



**Discovery Schools**  
Academy Trust



**Braunstone Community**  
Primary School

# Exclusion Policy 2018-2021

This policy is underpinned by the commitment of Discovery Schools Academy Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve

## This policy was approved as follows:

|                          |                                      |                          |                   |
|--------------------------|--------------------------------------|--------------------------|-------------------|
| <b>Approver:</b>         | <b>Education Standards Committee</b> | <b>Date:</b>             | <b>20.11.2018</b> |
| <b>DSAT owner:</b>       | Helen Stockill                       | <b>Version:</b>          | 1.0               |
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| <b>Status:</b>           | Mandatory                            |                          |                   |

This policy applies to all DSAT schools

## Document History

| Version     | Version Date | Author         | Summary of Changes                            |
|-------------|--------------|----------------|---|
| <b>V0.1</b> | June 2018    | Paul Stone     | Draft policy created                          |
| <b>V0.2</b> | July 2018    | Anna Mousley   | Appendices added                              |
| <b>V0.3</b> | August 2018  | Helen Stockill | Added sample letters and formatting changes   |
| <b>V1.0</b> | 20.11.18     | Helen Stockill | Approved by the Education Standards Committee |

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## 1. Aims

This policy is designed to briefly outline the Trust's approach to exclusions within the statutory framework as defined in 'Exclusion from maintained schools, academies and pupil referral units in England'. It provides additional guidance and templates, which complement and reinforce the statutory guidance.

Our Trust aims to ensure that:

- The exclusions process is applied fairly and consistently in all schools
- The exclusions process is understood across all governance levels and by school leaders, staff, parents and pupils
- Our schools are a safe and happy environment for all pupils
- Disadvantaged pupils are not unfairly discriminated against

## 2. Types of exclusion

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

|                   |   |
|-------------------|---|
| <b>Permanent</b>  | The pupil will not return to the school   |
| <b>Fixed term</b> | This is a temporary exclusion which can be between 0.5 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  |
| <b>Lunchtime</b>  | Fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes. (Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a review meeting is triggered) |

INFORMAL or UNOFFICIAL exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

## 3. The decision to exclude

Only the headteacher, head of school, or acting head, can exclude a pupil from school. A permanent exclusion will be made as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;
- Allow the pupil to give their version of events;
- Consider if the pupil has special educational needs (SEN) or is a looked after child (LAC);

In the case of **a permanent or fixed term exclusion over 5 days**

- The headteacher should seek advice from the Trust Behaviour Lead Professional, Megan Williams, for a case review prior to making the decision.

## 4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## 5. Roles and responsibilities

### 5.1 The headteacher

#### Behaviour Management

The Headteacher must establish a behavior policy that is compliant with DfE and Trust guidance that provides a consistent approach to behaviour management.

#### Exclusions

The Headteacher is responsible for ensuring the Exclusion Policy is implemented and for reporting to the Governors. The Headteacher will:

#### Inform parents

Following the exclusion decision, the headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil (See [Appendix 1: Exclusion Letters](#) and [Appendix 3:PEX.3 Permanent Exclusion Guidance for Parents](#))

- The reason for the exclusion in sufficient detail
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the cluster governing board
- Where there is a legal requirement for the cluster governing board to meet to consider the reinstatement of a pupil, that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- That the parent is legally required to ensure that their child is not present in a public place during school hours without a good reason for the first 5 days of an exclusion or until the start date of any alternative provision. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

For fixed term exclusions over 5 days, the school must arrange alternative provision and include the following information when notifying parents of the exclusion:

- The start date for the provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

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

#### Inform the cluster governing board and local authority

The headteacher must immediately notify the cluster governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a national curriculum test

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason for it without delay.

For all other exclusions, the headteacher will notify the advisory board (through the SOAP) and LA once a term.

## 5.2 The DSAT Board of Trustees

The responsibilities of DSAT's Board of Trustees are to:

- Regularly review this policy to ensure it is fit for purpose and is compliant with statutory regulations;

Monitor exclusions through reports submitted to the Board or its committees.

## 5.3 The cluster governing board

Responsibilities regarding the consideration and review of exclusions is delegated to the school's cluster governing board. Where a review is requested or legally required, the cluster governing board will form a Pupil Discipline Committee coordinated by Anna Mousley, Clerk for Governance.

(See [Appendix 5: Pupils Discipline Committee Terms of Reference](#); [Appendix 6: Pupil Discipline Committee Committee Panel Guidance](#), [Appendix 7: Pupil Discipline Committee template agenda](#)).

## 6. Cluster governing board's requirements to consider an exclusion

The requirements of the cluster governing board to consider an exclusion depend upon a number of factors which are outlined in the table below:

| Type  | Governors to meet?   | Decisions open to the governors   | Notification of outcome of panel   |
|---|--|---|--|
| <i>Permanent</i>  | <b>Yes</b> - by the 15th school day after receiving notice of the exclusion.   | Decline to reinstate the pupil or direct reinstatement immediately or by a particular date  | In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference. |
| <i>Exclusion resulting in a pupil missing a national curriculum test</i>                  | <b>Yes</b> - Governors should try to meet before the date of the test and by the 15th school day after receiving notice of the exclusion.                            |   |  |
| <i>Fixed Term: &gt; 15 days in a term (either one of or cumulatively)</i>                 | <b>Yes</b> - by the 15th school day after receiving notice of the exclusion.   | Decline to reinstate the pupil or direct reinstatement immediately or by a particular date. (not applicable if exclusion has been served – can only annotate pupil file         |  |
| <i>Fixed Term: &gt; 5 but less than 15 days in a term (either one of or cumulatively)</i> | <b>Only if</b> the parent requests a meeting should the governors then meet to consider representations within 50 school day after receiving notice of the exclusion | Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular date. (not applicable if exclusion has been served – can only annotate pupil file |  |
| <i>Fixed Term: 5 days or fewer in a term</i>  | <b>If</b> the parent submits representations, the governors must consider them. Governors are not required to arrange a meeting with parents.                        | Governors cannot direct reinstatement   |  |

## 7. Pupil Discipline Committee Meeting

The proceedings for a Pupil Discipline Committee (PDC) meeting are set out in [Appendix 6: Pupil Discipline Committee Panel Guidance](#).

In reaching a decision, the PDC will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. All records are kept inline with the records management policy. The PDC will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay. (See [Appendix 8: Exclusions sample letter](#))

Where an exclusion is permanent, the letter will also include the following:

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

## 8. An independent review panel

If parents apply for an independent review, Discovery Schools Academy Trust will arrange for an independent review panel to review the decision of the PDC not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the PDC of its decision to not reinstate a pupil.

