

# **Exclusion Procedures**

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This document is a summary of that in the DfES's guidance "Improving behaviour and attendance: Guidance on Exclusion from Schools and Pupil Referral Units" which came into force on 1<sup>st</sup> September 2007. It is intended to outline exclusion procedures for school staff and any governors who may serve as members of the Review meeting. The LA has also indicated details of its role and recommendations for good practice (shown in italics). The full text of the DfES's guidance can be obtained via <https://www.gov.uk/government/publications/school-exclusion>

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## Types of exclusion

There are three types of exclusion that a school may use:

- Permanent – The pupil will not return to the school.
- Fixed term – This is a temporary exclusion of between 1 and 45 school days in length. No pupil may be excluded for more than a total of 45 school days in any one academic year.
- Lunchtime – This is a form of fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes.

## **EXCLUSIONS FOR INDEFINITE PERIODS, INFORMAL OR UNOFFICIAL EXCLUSIONS ARE ILLEGAL** (regardless of whether they are done with the agreement of parents or carers).

Schools need to have policies, procedures and staff training in place that will promote good behaviour and prevent bad behaviour. Such behaviour policies need to be applied consistently and widely publicised so that all pupils, school staff and parents are aware of the standards of behaviour expected of pupils, and the range of sanctions.

A school's behaviour policy may regulate pupils' behaviour where the pupils are neither on school premises nor in charge of school staff, where it is reasonable to do so. The school's behaviour policy should provide for the circumstances where the school may discipline pupils for bad behaviour outside school.

### **Permanent exclusion**

Permanent exclusion should usually only be used as a final step when a wide range of other strategies has been tried and failed. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child.

There may be exceptional circumstances where, in the head teacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.

Schools should consider whether or not to inform the police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g. the Youth Offending Service, social workers etc.

These instances are not exhaustive but indicate the severity of such offences and the fact that behaviour can affect the discipline and wellbeing of the school community.

The LA must be informed of the exclusion within one school day (*Form EXP*), see also 6<sup>th</sup> school day provision flowchart on page 9/10. If the pupil lives outside the LA in which the school is located, the head teacher must also advise the 'home' LA of the exclusion so that they can make arrangements for the pupil's full time education from the 6<sup>th</sup> school day of the exclusion.

### **Days 1 to 5**

The school must ensure that the parent is fully informed of their duties in the first five days of an exclusion and of the school day from which the pupil will be provided with suitable alternative education by the LA. During the first five school days, the school should send work home for the pupil to complete. Parents must ensure that the pupil is not present in a public place during school hours without reasonable justification. Parents can be prosecuted, or given a fixed penalty notice of £50 if they fail to do this. The pupil may also be removed from the public place by the police and taken to designated premises. *If the LA is advised that a parent has failed to comply with supervision requirements during*

*the first 5 school days of a permanent exclusion, our School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.*

## **Day 6**

The LA is statutorily responsible for ensuring that full-time provision is made for all permanently excluded Ealing resident pupils from the 6<sup>th</sup> school day of the exclusion. [Provision does not however have to be made for pupils in the final year of compulsory education who have already taken (or missed) their public examinations]. Schools must follow the procedure set out in the 6<sup>th</sup> school day provision flowchart on page 9/10 to enable the LA to perform its statutory duty.

## **Fixed term exclusion**

Although the law allows for a head teacher to exclude a pupil for up to 45 days in a school year, exclusions should be for the shortest time necessary. Ofsted inspection evidence suggests that 1-3 days is often long enough to secure the benefits of exclusion without adverse educational consequences. Where it is clear that fixed-term exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, head teachers should consider alternative strategies for addressing that behaviour.

The limit of 45 school days applies to the pupil not the institution therefore any days of fixed-term exclusion served by the pupil in any school or PRU in the same school year will count towards the total. If a pupil transfers to a new school during the academic year, records of the fixed-term exclusions should therefore be transferred promptly to the new school.

A fixed-term exclusion does not have to be for a continuous period: e.g. a pupil may be normally attending school three days a week and a local further education college for the other two; so a five-day exclusion from the school could be for three days in one week and two days in the next week.

## **Days 1 to 5**

The school must ensure that the parent is fully informed of their duties in the first five days of an exclusion, of the school days on which the pupil will be provided with suitable education and must attend that provision and of any sanctions that may be imposed for non-attendance.

During the initial period of up to five school days, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. Parents can be prosecuted, or given a fixed penalty notice of £50 if they fail to do this. The pupil may also be removed from the public place by the police and taken to designated premises. *If the LA is advised that a parent has failed to comply with supervision requirements during the first 5 school days of an exclusion, our School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.*

The school must ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision (arranged on a voluntary basis by the school).

## **Day 6**

Where a pupil is given a fixed-term exclusion of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion. Schools in the former Behaviour Improvement Programme that are still in receipt of additional funding are expected to continue making educational provision for excluded pupils from the first day of exclusion.

*High schools are responsible for monitoring the pupil's attendance from the 6<sup>th</sup> school day of an exclusion. Primary schools will be responsible for monitoring the pupil's attendance at the alternative provision from the 6<sup>th</sup> school day of an exclusion, in conjunction with the LA's School Attendance Service, unless that provision is being made at the LA's Primary Centre in which case the Centre staff will monitor attendance in line with current processes. It is possible to prosecute for non-attendance from*

*the 6<sup>th</sup> school day of an exclusion but we would advise schools to liaise with the LA's School Attendance Service in assessing the appropriateness of such a course of action.*

The LA must be informed of the exclusion within one school day where the exclusion totals > 5 days in a term. *The LA should be informed as soon as possible of exclusions of 5 days or fewer in a term. (Form EXF). The form has been amended to include notification of the venue for and nature of provision arranged from day 6 of a fixed-term exclusion.*

### **Reintegration meeting**

The school must arrange a reintegration meeting with the parent(s) during or following the expiry of any fixed-term exclusion of a primary-aged pupil, or of a fixed-term exclusion of 6 or more school days of a secondary-aged pupil. The purpose of the reintegration meeting is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. The pupil should normally attend all or part of the meeting and at least one of the pupil's parents is expected to attend. The meeting should be conducted by the head teacher or a senior member of staff and if possible, should be held on the day the pupil returns to school but must be held by the 15<sup>th</sup> school day following the pupil's return to school.

A reintegration meeting is not necessary if the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year.

