



EXCLUSION POLICY

Date Agreed:	29th April 2020
Review Date:	April 2022
Type of Policy:	DCAT Statutory Policy

Revision Number	Date Issued	Prepared by	Approved	Personalised by school	Comments
2		JS / BB			Reviewed in line with statutory requirements – revisions noted on next page
1	17 th January 2019	BB	Trustees	N/A	Author – The Key

Type of Policy	Tick ✓
DCAT Statutory Policy	✓
DCAT Non-statutory Policy	
DCAT Model Optional Policy	
Academy Policy	
Local Authority Policy	

About this document:

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<p>Enquiries: DCAT</p> <p>Author:</p> <p>Jo Saunders Governance Manager</p> <p>Email: jsaunders@dcac.academy</p> <p>This policy was reviewed by the SLT at St. Catherine's College to ensure that the policy was fit for purpose.</p>	<p>Version number: 02</p> <p>Related information:</p> <p>This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.</p> <ul style="list-style-type: none">• 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• Education and Inspections Act 2006,• 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
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Changes to previous document:

The revisions to the Exclusion Policy have been made to ensure that the policy is compliant with statutory guidance.

Page Number	Amendment
Page 1	<ul style="list-style-type: none">• Introduction added• Added relevant statutory guidance
Page 2	Ofsted statement regarding off rolling added
Page 3	Added HT to advise Trust and LGB of decision to exclude
Page 4	<ul style="list-style-type: none">• Membership of LGB Exclusion Panel clarified• Changed 'Minutes' taken of panel meeting to 'Notes'
Page 5	IRP membership clarified
Appendices	All Appendices and Model letters added

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1. Introduction

Our **vision** for our Trust is we exist to:

Help every child achieve their God-given potential

Our **aims** are clear. We aim to be a Trust in which:

Developing the whole child means pupils achieve and maximise their potential

Continued development of staff is valued and improves education for young people

All schools are improving and perform above national expectations

The distinct Christian identity of each academy develops and is celebrated

Our work as a Trust is underpinned by shared **values**. They are taken from the Church of England's vision for Education and guide the work of Trust Centre team. They are:

Aspiration

I can do all things through Christ who strengthens me
(Philippians 4 vs 13).

Wisdom

Listen to advice and accept discipline, and at the end you will be counted among the wise
(Proverbs 19 vs 20)

Respect

So in everything do to others what you would have them do to you
(Matthew 7 vs 12)

Our vision of helping every child achieve their God-given potential is aligned with the Church of England's vision for education and is underpinned by the Bible verse from John: *I have come that they may have life, and have it to the full.*

2. Policy aims

We believe that children can achieve their full educational potential if they attend school regularly and behave well. However, we recognise that, some just need support to do so.

The Trust and its schools aim to ensure that:

- a) The exclusions process is applied fairly and consistently
- b) The exclusions process is understood by all: Trustees, local governors, staff, parents and pupils
- c) Pupils in school are safe and happy
- d) Pupils do not become NEET (not in education, employment or training)

3. 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:

- a) Section 52 of the Education Act 2002, as amended by the Education Act 2011
- b) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- c) Sections 64-68 of the School Standards and Framework Act 1998
- d) In addition, the policy is based on:
- e) Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

- f) Section 579 of the [Education Act 1996](#), which defines 'school day'
- g) 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.

4. 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.

We recognise 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:

- a) In response to serious or persistent breaches of the school's behaviour policy, **and**
- b) 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:

- a) Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- b) Allow the pupil to give their version of events
- c) Consider if the pupil has special educational needs (SEN). If the behaviour leading to the exclusion arose from an underlying special educational need or disability, or mental health need, the exclusion could be unlawful under the Equalities Act (2010). This applies to needs that have been identified or not.
- d) Headteachers should, as far as possible, avoid excluding a Looked After Child (LAC) or any pupil with an Education, Health and Care Plan (EHCP).

To support the decision making, both in substance and process, the headteacher uses a check list based on the Department for Education document (see appendix 2).

5. Definition

For the purposes of exclusions, a 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.

