

Exclusion Guidance for Schools and Academies

Updated: December 2015

This guidance is supplementary to and should be read in conjunction with the DFE Guidance “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” – which came into effect in September 2012. All decisions about exclusion must be made with reference to the DFE guidance which outlines statutory responsibilities.

Schools and Academies should note that the DFE exclusion guidance is statutory guidance. In reading and interpreting the guidance, schools and academies should note that when the terms “shall” or “must” are used, this means that the actions are mandatory. If the term “should” is used, this means that the action is discretionary.

When the guidance states that schools and academies “must have regard to...” this does not mean that the sections of the statutory guidance have to be followed in every detail but that they should be followed unless there is good reason not to in a particular case.

Contact details for correspondence / queries relating to exclusions:

Education Support, Behaviour & Attendance Service
Legal & Intervention Team
East Sussex County Council
St Mark's House
14 Upperton Road
Eastbourne
BN21 1EP
Phone: 01273 481967
Fax: 01323 747409
[Email: exclusions@eastsussex.gov.uk](mailto:exclusions@eastsussex.gov.uk)

Contact details for correspondence / queries relating to Independent Review Panels:

The School Appeals Manager
County Hall
St Anne's Crescent
Lewes
BN7 1UE.
Phone: 01273 481583
Fax: 01273 481208
[Email: schoolappeals@eastsussex.gov.uk](mailto:schoolappeals@eastsussex.gov.uk)

About this guidance

This supplementary guidance updates and replaces all previous guidance regarding exclusion from maintained schools, Academies and College Central including special schools published by East Sussex County Council, herein after referred to as the Local Authority (LA). It applies equally to children with and without statements of special educational needs.

This guidance is intended to be of assistance to all parties involved in the exclusion process including head teachers; governing bodies; Academy Trusts; local authorities; and independent review panel members.

The term “head teacher” in this guidance applies equally to the teacher in charge at College Central and to the principals of academies.

The term “governing body” also applies to the College Central management committee and the board of directors or directors of an Academy Trust.

The requirements of the guidance apply in relation to all pupils, including those who may be below or above compulsory school age, such as those attending nursery classes or sixth forms.

The definition of a parent for the purposes of the Education Act is broadly drawn. In addition to the child’s birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the LA where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable it is expected that all those with parental responsibility should be engaged with the exclusion process.

The Education Support, Behaviour & Attendance Service (ESBAS) should be the first point of contact for any queries that head teachers, governors, parents, pupils or others may have regarding exclusions.

Where a reference to a ‘term’ is given in this guidance and the DFE guidance, it means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.

Contents No.		Page
1.	Exclusion as a Last Resort	3
2.	Headteacher’s Checklist	3
3.	Notification of Exclusions	4
4.	Unofficial / Illegal Exclusions	5
5.	Part-time / Reduced Timetables	5
6.	Procedures following exclusion	6
7.	SEN / Disability / Vulnerable Group Considerations	6
8.	The Governing Body’s Duty to Consider an Exclusion – Key Points	7
9.	Fair Hearings and Natural Justice	8
10.	Governor Disciplinary Committee	9
11.	Independent Review Panels	10
12.	The Role of the SEN Expert on the Independent Review Panel	10
13.	The Remit of the Independent Review Panel	11
14.	Governor’s Training	11
Appendix A	Notification of Exclusion Form (EXNO1)	13
Appendix B	Model letters	15

1. Exclusion as a Last Resort

- 1.1 Exclusion from school should be used as a last resort in response to serious or persistent breaches of a school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school. Other than in the case of a serious one-off offence (such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon) exclusion should only be used when other approaches have been unsuccessful.
- 1.2 If a pupil is deemed to be at risk of exclusion it would be considered appropriate to have a Pastoral Support Programme and/or a CAF to enable a range of strategies and support to be implemented.
- 1.3 Schools should, as far as possible, avoid permanently excluding any pupil with a statement of SEN or any pupil who is a looked after child.

2. Head teacher's Checklist

- 2.1 Any decision to exclude a pupil must be:
 - lawful;
 - reasonable; and
 - fair
- 2.2 In making a decision to exclude a pupil, the head teacher must be able to demonstrate that the exclusion has been carefully considered and is being used as a last resort. The checklist below is designed to assist head teachers in these deliberations.