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

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

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

- Are a paid employee of Discovery Schools Trust, or cluster board /advisory board member of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Have not had the required training within the last 2 years.(See [Appendix 9: Independent Review Panel Training](#)).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the PDC's decision
- Recommend or direct that the PDC reconsiders reinstatement
- Quash the cluster board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

## 8. School registers

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

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

Where an application for an independent review has been made, the school will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## 9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. (See [Appendix 10: Reintegration Meeting Template](#)).

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

- Agreeing a behaviour contract
- Agreeing regular update meeting with parents
- Putting a pupil 'on report'
- Internal seclusion
- Modification of timetable

## 10. Monitoring arrangements

The Cluster Leader monitors the number of exclusions. Termly data is provided to the local advisory board and responsible cluster governing board for review.

This policy will be reviewed by the Head of Governance every 3 years. At every review, the policy will be shared with the cluster board.

## 11. Links with other policies

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy and the Equal Opportunities Policy.



## 12. Legislation and statutory guidance

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

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

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

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

## Appendix 1: Exclusion Letters

### FEX.1 Fixed Term Exclusion Letter from HT – 1 to 5 days or an accumulation of 5 to 15 days in a term

Dear *(Name of Parent/Guardian)*

Re: *(Name of Pupil Fixed Term Exclusion)*

I am writing to inform you of my decision to exclude *(name of pupil)* for a fixed period of *(specify period)*, beginning on *(date)* and ending on *(date)*. This means that *(name of pupil)* 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 has not been taken lightly. *(Name of pupil)* has been excluded for this fixed period because of *(reason for exclusion)*.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for *(name of pupil)* to be completed during the exclusion period. *(Detail the arrangements for this)*. Please ensure that this work is completed and returned for marking.

**[If the exclusion is less than 5 days in one term include]**

You have the right to make representations about this decision to the Cluster Governing Board. If you wish to make representations please contact Helen Stockhill, as soon as possible. Whilst the Cluster Governing Board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

**OR**

**[If the exclusion is for less than 5 days but the pupil has received cumulative exclusions up to to 15 days in one term include]**

You have the right to request a meeting of the school's pupil discipline committee to whom you may make representations, and the decision to exclude can be reviewed. If you request a meeting, the committee must meet by **[insert Date – no later than 50 school days from the date the discipline committee is notified of the exclusion]**. If you wish to be accompanied by a friend or representative please contact **[insert]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

You and *(Pupil name)* are requested to attend a reintegration meeting with *(member of staff name)* at *(Name of school)* on *(date)* at *(time)*. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration meeting is to discuss how best your child's return to school can be managed.

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

Coram Children's Legal Centre can be contacted on 0345 345 4345 or through [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

ACE Education advice line can be contacted on 0300 0115 142 or through [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**County:** You may wish to contact Joe Martin at Leicestershire County Council on 0116 305 7821, who can provide advice. **DELETE AS APPROPRIATE**

**City:** You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. **DELETE AS APPROPRIATE**

**Rutland:** You may wish to contact the Admissions Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely

**[Name]**

Headteacher

cc Clerk to the Trust

## FTE.2 Fixed Term Exclusion Letter from HT – 6 to 15 day period

Dear (*Name of Parent/Guardian*)

**Re: (*Name of Pupil Fixed Term Exclusion*)**

I am writing to inform you of my decision to exclude (*name of pupil*) for a fixed period of (*specify period*), beginning on (*date*) and ending on (*date*). This means that (*name of pupil*) 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 has not been taken lightly. (*Name of pupil*) has been excluded for this fixed period because of (*reason for exclusion*).

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion unless there is reasonable justification for this. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for (*name of pupil*) to be completed on for the first 5 days of the exclusion. (*Detail the arrangements for this*). Please ensure that this work is completed and returned for marking.

The school will provide suitable full-time education from the 6th school day of the exclusion until the expiry of the exclusion. On [*specify date*], [*Pupil's name*] should attend at [*provide details of where, when and staff member's name*]. (*If applicable, say something about transport arrangements from home to the alternative provider*).

You have the right to request a meeting of the school's pupil discipline committee to whom you may make representations, and the decision to exclude can be reviewed. If you request a meeting, the committee must meet by [*insert Date – no later than 50 school days from the date the discipline committee is notified of the exclusion*]. If you wish to be accompanied by a friend or representative please contact [*insert*], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

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

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

Coram Children's Legal Centre can be contacted on 0345 345 4345 or through [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

ACE Education advice line can be contacted on 0300 0115 142 or through [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**County:** You may wish to contact Joe Martin at Leicestershire County Council on 0116 305 7821, who can provide advice. **DELETE AS APPROPRIATE**

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**Rutland:** You may wish to contact the Admissions Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely

[**Name**] Headteacher cc                      Clerk to the Trust

**FTE.3 Fixed Term Exclusion Letter from HT – a single exclusion of greater than 15 days or an accumulation of more than 15 days in one term**

Dear (*Name of Parent/Guardian*)

**Re: (*Name of Pupil Fixed Term Exclusion*)**

I am writing to inform you of my decision to exclude (*name of pupil*) for a fixed period of (*specify period*), beginning on (*date*) and ending on (*date*). This means that (*name of pupil*) 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 has not been taken lightly. (*Name of pupil*) has been excluded for this fixed period because of (*reason for exclusion*).

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion unless there is reasonable justification for this. Failure to comply with this duty without reasonable justification may result in a penalty notice from the local authority.

We will set work for (*name of pupil*) to be completed on for the first 5 days of the exclusion. (*Detail the arrangements for this*). Please ensure that this work is completed and returned for marking.

The school will provide suitable full-time education from the 6th school day of the exclusion until the expiry of his/her exclusion. On [*specify date*], [*Pupil's name*] should attend at [*provide details of where, when and staff member's name*]. (*If applicable, say something about transport arrangements from home to the alternative provider*).

As the length of exclusions brings the total to more than 15 school days, the school's pupil discipline committee must meet to consider the exclusion. You will be invited to attend the meeting to make representations to the governing board if you wish. The committee must meet by [*insert Date – no later than 15 school days from the date the discipline committee is notified of the exclusion*]. If you wish to be accompanied by a friend or representative please contact [*insert*], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

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

There are several organisations that provide free information, support and advice to parents on exclusion matters including:

Coram Children's Legal Centre can be contacted on 0345 345 4345 or through [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

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Yours sincerely [*Name*] Headteacher cc Clerk to the Trust

## PEX.1 Permanent Exclusion Letter from HT

Dear (*Name of Parent/Guardian*)

**Re: (*Name of Pupil Permanent Exclusion*)**

I regret to inform you of my decision to exclude **[Child's Name]** permanently from **[Date]**. This means that **[Child's Name]** will not be allowed back to this school unless he/she is reinstated by the cluster governing board or by an independent review panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded permanently because **[Reason(s) for exclusion – include any other relevant previous history]**.