6. Roles and responsibilities

6.1 The headteacher

Informing parents

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

- a) The reason(s) for the exclusion
- b) The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- c) Information about parents' right to make representations about the exclusion to the local governing body and how the pupil may be involved in this
- d) Where there is a legal requirement for the local governing body 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:

- a) The start date for any provision of full-time education that has been arranged
- b) The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- c) The address at which the provision will take place
- d) 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 Trust, Local Governing Body (LGB) and Local Authority (LA)

The headteacher will immediately notify DCAT and the LGB of any fixed term or permanent exclusions. A copy of the letter should be emailed to contact@dcat.academy and to the Chair and Clerk of the LGB. The LA will be advised, via WSCC, SIMS (a copy can be found in [appendix 7](#) along with the LA contact details), of the following:

- a) A permanent exclusion, including when a fixed-period exclusion is made permanent
- b) Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- c) 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 LA once a term.

6.2 The local governing body

Responsibilities regarding exclusions is delegated to the LGB by the DCAT Trust Board. The LGB has a duty to consider the reinstatement of an excluded pupil (see section 7).

For excluded pupils in secondary schools, provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

6.3 The Local Authority

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

7. Considering the reinstatement of a pupil

An LGB exclusion panel will be convened from 3 LGB governors who have no previous knowledge of the case. If it is not possible to convene a LGB exclusion panel from within the school's LGB then local governors from other DCAT schools will be approached to sit on the panel.

An LGB exclusion panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- a) The exclusion is permanent
- b) 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
- c) It would result in a pupil missing a public examination

If requested to do so by parents, an LGB exclusion panel 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, an LGB exclusion panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the LGB will consider the exclusion and decide whether or not to reinstate the pupil.

An LGB exclusion panel can either:

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

In reaching a decision, the LGB exclusion panel 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.

Notes 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 LGB exclusion panel will notify, in writing, the headteacher, parents, the Trust and the LA of its decision, along with reasons for its decision, without delay.

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

- a) The fact that it is permanent
- b) Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - i. The date by which an application for an independent review must be made
 - ii. The name and address to whom an application for a review should be submitted
 - iii. 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
 - iv. That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require DCAT to appoint an SEN expert to attend the review
 - v. Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - vi. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - vii. 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
- c) 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.

8. An independent review

If parents apply for an independent review, DCAT will arrange for an independent panel to review the decision of the LGB exclusion panel 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 LGB exclusion panel of its decision to not reinstate a pupil.

A panel of 3 members will be constituted with representatives from each of the categories below:

- a) 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
- b) 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 headteachers during this time
- c) 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:

- a) Are a Member or Trustee of DCAT, or a member of the LGB of the excluding school
- b) Are the headteacher of the excluding school, or have held this position in the last 5 years
- c) Are an employee of DCAT, unless they are employed as a headteacher at another school
- d) Have, or at any time have had, any connection with DCAT, school, LGB, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- e) Have not had the required training within the last 2 years (see appendix 6 for what training must cover)

A suitably trained clerk will be appointed to the panel.

SEN Expert

Parents have a right to request the attendance of an SEN expert at a review, regardless of whether the school recognises that their child has SEN. The SEN expert must be someone who has expertise and experience of special educational needs considered by the academy trust as appropriate to perform the functions specified in the legislation.

A person may not serve as an SEN expert if they have, or at any time have had, any connection with the academy trust, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially. However, an individual should not be assumed to have such a connection simply by virtue of the fact that they are an employee of the academy trust.

Where present, the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN expert believes that this was not the case he/she should, where possible, advise the panel on the possible contribution which could have been made to the pupil's exclusion.

Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until such time as an SEN expert can attend.

Remit of the Independent Review Panel

The independent panel will decide one of the following:

- a) Uphold the governing board's decision
- b) Recommend that the LGB reconsiders reinstatement
- c) 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.

9. School registers

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

- a) 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
- b) 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 LGB 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.