The circumstances of the case	Yes	No
Has there been a serious breach or breaches of the school behaviour policy?		
Does the pupil's presence seriously harm or threaten to harm the education/welfare of pupils / others?		
Is exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?		
Is exclusion the appropriate response? Factors to consider: <ul style="list-style-type: none"> • Has a thorough investigation been carried out? • Has the pupil's version of events been sought / encouraged / recorded? • Has the evidence been considered in the light of school policies and possible discrimination? • Are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc)? 		
Has a pastoral support programme been used?		
Is this pupil at school action or school action plus? and if so; Has the possibility of additional support from the LA been explored?		

The circumstances of the case	Yes	No
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?		
Standard of proof – “on the balance of probabilities” did the pupil do what he/she is alleged to have done?		
Special considerations	Yes	No
SEN Does this pupil have a statement of special educational needs? Has the SEN county team been contacted? Has an emergency review been arranged?		
LAC Is this pupil looked after? Has the virtual school for children in care been contacted?		
SAFEGUARDING Is this pupil subject to a child protection or a child in need plan?		
Is there a CAF for this pupil? What other agencies/services are involved?		
Have issues of SEN or disability been taken into account and reasonable adjustments put in place?		

3. Notification of Exclusions

3.1 When a head teacher has decided to exclude a pupil he/she must:

- Immediately inform the parent(s) by telephone;
- Draft the appropriate letter (see model letters in appendices)
- Ensure that this letter is sent by first class post to arrive the following day or is hand delivered;
- Ensure that the letter contains the following information:
 - the reasons for the exclusion;
 - the period of fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
 - parents’ right to make representation about the exclusion to the governing body (in line with the requirements set out in paragraphs 50 to 57 of the DFE guidance) and how the pupil may be involved in this;
 - how any representation should be made; and
 - when there is a legal requirement for the governing body to consider the exclusion, that the parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

3.2 The head teacher has a duty to inform the governing body and the LA of certain types of exclusion:

- a permanent exclusion;
- a fixed term exclusion where the head teacher has indicated to the parent that following further investigation it may be made permanent;
- exclusions which would result in the pupil being excluded for more than five days (or more than ten lunchtimes) in a term; and exclusions which would result in the pupil missing a public examination or national curriculum test.

- 3.3 For all other exclusions the head teacher must notify the LA and governing body once a term. However, as best practice, head teachers should ensure an EXNO1 notification is completed after each exclusion and forwarded to ESBAS so that the county pupil database can be kept up to date (see Appendix A for updated EXNO1 notification form).
- 3.4 For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher must also advise the pupil's 'home authority' of the exclusion without delay.

4. Unofficial / Illegal Exclusions

- 4.1 The procedures described above and in the DFE guidance must always be applied when a pupil is excluded. Sending a pupil home informally for a "cooling-off period" or asking parents to take a pupil home to avoid an exclusion are illegal acts which could be subject to challenge. This also applies to lunchtimes; if a pupil is asked by the school to go home at lunchtimes this must also be treated as a half-day exclusion for each lunchtime.
- 4.2 At no time should a school encourage a parent to off-roll their child to electively home educate in order to avoid a permanent exclusion. Each year a significant number of children are removed from the roll of schools under the guise of elective home education (EHE). In many cases, these children have significant behavioural and/or emotional needs and parents are not always able to provide for them appropriately. Such children will either not have access to the provision that they need or will transfer to a new school without appropriate support thereby placing additional pressures on both schools and families. Schools should, therefore, not promote the use of EHE as a means to remove a child with challenging behaviour or poor attendance from their roll. Further guidance on the restrictions of off-rolling a pupil can be found on czone:

https://czone.eastsussex.gov.uk/schoolmanagement/administration/attendancebehaviour/pupilattendance/Documents/Off_roll_guidance.pdf

5. Part-time / Reduced Timetables

- 5.1 It is illegal for a school to impose a reduced or "part-time" timetable.
- 5.2 In some cases, if a pupil has been out of school, unwell or excluded, a part-time timetable may be used as a short-term measure towards achieving full reintegration, building back up to full time hours as long as the parents are in agreement and a written agreement, signed by all parties with stated review dates where appropriate, put in place.
- 5.3 Schools must undertake a risk assessment of the pupil's needs to assess the impact that a reduced timetable would have on the pupil. It is essential that the pupil's welfare during any absence from school is considered. Risk assessments should follow the five steps identified by the Health and Safety Executive:

