

# Exclusions Policy



SAMUEL WARD

## 1. POLICY STATEMENT

Samuel Ward Academy, through its Behaviour and Discipline Policy and the Code of Conduct, will:

- i. promote, among students, self discipline and proper regard for authority and property;
- ii. encourage good behaviour on the part of students;
- iii. ensure that the standard of behaviour of students is acceptable.

Where difficulties arise the Learning Support Department will be involved and where necessary the Common Assessment Framework implemented. However, the Academy may from time to time find itself with a student whose behaviour stems from:

- i. an inability to cope with the Academy curriculum – in which case the matter may need to be referred to the local authority's Statutory Assessment Service.
- ii. emotional instability – in which case the matter may need to be referred to the Statutory Assessment Service and Child and Adolescent Mental Health Service;
- iii. home circumstances – in which case the matter may require the involvement of the Education Welfare Service and/ or Children's Social Care.

All contacts with these agencies are made via members of SLT, The SENCo or named members of staff.

In exceptional cases the student may behave so badly as to raise the question of whether s/he should be excluded from the Academy on a fixed term basis or permanently. Only the Principal or acting Principal can exclude students and s/he must have reasonable grounds for taking this action. A decision to exclude permanently should only be taken in response to:

- A single very serious incident as outlined in the behaviour policy e.g. a serious assault; the possession of a weapon with intent to harm; the possession or use of illegal drugs in the Academy; the misuse of any drug in the Academy.
- After a period of sustained disruption, defiance and disrespect for the values of the Academy
- actual or threatened serious physical violence by the student towards others;
- dangerous behaviour such as would lead directly or indirectly to serious injury to the student or to others, or to serious damage to property;
- the actions of a student which if s/he were to remain in the Academy would seriously harm the education and welfare of the student or others in the Academy;
- extremely serious disruptive behaviour such as would prevent the proper conduct of a class or classes, or lead to a breakdown in the Academy discipline;
- immoral or delinquent behaviour of such serious nature that other students might be imperiled;
- particularly serious breaches of the Code of Conduct

Permanent Exclusions will usually happen when students have not engaged with the support and guidance that has been provided for the student and at the culmination of a Suffolk Pupil Support Framework (SPSF) process where insufficient progress had been made towards the agreed targets over the 16 week period of the SPSF

## 2. ROLES AND RESPONSIBILITIES

It is the responsibility of the **Governing Body** to establish a policy and procedure for the exclusion of students which meets the requirements of legislation and to monitor the effects of the procedure.

It is the responsibility of **the Head Teacher** to ensure that in any student exclusion and subsequent reintegration, as appropriate, the legislative requirements and fair criteria are met.

It is the responsibility of all **staff** to familiarise themselves, and comply, with this policy and procedure in accordance with relevant professional standards.

### 3. PROCEDURES

Any punishment should be appropriate to the offence, and each incident of poor behaviour needs to be examined individually in the context of the Academy's behaviour policies with which staff, parents and students are familiar. Behaviour which could constitute a violation of the criminal law should not, in itself, be taken as automatically leading to exclusion or as relieving the Academy of the responsibility to give the matter individual and separate consideration.

In determining the need and duration for exclusions, the Principal should, in **all** cases, first consider the following factors in relation to the student:

- i. the age and state of health of the student;
- ii. the student's previous record at the Academy;
- iii. any particular circumstances unique to the student which might sensibly be taken into account in connection with the behaviour, e.g. strained or traumatic domestic situations;
- iv. the extent to which parental, peer or other pressure may have contributed to the behaviour;
- v. the degree of severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring.
- vi. whether the behaviour impaired or will impair the normal functioning of the student or other students in the Academy;
- vii. whether the behaviour was a violation of one or more rules contained in the Academy's policy on behaviour, and the relative importance of the rule(s);
- viii. whether the incident was perpetrated by the student on her/his own or as part of a group (using one student as a scapegoat should always be avoided);
- ix. whether consideration has been given to seeking the support of other agencies, such as the Education Welfare Service or the Statutory Assessment Service;
- x. whether exclusion is a suitable response to a disciplinary offence committed by a student with a statement of special educational needs;
- xi. whether the Academy has sufficient resources to cope with a particular student's behaviour.

