



JMAT  
032

# John Milton Academy Trust



## Policy on Exclusions

### History of Document:

Issue No	Author/Owner	Date Written	Reviewed by Trust Board on	Comments
001	CEO	Feb 2019		To be reviewed every three years or in line with and changes to DfE guidance.

## Contents

<b>1.</b>	Aims	2
<b>2.</b>	Legislation and statutory guidance	2
<b>3.</b>	Action to be taken	2-3
<b>4.</b>	The decision to exclude	3-4
<b>5.</b>	Roles and responsibilities	4-6
<b>6.</b>	Considering the reinstatement of a student	6-7
<b>7.</b>	An independent review	7-8
<b>8.</b>	School registers	8
<b>9.</b>	Returning from a fixed-term exclusion	8-9
<b>10.</b>	Monitoring arrangements	9
<b>11.</b>	Links with other policies	9
<b>Appendices</b>		
<b>A</b>	Template Letter to Parents for up to 5 days exclusion	10-11
<b>B</b>	Template Letter to Parents for up to 5 days exclusion, over 5 days in the term	12-13
<b>C</b>	Template Letter to Parents for over 5 days exclusion and up to 15 days in a term	14-15
<b>D</b>	Template Letter for Permanent Exclusion	16-17

**Please Note: for the purposes of this policy, the term “student” refers to any learner on roll at a Trust school**

## 1. Aims

The Trust aims to ensure that:

- The exclusion process (fixed-term and permanent) is applied fairly and consistently both within, and across, schools;
- The exclusion process (fixed-term and permanent) is understood by governors, Trustees, staff, parents and students;
- Students in school are safe and happy;
- Students are not at risk of becoming NEET (not in education, employment or training).

## 2. Legislation and statutory guidance

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

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

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

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students;
- Section 579 of the Education Act 1996, which defines 'school day';
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014.

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

## 3. Action to be taken in relation to serious disciplinary matters

**3.1** In discharging their duties, the Headteacher and Governors must have regard to DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which was published in September 2017 and any subsequent DfE updates to this guidance. Staff will also take into account their statutory duties in relation to special educational needs (SEN) including having regard to the SEN Code of Practice.

**3.2** A decision to exclude a student will only be taken:

- In response to serious breaches of the School's Behaviour Policy; and
- If allowing the student to remain in the school would seriously harm the learning or welfare of the student, other students or staff in the school.

- 3.3** When a serious incident occurs, a designated member of staff must interview students and produce a written record of the meeting. If the students are old enough, they should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. If the nature of the incident is extremely serious, then at least two staff members should be present to conduct the interviews and one should be a member of the senior leadership team. At this stage, the statements and record will help to enable the school to decide what, if any, further action should be undertaken.
- 3.4** Whilst an exclusion (fixed or permanent) may still be an appropriate sanction, the Headteacher will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement, has mental health issues or has been the subject of bullying. In cases involving SEN and Looked After Child/ren (LAC) students, the Headteacher should also consider whether appropriate provision is in place to support their needs as well as the involvement of external agencies.
- 3.5** In most cases a range of alternative strategies will have been tried before excluding a child permanently. Where a one-off incident of sufficient gravity has taken place, this may not apply.
- 3.6** Where it is deemed an exclusion (fixed or permanent) is not appropriate or suitable, the school may arrange a governor warning meeting for the pupil with a member of the Local Governing Body (LGB), in order to meet with a student and parents to remind them of the school's behaviour policies and the Trust's expectations. If the student then has further exclusions, the governor that attended this meeting would not be eligible to sit on the exclusions panel

## **4. The decision to exclude**

### **4.1. The decision making process**

**4.1.1** The Headteacher alone (or the acting Headteacher if the Headteacher is absent) has the power to exclude students. In a larger school, and in the case of fixed-term exclusions, the power to exclude may be delegated to a senior member of staff.