A fixed-term exclusion must not be extended if such a meeting cannot be arranged in time or the parents do not attend. Written notice of the meeting must be given no later than six school days before the meeting date.

### **Lunchtime exclusion**

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period, this is a fixed-term exclusion counted as one half of a school day (1 session). The Secretary of State does not expect to see lunchtime exclusion used for longer than a week, in the long run another strategy for dealing with the problem should be worked out. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful.

Taking into account the child's age and vulnerability, the head teacher should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. Arrangements should be made for pupils who are entitled to free school meals, which may mean providing a packed lunch. The LA must be informed of the exclusion within one school day where the exclusion totals > 10 lunchtimes in a term. *The LA should be informed as soon as possible of exclusions of 10 lunchtimes or fewer in a term. (Form EXL).*

### **6<sup>th</sup> day provision**

Schools are not required to provide full-time education from day six of a lunchtime exclusion, lunchtime exclusions are not affected by the new regulations.

## **Who can decide to exclude a pupil?**

Only a head teacher can exclude a pupil. If the head teacher is absent the power rests with the most senior teacher who should make it clear that they are acting in the head teacher's absence.

### **When is exclusion appropriate?**

DfE guidance states that exclusion should be used only:

- in response to serious breaches of the school's behaviour policy; and
- if allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

### **When is exclusion not appropriate?**

It would not be appropriate to exclude a pupil for minor incidents, poor academic performance, lateness/truancy or pregnancy or to protect victims of bullying by sending them home. Exclusion should also not be used for breaches of school rules on uniform/appearance, unless these are persistent and in open defiance of such rules. Neither would it be appropriate to punish a pupil for the behaviour of their parents, for example, where parents refuse or are unable to attend a meeting.

Exclusion should not be used if there are possible alternative solutions available. These could include:

- **Restorative justice**, enabling the offender to redress the harm that has been done to a 'victim'.
- **Mediation**, which may lead to a satisfactory outcome, particularly where there has been conflict between two parties.
- **Internal exclusion**, where the pupil is removed from class but not from the school premises. [Used for the shortest time possible and subject to review. Learning Support Units should not be used to provide internal seclusion].
- A **managed move**, whereby the school could ask another school to admit the pupil, if there is full knowledge and co-operation of all the parties involved. Parents should never be pressured into removing their child from a school under threat of a permanent exclusion, nor should the pupil be removed from the school roll to encourage them to find another school place.

## **Exclusion procedures**

Head teachers should carefully follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions. Following this guidance will also reduce the chance of any successful legal challenge to the exclusion at a later stage.

### **Decision**

A decision to exclude should not be taken in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil themselves. Before reaching a decision as to whether to exclude the head teacher should:

- Ensure that a thorough investigation has been carried out.
- Consider all the evidence available to support the allegations, taking into account the school's behaviour and equal opportunities policies, and where applicable the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended.
- Be satisfied that, on the balance of probabilities, the pupil did what he/she is alleged to have done.
- Allow and encourage the pupil to give their version of events.
- Check whether an incident may have been provoked, for example by bullying (including homophobic bullying) or by racial/sexual harassment.
- Consult others if necessary (being careful not to involve anyone who may later take part in the statutory review of their decision e.g. a member of the Governors Review Meeting).
- Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher may exclude the pupil. However, the more serious the allegation, the more convincing the substantiating evidence needs to be.

A head teacher may choose to withdraw the exclusion at any time prior to it being reviewed by the governors.

### **Notification of parents**

Whenever a head teacher excludes a pupil, the parent must be notified immediately, ideally by telephone followed up by a letter on or within one school day. In order that the parent can comply with the regulations regarding days 1 to 5 of an exclusion, the school must also immediately inform the parent that the pupil is not to be in a public place without reasonable justification.

All exclusion cases should be treated in the strictest confidence, only those who need to know the details should be informed of them.

Where a parent does not speak or have a good understanding of English, the school should arrange for all correspondence and documentation to be translated into their mother tongue. *If required, the school should arrange for an interpreter to be present at any meetings with the parent about the exclusion, including the Governors Review Meeting.*

In exceptional cases, usually where further evidence has come to light, a fixed-term exclusion [given 'pending further investigation'] may be extended, or converted to a permanent exclusion, a second letter should be sent to the parents explaining the reasons for the extension/change.

*Please refer to the exclusion procedure table on page 8 and the model letters in appendix 1 for further details. The model letters have been changed in line with the revised guidance. It is vital that the school can prove the parent has been notified of their responsibilities for days 1-5 and 6+. The information on Section 104 of the Education and Inspections Act 2006 which has been incorporated into the model letters, must therefore be included in your notification letter in full.*

### **Day 6**

In the case of an exclusion of >5 days, the parent must be informed of arrangements in writing at least 48 hours before the provision is to commence.

### **Marking attendance registers following exclusion**

Where pupils are excluded for a fixed-term and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations and pupils attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration). Pupils who are permanently excluded and for whom no alternative provision is made before the sixth day, should be marked by the school as absent using Code E, the pupil may not be taken off-roll until the appeal process has been completed.