#### 3.1. Factors not considered as appropriate for exclusion:

- i. students who cannot comply with uniform or dress regulations for cultural or religious reasons;
- ii. minor incidents e.g. failure to complete homework;
- iii. poor academic performance;
- iv. lateness or non-attendance;
- v. students who are pregnant;
- vi. punishing students for the behaviour of their parents;
- vii. protecting the victims of bullying by sending them home.

### 3.2. Guiding Principles

Exclusion will be used sparingly in response to serious breaches of the Academy policy or law.

Permanent exclusions should be used as a last resort when all other reasonable steps have been taken, and when allowing the student to remain in the Academy would be seriously detrimental to the education or welfare of the student or of others.

Where possible, alternative sanctions to exclusion will be identified, including: interviewing the student and parents; identifying special education needs; negotiating agreements with student and parent/guardian; issuing a formal warning; using a formal contract; withdrawing from a class or involving Children's Social Care or the Police.

The Principal need not postpone her/his decision to exclude a student pupil simply because of the possibility that criminal proceedings may be brought in respect of the same incident; the critical factor in any such case will be the evidence that is available to the Principal. If, having considered the evidence, on a balance of probabilities the Principal concludes that it is distinctly more likely that the student committed the alleged offence, then the Principal may proceed to take a decision on exclusion. The Principal should apply the normal principles having regard to the Academy's behaviour policy, and consider whether exclusion is a proportionate response.

Other than in the most exceptional circumstances, the Academy will avoid permanently excluding students with statements. The Academy will also make every effort to avoid excluding pupils who are being supported at *School Action* or *School Action Plus* under the Special Educational Needs Code of Practice, including those at *School Action Plus* who are being assessed for a statement.

The Academy will not exclude without justification, a disabled student, who meets the definition of the Disability Discrimination Act (1995), for a reason related to her/his disability.

The Academy will not discriminate against students on racial grounds when making a decision about whether to exclude a student.

The Academy will use every practicable means to maintain looked after young people in the Academy and to exclude them only in the most exceptional circumstances and before excluding, the Academy will, in conjunction with the local authority, first consider alternative options for supporting the looked after young person.

The Principal will not decide upon exclusion until s/he is in possession of all the facts and has firm evidence to support the allegations made.

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

Exclusion will take place under the Guiding Principles set out above, except where there is immediate risk to the safety of the student, or of other students or staff.

In the interests of fairness, where a student is facing exclusion or has been excluded, in addition to the parent being able to make representations, the student will be invited and encouraged to state her/his case at all stages of the exclusion process, where appropriate, taking account of her/his age and understanding. In the case of a student aged 18 or over s/he will be able to appeal on her/his own behalf.

The Principal will provide detailed reports to the local authority on all exclusions. See Appendix 1 for the information which should be sent to the local authority.

### **3.3. Fixed Period Exclusions**

Where the Principal decides to exclude a student for a fixed period, the following procedures apply.

The Principal will without delay (if possible on the day of the exclusion) inform the student's parent/guardian of:

- i. the exclusion;
- ii. the length of the exclusion;
- iii. the specific reason for the exclusion;
- iv. arrangements for enabling the student to continue her/his education.

The Principal will make every effort to notify the parents by telephone, prior to the exclusion beginning.

The Principal will notify the parents of their right to make representations to the Governing Body in writing, through the Clerk to the Governors via the Academy.

In all circumstances, the Principal will notify the Chairman of Governors and the Governors.

Copies of all correspondence will be supplied to the Governors' Student Discipline Committee.

The Student Discipline Committee has delegated powers to direct the Principal to re-instate a student who has been excluded for a fixed period in excess of five days in one term, where a student may lose an opportunity to take a public examination, where the parent/carer makes representations and in all cases where the student would be excluded for a total of more than 15 days in one term.

Where an allegation of misconduct against the student is in dispute the Student Discipline Committee should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the student did what s/he is accused of. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be.