**4.1.2** In considering the exclusion of a student, the Headteacher should ensure that the following range of activities is carried out:

- A thorough investigation of the incident(s) producing a written report of the investigation;
- Consideration of all the relevant facts and firm evidence to support the allegations;
- Consideration of the relevant Behaviour Policy;
- A check on whether an incident appeared to be provoked (for example by bullying or racial or sexual harassment);
- A check that all students involved have the opportunity to give their version of events;
- Consultation with other people or agencies except where they may be involved in any review of the exclusion. This consultation will include senior staff and a member of the Local Governing Body who is not assigned to the the pupil disciplinary committee;
- A check that time has been given to addressing and supporting the student's individual problems within the capabilities of the school, having due regard to the Equality Act 2010.

**4.1.3** Before deciding to exclude a student permanently, the Headteacher will first try a range of strategies as outlined in the school's Behaviour Policy, including fixed term exclusion. Only when

other strategies have been tried without success, will the Headteacher consider permanent exclusion. The exception to this will be where a one-off incident of sufficient gravity has taken place.

**4.1.4** In addition to the strategies outlined in **4.1.2**, and prior to issuing a permanent exclusion, the Headteacher should consult the Chair of Governors. If a permanent exclusion is issued, the Chair of Governors will not subsequently be involved in the panel convened to consider the permanent exclusion.

**4.1.5** The Headteacher may exclude a student for up to 45 school days in any academic year. Any exclusion beyond 45 academy days will be permanent. However, before that point is reached, the Headteacher or his/her representative will have held discussions with the Local Authority (LA) with a view to arranging an appropriate placement in another school or Pupil Referral Unit (PRU).

**4.1.6** From Day 6 of any exclusion, students will access education at a designated centre and parents/carers will be advised of arrangements relating to this in the exclusion letter.

**4.1.7** The Headteacher will aim for the shortest possible period of exclusion. However brief the exclusion, a plan will be made to:

- Enable the student to continue their education (through setting work or attending another school, for example);
- Use the time to address the student's problems;
- Examine the process of reintegration.

**4.1.8** In exceptional circumstances, usually where more evidence has come to light, a second fixed-term exclusion can 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-term period.

**4.1.9** In circumstances where the Headteacher has taken the decision to exclude, the Headteacher also has the right to withdraw that exclusion prior to its review by the Local Governing Body. This situation will usually occur where the school has been in discussion with the Local Authority and the Local Authority is able to provide more appropriate provision for the student in question.

## **5. Roles and responsibilities**

### **5.1 The Headteacher**

Following the decision to exclude, the Headteacher (or designated representative) will notify parents/carers by telephone and provide the following information, in writing, to the parents of an excluded student as soon as possible and no later than 24 hours after the decision has been made:

- The reason(s) for the exclusion;
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Information about parents' right to make representations about the exclusion to the Local Governing Body;

- Where there is a legal requirement for the Local Governing Body to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend;
- The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that, for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this;
- If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:
  - The start date for any provision of full-time education that has been arranged;
  - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
  - The address at which the provision will take place;
  - Any information required by the student 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.

The Headteacher will immediately notify the Local Governing Board and the Trust of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent;
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term;
- Exclusions which would result in the student missing a public examination;
- For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher/ head of school will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay;
- For all other exclusions, the headteacher/ head of school will notify the Trust in line with the scheme of delegation.

The Local Authority will also be advised of all permanent exclusions. With the exception of a serious "one-off" incident, it is likely the Local Authority will already have been working with the school and will be aware of any student at risk of permanent exclusion.

## 5.2 Parents/Carers

Parents/Carers have a responsibility to ensure that students are not seen in a public place during the period of an exclusion. Any student who tries to attend school during a period of exclusion is trespassing and legal action can be taken.

Parents/Carers have the right to make representation about the decision to exclude to the governing body. Whilst the governing body has no power to direct reinstatement, they must consider any representations parents/carers make.

Parents/Carers are responsible for students' welfare and well-being during any period of exclusion.