## EXCLUSION PROCEDURE

| Type  | Notify parent/carer  | Notify LA & governors   | Governors to meet   | Decisions open to the governors   | Notification of outcome of GRM   |
|---|--|---|---|---|--|
| Permanent   | Immediately by phone, followed by a letter within one school day.<br><b>Model Letter A</b> | *Within one school day.<br><i>Form EXP</i>                    | Between 6 <sup>th</sup> & 15 <sup>th</sup> school day after receiving notice of the exclusion.  | Uphold the exclusion or direct reinstatement immediately or by a particular date.                   | In writing within 1 school day of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference.<br><b>Model Letter E</b>  |
| Exclusion resulting in a pupil missing a public examination | Immediately by phone, followed by a letter within one school day.<br><b>Model Letter C</b> | Within one school day.<br><i>Relevant LA Form to be used.</i> | **Governors should try to meet before the date of the exam and by the 15 <sup>th</sup> school day after receiving notice of the exclusion.  | Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular date. | In writing within 1 school day of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference.   |
| Fixed Term: > 15 days in a term                             | Immediately by phone, followed by a letter within one school day.<br><b>Model Letter B</b> | Within one school day.<br><i>Form EXF</i>                     | Between 6 <sup>th</sup> & 15 <sup>th</sup> school day after receiving notice of the exclusion.  | Uphold the exclusion or direct reinstatement immediately or by a particular date.                   | In writing within 1 school day of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference.   |
| Fixed Term: > 5 but not more than 15 days in a term         | Immediately by phone, followed by a letter within one school day.<br><b>Model Letter C</b> | Within one school day.<br><i>Form EXF</i>                     | Only if the parent/carer requests a meeting should the governors then meet to consider representations between the 6 <sup>th</sup> & 50 <sup>th</sup> school day after receiving notice of the exclusion. | Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular date. | In writing within 1 school day of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference.   |
| Fixed Term: 5 days or fewer in a term                       | Immediately by phone, followed by a letter within one school day.<br><b>Model Letter D</b> | As soon as possible.<br><i>Form EXF</i>                       | If the parent submits representations, the governors must consider them. Governors can agree to a meeting if the parent/carer wants to meet but no meeting is required.                                   | Governors cannot direct reinstatement.  | Although no time limit applies, governors should respond promptly to any representations from the parent. Relevant paperwork and response should be recorded in the pupil's file for future reference. |
| Lunchtime   | <i>Form EXL</i>  |   | Please refer to the relevant Fixed Term section depending on the number of sessions.  |   |  |

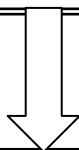
\*Where the pupil resides out borough, the 'home' LA must also be informed (see model letter A1)

\*\*If the Chair decides it is impractical for the governors to meet before the pupil is due to sit the examination, the Chair can consider the exclusion alone. This is the only circumstance in which a Chair can sit alone to review exclusions.

**PROVIDING FULL-TIME EDUCATION FROM DAY SIX OF A PERMANENT EXCLUSION OR  
MANAGED MOVE TO EOTAS [Secondary School pupils]**

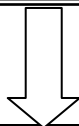
**DAY 1**

- School completes the EXP/MM form and emails it to the Principal Exclusions Officer.
- The Principal Exclusions Officer forwards the EXP/MM form to the Head Teacher of EOTAS and the appropriate SIT Behaviour Consultant
- The Head Teacher EOTAS passes the referral to the Assistant Head, Group Provision who makes contact by telephone and arranges an interview with the family between Day 2 – 5
- The Assistant Head, Group Provision sends an EOTAS Assessment Information Pack to the family



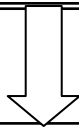
**DAY 2**

- The school begins to complete the referral form in consultation with the relevant SIT Behaviour Consultant (to be completed by Day 5)



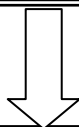
**DAY 3**

- The school gathers data and continues to complete the referral form



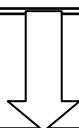
**DAY 4**

- The school gathers data and continues to complete the referral form
- The Assistant Head, Group Provision checks that the family has been contacted by the EOTAS Assessment Centre and has received an information pack



**DAY 5**

- The school forwards the completed referral form to the Assistant Head Teacher, Group Provision by email
- The Assessment Centre staff make preparation to receive the pupil on Day 6
- School (with SIMS) completes a Common File Transfer to The Study Centre, Group Provision site



**DAY 6**

- The pupil arrives at the EOTAS Assessment Centre to start a full time programme
- The EOTAS Group Provision administrator emails the Principal Exclusions Officer to confirm the Assessment Centre start date.

## PROVIDING FULL-TIME EDUCATION FROM DAY SIX OF A PERMANENT EXCLUSION OR MANAGED MOVE TO THE PRIMARY CENTRE

### DAY 1

- School completes the EXP/MM form and emails it to the Principal Exclusions Officer.
- The Principal Exclusions Officer forwards the EXP/MM form to the Primary Centre Manager and the Outreach Worker.
- The Primary Centre makes contact by telephone and arranges an intake meeting with the family between Day 2 – 5
- The Primary Centre writes to the family to confirm the appointment

### DAY 2

- The school begins to complete the referral form in consultation with the Primary Behaviour Service [PBS] Outreach Team worker (to be completed by Day 5)

### DAY 3

- The school gathers data and continues to complete the referral form

### DAY 4

- The school gathers data and continues to complete the referral form
- The Primary Centre Manager checks that the family is aware of the intake meeting and checks arrangements for both arrival and collection, including transport

### DAY 5

- The school forwards the completed referral form to the Primary Centre Manager by email
- The Primary Centre makes preparations to receive the pupil on Day 6

### DAY 6

- The pupil arrives at the Primary Centre to start statutory provision
- The Primary Centre administrator emails the Principal Exclusions Officer to confirm the start date.

# The Governors Review Meeting

## **Purpose**

The governing body is responsible for reviewing the head teacher's decision to exclude a pupil permanently or for a long fixed-term and deciding whether to direct re-instatement, where that is a practical option. The governing body is also responsible for considering any representations made by the parents of excluded pupils following shorter fixed-term exclusions.

## **The governing body**

The governing body can delegate some or all of its functions in respect of exclusions to a sub group of governors who would be available to participate in Governors Review Meetings. A minimum of three governors are required for a Governors Review Meeting to take place.

The governing body may wish to nominate a larger pool of governors to draw from in view of the strict deadlines within which Governors Review Meetings must be held.

Any governor with a connection to the pupil, or knowledge of the incident that led to the exclusion that could affect their ability to act impartially, should not serve at the hearing.

It is very important that governors called upon to review exclusions receive training to equip them to discharge their duties properly.

## **Clerk to the Governors Review Meeting**

The governing body should appoint a Clerk to provide advice on the exclusions process and deal with the administrative arrangements of the meeting. This could be the same person who is Clerk to the whole governing body or a member of the school's administration team.

It is the duty of the Clerk to set up the Governors Review Meeting when notification of any exclusion totalling over 15 days in a term is received from the head teacher or when representations are received from the parent. The Clerk is required to set up the meeting within the prescribed timescales. Governors must invite the parents, head teacher and an LA Officer to the meeting at a time and place convenient to all parties

*The LA asks that the Principal Officer – Behaviour Service and Exclusions is contacted within one school day of a decision to permanently or long fixed-term exclude a pupil, so that possible times for the meeting can be identified and kept free.*

*The LA advises that all papers relating to the case are circulated at least five working days before the meeting to allow all parties the opportunity to acquaint themselves with the particulars of the case and give it their full consideration.*

Papers circulated should include any written statements and a list of those who will be present at the meeting. *If there are concerns that there may be any repercussions for any of the witnesses, statements may be anonymised before being copied.*

## **Procedure at the meeting**

Attendees:

- At least 3 governors nominated to conduct Governors Review Meetings, one of whom must act as Chair.
- The pupil (if he/she wishes and their parent agrees).
- The parent (and possibly a friend or legal representative).
- The head teacher (and sometimes another member of school staff).