Step 1: Identify possible hazards

Step 2: Decide who may be harmed and how

Step 3: Evaluate the risks and decide on precaution

Step 4: Record your findings and implement them

Step 5: Regularly review your assessment and update if necessary

- 5.4 The risk assessment should include the safety and wellbeing of the pupil as well as the risk of the pupil engaging in criminal activity or substance misuse whilst not in receipt of education during the school day. Further guidance on reduced timetables can be found on czone:

[https://czone.eastsussex.gov.uk/schoolmanagement/administration/attendancebehaviour/Documents/Reduced Timetable Guidance.pdf](https://czone.eastsussex.gov.uk/schoolmanagement/administration/attendancebehaviour/Documents/Reduced%20Timetable%20Guidance.pdf)

6. Procedures following Exclusion

- 6.1 The 2012 DFE guidance no longer places a requirement on schools (in certain categories of exclusion) to hold a reintegration meeting prior to readmission. However, it would be considered as good practice to have such a meeting with parents, the pupil, and appropriate support services to put a plan in place to support the pupil and avoid any future exclusions; this could include a CAF or Pastoral Support Programme.
- 6.2 Head teachers should note, however, that neither parents nor a pupil can be required to meet specific conditions, such as attending a reintegration meeting, before reinstatement.

7. SEN / Disability / Vulnerable Group Considerations

- 7.1 Head teachers should, as far as possible, avoid permanently excluding any pupil with a statement of SEN. If the pupil being considered for exclusion has special educational needs (SEN) or any disability, the following considerations must be taken into account. Children with SEN may not necessarily have a disability. The definition of disability is not the same as the definition of special educational needs but there may be overlap between those who have SEN and those who have a disability. Please refer to paragraphs 20-24 of the DFE guidance.

Children with Disabilities	Yes	No
<p>Does this pupil have a statement and/or disability? i.e. does he/she have a mental or physical impairment that:</p> <ul style="list-style-type: none"> • is adverse; • is long term; • is substantial; • affects his/her ability to carry out normal day to day activities? (mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand perception of risk of physical danger). 		
<p>Has the pupil been treated less favourably? i.e. would/has a pupil without a disability have been dealt with in the same way? The head teacher will need to consider:</p> <ul style="list-style-type: none"> • what is less favourable treatment? • what is the reason for less favourable treatment? • is the reason directly related to the pupil's disability? • can less favourable treatment be justified? • is the justification material and substantial? 		
<p>Have reasonable adjustments been made for the pupil? The head teacher will need to consider:</p> <ul style="list-style-type: none"> • would failure to make reasonable adjustments place the pupil at a 		

Children with Disabilities	Yes	No
<p>substantial disadvantage?</p> <ul style="list-style-type: none"> • could the need to make reasonable adjustments have been anticipated? • has the school reviewed its policies, practices and procedures (continuing responsibility)? • do reasonable adjustments involve removal/alteration of physical features? • do reasonable adjustments involve provision of auxiliary aids/services (SEN framework)? • have relevant factors been explored and balanced? • the need to maintain standards; • the financial resources available; • the cost of taking a particular step; • the extent to which it is practicable to take a particular step; • the extent to which auxiliary aid/services will be provided under the SEN framework; • health and safety requirements; • the interests of other pupils/prospective pupils; • could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)? • can act/omission be materially and substantially justified? 		

8. The Governing Body's Duty to Consider an Exclusion – Key Points

- 8.1 The responsibility of the governing body to consider exclusions is usually delegated to a sub committee of at least three governors. This committee is known as the Discipline Committee. The Discipline Committee has a clear set of responsibilities.
- 8.2 Where required or requested, the governing body must hold a Governors Discipline Committee (GDC) within the required timescale. (In the case of a permanent exclusion, the GDC must meet within 15 school days of being notified of the exclusion).
- 8.3 The GDC should consist of 3 or 5 governors who have no previous knowledge of the case. The Chair of the governing body should not be part of the GDC if he/she has previously discussed the case with the head teacher or has had any prior involvement with the case as this could compromise his/her impartiality.
- 8.4 The GDC should be clerked by a person who has had appropriate training. Minutes must be taken and distributed to all parties upon request to those who were present.
- 8.5 A LA representative from ESBAS should be invited to all GDCs at maintained schools. The LA's position will be one of neutrality where the representative would not give his/her view on the merits of the particular exclusion, but rather draw the attention of the panel to issues where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. In essence, the LA representative will act as an impartial third party, providing objective and dispassionate representations to assist the process.