If parents give notice to the Governors' Student Discipline Committee that they wish to make representations, the Clerk to the Governors will convene a meeting to discuss the exclusion as soon as practicable; the meeting will be arranged at a time and place convenient for the parents, within reason (it is recognised by the Department for Children, Schools and Families that in the case of a fixed period exclusion the student will normally be back in the Academy before the meeting is arranged); however, the meeting will be an opportunity for parents' /guardians' views to be heard and the record set straight. If any exclusion would result in the student missing a public examination, the Student Discipline Committee should try to meet before the date of the examination.

The Student Discipline Committee will have delegated powers under Regulation 25 of the Education (School Government) Regulations 1989 and will consist of three members of the Governing Body, none of whom will be the Principal.

The Student Discipline Committee will advise the parents of their right to have someone of their choice to accompany and assist them at the meeting.

The decision of the meeting and the reason for the decision will be clearly communicated to the parents/guardians without delay.

If for any reason the Principal decides to extend the fixed period exclusion or in exceptional circumstances to replace the fixed exclusion with one which is permanent, the Principal will immediately inform the parents/guardians of their right to make representations as well as inform the Chairman of Governors and the Student Discipline Committee;

The Principal will ensure that work is set for a student to complete during the first five school days of exclusion and that it is marked, unless during that time the student will be attending alternative provision.

The Principal will, for a student who is excluded for a fixed period of six school days or longer:

- i. arrange suitable full-time educational provision from and including the sixth school day of the exclusion;
- ii. and who is a student with a statement of special educational needs, arrange suitable full-time provision appropriate to his/her special educational needs as set out on the statement;
- iii. and who is a looked after child or young person, will work with the local authority to arrange alternative provision from the first day of the exclusion.

The Principal will arrange a reintegration interview with parents during or following the expiry of a fixed period exclusion of six or more school days of a student of the Academy. The interview will be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the student returns to the Academy.

The Governing Body will keep these arrangements under review.

Model letters relating to fixed term exclusions are included as Appendices 2-4; additional information is provided at Appendix 5.

### 3.4. Permanent Exclusions

The Principal will inform the student's parents/guardians of the exclusion, and the specific reason for it, in writing and without delay (normally on the day of exclusion); the notification will include particulars of all relevant circumstances, including any relevant previous warnings, exclusions or other disciplinary measures taken; if necessary, this information can be contained in a follow-up letter.

The letter from the Principal will also notify the parents of their right to make written and verbal representations to the Governing Body, through the Clerk to the Governors via the Academy, within seven days of the notification.

In all circumstances, the Principal will notify the Chairman of Governors and the Governors' Student Discipline Committee of each permanent exclusion.

The Principal will inform parents of their right of access to the Academy's curricular records on the student, and to other educational records on the student through request to the Governing Body; this request must be complied with, within 15 days of the request.

The Governors' Student Discipline Committee has the power to reinstate the excluded student or to confirm the exclusion; this will be at a meeting convened within 15 Academy days of the notification by the Principal; parents will be notified in writing of the decision. If any exclusion would result in the student missing a public examination, the Student Discipline Committee should try to meet before the date of the examination.

The parents will be informed of their right to make an appeal to an Independent Appeal Committee, and of their right to make representations to that Committee within 15 days of the notification.

Where the Principal excludes a student because:

- i. a serious allegation has been made and is the subject of a police investigation which may result in criminal proceedings being brought; and
- ii. the pupil's continued presence in the Academy may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the Academy generally,

the Academy's Student Discipline Committee has no power to postpone its meeting to consider the student's exclusion beyond the statutory time limit. In deciding whether to direct the Principal to reinstate the student, therefore, it too may be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis, which includes applying the balance of probabilities standard of proof. Where the Academy's Student Discipline Committee decides not to direct the Principal to reinstate a permanently excluded pupil in the circumstances described in this paragraph, the parent (or, if aged over 18, the student) must be notified of its decision and of their right to appeal.

The excluded student's name will remain on the Academy roll until any appeals process has been completed.

During the first five school days of a permanent exclusion the Academy will send work home for the student to complete.

On receiving details of the provision from the sixth day, its location, start times and transport arrangements if appropriate, from the local authority, the Principal should advise the parents in writing and confirm to the local authority that these details have been passed on.

Where a student with a Statement / EHCP or SEND needs is permanently excluded, the Principal will use the period between her/his initial decision and the meeting of the Governors' Student Discipline Committee to work with the local authority to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the Principal should normally withdraw the exclusion. The Academy will advise parents that advice and information on SEN is available through their local SEN Parent Partnership.