- The LA representative (the *LA representative will endeavour to attend Review meetings for all permanent exclusions*).
- The Clerk to the Governors Review Meeting.

Format:

*The meeting should be as informal as possible and the Chair should ensure that all parties are given sufficient time to fully state their case. See page 13 for details.*

The LA role is to advise the governors on the LA's view of the appropriateness of the exclusion, *in particular relating to the guidance as set out by the DfES and to the local practices and support available*. The LA may also comment on how other Borough schools have responded to similar incidents. The governors can ask the LA representative for specific technical advice, but they must make their decision alone.

### **The decision**

In reaching their decision the governors should consider:

- Representations made by the parent, the pupil and the LA representative.
- Whether the head teacher has complied with the exclusion procedure and has had regard to the Secretary of State's guidance before deciding to exclude the pupil. *See LA checklist on page 14.*
- Whether on the balance of probabilities the pupil did what he or she is alleged to have done.

Where reinstatement is not practical, i.e. where the pupil has already returned to school at the end of a fixed-term exclusion, the outcome of the Governors Review Meeting should be added to the pupil's school record for future reference.

If the governors direct re-instatement they should discuss with the LA representative what support could be made available to help to ensure that the pupil is successfully re-integrated.

The governors cannot attach conditions to the re-instatement of a pupil, *when considering the date, the LA recommends governors allow time for a reintegration plan to be put in place to support the pupil's return to school*

In the case of permanent exclusions the pupil remains on the school's roll until all appeal procedures have been completed, the deadline for appeal has passed or the parent has waived their right to appeal and informed the LA accordingly.

When reviewing an exclusion, governors should not interpret a parent's acceptance of full-time education off-site as signalling agreement with the head teacher's decision to exclude their child. Parents still have the right to make representations to the governing body and this right is not affected in any way by the new requirement for suitable full-time provision from the 6<sup>th</sup> school day of the exclusion.

## **Suggested format of the Governors Review Meeting**

*Chair introduces all parties, explaining the purpose and format of the meeting and possible outcomes.*

### **School's case**

- *Head teacher and other school staff explain why the decision was taken to exclude, the reasons, the investigation of the incident and any pupil support strategies, if relevant.*
- *Parent/Carer can ask questions of the school.*
- *The governors can ask questions of the school.*

### **Parent/Carer's case**

- *Parent/Carer states their views on the exclusion and outlines any issues they feel the governors need to be aware of.*
- *The school can ask questions of the parent.*
- *The governors can ask questions of the parent.*
- *(The LA representative can ask questions to clarify facts at any stage).*

### **LA advice**

- *The LA representative will present their advice and information.*

### **Summing up**

- *The school may sum up their case.*
- *The parent/carers may sum up their case.*
- *The Chair of the Review meeting should establish with the head teacher and the parent/carers that they have had the opportunity to say all that they wanted to say.*

### **The decision**

*All except the governors and the Clerk withdraw whilst the governors make their decision.*

*Governors should not get drawn into commenting during the hearing on the appropriateness or otherwise of actions taken by the school, pupil or parent/carers. They must be seen to view the case fully and impartially and consider their position in private once the other parties have withdrawn.*

*Thought needs to be given as to whether the parents are asked to wait for a decision or to return home for notification by telephone or letter. However, the governors must inform the parent, head teacher and the LA of their decision in writing within one school day of the meeting, stating their reasons.*

## **LA checklist for the Governors Review Meeting (For permanent and long fixed-term exclusions)**

*The governors have to decide whether to re-instate the pupil or uphold the head teacher's decision to exclude. The governors should consider both the interests of the excluded pupil and those of other pupils and staff at the school. The decision should be based on whether the school has carried out the procedures set out in the DfES's revised guidance "Improving behaviour and attendance: Guidance on exclusion from schools and Pupil Referral Units".*

*The governors are also reminded that if they decide to uphold the head teacher's decision to permanently exclude a pupil and the parent later requests an Independent Appeal Panel, the governors of the committee would be challenged at the appeal to justify their decision.*

*The following is a checklist of questions for the governors to consider when reaching their decision. (Not all of them will be applicable for every case).*

### **The incident/s leading to exclusion**

*Governors should be clear as to whether:*

- The pupil committed the offence(s) for which they have been excluded and that the severity of the incident warrants this length of /a permanent exclusion.*
- Any incident relating to the exclusion has been investigated thoroughly by the head teacher and witness statements circulated.*
- And take into account where the behaviour occurred.*

### **About the pupil**

*Governors should:*

- Take into account any special educational needs that the pupil may have? (what are they?- have they been addressed by the school?). The age, health and background of the pupil should be taken in to account (particularly if they are a looked after child).*
- Be clear that allowing the pupil to remain in school would seriously harm their education or welfare or that of others in the school.*

### **About the school's previous strategies**

- What other strategies and sanctions has the school tried before exclusion?*
- Have they consulted other professionals and agencies in providing support (if appropriate)?*
- Has the school kept the parent/carer fully informed of any concerns and involved them in any support strategies? Are the parents/carers aware of the school's expectation of pupil's behaviour?*

### **In addition, for long fixed-term exclusions:**

- Why did the head teacher decide on this particular number of days, and is it justified?*
- How is the school using the time during the exclusion to address the pupil's problems?*
- What educational arrangements have the school set up to support the pupil's re-integration?*

**The DfES's guidance allows LA's to draw comparisons with how other schools in the Borough have dealt with similar incidents and whether a similar incident would have led to a similar sanction in other schools.**

# The Independent Appeal Panel

## Purpose

The purpose of the Independent Appeal Panel is to decide whether a pupil who has been permanently excluded should be re-instated. The panel may also decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction. If the parents of a permanently excluded pupil wish to challenge the exclusion decision of the governors, they may request an independent hearing. Details of how to do this and by what timescales will have been included in the governors' letter to parents following the Governors Review Meeting. Notices of appeal received after the deadline cannot be accepted.