10. 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:

- a) Agreeing a behaviour contract
- b) Putting a pupil 'on a pupil support plan and/or risk assessment
- c) Internal isolation
- d) Involvement of external agencies
- e) Agreement of additional support such as play or other therapies

11. Monitoring arrangements

Senco and HT monitors the number of exclusions and reports to the Trust and LGB. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

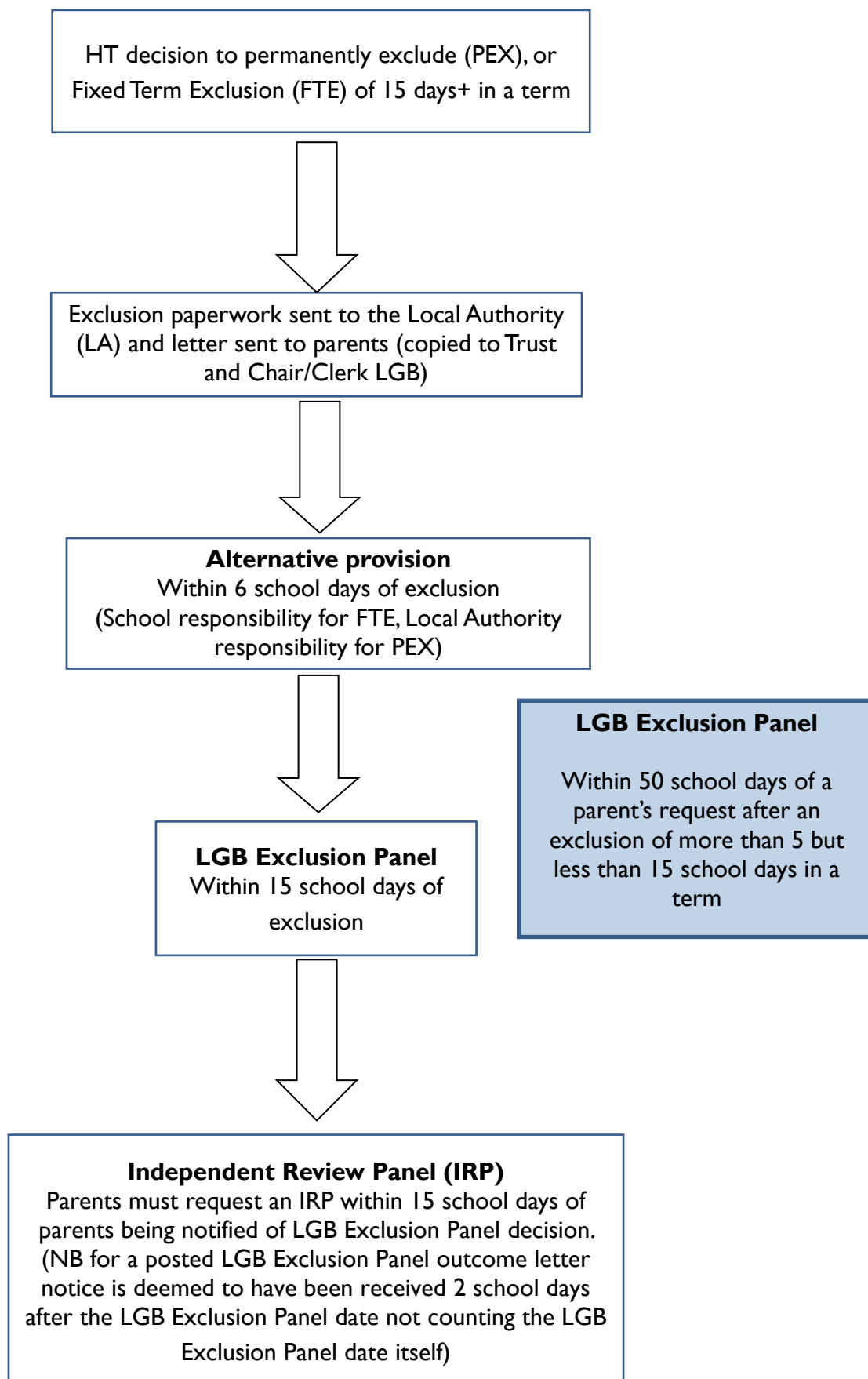
This policy will be reviewed by DCAT every two years.

12. Links with other policies

This exclusions policy is linked to individual schools:

- a) Behaviour policies
- b) SEN policies and information reports

Appendix I: Permanent Exclusion Process - Overview



Appendix 2: Headteacher Exclusion Checklist

This checklist is based on the Department for Education document: "[Exclusion from maintained schools, Academies and pupil referral units in England](#)". It is used as a good practice guide and references the guidance where appropriate. It helps ensure fair, considered, evidence based decisions.