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

Alternative arrangements for **[Child's Name]**'s education will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards – i.e. from **[specify the date]** the local authority **[give name of the 'home' authority]** will provide suitable full-time education. They will be in touch with you about these arrangements, you can contact them at **[give details of relevant local authority's contact details]**.

As this is a permanent exclusion the cluster governing board must meet to consider the exclusion. At the review meeting you may make representations if you wish. The cluster governing board have the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you may request for the decision to be reviewed by an independent review panel. The latest date on which the cluster governing board can meet is **[Date – no later than 15 school days from the date the exclusion]**. If you wish to make representations to the cluster governing board and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[Contact details – Address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the cluster governing board of the time, date and location of the meeting. Please contact **[Name of Contact]** if you have a disability or special needs which would affect your ability to attend the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal, Special Educational Needs and Disability Tribunal (SENDIST). Please visit <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> for further details.

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ACE Education advice line can be contacted on 0300 0115 142 or through [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**County:** You may wish to contact Joe Martin at Leicestershire County Council on 0116 305 7821, who can provide advice. **DELETE AS APPROPRIATE**

**City:** You may wish to contact the Exclusions Team at Leicester City Council on 0116 454 5520, who can provide advice. **DELETE AS APPROPRIATE**

**Rutland:** You may wish to contact the Admissions Service at Rutland County Council on 01572 722 577, who can provide advice. **DELETE AS APPROPRIATE**

Yours sincerely **[Name]** Headteacher

Enc Notes of Guidance cc Clerk to the Trust Board

## Appendix 2: PEX.2 Pupil Discipline Committee Meeting Invite

Dear (*Name of Parent/Guardian*)

**Re: (*Name of Pupil Permanent Exclusion*)**

I am writing to inform you that a meeting of the Pupil Discipline Committee will be held on **[Date]** at **[Time]** following the decision to permanently exclude **[Name of Child]** from **[Name of School]**.

The meeting will enable the Governors to consider the Headteacher's decision, hear your views and decide whether **[Child's Name]** should be reinstated to the school or to uphold the exclusion. You may bring a friend or supporter to the meeting and arrangements can be made for an interpreter to be present if required.

I am, therefore, inviting you to attend the meeting which will provide an opportunity for you to express your views and for questions to be asked by those present. I attach a copy of the procedure which the Governors will use at the meeting. A copy of the Headteacher's report is enclosed **OR** will follow, no later than 5 days the meeting.

I would be grateful if you could email me at **[insert]** or telephone **[insert]** indicating whether or not you will be attending the meeting.

Yours sincerely

**Clerk to the Pupil Discipline Committee**

Enc    Permanent Exclusion Guidance for Parents  
      Headteacher's report (if appropriate)

cc     Headteacher

## **Appendix 3: PEX.3 Permanent Exclusion Guidance for Parents**

### **A guide to permanent exclusions for parents**

To exclude a child permanently is a very serious decision and should only be used as a last resort. Your child should only be excluded from school:-

- If they seriously or persistently breach the school's behaviour policy
- Seriously harm the education or welfare of themselves or others in the school if they remained in school.

#### **Who can exclude?**

The Headteacher or Head of School is the only person who can make the decision to exclude your child. (If the Headteacher or Head of School is absent the Deputy Head Teacher or most senior teacher who is acting as Head can exclude your child.)

#### **How will I be told about the exclusion?**

Ideally, the Headteacher should telephone you immediately to inform you that your child is being excluded, followed by a letter within one school day. You will be invited to attend a Pupil Discipline Committee meeting set up to review your child's exclusion. The Committee decide whether or not your child can return to school.

#### **Should my child be out of the house whilst he / she is excluded?**

You have a duty to ensure that your child is not found in a public place during the first 5 days of exclusion unless there is a reasonable justification for this.

#### **Will the school set work?**

The school must provide work for your child during the first 5 days of the exclusion. The school will give you the name of the teacher who is providing the work and the arrangements for marking the work. You should ensure that the work is returned for marking and advise the school if your child needs more work. From the 6th day of exclusion onwards the Local Authority will provide suitable supervised full-time education.

#### **What happens at meetings of the Pupil Discipline Committee?**

This will be your opportunity to state any views you have on your child's exclusion. Therefore, it is in your interest to make every effort to attend the meeting. If you are unable or unwilling to attend the meeting, you can still put your views in writing.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting. If you would like to be accompanied by a friend or representative you should contact the school to advise them.

The Headteacher will provide you and the governors with a written report at least 5 days in advance of the meeting outlining the reasons why your child has been excluded and the evidence collected during the school's investigation of the incident(s) for which your child has been excluded.

The governors will consider the evidence provided in the Head Teacher's report and any information that you provide at the meeting. They can decide to end the exclusion and allow your child to return to the school if they believe that the exclusion was not appropriate or uphold the decision of the Headteacher to permanently exclude your child.

Coram Children's Legal Centre can provide advice on how to prepare for the meeting.

#### **Who will be there and what role will they play?**

##### **Parent/Guardian**

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

##### **Your child**

Dependent of the age and understanding of your child it may be appropriate for them to attend the meeting. Your child, if present, will be given the opportunity to give their view.

##### **The Headteacher**

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling staff as witnesses.



## The Clerk to the Committee

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the clerk does not take part in the decision-making process.

### Preparing for the meeting

You should read through the Headteacher's report and make a note of any questions that you may wish to ask or anything that you do not understand, or you do not agree with. You can then raise these at the meeting.

You do not have to attend the meeting as the exclusion can be considered without you. If you are unable to attend, you can send a letter to the governors with any information or points which you would like them to consider.

### What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure to make sure that every school deals with exclusion in the same way. The meeting is likely to follow a similar process to the one described below:

1. The Clerk starts the meeting by inviting all other parties to enter the room at the same time.
2. The Chair will welcome everyone and explain of the role of the discipline committee.
3. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes.
4. The Chair will explain the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Adjournments can be requested by either party or suggested by the chair if required.
5. The Headteacher explains why the decision has been taken to exclude the pupil, referring to supporting evidence, and then be open to questions from all present.
6. You will state your child's case, and the reasons why you disagree with the exclusion and then be open to questions from all present.
7. Your child, if present, will also be given the opportunity to comment.
8. You and the Headteacher will both be asked to sum up
9. The committee will ask all parties other than the clerk to leave to make their decision.