### **5.3 The Local Governing Body**

The Local Governing Body has a duty to consider the reinstatement of an excluded student (see section 6).

Responsibility regarding exclusions is delegated to the pupil disciplinary committee of the Local Governing Body– the committee hearing any representation should comprise two or more governors.

For a fixed-period exclusion of more than 5 school days, the Headteacher, on behalf of the Local Governing Body will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

### **5.4 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.

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

**6.1** The Pupil Discipline Committee of the Local Governing Body will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

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

**6.2** If requested to do so by parents/carers, the Pupil Discipline Committee of the Local Governing Body will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

**6.3** Where an exclusion would result in a student missing a public examination, the Pupil Discipline Committee of the Local Governing Body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Pupil Discipline Committee of the Local Governing Body will consider the exclusion and decide whether or not to reinstate the student. The Committee can either:

- Decline to reinstate the student, or;
- Direct the reinstatement of the student immediately, or on a particular date.

**6.4** In reaching a decision in relation to any exclusion, the Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed his/her legal duties. Governors will decide whether or not a fact is true based 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.

**6.5** Minutes will be taken of the Pupil Discipline Committee’s meeting and a record of the evidence considered will be kept. The outcome will also be recorded on the student’s educational record.

**6.6** The Pupil Discipline Committee will notify parents/carers and the Headteacher and LA of its decision, along with reasons for its decision, without delay. Where an exclusion is permanent, the written notification will also include the following:

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

## **7. An independent review**

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carer by the governing body/exclusion committee/ trustees of its decision not to reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer;

- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers/heads of school during this time;
- Headteachers/ heads of school or individuals who have been a headteacher/ head of school within the last 5 years.

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

- Are a member or trustee of the Trust, or the Local Governing Body of the excluding school;
- Are the headteacher/ head of school of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Trust, or the Local Governing Body, of the excluding school (unless they are employed as a headteacher/ head of school at another school);
- Have, or at any time have had, any connection with the Trust, the school, the Local Governing Body, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.

A trained clerk will be appointed to the panel. The independent panel will decide one of the following:

- To uphold the governing body's decision;
- To recommend that the governing body reconsiders reinstatement;
- To quash the governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

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

## **8. School registers**

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the governing body will wait until that review has concluded before removing a student's name from the register. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (absent) will be used.

## **9. Returning from a fixed-term exclusion**

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

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

- Agreeing a behaviour contract;
- Putting a student 'on report';
- A direction to Alternative Provision in order to moderate behaviour;
- Other suitable tracking/ behaviour modification strategies.

Parents/carers must receive notes from the re-integration meeting and a copy should also be kept by the school.

## **10. Monitoring arrangements**

A member of the senior team monitors the number of exclusions every term and reports back to the headteacher and the Local Governing Body via the Headteacher's Report.

Exclusions will be reported to the Trust as set out through the Scheme of Delegation and termly through the Trust's data collection.

This policy will be reviewed every 3 years. At every review, the policy will be shared with Local Governing Bodies.

## **11. Links with other policies**

This exclusions policy is linked to the Behaviour Policies already in place at Trust schools.

## Appendix A: Template Letter up to 5 days Exclusion

PROTECT

Date

### Private and Confidential

Name

Address

Dear [Parent's Name]

### Fixed Term Exclusion for [Child's Name] (date of birth: xx/xx/xxxx)

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

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates] unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification. We will set work for [Child's Name] to be completed on the school days during the period of his/her exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact The Chair of Governors at the school as soon as possible. Whilst the governing body 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 and [Child's name] are requested to attend a reintegration interview with [Name and job title of member of staff]. The school will contact you to arrange a date and time. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

Yours sincerely

Name

Headteacher

Further information relating to exclusions:

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/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- The Council for Disabled Children <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service England [school\\_exclusions@nas.org.uk](mailto:school_exclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iassnetwork.org.uk/>

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## Appendix B: Template Letter up to 5 days exclusion, over 5 days in the term

PROTECT

DATE

### Private and Confidential

Name

Address

Dear [Parent's name]

### Fixed Term Exclusion for [Child's Name] (date of birth: xx/xx/xxxx)

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days [or specify dates if exclusion is for fewer than 5 days] of this exclusion, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking.