Consideration	Comment/Evidence
1. 'Informal' or 'unofficial' exclusions, such as sending pupils home to 'cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded (para.14).	
2. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. (para 3)	
3. Where practical, head teachers should give pupils an opportunity to present their case (para.17). Interview the pupil, in the presence of another adult, taking notes of questions asked and answers given, using the pupil's own words.	
4. If the pupil is able to do so, ask for a written account of the incident - if the pupil is too upset to do this at the time, ask for this as soon as possible after the incident - if the pupil refuses to give a written account, note the refusal.	
5. Get written statements from adults or any other pupils involved in, or witnesses to, the incident - ensure these are done as soon after the incident as possible and that they are attributed, signed and dated - anonymity should not be routine nor automatic. (para.118 refers to witness statements for an Independent Review Panel but it would also be good practice for Governors Disciplinary hearings).	
6. Take in to account any contributing factors that might be identified. For example, where the pupil has suffered bereavement, has mental health issues or has been subject to bullying (para.18).	
7. Consider whether the pupil's behaviour was a serious or persistent breach of the school's discipline policies and (this is a two-part test which must be met for every exclusion) whether allowing the pupil to remain in school would affect the education or welfare of the pupil or of others in the school (para.16);	
8. Consider whether the pupil has a Statement of SEN (paras.11,23-25), is a looked- after child (paras.23-25), is from an ethnic minority group (paras.21-22), or has any other issues which may have affected his/her behaviour on this particular occasion;	

9. Consider whether there is any discrimination under the Equality Act 2010 (paras.9-11);	
10. Consider the support given to the pupil by the school to address any behavioural issues (para.19);	
11. Consider whether all reasonable alternative strategies to exclusion have been tried;	
12. If appropriate, consult with others (e.g. SENDAR, Specialist Teaching Service, Social Workers, Exclusions officers or any other relevant professionals) but not anyone, such as a member of the school's governing body, who may later take part in the statutory review of the decision.	

Once the decision to exclude has been made the head teacher:

- a) must notify the parents, without delay and ideally by telephone, of the period of the exclusion and the reasons for it (para.26)
- b) must provide information in writing to the parents, without delay, confirming the exclusion and providing all necessary information (paras.27-39)
- c) must, for a permanent exclusion, tell the LA without delay (para.40), by completing the appropriate paperwork (including the requested supporting documentation)
- d) must, for fixed period and permanent exclusions, ensure the exclusion is logged correctly on SIMS, giving details of start date, end date and reason
- e) must inform the Local Governing Board of the exclusion so that any necessary meeting can be arranged within the statutory time limits (para.40 and para.55)
- f) should make arrangements for the pupil to receive homework during the exclusion period and set these out in the exclusion letter (para.50-51) - it is good practice for there to be a named contact given in the exclusion letter so that parents know who to talk to if there are any problems with these arrangements
- g) should, if an Exclusion Panel meeting is necessary, prepare paperwork for the Clerk to circulate to all parties (para.61)
- h) should consider arrangements for reintegrating the pupil at the end of the exclusion period, bearing in mind that conditions cannot be imposed on the return to school (para.13)

Appendix 3: Headteacher / Clerk checklist: LGB Exclusion Panel paperwork pack

It is important that the LGB Exclusion Panel provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented and evidence is produced.

The LGB Exclusion Panel pack containing all written material from the school and parents **MUST** be distributed to the LGB Exclusion Panel members (Governors, parents and any LA representation) 3-5 school days before the LGB Exclusion Panel date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a 'one-off' serious incident compared to cumulative reasons. The tables below show the evidence required for each.