### The outcome of the Governors Meeting

There are two possible outcomes following the meeting:

#### 1. Governors decide to reinstate your child

This means that the governors have decided that your child can return to the school. You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

#### 2. Governors decide to uphold the exclusion

This means that the governors have decided that your child should be permanently excluded from the school. In such circumstances, your child's education will continue to be provided by the Local Authority.

### What happens next

The Clerk should send the decision of the meeting to you in writing without delay. The letter will include the reasons for the decision and any further relevant information on educational provision for your child.

Where the Committee decide to reinstate your child, the decision letter will include the date your child should return to school. The Headteacher may provide further information on any arrangements to support your child's successful re-integration. If the Committee decides to uphold your child's permanent exclusion the decision letter will also explain that you have the right to request a review by an Independent Review Panel.

### Can I appeal against the decision?

You do not have the right of appeal against the decision; however, you do have the right to ask for the decision to be reviewed by an independent review panel.

To ask for an independent review, you must send your request in writing within 15 school days, otherwise you will lose your right to do so.

## **Where to go for further advice**

### **Leicester City Council**

Exclusions Team, Collegiate House, College Street, Leicester, LE2 0JX

Telephone: (0116) 454 5520

### **Leicester County Council**

Joe Martin at Leicestershire County Council on 0116 305 7821

### **Rutland County Council**

Admissions Service, Catmose, Oakham, Rutland LE15 6HP

Telephone (01572) 722 577

**Other organisations you can contact include:**

### **Coram Children's Legal Centre**

Coram Community Campus 48 Mecklenburgh Square, London WC1N 2QA

Telephone: 08088 020 008

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

### **Advisory Centre for Education (ACE)**

An independent national advice centre for parents to answer questions on all aspects of education. ACE offer a practical guide to parent's legal rights on the exclusion process and an exclusion advice line 0300 0115 142 is available for further independent support, visit [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

## Appendix 4: HT Report for Pupil Discipline Committee

### Report for Pupil Discipline Panel: [Pupil]

Please send this report with the following attachments:

- School Behaviour Policy or relevant pages
- Witness statements
- IEP/PSP
- PDC agenda including list of people attending

at least 5 days in advance of the governors' meeting to the:

- Parent / Carer
- Members of the Governors Discipline Committee
- Clerk to the Trust

| Contextual Information:   |   |
|---|---|
| Year Group:   | Date of Birth:  |
| Pen Portrait:   |   |
| Family Circumstances:   | Attendance and Punctuality: (you can attach a printout) |
| Circle all that apply:    Pupil Premium    LAC    Child Protection Plan    SEN  |   |
| <b>Look after child? Yes/No</b><br><i>Outline how the school has the school worked with foster carers and the LA virtual school. What additional support or alternative placements have been considered?</i>  |   |
| <b>SEN / Code of Practice:</b> <i>Brief outline of pupil's identified special needs (including if appropriate stage of the SEN Code of Practice and date):</i><br><br><i>Brief description of how these identified needs are being met (attach an IEP/PSP to the report) – see notes for further guidance</i> |   |
|   |   |
|   |   |
|   |   |
| Information regarding the exclusion:  |   |
| Type of Exclusion:  |   |
| Reason for exclusion as contained in the letter to parent:  |   |

|  |                                 |  |
|--|---------------------------------|--|
| <b>Circumstances leading to the exclusion:</b>   |                                 |  |
| <i>Attach all supporting and relevant documentation arising from the investigation e.g. reports, statements from witnesses, teachers, pupils and excluded pupil's statement, photographs or any appropriate physical evidence.</i> |                                 |  |
| <b>Witness Statements for the exclusion: [Can be attached, make sure they are signed and dated]</b>  |                                 |  |
| <i>Original pupil witness statements should be retained but can be kept anonymous within the Headteacher's report.</i>   |                                 |  |
| <b>Mitigating factors taken into consideration:</b>  |                                 |  |
| <b>Previous Exclusions:</b>  |                                 |  |
| <b>Dates</b>   | <b>Length</b>                   | <b>Reason</b>  |
|  |                                 |  |
|  |                                 |  |
|  |                                 |  |
| <b>Behaviour Incidents/ Recording:</b>   |                                 |  |
| <b>Type of log:</b>  | <b>Summary of incidents</b>     |  |
|  |                                 |  |
|  |                                 |  |
|  |                                 |  |
| <b>Support</b>   |                                 |  |
| <b>School Provision</b>  |                                 |  |
| •  |                                 |  |
| <b>External Agency involvement</b>   |                                 |  |
| •  |                                 |  |
| <b>Support for parents</b>   |                                 |  |
| •  |                                 |  |
| <b>Timeline of support</b>   |                                 |  |
| <b>Dates</b>   | <b>School or Name of Agency</b> | <b>Provision/advice provided (attach reports where relevant)</b> |
|  |                                 |  |

|   |  |  |
|---|--|--|
|   |  |  |
| <b>Educational Attainment</b>   |  |  |
| <p><b>Current Teacher Assessments:</b></p> <p>Reading:</p> <p>Writing:</p> <p>Maths:</p>  |  |  |
| <p><b>Previous Academic Results:</b></p> <p><b>Year 2:</b></p> <p>Reading:</p> <p>Writing:</p> <p>Maths:</p> <p><b>Phonics:</b></p> |  |  |

**Notes:**

**Pupil with SEND**

The report should identify how the school has engaged proactively with parents in supporting the behaviour if the pupil has additional needs. How the school has worked in partnership with others (including the local authority as necessary), to consider additional support or alternative placements. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review – has this been actioned?

## Appendix 5: Pupil Discipline Committee Terms of Reference

### Terms of Reference

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#### Committee membership

The Committee shall consist of not less than three members drawn from a Cluster Governing Board and/or Advisory Board, none of whom shall be the headteacher.

If any committee member has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she should step down.

#### Quorum

3 members of the Committee

#### Frequency of meetings

As and when required and in accordance with statutory time limits.

#### Chairing

The Chair for any meeting will be elected by the Committee.

#### Clerking

The meeting will be clerked by the DSAT Clerk or Head of Governance. The committee may appoint an alternative clerk if this is not possible. The Clerk will take confidential notes of the meetings.

Confidential minutes will be circulated to members of the committee within seven days. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Trust Board meeting if and when the matter has been resolved.