A model letter relating to permanent exclusions is included at Appendix 6.

### **3.5. Representations**

In the event of representations being laid before the Governors, the Clerk to the Governors will follow the procedures as laid down in Part 4 of *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units* (2008). A summary of the Governing Body appeals process is set out in Appendix 7.

A suggested format for the minutes of a Governors' Student Discipline Committee meeting to consider an exclusion is included at Appendix 8.

A model letter relating to the Governing Body's decision to uphold the permanent exclusion can be found at Appendix 9.

## **4. MONITORING AND REVIEW**

The Vice Principal (Student Development and Well-being) will report on the policy to the Principal as appropriate.

The Principal will report to the Governors' Full Committee on any relevant aspects of the working of the Policy as appropriate.

The Governing Body will review the Policy every two years.

## 5. APPENDIX 1

### **INFORMATION ON EXCLUSIONS TO BE PROVIDED TO THE LOCAL AUTHORITY**

#### **FIXED TERM EXCLUSIONS**

In the case of fixed term exclusions it will only be necessary to send the Children's Support Service a copy of the letter, which has been sent to the parents. The student's Unique Pupil Number (UPN) should be written on the copy of the letter, together with the student's full name if this is not obvious from the letter.

#### **PERMANENT EXCLUSIONS**

In the case of permanent exclusions, Children's Support Service should be sent a copy of the letter to the parents, a copy of the Principal's report and the completed form: Notification of Permanent Exclusion

### **NOTIFICATION OF PERMANENT EXCLUSION**

Academy name and telephone number	SAMUEL WARD ACADEMY – 01440 761511
Pupil's surname	
Forename(s)	
Date of birth	
Last date of attendance	
Date of Principal's decision to exclude	
Reason for exclusion	

Unique Pupil Number (UPN)	
UCI Number (Exam number)	
Is the pupil Looked After?	
Does the pupil have a Statement?	
Has a CAF been undertaken for this pupil?	(If Yes please provide a copy with this referral form)
Parents' address and telephone number	
If parents live at separate addresses please give alternative contact address and telephone number	
GCSEs being taken (if applicable)	
Other learning, ASDAN etc.	
Work related learning/work experience	

Please submit this form on the day that the decision to exclude has been made, together with a copy of the letter notifying the parents of the exclusion and a copy of the headteacher's report. If the headteacher's report is not available please send the form now and submit the report as soon as possible.

**For County Hall use only;**

Date of Governing Body meeting:

Date Tuition should commence:

Authorisation:

(Principal  
Officer)

Date:

## 6. APPENDIX 2

### LETTER FROM THE PRINCIPAL NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION OF 5 SCHOOL DAYS OR FEWER IN ONE TERM, AND WHERE A PUBLIC EXAMINATION IS NOT MISSED.

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Student's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in the Academy for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Student's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the Academy is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Body. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's Academy record.

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 Special Educational Needs and Disability Tribunal. The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

**[This paragraph may be used for fixed period exclusions of up to 5 days of students in the Academy if the Principal chooses to hold a reintegration interview.]**

You **[and Student'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 Academy **[within the next ten days]** to arrange a suitable **alternative date and time**. Failure to attend a reintegration interview will be a factor taken into

account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact **[Name]** at Suffolk County Council on/at **[contact details — address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808

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

Yours sincerely

Principal

## 7. APPENDIX 3

### FROM THE PRINCIPAL NOTIFYING PARENT(S) OF A STUDENT'S FIXED PERIOD EXCLUSION OF MORE THAN 5 SCHOOL DAYS (UP TO AND INCLUDING 15 SCHOOL DAYS) IN A TERM.

Dear **[Parent's name]**

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

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

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

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

**[if the individual exclusion is for more than 5 days]**

From the **[6th school day of the student's exclusion [specify date] until the expiry of his/her exclusion we [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he/she should attend at **[give name and address of the alternative provider if not the Academy]** at **[specify the time — this may not be identical to the start time of the Academy]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

You have the right to request a meeting of the Academy's Discipline Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the Discipline Committee must meet if you request it to do so. The latest date by which the Discipline Committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the Discipline Committee were**

**notified of this exclusion**]. If you do wish to make representations to the Discipline Committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the Academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to the Special Educational Needs and Disability Tribunal. Making a claim would not affect your right to make representations to the Discipline Committee.