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, and wish to be accompanied by a friend or representative, please contact the Clerk to the Governors' Disciplinary Committee 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.

You [Child's name] are requested to attend a reintegration interview with [name and job title of member of staff]. Please contact the school before your child is due to return to arrange a suitable date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

Yours sincerely

Name  
Headteacher

Further information relating to exclusions:

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/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- The Council for Disabled Children <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service England [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iassnetwork.org.uk/>

## Appendix C: Template Letter over 5 days exclusion and up to 15 days in a term

### PROTECT

Date

#### Private and Confidential

Name

Address

Dear [Parent's name]

#### Fixed Term Exclusion for [Child's Name] (date of birth: xx/xx/xxxx)

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

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days [or specify dates if exclusion is for fewer than 5 days] of this exclusion, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

#### **Please include the following if the individual exclusion is for more than 5 days:**

From the 6th school day of [Child's Name] exclusion [specify date] until the expiry of his/her exclusion we will provide suitable full-time education. On [date] [Child's Name] should attend at [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 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, and wish to be accompanied by a friend or representative, please contact The Clerk to the Governors at the school, 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 The Clerk to the Governors if it would be helpful for you to have an interpreter present at the meeting.

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

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

Yours sincerely

Name  
Headteacher

Further information relating to exclusions:

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/guidance/courts-and-tribunals/tribunals/send/index.htm>).

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

You may also find it useful to contact the Children's Legal Centre (<http://www.childrenslegalcentre.com/>). They aim to provide free legal advice and information to parents on state education matters, or ACE Education (<http://www.ace-ed.org.uk>), and they can also be contacted on 03000 115 142. The ACE Education advice line is open from 10am to 1pm Monday to Wednesday during term time.

Other links to services are as follows:

- The Council for Disabled Children <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>;
- the National Autistic Society (NAS) School Exclusion Service England [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002;
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- Information Advice & Support Services Network <http://cyp.iassnetwork.org.uk/>

## Appendix D: Template Letter for Permanent Exclusion

PROTECT

### Private and Confidential

Name  
Address

Dear [Parent's Name]

### Permanent Exclusion for [Child's Name] (date of birth: xx/xx/xxxx)

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

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for a serious breach of school policy and this breach falls within conduct which can justify permanent exclusion: [detail reasons for permanent exclusion and include any other relevant previous history].

#### **If not already excluded please use this wording:**

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

#### **If already on an exclusion over 6 days please use this wording:**

[Child's Name] will continue to attend Alternative Provision at [details of provision - please state name, address and transport arrangements for Alternative Provision]. We will set work for [Child's Name] to be completed on the school days whilst attending alternative provision. Please ensure that work set by the school is returned to us promptly for marking.

From the sixth school day of the permanent exclusion onwards — i.e. from [date] - the local authority, Suffolk County Council, will provide suitable full-time education, the arrangements for this will be notified to you shortly.

As this is a permanent exclusion, the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in school. The governing body 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 appeal against their decision to an Independent Appeal Panel. The latest date by which the governing body must meet is [specify the date — the 15th school day after the date on which the governing body was notified of the exclusion]. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of staff] as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting.

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

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

You may find it useful to contact the Local Offer Broker, [Name], at the Local Authority, West Suffolk House, Western Way, Bury St Edmunds on 01284 758757 who will be able to provide guidance and advice. You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03000 115142 or on <http://www.childrenslegalcentre.com/>. The advice line is open Monday to Wednesday from 10am to 1pm during term time.

Yours sincerely

Name  
Headteacher

Cc: *Name, Chair of Governors*  
*Local Offer Broker, Suffolk County Council*

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