For academies: Section 6 in the statutory guidance states that a parent may invite a representative of the LA to attend the GDC as an observer and that representative may only make representations with the governing body's consent.

8.6 As the GDC is responsible for reviewing the decision of the head teacher to exclude a pupil, it would be considered good practice for the GDC to use the head teacher checklist (section 2) when reviewing the exclusion.

8.7 In balancing the needs of the individual against the broader interests of the other pupils and staff within the school, it is recommended that the GDC also consider the following:

Considerations for the Discipline Committee	Comments
<p>What is the quality of the evidence?</p> <ul style="list-style-type: none"> • Have the facts been established? • Was a full investigation, involving appropriate witnesses, carried out? • To what extent are the facts agreed between the relevant parties? • 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). 	
<p>Was the exclusion a proportionate response?</p> <ul style="list-style-type: none"> • was exclusion a reasonable and proportionate response to the behaviour? • was it fair in respect of sanctions imposed on any other pupils involved in an incident? 	
<p>Were alternative strategies tried?</p> <ul style="list-style-type: none"> • 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? (A PSP should be in place, clearly identifying school strategies, internal and external support). 	
<p>Were there any mitigating circumstances?</p> <ul style="list-style-type: none"> • Are there any factors arising from parental representation? e.g. special / medical needs, domestic circumstances, genuine remorse, loss of external examination opportunity. 	

9. Fair Hearings and Natural Justice

- 9.1 It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. Every effort should be made to ensure that this happens.
- 9.2 The case should be clearly stated and evidence produced. All written material to be presented must have been seen by all parties prior to the GDC to allow for preparation, and to take legal advice if so desired. It is often tempting to provide as much information as possible, however, the information that is provided by the head teacher must be relevant to the decision to exclude a pupil. In order to help with this decision, the following checklist should be used:

Type of evidence	Exclusions for a 'one-off' serious incident	Exclusions for cumulative reasons
Details of the incident(s) in question	Must be provided	Must be provided
Statement from the pupil in question, signed and dated	Should be provided. (where a pupil has refused to provide a statement, evidence of doing so should be provided to confirm a request was made)	Must be provided
Witness statements, signed and dated	Must be provided	Must be provided
Behaviour log and details of previous incidents	No, unless there is a specific reason to do so	Must be provided
Attendance record	Not relevant	Not relevant
Details of support provided to the pupil	Only if relevant	Must be provided
Reports from any professionals involved with the pupil	Not relevant	Must be provided
Details of any SEN the pupil may have	Must be provided	Must be provided
Details of any disability the pupil may have	Must be provided	Must be provided
Academic reports	Not relevant	Not relevant
CAF	This must not be included in the GDC information and no area within the CAF should be shared with those present at the GDC due to confidentiality	This must not be included in the GDC information and no area within the CAF should be shared with those present at the GDC due to confidentiality
Other information	Only if relevant	Only if relevant

- 9.3 If a pupil has a history of challenging behaviour and is then permanently excluded for a one-off incident (which does not follow the pattern of behaviour which the pupil usually presents with) then the head teacher needs to exercise care about what information is provided. If details of prior misconduct are provided in the paperwork, the parent(s) could argue that the GDC has been biased by this information, building up a negative perception of the pupil that may well influence their final decision.
- 9.4 It is unlawful to exclude or increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have

additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the actions of a pupil's parents such as failing to ensure regular attendance at school; or the failure of a pupil to meet specific conditions before they are reinstated. As this information is not relevant to the GDC and their decision making, it should not be included in the paperwork for any exclusion.

10. Governor Disciplinary Committee

10.1 The GDC should ensure that a proper agenda for its meetings is prepared. This should cover the following:

- The Chair welcomes and introduces all parties
- The head teacher puts the case for exclusion
- The parents, governors and LA representative when present may question the head teacher
- The parents make their case against exclusion
- The head teacher, governors and LA representative (when present) may question the parents
- The LA representative (when present) makes a statement
- The parents, headteacher and governors may question the LA representative (when present)
- The head teacher makes his/her concluding remarks
- The parents make their concluding remarks
- The Chair concludes the meeting and advises the parents/child that they will receive the decision of the governors in writing within 24 school hours.