Appendix 3.I Exclusions for a 'one-off' serious incident

Type of evidence	✓ or x	Should this be provided?
Details of the incident in question		Must be provided
Witness statements, including the excluded pupil, signed and dated (these can be dictated and then signed by the young person)		Must be provided. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Behaviour log and details of previous incidents		Should not be provided, as this could influence the Panel. Please check whether this is in fact a one-off exclusion.
Attendance record		Should not be included as it is not relevant
Reports of professionals involved with the pupil		Should not be included as it is not relevant for a one-off incident
Details of any SEN the pupil may have		Must be provided
Details of any disability the pupil may have		Must be provided
Academic reports		Should not be included as it is not relevant
Early Help Plan		Must NOT be included

Appendix 3.2 Exclusions for cumulative reasons

Type of evidence	✓ or x	Should this be provided?
Details of the incidents in question		Must be provided
Statement from the excluded pupil, signed and dated (these can be dictated and then signed by the young person)		Must be provided for the final incident, should be provided for previous incidents. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Witness statements, signed and dated (these can be dictated and then signed by the young person)		Must be provided for the final incident, should be provided for previous incidents
Behaviour log and details of previous incidents		Must be provided
Attendance record		Should not be included as it is not relevant
Details of support provided to the pupil (e.g. Additional Needs Plan, Provision map etc.). The impact of the support should have been evaluated		Must be provided
Reports of professionals involved with the pupil		Must be provided
Details of any SEN the pupil may have		Must be provided
Details of any disability the pupil may have		Must be provided
Academic reports		Should not be included as it is not relevant
Early Help Plan		Must NOT be included

Appendix 4: Suggested format for the LGB Exclusion Panel

The LGB Exclusion Panel should ensure that a proper agenda for its meetings is prepared. The agenda can be flexible to meet the needs of attendees but it is important that the final three points occur in this order at the end of the agenda. **It is suggested that the agenda is included within the pack sent to governors, parents and the LA and a copy given to the Headteacher.**

The agenda should cover the following:

- The Chair welcomes and introduces all parties
- The headteacher puts the case for exclusion
- The parents, panel members and LA representative (when present) may question the head teacher
- The parents (and/or excluded young person where age-appropriate) make their case for reinstatement
- The headteacher, panel members and LA representative (when present) may question the parents
- The LA representative (when present) makes a statement.
- The parents, headteacher and panel may question the LA representative (when present)
- The headteacher makes his/her concluding remarks
- The parents (and/or excluded young person where age-appropriate) make their concluding remarks
- The Chair of the panel concludes this part of the meeting and advises the parents/child that they will receive the decision of the governors in writing within 24 hours.
- At the end of the LGB Exclusion Panel, the panel members must ensure that all other parties have withdrawn before making a decision in private.
- **The panel can either decide to reinstate the pupil, immediately or on a given date, or decline to reinstate the pupil**

Where a LGB Exclusion Panel has been held to consider a permanent exclusion, the school must advise the Local Authority within 24 hours of the decision taken by the LGB Exclusion Panel whether to reinstate the pupil or not.

Following all LGB Exclusion Panels, the school should inform the Local Authority of the decision, preferably with a copy of the letter that has been sent to parents. This letter should include the reasons for the decision, with enough detail to enable all parties to understand why the decision was made.

Appendix 5: LGB Exclusion Panel Checklist

The panel may find it useful to use this checklist when considering the exclusion.

Considerations	✓ or x	Comments
The quality of the evidence		
Have the facts been established? Was a full investigation, involving appropriate witnesses, carried out? Is the excluded pupil's voice present?		
How did the incident relate to the school's behaviour policy?		
Was the pupil responsible for the behaviour that led to the exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed).		
Was the exclusion a proportionate response?		
Was the exclusion a reasonable and proportionate response to the behaviour?		
Was it fair in respect of sanctions imposed on any other pupils involved?		
Were alternative strategies tried?		
If the exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services had failed? (An Additional Needs Plan should be in place, clearly identifying and evaluating school strategies, internal and external support).		
Were there mitigating circumstances?		
Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity)		
Are there unmet Special Educational Needs or Mental Health needs that have contributed to the behaviour? (If there is doubt this exclusion could be unlawful under the Equalities Act 2010).		
Is there evidence that this has been considered by the Headteacher?		
Could there be other needs that have not been identified? Could any other strategies/investigations be tried (e.g. strategies in school, involving outside agencies)?		