## Membership

The Council is responsible for maintaining a list of suitable Appeal Panel members and ensuring that they receive training. There will be 3 members on each Appeal Panel, made up of:

- The Chair, who must be a lay member (someone who has not worked in a school in a paid capacity).
- One member, who must be or have been, a governor of a maintained school for at least 12 consecutive months in the last 6 years (they must not be or have been in the last 5 years a teacher or head teacher).
- One member, who must be or have been within the last 5 years a head teacher of a maintained school.

Where possible, governor and head teacher panel members should have experience of the relevant phase of education e.g. secondary education for those considering secondary school exclusions.

## Clerk to the Independent Appeal Panel

*The Appeal Panel is set up by the Council but is independent from the Education Department and the school. The Committee Section makes all the arrangements for Appeal Panels.*

Once notified of a request for an Appeal Panel by the parents the Clerk will arrange for the Panel to meet within 15 school days, taking reasonable steps to find out when the parents and other parties are available to ensure that all parties are able to attend. The Clerk serves as an independent source of advice on procedures for all parties. If necessary, the Panel may meet and then decide to adjourn the hearing, having regard to the particular circumstances of the case.

The Clerk will make all written evidence available to all parties five working days before the hearing. Taking account of the circumstances of each case, the Clerk will notify all parties of the deadline for submission of written representations.

## Procedure

The following people are entitled to attend the Appeal Panel and present their case:

- The parents, who may be represented or accompanied by a legal or other representative. (If more than one friend or representative wishes to attend, the Clerk should seek the Panel's agreement in advance, having regard to reasonable limit on numbers attending the hearing).
- The pupil should normally be allowed to attend the hearing and speak on their own behalf (if he or she wishes to do so and the parent agrees). *If the pupil does attend, the Panel should be sensitive to their needs and ensure that their view is properly heard. (If the pupil is under 18, they cannot present their own case).*
- The head teacher.
- A governor, who may be represented by a legal or other representative.



- A representative of the LA.

Witnesses may be called if they have witnessed the incident or behaviour or investigated the incident and interviewed the pupil but they cannot be compelled to attend. It is not usual for pupil witnesses to attend and they should usually submit their written statements instead.

The Clerk must give all parties details of those attending and their role, and notify them of the order of the hearing. (*Further details will be sent to the parties involved by the Clerk to the Appeal Panel when a hearing is arranged*).

*The Appeal Panel will normally be held in Ealing Town Hall. The length of the meeting may vary considerably depending on the complexity of the case and the number of witnesses being called. A hearing would not be expected to last more than half a day.*

All parties may put forward new evidence about the event that led to the exclusion, including evidence that was not available to the head teacher or the governors. However, the school may not introduce new reasons for the exclusion. Where the school's case rests largely or solely on physical evidence and the facts are in dispute, the school should make any physical evidence available. Where this is not possible, photographs or signed witness statements are acceptable.

In exceptional cases the Appeal Panel may decide to adjourn an appeal. The Clerk will ensure that no part of the proceedings takes place unless all Panel members and interested parties are present.

### **The decision**

The Clerk may remain with the Panel members when the parties withdraw to offer advice on the procedure or law, helping by reference to notes of evidence and recording decisions and the reasons for them.

The Appeal Panel must decide, on the balance of probabilities, whether the pupil did what he or she is alleged to have done. If more than one incident of misconduct is alleged, the panel should decide in relation to each one. The panel should consider the basis of the head teacher's decision and the procedures followed having regard to:

- Whether the head teacher and governors complied with the law and had regard to the Secretary of State's guidance.
- The school's published policies on behaviour, equal opportunities, Special Educational Needs, race equality and, if appropriate, anti-bullying policy.
- The fairness of the exclusion in relation to the treatment of any other pupil involved in the same incident.

Having satisfied themselves on these issues, the panel should consider whether in their opinion permanent exclusion was the right response.

An appeal panel may:

- Uphold the decision to exclude.
- Direct immediate reinstatement or reinstatement at some future date.
- Decide that because of exceptional circumstances or other reasons, it is not practical to give a direction requiring reinstatement but that otherwise would have been appropriate to give such a direction.

If the panel direct reinstatement the date specified must be reasonable in the circumstances and the panel may not attach conditions to that reinstatement.

The decision of the Appeal Panel (and the grounds on which it is made) will be communicated in writing to all parties involved by the end of the second school day after the hearing, *and usually by telephone on the day of the meeting.*

## **Drug related incidents**

Schools should develop a policy on both illegal and legal drugs, including over-the-counter, prescription medicines and volatile substances that could be inhaled. It is for head teachers to decide whether or not to exclude for a drug-related offence, having regard to their published policy and following consultation with their drugs co-ordinator.

In more serious cases an assessment of the incident should be made against the criteria set out in the school's policy and this should be a key factor in determining whether permanent exclusion is an appropriate course of action. Fixed-term exclusions may in some cases be more appropriate than permanent exclusion. The Department has issued revised guidance on drugs and this can be accessed via:

<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationdetail/page1/DfES%200092%202004>

## **Pupils with special educational needs**

Pupils with statements of special educational need should not be permanently excluded except in the most exceptional circumstances. Head teachers/teachers will usually be aware of increasing problems before the situation has escalated and should try every practicable means to maintain placements, including seeking LA and other professional advice and support. Where this process has been exhausted the school should liaise with the LA to arrange an interim annual review of the statement and seek advice from the relevant agencies.

Schools should also make every effort to avoid excluding pupils who are being supported at School Action or School Action Plus. If appropriate they could submit a request to the LA for it to consider carrying out a statutory assessment.

If a head teacher decides to permanently exclude a pupil with a statement of SEN, they should use the period between their initial decision and the Governors Review Meeting to work with the LA to see whether more support could be made available, or whether the statement could be changed to name a new school. If either of these two options is possible, the head teacher should normally withdraw the exclusion.

It is extremely important that parents of children with SEN who are excluded from school receive advice on the options available for their child's future education.