10.2 At the end of the GDC, the governing body must ensure that all other parties have withdrawn before making a decision in private.

10.3 Where a GDC has been held to consider a permanent exclusion, the school must advise the LA within 24 school hours of the decision taken by the governing body in whether to uphold or overturn the exclusion.

11. Independent Review Panels

11.1 Independent Review Panels (IRPs) have replaced Independent Appeal Panels.

11.2 Following a GDC decision to uphold a permanent exclusion, the LA or Academy Trust must, if requested by parents, arrange for a review panel to be held within 15 school days of the parent's request.

11.3 The panel must consist of 3 – 5 members representing 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.
- A school governor, who has served as a governor for at least 12 consecutive months in the last five years, provided he/she has not been a teacher or head teacher during this time.
- A head teacher or individual who has been a head teacher within the last five years.

- 11.4 In addition, a clerk must be appointed who should not have served as clerk to the GDC meeting. 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.

12. The Role of the SEN Expert on the Independent Review Panel

- 12.1 When parents apply for an IRP to be held, they may request that a SEN expert attend the panel.
- 12.2 Parents have a right to request the attendance of a SEN expert at an IRP regardless of whether the school / academy recognise that the child has SEN.
- 12.3 Arrangements must be made to indemnify a SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- 12.4 Individuals may not serve as an SEN expert if they have, or at any time have had, a connection with the LA, academy, school, pupil or parent or the incident leading to the exclusion which might reasonably be taken to raise doubts about their ability to act impartially. (However, an individual is not taken to have such a connection solely because he/she is an employee of the LA/school/academy).
- 12.5 The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.
- 12.6 Reasonable steps should be taken to ensure that the parents have confidence in the impartiality and capability of the SEN expert and when possible this may include offering parents a choice of SEN expert.
- 12.7 The SEN expert's role is analogous to an expert witness to provide impartial advice to the IRP about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- 12.8 The SEN expert's role does not include making an assessment of the pupil's SEN.
- 12.9 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.
- 12.10 The SEN expert should not criticise school policies or actions simply because he/she believes a different approach should have been followed or because different schools might have taken a different approach.

13. The Remit of the Independent Review Panel

- 13.1 An IRP does not have the power to direct a governing body to reinstate an excluded pupil.
- 13.2 An IRP can make one of three decisions. It can:

- uphold the decision to exclude;
- recommend that the GDC reconsiders its decision; or
- quash the decision and direct the GDC to reconsider its decision.

13.3 If following a direction from the IRP, the GDC does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the LA towards the costs of providing alternative provision for the pupil.

14. Governor's Training

14.1 It is very important that governors who are called upon to be part of a GDC, receive training. ESBAS provides training sessions for governors on exclusion related policy, procedures and issues, and the expectation is that governors who are likely to be involved in exclusions should make every effort to attend. Training for clerks is also provided.

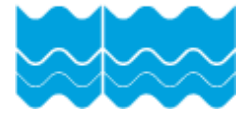
14.2 Training dates will be circulated for county wide training for which there will be a cost. In addition, whole school governor training sessions can be tailor made to suit the individual needs of school governors. Information and requests for training should be made to:

Education Support, Behaviour & Attendance Service,
Legal & Intervention Team
East Sussex County Council
St Mark's House
14 Upperton Road
Eastbourne
BN21 1EP
Phone: 01273 481967
Fax: 01323 747409
[Email: exclusions@eastsussex.gov.uk](mailto:exclusions@eastsussex.gov.uk)

EXNO1 Form**Notification of exclusion (fixed or permanent) from school**

To be completed for all exclusions, on the first day of the exclusion

East Sussex
County Council

**Section 1: Child details**

School		
Child's name		DOB
NCY	UPN	
Name of parent/carer		
Address		
Tel Numbers		
Ethnicity	Language Spoken	
FSM eligibility?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Section 2: Exclusion details

Type of exclusion Fixed Permanent Lunch

First day of exclusion _____ **Last day of exclusion** _____

Total sessions missed for this exclusion (1 day = 2 sessions, AM & PM) _____

Total sessions missed for this term _____

Total sessions missed for this academic year _____

Please use the box below to detail the incident briefly

Look at the list of reasons for exclusion below and decide which one **best fits** this exclusion. You can have more than one reason for exclusion but you must highlight which should be the **primary reason**.