Appendix 6: Independent review panel training

DCAT 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:

- a) 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
- b) The need for the panel to observe procedural fairness and the rules of natural justice
- c) The role of the chair and the clerk of a review panel
- d) The duties of headteachers, governing boards and the panel under the Equality Act 2010
- e) 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

In addition, a clerk must be appointed who should not have served as clerk to the LGB Exclusion meeting where the decision was made not to reinstate the pupil. He/she should have the training required by law and an up-to-date understanding of developments in case law, legislation and guidance which are relevant to exclusion. The Academy Trust should ensure that the clerk follows the advice in paragraphs 113-123 in 'Exclusion from maintained schools, academies and pupil referral units in England' (September 2017)

Appendix 7: Contact details for Local Authorities:

West Sussex County Council

County Hall

West Street

Chichester

PO19 1RG

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Appendix 8: Model letters and reasons for using them

The letters can be used by schools to inform parents of decisions taken in respect of exclusions:

Which circumstances?	Which model letter?	Who is the letter from?
A FTE of 5 days or fewer in one term	1	Headteacher
A FTE of more than 5 but not more than 15 days in one term	2	Headteacher
A FTE of more than 15 days in one term OR if a public examination is missed due to the FTE	3	Headteacher
Invitation to a LGB Exclusion Panel Committee for a FTE	4	Clerk to the LGB
Informing of the decision of the Governors Discipline Committee for a FTE	5	Clerk to the LGB
Lunchtime exclusions of up to 5 days in one term (Lunchtime exclusions count as 0.5 days)	6	Headteacher
Notification of a Permanent Exclusion	7	Headteacher
Invitation to a LGB Exclusion Panel for a Permanent Exclusion	8	Clerk to the LGB
Informing of the decision of the LGB Exclusion Panel for a Permanent Exclusion	9	Clerk to the LGB
Withdrawing/Rescinding either a Fixed Term, or a Permanent Exclusion	10	Headteacher

Appendix 8.1: Model Letter I

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following two paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

You have the right to make representations about this exclusion to the Local Governing Board. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Please note that for this length of exclusion the Local Governing Board do not have to meet with you, they also have no power to direct reinstatement. However, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk.) Making a claim would not affect your right to make representations to the LGB Exclusion Panel

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best

your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. 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 Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time).

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

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

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]
Head Teacher

Appendix 8.2: Model Letter 2

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a fixed period exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]**

You have the right to make representations about this exclusion to the Local Governing Body Exclusion Panel. If you wish you have the right to request a meeting of the Local Governing Body Exclusion Panel to consider reinstatement of **[child's name]** and make representations at that meeting as the period of this exclusion brings **[child's name]**'s total number of days of fixed period exclusion to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting the latest date by which the Local Governing Body Exclusion Panel must meet is **[specify date, which must be no later than the 50th school day after the date on which the Local Governing Body Exclusion Panel was notified of the exclusion to which this letter relates]**. If you wish to make representations to the Local Governing Body Exclusion Panel please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as

soon as possible and within the deadline specified. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Local Governing Body Exclusion Panel.

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. 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 Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time).

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

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

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]
Head Teacher

Appendix 8.3: Model Letter 3

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a fixed period exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]**

As this exclusion brings **[child's name]**'s total number of days of fixed period exclusion to more than 15 days in total in one term the Local Governing Body Exclusion Panel must meet to consider the reinstatement of **[child's name]**. You may attend the review meeting and make representations to the Local Governing Body Exclusion Panel if you wish. The latest date by which the Local Governing Body Exclusion Panel must meet is **[specify date, which must be no later than 15 school days after the date on which the Local Governing Body Exclusion Panel was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Local Governing Body Exclusion Panel of the time, date and location of the meeting whether

you choose to make representations or not. If you wish to make representations to the Local Governing Body Exclusion Panel please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Local Governing Body Exclusion Panel

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter “me” or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. 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 Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time).

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” is available at

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

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]
Head Teacher

Appendix 8.4: Model Letter 4

Dear **[parent's name]**

I am writing to advise you that the meeting of the Local Governing Body Exclusion Panel to consider the reinstatement of **[child's name]** regarding their exclusions from school during the period **[start date and end date of the period of exclusion]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Local Governing Body Exclusion Panel, please contact **[enter "me" or the name of contact]** at **[contact details – address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to reinstate **[child's name]**, either immediately or by a particular date.