## **Disabled pupils**

Schools have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school because of their disability. The Disability Rights Commission has published a Code of Practice, which explains and illustrates the school's duties to disabled pupils, including in relation to exclusions. Schools and governors are strongly recommended to read the Code of Practice. Further information is available at [www.drc-gb.org](http://www.drc-gb.org) It is unlawful to exclude a pupil for a reason related to their disability without justification. When considering whether or not it is appropriate to exclude a pupil who may be disabled within the meaning of the Disability Discrimination Act 1995, head teachers should consider 4 questions:

- Is the pupil disabled? (the Act covers pupils with physical or mental impairment including sensory impairments and learning difficulties).
- Is the exclusion for a reason related to the pupil's disability? (i.e. if there is any connection between the behaviour resulting in the exclusion and the pupil's disability this is considered less favourable treatment for a reason related to a pupil's disability).
- Would another pupil to whom the reason did not apply be treated in the same way? (If the reason for the exclusion is the pupil's "behaviour" then it is necessary to consider whether or not another pupil who did not behave in that way would be excluded. It is not correct to compare the

treatment of the disabled pupil with a non-disabled pupil. Instead the treatment of the disabled pupil should be compared with a pupil who did not behave in the same way).

- Can the exclusion be justified? (An exclusion of a disabled pupil for a reason related to their disability can only be justified if there is a “material” and a “substantial” reason for it and the head teacher can show that there were no reasonable steps that could have been made to avoid the exclusion.

Further guidance on the definition of disability can be found at:

[www.dwp.gov.uk/consultations/2005/disability.asp](http://www.dwp.gov.uk/consultations/2005/disability.asp)

### **Children in public care/Looked after Children (LAC)**

Schools should be especially sensitive to exclusion issues where children in public care are concerned. Schools should try every practicable means to maintain the child in school and should seek LA and other professional advice as appropriate. Social Services should in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the pupil.

If a child in public care is excluded, the school may have to inform more people than usual about the exclusion and their right to make representations and appeal. The definition of a parent for the purposes of the Education Acts includes a person who has parental responsibility (which includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster parent) with whom the pupil lives. These are in addition to the child’s birth parents. Even where the Local Authority does not have parental responsibility, the child’s social worker should be informed about any exclusion.

### **Day 6**

Although the Education and Inspections Act 2006 only requires full-time education to be provided from the sixth day of an exclusion the Government recommends that schools and LAs arrange alternative provision from the first day of the exclusion where a pupil in care is excluded.

### **Race Relations**

The law places a general duty on all maintained schools to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff from different racial groups.

Schools are required to assess whether policies that lead to sanctions including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. It is recommended that schools and governors involved in the review of exclusions read the Code of Practice on the Duty to Promote Race Equality and a non-statutory guide The Duty to Promote Race Equality: A Guide for Schools. Further information available via: [www.cre.gov.uk](http://www.cre.gov.uk)

## Model letter A - permanent exclusion.

Dear [parent's name]

[Pupil's name and date of birth]

I regret to inform you that I have decided to permanently exclude **[pupil's name]** from the school from **[first day of exclusion]**. This means that **[pupil's name]** will not be allowed in this school unless they are reinstated by the governing body or by an independent appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded permanently because **[reason for exclusion]** (*Specify incident / circumstances, include any other relevant previous incidents and steps taken to avoid exclusion, details of previous warnings, fixed term exclusions and other disciplinary measures*).

### IMPORTANT INFORMATION:

In accordance with Section 104 of the Education and Inspection Act 2006, it is necessary to give you notice that under Section 103(2) of that Act, you must ensure that your child is not present in a public place at any time during school hours from **[date – start date of exclusion]** up to and including **[date – 5<sup>th</sup> day of exclusion]**. [*A public place is any highway and any place the public, or any section of the public, have access to, on payment or otherwise*]

If your child is present in a public place on the dates above, you have committed an offence under Section 103(3) of the aforementioned Act and are liable to a fixed penalty of £50 if paid within 28 days, increasing to £100 if paid after 28 days but within 42 days of issuing the notice. There is no appeal process, but you have a defence if you can prove that you had reasonable justification for the failure to comply with the duty imposed under section 103(2).

We will set work for **[pupil's name]** during the first 5 school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. From the **[date – specify date of 6<sup>th</sup> school day of exclusion]** the Local Authority will provide suitable full-time education. Ealing's Primary Behaviour Service will telephone you shortly to make arrangements for **[pupil's name]** education. If your child fails to attend the provision from the 6<sup>th</sup> day and the absences are not authorised, you may also be liable to a fixed penalty.

A governors review meeting will be arranged to consider the exclusion. As this is a permanent exclusion, governors must meet no later than 15 school days from the date they are notified of the exclusion. The latest date the governors can meet is **[date – no later than 15 school days from the date the governors are notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governors of the time, date and location of the meeting. Please advise us if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You have the right to see a copy of **[pupil's name]**'s school record. Due to confidentiality restrictions you will need to write to me if you would like a copy. There may be a charge for photocopying.

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.

A copy of Ealing LA's information leaflet is enclosed and further advice on the exclusions process can be sought from the Principal Officer or the Support Officer – Behaviour Service and Exclusions on 020 8825 5070. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an

independent advice centre offering information and support on education including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours sincerely,

Head teacher

cc : Governing body (*relevant members*)  
Principal Officer – Behaviour Service & Exclusions  
Social Services (if a looked after child)

## Model letter A1 - permanent exclusion of an out borough resident

Dear [parent's name]

[Pupil's name and date of birth]

I regret to inform you that I have decided to permanently exclude **[pupil's name]** from the school from **[first day of exclusion]**. This means that **[pupil's name]** will not be allowed in this school unless he/she is reinstated by the governing body or by an independent appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded permanently because **[reason for exclusion]** (*Specify incident / circumstances, include any other relevant previous incidents and steps taken to avoid exclusion, details of previous warnings, fixed term exclusions and other disciplinary measures*).

### IMPORTANT INFORMATION:

In accordance with Section 104 of the Education and Inspection Act 2006, it is necessary to give you notice that under Section 103(2) of that Act, you must ensure that your child is not present in a public place at any time during school hours from **[date – start date of exclusion]** up to and including **[date – 5<sup>th</sup> day of exclusion]**. *[A public place is any highway and any place the public, or any section of the public, have access to, on payment or otherwise]*

If your child is present in a public place on the dates above, you have committed an offence under Section 103(3) of the aforementioned Act and are liable to a fixed penalty of £50 if paid within 28 days, increasing to £100 if paid after 28 days but within 42 days of issuing the notice. There is no appeal process, but you have a defence if you can prove that you had reasonable justification for the failure to comply with the duty imposed under section 103(2).