- Absconding from lessons
- Bullying
- Defiance to Teachers
- Obscene Behaviour
- Physical Assault to Staff
- Racist Abuse
- Smoking
- Threatening Staff
- Alcohol related
- Damage to School Property
- Drug Related
- Persistent Disruptive Behaviour
- Possession of Drugs
- Sexual Assault to Pupils
- Theft
- Use of Drugs
- Arson
- Dangerous Behaviour
- Fighting
- Physical Assault to Pupils
- Possession of Weapon
- Sexual Assault to Staff
- Threatening Pupils
- Verbal Abuse to Staff

Reason for exclusion: _____

Section 3: Support details

Does the child have a PSP? Yes No

Is there a CAF in place?

Yes

No

Outside Agency Support

ESBAS

Primary Behaviour Support Service

Educational Psychologist

Other (please specify)

Targeted Youth Support (TYS)

Youth Offending Team (YOT)

CAMHS

Special Educational Needs and Medical Information

Does the child have a statement?

Yes

No

Is the child undergoing Statutory Assessment?

Yes

No

SEN Code of Practice level

Date of entry to level

Date of last review

Looked After Children

Is the pupil in care?

Yes

No

Which Authority?

Have you contacted the Virtual School for children in care?

Yes

No

Have you arranged a case conference review?

Yes

No

Section 4: Communication and Review

This section highlights the tasks that need completing immediately following a fixed, lunch or permanent exclusion.

Fixed Term exclusions

Permanent exclusions

Telephone parent/carer informing them of exclusion and date of return

Telephone parent/carer informing them of exclusion

Send exclusion letter to parent/carer

Send exclusion letter to parent/carer

Provide work for the first 1 - 5 days of the exclusion

Provide work for the first 1 - 5 days of the exclusion

Exclusions of over 5 days - ensure alternative full time provision is in place

Inform the LA by emailing EXNO1 and letter to exclusions@eastsussex.gov.uk

Exclusions of over 15 days - set up Governors Discipline Committee (GDC) Meeting

Set up Governors Discipline Committee (GDC) Meeting

Signed Name

Date

Designation

Please complete and email securely with a copy of the exclusion letter, to: exclusions@eastsussex.gov.uk or post it via the internal Courier to: **ESBAS, 2nd Floor, St Mark's House, 14 Upperton Road, Eastbourne, BN21 1EP.** Notifications of exclusion must be received by the LA **within 24 hours** of the exclusion

Model Letter	Description
1	From the Head Teacher/Principal/Teacher In charge of College Central notifying parents of a fixed period exclusion of 5 days or fewer in one term, or which brings the child's total number of days or fixed period exclusion to no more than 5 days in one term, and where a public examination or national curriculum test is not missed
2	From the Head Teacher/Principal/Teacher In Charge of College Central notifying parents of a fixed period exclusion of more than 5 days and up to/equal to 15 days in one term, or which brings the child's total number of days or fixed period exclusion to more than 5 days and up to/equal to 15 days in one term, and where a public examination or national curriculum test is not missed.
3	From the Head Teacher/Principal/Teacher In Charge of College Central notifying parents of a fixed period exclusion of more than 15 days in one term, or which brings the child's total number of days or fixed period exclusion to more than 15 days in one term, or where a public examination or national curriculum test would be missed.
4	From the Clerk of the Governors' Disciplinary Committee/ Management Committee inviting parents to a meeting of the Governors' Disciplinary Committee/ College Central Management Committee in respect of a fixed period exclusion.
5	From the Clerk of the Governors' Disciplinary Committee/Management Committee informing parents of the committee's decision in respect of a fixed period exclusion.
6	From the Head Teacher/Principal/Teacher In charge of College Central notifying parents of lunchtime exclusion of up to 5 days in one term. (Lunchtime exclusions count as 0.5 days of exclusion towards this total).
7	From the Head Teacher/Principal/Teacher in charge of College Central notifying parents of a permanent exclusion.
8	From the Clerk of the Governors' Disciplinary Committee/Management Committee inviting parents to a Governors Disciplinary Committee / Management Committee meeting in respect of a permanent exclusion.
9	From the Clerk of the Governors' Disciplinary Committee/Management Committee informing parents of the Governors' Disciplinary Committee/Management Committee decision in respect of a permanent exclusion.
10	From the Head Teacher/Principal/Teacher In charge of College Central notifying the withdrawal of a fixed period or permanent exclusion.