If the Local Governing Body Exclusion Panel cannot direct reinstatement due to the period of exclusion having expired and your child having already returned to school they will place a copy of their findings on the child's school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

[Name]

Clerk to the Local Governing Body Exclusion Panel
Enc.

Appendix 8.5: Model Letter 5

Dear **[parent's name]**

I am writing to confirm the decision reached by the Local Governing Body Exclusion Panel at their meeting on **[date of Local Governing Body Exclusion Panel meeting]** to consider the reinstatement of **[child's name]** regarding their exclusion from school during the period **[start date and end date of the period of exclusion]**.

After careful consideration of all the evidence available and the representations made to the Local Governing Body Exclusion Panel, the committee has decided to

EITHER

not reinstate **[child's name]** for the following reason(s) **[inset reasons in as much detail as possible explaining how they were arrived at]**

OR

direct reinstatement from **[specify date]** for the following reason(s)
[inset reasons in as much detail as possible explaining how they were arrived at]

As the period of **[child's name]**'s exclusion has expired the committee's findings will be placed on your child's school record.

Yours sincerely

[Name]

Clerk to the Local Governing Body Exclusion Panel

Appendix 8.6: Model Letter 6

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** during lunchtimes for a fixed period of **[specify period]**. This means that **[child's name]** will not be allowed in school at lunchtimes 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. **[Child's name]** has been excluded because **[specify full reason(s) for exclusion]**.

This exclusion covers the lunchtime period only from **[time]** to **[time]** and you should ensure that arrangements are in place for **[child's name]**'s supervision away from school during this period. You should also ensure **[child's name]** returns to school in time for the start of the afternoon session at **[time]**.

[The following paragraph should be inserted if applicable]

As **[child's name]** is eligible to receive a free school meal, I have made arrangements for a packed lunch to be provided for the period of the lunchtime exclusion.

[The following paragraph apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

You have the right to make representations about this exclusion to the Local Governing Body Exclusion Panel. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Whilst the Local Governing Body Exclusion Panel has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Local Governing Body Exclusion Panel.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. 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 Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time). You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

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

[Child's name]'s lunchtime exclusion expires on [date of last day of lunchtime exclusion] and [child's name] can return for lunchtime in school as from [date of first school day following the last day of lunchtime exclusion].

Yours sincerely

[Name]
Head Teacher

Appendix 8.7: Model Letter 7

Dear **[name(s) of parent(s)]**

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This means that **[child's name]** will not be allowed in this school unless **[he/she]** is reinstated by the Local Governing Body Exclusion Panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[Child's name]** has been permanently excluded because **[specify full reason(s) for exclusion]**.

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of this exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

Alternative arrangements for **[child's name]**'s education to continue will be made. We will set work for **[child's name]** during the first 5 days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

From the sixth school day of the exclusion onwards, i.e. from **[specify the date]** the Local Authority will provide suitable full-time education. I have informed the Local Authority of your child's exclusion and you will shortly receive contact from them to let you know the arrangements for **[child's name]**'s education from the sixth school day of exclusion.

As this is a permanent exclusion the Local Governing Body Exclusion Panel must meet to consider **[child's name]**'s reinstatement. You may attend the review meeting and make representations to the Local Governing Body Exclusion Panel and ask the panel to reinstate your child if you wish. The Local Governing Body Exclusion Panel has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide not to reinstate **[child's name]** in which case you may ask for the Local Governing Body Exclusion Panel's decision to be reviewed by an Independent Review Panel. The latest date by which the Local Governing Body Exclusion Panel must meet is **[specify date, which must be no later than 15 school days after the date on which the Local Governing Body Exclusion Panel was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Local Governing Body Exclusion Panel of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Local Governing Body Exclusion Panel please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal

(for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Local Governing Body Exclusion Panel.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. 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 Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time).