We will set work for **[pupil's name]** during the first 5 school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. As you reside in **[name of borough]**, I have sent a copy of this letter to **[name of officer]** at **[name of local authority]**. From the **[date – specify date of 6<sup>th</sup> school day of exclusion]** your own Local Authority has a duty to provide suitable full-time education for **[pupil's name]**. **[Name of officer]** at **[name of local authority]** will contact you shortly to make arrangements for **[pupil's name]** education from the sixth school day of this exclusion. If your child fails to attend the provision from the 6<sup>th</sup> day and the absences are not authorised, you may also be liable to a fixed penalty.

A governors review meeting will be arranged to consider the exclusion. As this is a permanent exclusion, governors must meet no later than 15 school days from the date they are notified of the exclusion. The latest date the governors can meet is **[date – no later than 15 school days from the date the governors are notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governors of the time, date and location of the meeting. Please advise us if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You have the right to see a copy of **[pupil's name]**'s school record. Due to confidentiality restrictions you will need to write to me if you would like a copy. There may be a charge for photocopying.

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.

As your child attends school in Ealing, Ealing Local Authority is responsible for the exclusion process, a copy of their information leaflet is enclosed and further advice on the process can be sought from the Principal Officer or the Support Officer – Behaviour Service and Exclusions on 020 8825 5070. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent advice centre offering information and support on education including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours sincerely,

Head teacher

cc : Governing body (*relevant members*)  
Principal Officer – Behaviour Service & Exclusions  
Social Services (if a looked after child)  
**[Exclusions Officer – Home borough]**

## **Model letter B – fixed-term exclusion from a primary school totalling more than 15 school days in one term.**

Dear **[parent's name]**

**[Pupil's name and date of birth]**

I regret to inform you of my decision to exclude **[pupil's name]** from the school for a period of **[number of days]** school days. The exclusion begins on **[date]** and ends on **[date]**. This means that **[pupil's name]** will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[reason for exclusion]** (*Specify incident / circumstances, include any other relevant previous incidents and steps taken to avoid exclusion, details of previous warnings, fixed term exclusions and other disciplinary measures*).

### **IMPORTANT INFORMATION:**

In accordance with Section 104 of the Education and Inspection Act 2006, it is necessary to give you notice that under Section 103(2) of that Act, you must ensure that your child is not present in a public place at any time during school hours from **[date – start date of exclusion]** up to and including **[date – 5<sup>th</sup> day of exclusion or end date of exclusion whichever is sooner]**. *[A public place is any highway and any place the public, or any section of the public, have access to, on payment or otherwise]*

If your child is present in a public place on the dates above, you have committed an offence under Section 103(3) of the aforementioned Act and are liable to a fixed penalty of £50 if paid within 28 days, increasing to £100 if paid after 28 days but within 42 days of issuing the notice. There is no appeal process, but you have a defence if you can prove that you had reasonable justification for the failure to comply with the duty imposed under section 103(2).

We will set work for **[pupil's name]** during the first 5 school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. From the **[date – specify date of 6<sup>th</sup> school day of exclusion]** until the expiry of the exclusion we will provide suitable full-time education. On **[date – specify date of 6<sup>th</sup> school day of exclusion]** **[pupil's name]** should attend at **[give name and address of the alternative provider if not the home school]** at **[specify time – this may not be identical to the start time of the home school]** and report to **[name of staff member]**. **[If applicable – say something about transport arrangements from home to the alternative provider]**.

A governors review meeting will be arranged to consider the exclusion. As the length of the exclusion is more than 15 school days, governors must meet no later than 15 school days from the date they are notified of the exclusion. The latest date the governors can meet is **[date – no later than 15 school days from the date the governors are notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governors of the time, date and location of the meeting. Please advise us if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You have the right to see a copy of **[pupil's name]**'s school record. Due to confidentiality restrictions you will need to write to me if you would like a copy. There may be a charge for photocopying.

You and **[pupil's name]** are requested to attend a reintegration meeting with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please



contact the school by **[date - 10 days from the date of this letter]** to arrange a suitable alternative time and date. The purpose of the reintegration meeting is to discuss how best **[pupil's name]**'s return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrate's court if, on future application, they consider whether to impose a parenting order on you.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim will not affect your right to make representations to the discipline committee.

A copy of Ealing LA's information leaflet is enclosed and further advice on the exclusions process can be sought from the Principal Officer or the Support Officer – Behaviour Service and Exclusions on 020 8825 5070. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent advice centre offering information and support on education including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

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

Yours sincerely,

Head teacher

cc : Governing body (*relevant members*)  
Principal Officer – Behaviour Service & Exclusions  
Social Services (if a looked after child)

## **Model letter C - Fixed-term exclusion from a primary school totalling >5 but not more than 15 school days in one term.**

Dear **[parent's name]**

**[Pupil's name and date of birth]**

I regret to inform you of my decision to exclude **[pupil's name]** from the school for a period of **[number of days]** school days. The exclusion begins on **[date]** and ends on **[date]**. This means that **[pupil's name]** will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[reason for exclusion]** (*Specify incident / circumstances, include any other relevant previous incidents and steps taken to avoid exclusion, details of previous warnings, fixed term exclusions and other disciplinary measures*).

### **IMPORTANT INFORMATION:**

In accordance with Section 104 of the Education and Inspection Act 2006, it is necessary to give you notice that under Section 103(2) of that Act, you must ensure that your child is not present in a public place at any time during school hours from **[date – start date of exclusion]** up to and including **[date – 5<sup>th</sup> day of exclusion or end date of exclusion whichever is sooner]**. *[A public place is any highway and any place the public, or any section of the public, have access to, on payment or otherwise]*

If your child is present in a public place on the dates above, you have committed an offence under Section 103(3) of the aforementioned Act and are liable to a fixed penalty of £50 if paid within 28 days, increasing to £100 if paid after 28 days but within 42 days of issuing the notice. There is no appeal process, but you have a defence if you can prove that you had reasonable justification for the failure to comply with the duty imposed under section 103(2).

We will set work for **[pupil's name]** during the first 5 school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. From the **[date – specify date of 6<sup>th</sup> school day of exclusion]** until the expiry of the exclusion we will provide suitable full-time education. On **[date – specify date of 6<sup>th</sup> school day of exclusion]** **[pupil's name]** should attend at **[give name and address of the alternative provider if not the home school]** at **[specify time – this may not be identical to the start time of the home school]** and report to **[name of staff member]**. **[If applicable – say something about transport arrangements from home to the alternative provider]**.