#### Terms of Reference

The committee will act in accordance with statutory guidance from the Department for Education "*Exclusion from maintained schools, Academies and pupil referral units in England*" which can be found on the DFE website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

The committee will act in accordance with the relevant school Behaviour Policy and the [DSAT Discipline Committee \(PDC\) Guidance](#).

#### Committee Tasks

1. To consider representations from parents in the case of exclusions of 5 days or less.
2. To consider representations from parents in the case of exclusions totalling more than 5 but not more than 15 school days in one term.
3. To consider the appropriateness of any permanent exclusion or any exclusion where one or more fixed period exclusions total more than 15 school days in one term or where a student is denied the chance to take a public examination.
4. To make recommendations where necessary on the effectiveness and application of the school's Behaviour Policy
5. To consider the actual or potential implications on:
  - a. safeguarding;
  - b. special educational needs;

- c. student achievement;
- d. equality and diversity;
- e. health and safety;
- f. finance;

during committee debate and decision making.

6. Prepare the statement of the Pupil Discipline Committee for any appeals made by a parent to the Independent Appeals Panel and represent the committee at the hearing of the Independent Appeals Panel.

**Permanent exclusions**

It is the duty of the Discipline Committee to inform parents of a pupil who has been excluded permanently of their right to ask for the case to be considered by an Independent Review Panel.

## Appendix 6: Pupil Discipline Committee Panel Guidance

### Pupil Discipline Committee Guidance

This guidance has been produced to assist members of a Pupil Discipline Committee (PDC) when reviewing the decision of a headteacher to exclude a pupil, either for a fixed period of more than 5 days in a term or permanently. It should be read in conjunction with the Department for Education's (DfE) Guidance entitled, "Exclusion from maintained schools, Academies and pupil referral units in England":

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

Where the statutory guidance refers to the responsibilities of the 'governing body', this function has been delegated to the PDC by the Board through the Scheme of Delegation.

The procedures set out here only apply if the committee has a duty to meet. For exclusions of up to 5 days in a term, the committee must consider any representations made by parents, however the committee is not required to meet with the parents and does not have the power to overturn the Headteacher's decision.

### Preparation

Only the Headteacher of the school or Head of School can exclude a pupil and this must be on disciplinary grounds.

The excluding school is responsible for notifying the Head of Governance (HoG) when a PDC meeting is required. The HoG will make the necessary arrangements to convene the committee and appoint a clerk.

The committee will consist of 3 members who have, so far as possible, no prior knowledge of the case.

#### *The school is responsible for:*

- Notifying the parent of the meeting date, their right to bring a friend or representative and the deadline for any written submission to the committee.
- Collating and circulation all written evidence and information for the committee to consider.  
Suggested information might include:
  - the head teacher's decision letter to parents;
  - a brief report from the head teacher giving any relevant background issues, details of the incident which led to the exclusion, the link with and text of relevant school policies, chronology of support given to the pupil or strategies used to address behavioural issues;
  - any incident reports from staff involved in the critical incident;
  - the excluded pupil's written account of the incident;
  - any other witness statements (all statements/accounts should be signed, attributed and dated unless the school has good reason to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way to distinguish it from other statements) (para.111);
  - the PSP, IEP or formal statement if any of these apply;
  - any written representations from the parents;
  - a behaviour diary and academic reports;
  - attendance records;
  - any other relevant documentation e.g copies of relevant policies including the behaviour policy;
  - a list of those attending the meeting and an outline of the procedure to be followed at the meeting.
- Ensuring suitable accommodation for the meeting and a place for parents to wait on arrival and during any adjournment. No party must be allowed access to the panel in advance of the meeting. Therefore, it is suggested that parents are provided with a designated waiting area. Parents should not be made to feel at a disadvantage, either physically or psychologically, at what is a difficult meeting for them - which is why it is good practice not to use the Headteacher's office.



### *The PDC members are responsible for:*

- Reading through all documentation and being familiar with the DfE Guidance “Exclusion from maintained schools, Academies and Pupil referral units in England”.
- Meeting prior to the formal meeting to elect a chair and discuss any issues identified from the papers to determine any how those issues can be clarified. Also, if the pupil is attending, decide, based on the age and level of understanding of the pupil, whether it is appropriate for the pupil to attend the entire hearing or for a short time and if so, at what point during the proceedings you think this would be appropriate. These deliberations at the pre-meeting should be minuted.
- Maintaining confidentiality. Panel members must NOT discuss the exclusions with any party outside of the meeting.
- Having regard to the interests and circumstances of the excluded pupil and the interests of other pupils and people working at the school.

### *The Clerk is responsible for:*

- Co-ordinating the circulation of written evidence including providing an explanation of the meeting procedure in writing and setting the agenda.
- Acting as the point of contact for the parents.
- Checking the room layout immediately before the meeting to make sure there are tables for everyone (if possible try to avoid low coffee tables, which do not allow for easy handling of papers) and, refreshments.
- Attending the PDC pre-meet to ensure a chairperson is appointed and procedures are understood.

### **Order of the meeting**

The panel must allow both parties to state their case, reasonably and without interruption. The chair must act impartially. See [appendix 7 for suggested agenda](#).

The panel must review the Headteacher basis of the exclusion, including the procedures that were applied.

The Clerk starts the meeting by inviting all other parties to enter the room at the same time - none of the other parties should be alone with the committee members before or after the meeting, to avoid the appearance of any bias.

The Clerk will take minutes and record the names of everyone who is present at the meeting.

1. Chair’s welcome and explanation of the role of the discipline committee which is to consider the reinstatement of the excluded pupil (para.63). The Chair explains that the Committee may decide either to (para 66):
  - Decline to reinstate the pupil or
  - Direct reinstatement either immediately or by a particular date.
2. Introductions - each person should introduce themselves and explain their role. The Clerk should make a note of all names and take detailed minutes. The Clerk should note whether the parents attend, stating when and how they were invited to attend and whether they had indicated that they would be present.
3. The Chair explains the order for the hearing and that there will be an opportunity for questioning by the other parties after each presentation. Also, that the Committee must have regard to the DfE Guidance in its conduct and reaching a decision. Adjournments can be requested by either party or suggested by the chair if required.
4. The Headteacher explains why the decision has been taken to exclude the pupil, referring to supporting evidence.