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

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

Yours sincerely,

[Name]
Head Teacher

Appendix 8.8: Model Letter 8

Dear **[Name(s) of parent(s)]**

I am writing to advise you that the meeting of the Local Governing Body Exclusion Panel to consider reinstatement of **[child's name]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Local Governing Body Exclusion Panel, please contact **[enter "me" or the name of contact]** at **[contact details – address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

You have the right to request that a representative of the Local Authority be present at the Local Governing Body Exclusion Panel, in which case you should let **[enter "me" or the name of contact]** know so we can arrange this. The Local Authority representative would act as an observer at your request and therefore can only ask questions / makes comments if asked to do so by the Governing board of the academy].

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to uphold the exclusion or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied and if you would like a representative of the Local Authority to be present at the hearing.

Yours sincerely,

[Name]

Clerk to the Local Governing Body Exclusion Panel
Enc.

Appendix 8.9: Model Letter 9

Dear [parent's name]

I am writing to confirm the decision reached by the Local Governing Body Exclusion Panel at their meeting on **[date of Local Governing Body Exclusion Panel meeting]** to consider reinstatement of **[child's name]** from **[name of school]** School.

After careful consideration of all the evidence available and the representations made to the Local Governing Body Exclusion Panel, the committee has decided to

EITHER

not reinstate **[child's name]** for the following reason(s) **[inset reasons in as much detail as possible explaining how they were arrived at]**

OR

direct reinstatement from **[specify date]** for the following reason(s)
[insert reasons in as much detail as possible explaining how they were arrived at]

[Where reinstatement has been directed insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]

The Head Teacher or a senior member of staff will contact you shortly to discuss the arrangements to be made for **[child's name]** to return to school

[Where the child has not been reinstated insert the following paragraphs]

You have the right to ask for this decision to be reviewed by an Independent Review Panel. If you wish the decision to be reviewed by the Independent Review Panel please notify the Diocese of Chichester Academy Trust Governance Manager, Jo Saunders, in the first instance. You should then set out the reasons for requesting a review in writing and send this to: jsaunders@dcac.academy no later than **[specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Local Governing Body Exclusion Panel's decision not to reinstate was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]**. If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by **[repeat latest date]** you will lose your right to have the decision of the Local Governing Body Exclusion Panel reviewed.

An Independent Review Panel comprises of one serving, or recently retired (within the last 5 years) Head Teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. The review panel will rehear all the facts of the case. If any party has fresh evidence to present to the panel they may do so.

If you ask for the Local Governing Body Exclusion Panel's decision to be reviewed by the Independent Review Panel you have the right to require that an expert in Special Educational Needs (SEN) attends the review at no cost to you. You may require that an SEN expert attends

the hearing irrespective of whether the school believes your child has special educational needs or not. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. Should you request a review of the Local Governing Body Exclusion Panel's decision and you wish an SEN expert to be appointed please let Jo Saunders know.

I should also inform you that if you request a review of the Local Governing Body Exclusion Panel's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and/or oral representations to the Independent Review Panel and that you may also bring a friend or supporter to the review. If you intend to be accompanied please let Jo Saunders know. Please also advise if you have a disability or any special needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

Where a representative of the Local Authority attended the Local Governing Body Exclusion Panel meeting and made representation, he/she or another representative will also at your request attend the review and submit a statement in advance.

In determining the outcome of a review the panel can make one of three decisions: they may uphold the decision not to reinstate your child; they may recommend that the Local Governing Body Exclusion Panel reconsiders its decision not to reinstate your child; or they may quash the decision and direct that the Local Governing Body Exclusion Panel considers reinstatement again. A panel should only quash a decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

You may wish to contact Local Authority Behaviour & Attendance Service, who can provide advice. They can be contacted **[enter relevant LA details]**.

You may find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time).

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

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

Yours sincerely,

[Name]

Clerk to the Local Governing Body Exclusion Panel

Appendix 8.10: Model Letter 10

From the Head Teacher/ notifying the withdrawal of a fixed period or permanent exclusion

Dear **[parent's name]**

Further to my letter of **[date of letter giving notification of exclusion]** I am writing to advise you that I am, on this occasion, withdrawing my earlier decision to

EITHER

exclude **[child's name]** for a fixed period between **[insert dates of start and end of exclusion]**

OR

permanently exclude **[child's name]** from the school

I have decided to withdraw the exclusion on this occasion for the following reasons.

[insert reasons]

Yours sincerely,

[Name]
Head Teacher