Reinstatement of a Permanently Excluded Pupil**

**SCHOOL LETTER HEAD (containing Clerk to the AIM Board's Name and Academy Address)**

Dear **[Parent's Name]**

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

The meeting of the Panel at **[Academy]** on **[date]** considered the decision by **[Principal's name]** to exclude **[name of pupil]** permanently. The Panel, after carefully considering the representations made and all the available evidence, have decided to reinstate **[name of pupil]**.

The reasons for the Panel'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]** are invited to attend a reintegration interview with **[Name of Principal]** on **[date and time]**. The purpose of the reintegration interview is to discuss how we can best manage your child's return to school.

Yours sincerely

**[Name]**  
**Clerk to the AIM Board**

Cc Principal  
TLET CEO

Model Letter: from Clerk to the AIM Board to a Parent where AIM Board uphold permanent exclusion decision

Dear *[Parent's name]*

The meeting of the Panel at *[Academy]* on *[date]* considered the decision by *[Principal]* to permanently exclude your **son/daughter** *[name of pupil]*. After carefully considering the representations made and all of the available evidence, the Panel, has decided to uphold *[name of pupil]*'s permanent exclusion.

The reasons for the Panel's decision are as follows:

- *[set out reasons for the decision in sufficient detail to enable all parties to understand why the decision was made and how they arrived at that decision, making reference to how the DfE exclusion guidance has been followed]*

You have the right to request for a review of this decision by an Independent Review Panel. If you would like to request a review, please notify Tania Martin (the Schools Appeals Officer) in writing. You must set out the grounds on which the request for a review is being made and send this to Warwickshire County Council, Law & Governance, Resources Group, Shire Hall, Warwick CV34 4RL by no later than *[specify the latest date — the 15th school day after receipt of this letter]*. Please note that requests received after *[repeat latest date]* will be rejected. If you have a disability or special needs that would affect your ability to attend the meeting, please advise the School Appeals Officer. It would also be helpful to advise if you require an interpreter to be present.

Where appropriate, your request should include a reference to how your child's Special Educational Needs (SEN) are considered to be relevant to the exclusion. 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 SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make it clear that you wish for an SEN expert to be appointed when you make your request for a review. You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend to the review.

Your review will be heard by an Independent Review Panel. The panel will comprise of one serving, or recently retired (within the last five years), head teacher/principal, one serving, or recently served, school governor (who has served as a governor for at least 12 consecutive months) and one lay member who will be the Chairperson. The review panel will re-hear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day after the date on which the review request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review, the panel can decide to:

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

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

The following sources of information are available to you:

For general advice on the exclusions process you may contact the Exclusions team at Warwickshire LA by telephone: 01926 738353, by email: [exclusions@warwickshire.gov.uk](mailto:exclusions@warwickshire.gov.uk) or view the website at [www.warwickshire.gov.uk/exclusions](http://www.warwickshire.gov.uk/exclusions)

You may also find it useful to view the Coram Children's Legal Centre website [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk) . The website can offer advice and information on child, family and education law.

The Department for Education statutory exclusions guidance can be found at

[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

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

Yours sincerely

**[name]**

Clerk to the AIM Board

Cc      Principal  
          TLET CEO

**Pupil Safety Plan**

**Date:** XXXXXX

**Author:** XXXXXX

**Version:** ? of ?

**Last Reviewed?** XXXXXX

**Next Review Date:** XXXXXX

<p><b>Aim/s of Safety Plan:</b></p> <ol style="list-style-type: none"> <li>1. XXXXXXXX</li> <li>2. XXXXXXXX</li> <li>3. XXXXXXXX</li> </ol>	<p><b>Audience/Recipients:</b></p>
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What is the hazard?	Who might be harmed?	How might people be harmed?	Risk control measures