5. The parent/s and representative ask questions of clarification of the Headteacher
6. The committee ask questions of the Headteacher
7. Parent/s and representative put forward their case.
8. Questions from the Headteacher
9. Questions from the committee.
10. Final clarification – the Chair confirm that all the issues have been clarified/resolved and to allow parent/s and Headteacher a chance to reflect before summing up.
11. Both the school, and then the parent, will have the opportunity to make a closing statement. This should be kept short; it is simply for each party to summarise the points they have already made so that the Committee are left with a clear idea of what the main points are.
12. The Chair explains that the decision will be made with reference to DfE Guidance and that the committee needs to decide whether the pupil was responsible for the conduct alleged and if so whether exclusion was a lawful, rational, reasonable, fair and proportionate response.
13. Chair advises the meeting about how the decision will be communicated to all.
14. Chair thanks all parties for attending and all parties leave together with only the committee remaining for the decision making (it is not necessary to ask the other parties to wait for a decision). The Clerk remains to advise the committee but may not take part in the decision-making process.
15. The Clerk must record a formal minute of the decision and include a statement of the reasons for it.
16. If the Clerk writes the letter on behalf of the committee the Chair should ensure that the contents are approved before it is sent out.
17. The minutes should be circulated for approval to all of the committee members to ensure that they accurately reflect the hearing and the deliberations. Once they are approved they must be made available to any of the parties who ask for a copy. (para.69)

### Reaching a decision

In reaching a decision on whether or not to reinstate a pupil, the committee should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher’s legal duties. The school should be able to demonstrate that the exclusion has been carefully considered and is being used as a last resort.

For permanent exclusion, the discipline committee should normally satisfy itself that all possible strategies to improve a pupil's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme. For children with statements of SEN, revising the statement might be better than resorting to exclusion.

For permanent exclusions the committee will consider the exclusion and decide whether the pupil should be reinstated. Such consideration will take account of the pupil’s disciplinary record and the likely impact of their continued attendance.

The Clerk will remain present and help the committee "by reference to the notes of the meeting and with the wording of the decision letter". (para.70).

The following checklist below may help in assisting the committee when considering the exclusion.

| The circumstances of the case  | Yes | No |
|--|-----|----|
| Has there been a serious breach or persistent 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?<br>or<br>Is this a serious 'one off' offence?  |            |           |
| Is exclusion the appropriate response?<br>Factors to consider: <ul style="list-style-type: none"> <li>• Has a thorough investigation been carried out?</li> <li>• Has the pupil's version of events been sought / encouraged / recorded?</li> <li>• Has the evidence been considered in the light of school policies and possible discrimination?</li> <li>• Are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc)?</li> </ul> |            |           |
| Standard of proof – "on the balance of probabilities" did the pupil do what he/she is alleged to have done?   |            |           |
| Has a pastoral support programme been used?<br><br>The PSP procedure and process are designed to support any pupil for whom the usual school-based strategies have not been effective. It is a structured intervention for a pupil at risk of permanent exclusion and ensures that interventions for a pupil at risk of permanent exclusion are coordinated and targeted to their needs.  |            |           |
| Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?  |            |           |
| <b>Special considerations</b>   | <b>Yes</b> | <b>No</b> |
| <b>SEN</b><br>Does this pupil have special educational needs?<br>Does the pupil have a EHCP?<br>Has a review of the EHCP been arranged to establish that the pupil has the appropriate level of support, or is even the appropriate school for the pupil to attend?   |            |           |
| <b>LAC</b><br>Is this pupil looked after?<br>Has the virtual school for children in care been contacted?  |            |           |
| <b>SAFEGUARDING</b><br>Is this pupil subject to a child protection or a child in need plan?   |            |           |
| Is there a CAF for this pupil?<br>What other agencies/services are involved?  |            |           |
| Have issues of SEN or disability been considered and reasonable adjustments put in place?   |            |           |

### Notification of the decision

The Clerk (on behalf of the committee) must write to parents and the LA with the committee’s decision and reasons without delay. This letter may be delivered directly to parents; be left at their last known address; or be posted to their last known address (para.75).

Where a pupil resides in a different local authority from the one that maintains the school, the Clerk must also inform the pupil’s “home authority”.

**Further action**

For a fixed-term exclusion there is no further right of appeal by the parents – the decision of the committee is final unless the pupil has special educational needs or a disability when they can go to First Tier Tribunal.

In the case of a permanent exclusion, the parents must be informed in the letter from the panel of how they can make an application to an Independent Review Panel. (para.76)

**Calculating the date by when the parent must request Independent Review Panel following the governors’ decision to uphold a permanent exclusion**

Parents have 15 school days to appeal to the IRP. Where notice is sent by first class post it is treated as having been given on the second working day after it was posted. Example: Governors meet on the 24th October, the last day of the 1st autumn term. If the clerk is able to send the decision letter by first class post on the same day as the meeting, the first day of the appeal period will be Tues 4th Nov. Parents will have until the end of the day on the Mon 24th Nov to apply for a review to the IRP. The bank holidays, school holidays, inset days and weekends must not be included in this appeal period.

| OCTOBER |   |    |    |    |    | NOVEMBER |   |   |    |    |    |
|---------|---|----|----|----|----|----------|---|---|----|----|----|
| Mon     |   | 6  | 13 | 20 | 27 | Mon      |   | 3 | 10 | 17 | 24 |
| Tues    |   | 7  | 14 | 21 | 28 | Tues     |   | 4 | 11 | 18 | 25 |
| Wed     | 1 | 8  | 15 | 22 | 29 | Wed      |   | 5 | 12 | 19 | 26 |
| Thur    | 2 | 9  | 16 | 23 | 30 | Thur     |   | 6 | 13 | 20 | 27 |
| Fri     | 3 | 10 | 17 | 24 | 31 | Fri      |   | 7 | 14 | 21 | 28 |
| Sat     | 4 | 11 | 18 | 25 |    | Sat      | 1 | 8 | 15 | 22 | 29 |
| Sun     | 5 | 12 | 19 | 26 |    | Sun      | 2 | 9 | 16 | 23 | 30 |

## Questions and evidence

Date of meeting:

Pupil:

Committee members:

|  |           |
|--|-----------|
| <b>Lawful legally sound</b><br>Exclusion was made on disciplinary grounds (link to behaviour policy). Exclusion procedures followed including informing parents, witness statements as well as any broader legal considerations, Child Protection, SEN Code of Practice, Equalities Act etc. |           |
| Questions to ask:  | Evidence: |
| <b>Rational</b><br>Time taken to consider the evidence and advice sought from any relevant professionals before decision made to exclude. Pupil given the opportunity to express their view. Headteacher has meet with parents discuss case and course of action.                            |           |
| Questions to ask:  | Evidence: |
| <b>Reasonable</b><br>based on expectations or demands within the realms of what is possible and achievable for that child. Alternatives considered, and support provided to reduce the risk where appropriate  |           |
| Questions to ask:  | Evidence: |
| <b>Fair</b><br>that any extenuating circumstances were considered as well as any differences in response to other child in the same or similar situation - not biased  |           |
| Questions to ask:  | Evidence: |

**Proportionate**

why permanent rather than fixed period exclusion was appropriate.