Where a reference to a 'term' is given in these letters, it means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.

MODEL LETTER 1

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 Governors' Disciplinary Committee/Management Committee. 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 Governors' Discipline Committee/Management Committee 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 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 HM Courts & Tribunal Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendistqueries@hmcts.gsi.gov.uk.) Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[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. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

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

<http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[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/Principal

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 Governors' Disciplinary Committee/Management Committee. If you wish you have the right to request a meeting of the Governors' Disciplinary Committee/Management Committee to review my decision to exclude **[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 Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than the 50th school day after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee 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 HM Courts & Tribunal Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendistqueries@hmcts.gsi.gov.uk Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[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. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

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

<http://www.education.gov.uk/aboutdfe/statutory/q00210521/statutory-guidance-regs-2012>

[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/Principal

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 Governors' Disciplinary Committee/Management Committee must meet to review my decision to exclude **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee if you wish. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee 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 Governors' Disciplinary Committee/Management Committee 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 HM Courts & Tribunal Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendistqueries@hmcts.gsi.gov.uk Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[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. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

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

<http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[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/Principal

MODEL LETTER 4

Dear **[parent's name]**

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to review the Head Teacher's decision to exclude **[child's name]** 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 Governors' Disciplinary Committee/Management Committee, 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 uphold the exclusion or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

If the Governors' Disciplinary Committee/Management Committee 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 Governors' Discipline Committee/Management Committee

Enc.

Formal exclusion hearing – order of proceedings

Exclusion hearings follow a formal procedure as follows:

1. The Head Teacher, the parent(s)/carer(s) and the excluded pupil and/or their representatives (if present), the excluded child (if present) and a representative of the Local Authority (if present) are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Committee/Management Committee.
3. The Head Teacher presents his/her reasons for the exclusion and calls such witnesses as he/she considers appropriate*.
4. The Head Teacher and his/her witnesses are questioned by the parent(s)/carer(s), or the excluded pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may ask questions and draw attention to any area where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. (**For Academies** – the Local Authority representative is acting as an observer at the request of the parent and therefore can only ask questions / makes comments if asked to do so by the governing body of the academy).
6. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives, may make representations to the Governors' Disciplinary Committee/Management Committee. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Committee/Management Committee should allow the excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
7. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Governors and the Head Teacher.
8. The representative of the Local Authority (if present) can make a statement. (**For Academies** – the Local Authority representative can only make a statement if asked to do so by the governing body of the academy).
9. The Local Authority representative may be questioned by the headteacher, parent(s)/carer(s) and governors.

10. Summing up by the Head Teacher.
11. Summing up by the parent(s)/carer(s), or the excluded pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Committee/Management Committee and the clerk leave the meeting before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the excluded pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Head Teacher and ESBAS.

*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.

MODEL LETTER 5

Dear **[parent's name]**

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/
Management Committee at their meeting on **[date of Governors' Disciplinary Committee/
Management Committee meeting]** to review the Head Teacher's decision to exclude **[child's
name]** 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
Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

uphold the Head Teacher's decision to exclude 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 cannot be directed because the period of exclusion has expired, add the
following sentence]*

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 Governors' Disciplinary Committee/Management Committee

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 Governors' Disciplinary Committee/Management Committee. 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 Governors' Discipline Committee/Management Committee 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 HM Courts & Tribunal Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendistquiries@hmcts.gsi.gov.uk. Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

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 <http://www.education.gov.uk/schools/pupilsupport/behaviour/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/Principal

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 Governors' Disciplinary Committee/Management Committee.

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 the Education Support, Behaviour & Attendance Service who will 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 Governors' Disciplinary Committee/Management Committee must meet to review my decision to exclude **[child's name]**. You may attend the review meeting

and make representations to the Governors' Disciplinary Committee/Management Committee and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Committee/Management Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide to uphold the exclusion in which case you may ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee 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 Governors' Disciplinary Committee/Management Committee 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 HM Courts & Tribunal Service, Special Educational Needs & Disability Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendistqueries@hmcts.gsi.gov.uk) Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on

0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

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

<http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

Yours sincerely,

[Name]

Head Teacher/Principal

MODEL LETTER 8

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

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to review the Head Teacher's decision to permanently exclude **[child's name]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Governors' Disciplinary Committee/Management Committee, 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.