You have the right to request a meeting of the governors, to review the decision to exclude. As the period of the exclusion is more than 5 school days in a term, the governors must meet if you decide to make representations. If you wish to, you should write to **[contact name]** at **[contact details]** as soon as possible. The latest date the governors discipline committee must meet is **[specify date – no later than the 50<sup>th</sup> school day after the date on which the discipline committee were notified of this exclusion]**.

You have the right to see a copy of **[pupil's name]**'s school record. Due to confidentiality restrictions you will need to write to me if you would like a copy. There may be a charge for photocopying.

You and **[pupil's name]** are requested to attend a reintegration meeting with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school by **[date - 10 days from the date of this letter]** to arrange a suitable alternative time and date. The purpose of the reintegration meeting is to discuss how best **[pupil's name]**'s return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrate's court if, on future application, they consider whether to impose a parenting order on you.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim will not affect your right to make representations to the discipline committee.

A copy of Ealing LA's information leaflet is enclosed and further advice on the exclusions process can be sought from the Principal Officer or the Support Officer – Behaviour Service and Exclusions on 020 8825 5070. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent advice centre offering information and support on education including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours sincerely,

Head teacher

cc : Governing body (*relevant members*)  
Principal Officer – Behaviour Service & Exclusions  
Social Services (*if a looked after child*)

## Model letter D - Fixed-term exclusion from primary school of 5 school days or fewer in one term.

Dear [parent's name]

[Pupil's name and date of birth]

I regret to inform you of my decision to exclude [pupil's name] from the school for a period of [number of days] school days. The exclusion begins on [date] and ends on [date]. This means that [pupil's name] will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [pupil's name] has not been taken lightly. [Pupil's name] has been excluded for this fixed period because [reason for exclusion] (*Specify incident / circumstances, include any other relevant previous incidents and steps taken to avoid exclusion, details of previous warnings, fixed term exclusions and other disciplinary measures*).

### IMPORTANT INFORMATION:

In accordance with Section 104 of the Education and Inspection Act 2006, it is necessary to give you notice that under Section 103(2) of that Act, you must ensure that your child is not present in a public place at any time during school hours from [date – start date of exclusion] up to and including [date – 5<sup>th</sup> day of exclusion or end date of exclusion whichever is sooner]. *[A public place is any highway and any place the public, or any section of the public, have access to, on payment or otherwise]*

If your child is present in a public place on the dates above, you have committed an offence under Section 103(3) of the aforementioned Act and are liable to a fixed penalty of £50 if paid within 28 days, increasing to £100 if paid after 28 days but within 42 days of issuing the notice. There is no appeal process, but you have a defence if you can prove that you had reasonable justification for the failure to comply with the duty imposed under section 103(2).

The school will continue to set work during the period of the exclusion (specify what arrangements are in place for this). Please ensure that completed work is returned to use promptly for marking.

You have the right to make representations to the governors about this exclusion. If you wish to, you should write to [name of contact] at [contact details] as soon as possible. Whilst the governors have 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 have the right to see a copy of [pupil's name]'s school record. Due to confidentiality restrictions you will need to write to me if you would like a copy and there may be a charge for photocopying.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

A copy of Ealing LA's information leaflet is enclosed and further advice on the exclusions process can be sought from the Principal Officer or the Support Officer – Behaviour Service and Exclusions on 020 8825 5070. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent advice centre offering information and support on education including on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

You and [pupil's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school by [date - 10 days from the date of this letter] to arrange a suitable alternative time and date. The purpose of the reintegration interview is to discuss how best [pupil's name]'s return to

school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrate's 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,

Head teacher

cc : Governing body (*relevant members*)  
Principal Officer – Behaviour Service & Exclusions  
Social Services (*if a looked after child*)

## Model letter E - Governors Review Meeting upholding a permanent exclusion

Dear [parent's name]

[Pupil's name and date of birth]

Thank you for attending the Governors Review Meeting on [date] to discuss [pupil's name] permanent exclusion. The governors, after carefully considering the representations made and all the available evidence, have decided to uphold [pupil's name]'s exclusion.

The reasons for the governor's decision are as follows (*give the reasons in as much detail as possible, explaining how they were arrived at*).

You have the right to appeal against this decision. If you wish to do so you must write to Linda Zimmerman, Committee Section, Town Hall, New Broadway, Ealing, W5 2BY. Email: [zimmermal@ealing.gov.uk](mailto:zimmermal@ealing.gov.uk). Tel: 020 8825 6253. The letter must include the reasons for your appeal, and must arrive no later than 15 school days after receipt of this letter, i.e. no later than [date]. You may also include reference to any disability discrimination claim you may wish to make. If you have not lodged an appeal by [repeat latest date] your right to appeal will lapse.

Please indicate if you wish to be accompanied to the meeting by a friend or representative or if it would be helpful for you to have an interpreter present at the meeting. Please also advise the Committee Section if you have a disability or special needs which would affect your ability to attend the hearing.

Your appeal would be heard by an Independent Appeal Panel of 3 members (the panel is also empowered to hear disability discrimination claims). The panel will rehear all the facts of the case and if you have fresh evidence to present to the Panel you may do so. The panel must meet no later than 15 school days after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

I would advise you of the following sources of advice: Ealing LA's Principal Officer or the Support Officer – Behaviour Service and Exclusions on 0208 825 5070 or the Advisory Centre for Education (ACE), an independent advice centre offering information and support on education including on exclusion from school, on 0207 704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

You may, if you wish, indicate in writing that you do not wish to appeal, but once you have given notice that decision cannot be reversed. Any such letter should be sent to: Principal Officer – Behaviour Service and Exclusion, Education Department, 2<sup>nd</sup> Floor, Perceval House, 14-16 Uxbridge Road, Ealing, W5 2HL.

The arrangements currently being made by Ealing's Primary Centre for [pupil's name]'s education will continue. If there is anything not clear in this letter please do not hesitate to contact me.

Yours sincerely,

Clerk to the Governors

cc: Head teacher  
Principal Officer – Behaviour Service and Exclusion  
Social Services (*if a Looked After Child*)  
**[Exclusions Officer – Home borough if non-Ealing resident]**