Questions to ask:

Evidence:

## Appendix 7: Pupil Discipline Committee Template Agenda

### Agenda for a Meeting of the Pupil Discipline Committee

**Date:**

**Time:**

**Place:**

**Clerk:**

**Committee Members:**

**Also in attendance:**

**1. Apologies for Absence**

To receive apologies for absence from the meeting.

**2. Welcome, introductions and procedures**

Committee members:

**3. Exclusion of Pupil**

To consider the permanent exclusion of XX from XX.

- a) Headteacher presents the case for the exclusion
- b) Questions by the parent
- c) Questions by the committee
- d) Parents representations
- e) Questions by the Headteacher
- f) Questions by the committee
- g) Summing up by the Headteacher
- h) Summing up by the parent
- i) Withdrawal of Headteacher and parent
- j) Consideration of the case by committee
- k) Decision of committee

## Appendix 8: PEX.4 Exclusion Sample Letter Following PDC Decision

### Sample letter from the (clerk to) the pupil discipline committee to parent upholding a permanent exclusion

Dear **(Name of Parent or Guardian)**

The meeting of the pupil discipline committee at **(school)** on **(date)** considered the decision by **(headteacher)** to exclude **(name of pupil)**. The committee, after carefully considering the representations made and all available evidence, has decided to uphold **(name of pupil)**'s permanent exclusion.

The reasons for the pupil discipline committee's decision are as follows: **(give the reasons in as much detail as possible, explaining how governors arrived at the decision)**.

You have the right to have this decision reviewed by an independent review panel. To request this, you must set out the grounds for the review in writing, including if applicable, details of how your child's special educational needs (SEN) may be considered relevant to the exclusion. This should be sent to the Clerk to the Trust, Kibworth Grammar School Hall, School Road, Kibworth Beauchamp, Leicester, LE8 0EW by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not lodged a review by this date, your right to a review will lapse.

You have a right to request that a Special Educational Needs (SEN) expert also attend the independent review panel. This will be at no cost to you. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion and whether the school's policies or the application of those policies were legal, reasonable and procedurally fair. It is not the SEN expert's role to make an assessment of your child's special educational needs. If you would like a SEN expert to be appointed, please make this clear when you lodge your application for the independent review.

You can make representations to the review panel and may, at your own expense, appoint someone to make written and/or oral representations on your behalf. If you wish to you may also bring a friend to the review. Please advise the Clerk to the Trust if you have a disability or special needs which could affect your ability to attend the hearing. Also, please inform them if it would be helpful for you to have an interpreter present at the hearing.

If you believe that the exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination within six months of the date on which your child was excluded.

There are several sources of advice and support which you might find useful, these include:

- Local Authority

#### **Leicester City Council**

Exclusions Team, Collegiate House, College Street, Leicester, LE2 0JX

Telephone: (0116) 454 5520

#### **Leicester County Council**

Pupil Services, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RF

Telephone: (0116) 305 7821

#### **Rutland Council**

Admissions Service, Catmose, Oakham, Rutland LE15 6HP

Telephone: (01572) 722 577

- Government statutory guidance on exclusions <https://www.gov.uk/government/publications/school-exclusion>
- Coram Children's Legal Centre provide free legal advice and information to parents on state education matters. The advice line is open from 8am to 8pm Monday to Friday. Tel: 08088 020 008 or visit <http://www.childrenslegalcentre.com/>
- Guidance on making a claim of discrimination to the First-tier Tribunal (should you consider the exclusion relates to a disability) is available at <https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>

Yours sincerely (Name) Clerk to the Pupil Discipline Committee



**PEX.5 Sample letter from the (clerk to) the pupil discipline committee to parent reinstating a pupil following a permanent exclusion**

Dear (Name of Parent or Guardian)

The meeting of the Pupil Discipline Committee at **(school)** on **(date)** considered the decision by **(head teacher)** to exclude **(name of pupil)**. The committee, after carefully considering the representations made and all available evidence, has decided to reinstate **(name of pupil)** in school.

The reasons for the committee's decision are as follows: (give the reasons in as much detail as possible, explaining how governors arrived at the decision).

**(Name of pupil)** will return to school on **(date)**. **(Name of staff member)** will contact you to discuss the arrangements so that the school can support **(name)** to make a successful return to school.

Yours sincerely

(Name) Clerk to the Pupil Discipline Committee

## **Appendix 9: Independent Review Panel Training**

The Discovery Schools Academy Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance cluster exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governance and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

## Appendix 10: Reintegration Meeting Template

### Reintegration Meeting

Date of Meeting:

Present:

| Pupil Details   |                           |                                |
|---|---------------------------|--------------------------------|
| Pupil Name:   |                           | Class:                         |
| Circle all that apply: Pupil Premium    LAC    Child Protection Plan    SEN                 |                           |                                |
| External agency involvement: i.e. Social services, Police, GP, OT, Pediatrician, PRU other. |                           |                                |
| Exclusion Details   |                           |                                |
| Reason for exclusion:   |                           |                                |
| Date of exclusion:  | Date of return to school: | Total number of days excluded: |
| Review of current attendance  |                           |                                |
| Attendance this term  |                           | Attendance this year           |
| Number of days absent:  |                           | Number of days absent:         |
| Attendance (%):   |                           | Attendance (%):                |
| Targets for behaviour and learning  |                           |                                |
| Target areas for development:   |                           |                                |
| Pupil:  | Parent:                   | School:                        |
| 1)  | 1)                        | 1)                             |
| 2)  | 2)                        | 2)                             |
| 3)  | 3)                        | 3)                             |

What strategies will be used?

How will behaviour/progress be monitored and celebrated?