A representative of the Local Authority will be present at the Governors' Disciplinary Committee/Management Committee. **[For Academies -** You have the right to request that a representative of the Local Authority be present at the Governors' Disciplinary Committee/Management Committee, 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 body of the academy]. **For maintained schools -** The Local Authority's position will be one of neutrality where the representative in attendance would not give his/her view on the merits of the particular exclusion as they would see it but rather, if asked by any party, act as an impartial third party, providing objective and dispassionate representations to assist the process.

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 **(for Academies)** - and if you would like a representative of the Local Authority to be present at the hearing.

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee

Enc.

Formal exclusion hearing – order of proceedings

Exclusion hearings follow a formal procedure as follows:

1. The Head Teacher, the parent(s)/carer(s) and the excluded pupil and/or their representatives (if present), the excluded child (if present) and a representative of the Local Authority (if present) are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Committee/Management Committee.
3. The Head Teacher presents his/her reasons for the exclusion and calls such witnesses as he/she considers appropriate*.
4. The Head Teacher and his/her witnesses are questioned by the parent(s)/carer(s), or the excluded pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may ask questions and draw attention to any area where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. (**For Academies** – the Local Authority representative is acting as an observer at the request of the parent and therefore can only ask questions / makes comments if asked to do so by the governing body of the academy).
6. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives, may make representations to the Governors' Disciplinary Committee/Management Committee. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Committee/Management Committee should allow the excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
7. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Governors and the Head Teacher.
8. The representative of the Local Authority (if present) can make a statement. (**For Academies** – the Local Authority representative can only make a statement if asked to do so by the governing body of the academy).

9. Following the Local Authority statement, the representative may be questioned by the headteacher, parent(s)/carer(s) and governors.
10. Summing up by the Head Teacher.
11. Summing up by the parent(s)/carer(s), or the excluded pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Committee/Management Committee and the clerk leave the meeting before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the excluded pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Head Teacher and ESBAS.

*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.

MODEL LETTER 9

Dear **[parent's name]**

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/Management Committee at their meeting on **[date of Governors' Disciplinary Committee/Management Committee meeting]** to review the Head Teacher's decision to exclude **[child's name]** from **[name of school]** School.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

uphold the Head Teacher's decision to exclude 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]

[Where a permanent exclusion has not been upheld and 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 a permanent exclusion has been upheld 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 Schools Appeals Manager on 01273 – 481583 **[or other body if Independent Review Panel hearings are not arranged for the Academy / School by the Local Authority]** in the first instance. You should then

set out the reasons for requesting a review in writing and send this to: Schools Appeals Manager, East Sussex County Council, Room C3F, County Hall, St Anne's Crescent, Lewes, BN7 1UE **[or other body if Independent Review Panel hearings are not arranged for the Academy / School by the Local Authority]** 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 Governing Body's/College Central Management Committee's decision to uphold the permanent exclusion 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 Governors' Disciplinary Committee/Management Committee 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 Governors' Disciplinary Committee/Management Committee'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 Governors' Disciplinary Committee's/Management Committee's decision and you wish an SEN expert to be appointed please let the Schools Appeals Manager **[or other body if Independent Review Panel hearings are not arranged for the Academy / school by the Local Authority]** know.

I should also inform you that if you request a review of the Governors' Disciplinary Committee's/Management Committee'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 the Schools Appeals Manager **[or other body if Independent Review**

Panel hearings are not arranged for the academy/school by the Local Authority] 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 Governors' Disciplinary Committee/Management Committee meeting and made representation, he/she or another representative will also **[in the case of an Academy, add "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 your child's exclusion; they may recommend that the Governors' Disciplinary Committee/Management Committee reconsiders its decision; or they may quash the decision and direct that the Governors' Disciplinary Committee/Management Committee considers the exclusion 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 The Education Support, Behaviour & Attendance Service, East Sussex Children's Services on 01273 481967, exclusions@eastsussex.gov.uk, who can provide advice.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

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 <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee

MODEL LETTER 10

From the Head Teacher/Principal/Teacher In Charge of College Central 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/Principal