Review date(s):

Additional Comments

Pupil Comments:

Parent/guardian's comments:

School's comments:

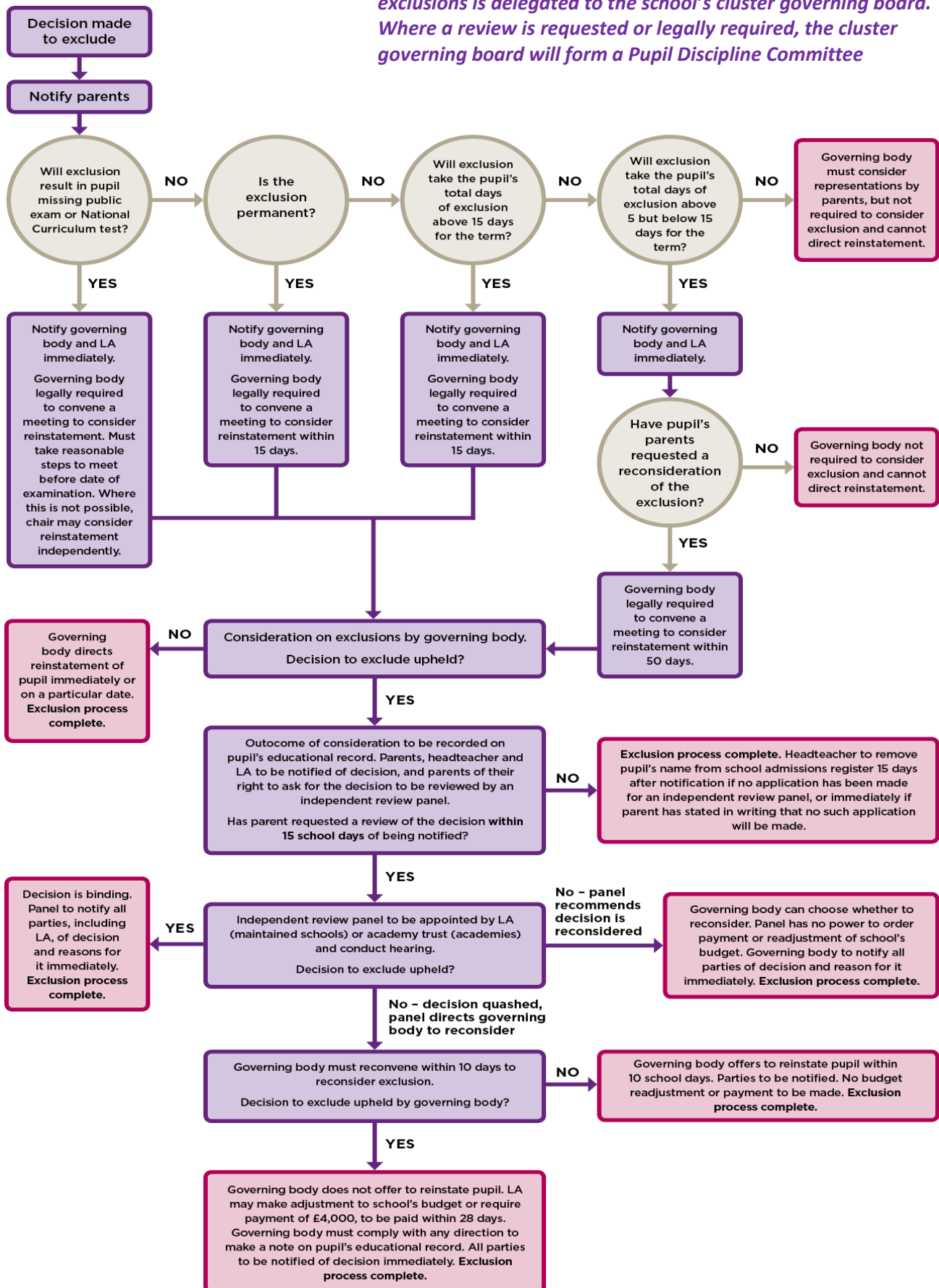
Signed \_\_\_\_\_  
(pupil)

Signed \_\_\_\_\_  
(Parent/Guardian)

Signed \_\_\_\_\_  
(School – SLT)

## Appendix 11: Exclusions Process Flowchart

*Responsibilities regarding the consideration and review of exclusions is delegated to the school's cluster governing board. Where a review is requested or legally required, the cluster governing board will form a Pupil Discipline Committee*



## Appendix 12: Headteacher’s Step by Step Guide for Permanent Exclusions

| Person Responsible | Action   | Model Letter                                      | Deadline   |
|--------------------|--|---|--|
| <b>Headteacher</b> | <p><b>Before reaching a decision, the Head should:</b></p> <ul style="list-style-type: none"> <li>▪ Ensure that a thorough investigation has been carried out;</li> <li>▪ Consider all the evidence available to support the allegations, taking account of the school’s policies, and, where applicable, the Equality Act 2010</li> <li>▪ Allow and encourage the pupil to give his or her version of events;</li> <li>▪ Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment;</li> <li>▪ Consult Megan Williams, Behaviour Manager</li> <li>▪ Take account of the pupil’s Pastoral Support Programme / Individual Education Plan or Provision Map.</li> </ul> <p>If the child has a statement of Special Educational Needs:</p> <ul style="list-style-type: none"> <li>▪ Notify the child’s educational psychologist / SEN Team; an urgent review of the statement should be considered before exclusion.</li> </ul> |   |  |
| <b>Headteacher</b> | Contact orally (if possible) those with parental responsibility to inform them of exclusion.   |   | <b>Day of Exclusion</b>                          |
| <b>Headteacher</b> | Arrange for work to be provided and coordinated by a nominated named member of staff during first 5 days of the exclusion.   |   | <b>Day of Exclusion</b>                          |
| <b>Headteacher</b> | Send letter to parent/carer giving detailed reasons for the decision to exclude. Enclose guidance for parents.   | <a href="#">PEX.1 / PEX.3*</a> available as a pdf | <b>Day of Exclusion</b>                          |
| <b>Headteacher</b> | Notify the Head of Governance and Local Authority immediately. Copy of the letter sent to the parent to be forwarded.  |   | <b>Day of Exclusion</b>                          |
| <b>Clerk</b>       | Liaise with the Cluster Governing Board, Headteacher regarding the date for the meeting.   |   | <b>Without Delay</b>                             |
| <b>Clerk</b>       | <ul style="list-style-type: none"> <li>▪ Convene a meeting of the Pupil Discipline Committee within 15 school days;</li> <li>▪ Invite the parents/carers;</li> <li>▪ Enclose a copy of the procedure for the meeting including a list of those who will be in attendance</li> </ul>  | <a href="#">PEX.2</a>                             | <b>Within 15 school days</b>                     |
| <b>Headteacher</b> | <p>Prepare a detailed report for the Pupil Discipline Committee and parents/carers.</p> <p>Send report(s) and any further information to governors and parents/carers. Copy to be provided to Clerk.</p>   |   | <b>At least 5 days in advance of the meeting</b> |