**[The following paragraph is not mandatory for fixed period exclusions of five days or fewer of Academy students]**

You **[and Student'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 Academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the Academy 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.

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

You may wish to contact **[Name]** at Suffolk County Council on/at **[contact details — address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808 **[Insert reference to local sources of independent advice if known]**.

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

Yours sincerely

Principal

## 8. APPENDIX 4

### FROM THE PRINCIPAL NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION OF MORE THAN 15 SCHOOL DAYS IN TOTAL IN ONE TERM.

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Student's Name]** for a fixed period of **[specify period]**. This means that **[Student's Name]** will not be allowed in the Academy for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

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

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of exclusion or 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 present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Student's Name]** during the **[first five school days or specify dates]** of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the Academy is completed and returned to us promptly for marking.

**[if the individual exclusion is for more than 5 days]**

From the **[6th school day of the student's exclusion] [specify date]** until the expiry of his exclusion we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he or she should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the Academy]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter].**

As the length of the exclusion is more than 15 school days in total in one term the Governing Body must meet to consider the exclusion. At the review meeting you may make representations to the Governing Body if you wish. The latest date on which the Governing Body can meet is **[date here — no later than 15 school days from the date the Governing Body is 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, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the Academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to the Special Educational Needs and Disability Tribunal. Making a claim would not affect your right to make representations to the Governing Body.

**[mandatory for all exclusions of more than 5 days of secondary-aged students]**

You **[and student's name]** are invited 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 Academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the Academy 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.

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

You may want to contact **[Name]** at Suffolk County Council on/at **[contact details — address, phone number, email]**, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808. **[Insert reference to source of local independent advice if known.]**

**[Name of student]**'s exclusion expires on **[date]** and we expect **[Name of student]** to be back in the Academy on **[date]** at **[time]**.

Yours sincerely

**[Name]**  
Principal

## 9. APPENDIX 5

### INFORMATION RELATING TO FIXED TERM EXCLUSIONS

1. Although the law requires notification only of those exclusions in excess of five days in aggregate in any one term, the Principal will notify the Governing Body and the local authority of all exclusions regardless of their duration. Such information can assist the local authority and Governing Body in monitoring the use of exclusion and provide important feedback on the working of the Academy's behaviour policies. Information on these more minor exclusions should usually be confidential, and avoid revealing individuals' identities.
2. The Governing Body has a power to direct the Principal to reinstate a student who has been excluded for a fixed period in excess of five days in the term or where the student may lose an opportunity to take a public examination. If the Governing Body is convening a meeting to discuss a longer fixed period exclusion case, it will be appropriate to invite the local authority to send a representative. All parties will then have a ready opportunity to make their views clearer.
3. The Governing Body will need to decide according to its own circumstances how to proceed on receiving notice from the Principal that a student has been excluded. If a public examination is involved, or the exclusion is for more than five days in aggregate, the decision might be endorsed or reinstatement directed by Chairman's action (subject to the provisions of the Education (School Government) Regulations 1989 allowing the Chairman or Vice - Chairman to act in cases of urgency). The Governing Body will in any case need to be able to act urgently on its own account.
4. If the parents give notice to the Governors that they wish to make representations, the Governing Body should arrange and convene a meeting to discuss the exclusions as soon as practicable. The meeting should be arranged at a time and place convenient for the parents, within reason. It is recognised that in the case of a short fixed period exclusion, the student will usually be back in the Academy before the meeting is arranged, but the meeting may nevertheless serve the purpose of enabling the parents to be satisfied that their views have been heard and perhaps setting the record straight. Even if there are not any representations, the Governing Body must convene to consider fixed term exclusions of more than 15 days in one term.

5. The Governing Body should give parents the opportunity to make written and oral representation in an environment which avoids intimidation and excessive formality. Under Regulation 25 of the Education (School Government) Regulations 1989, Governing Bodies may delegate to a committee functions conferred by the Education Act (1996). Regulation 26(6) requires that at least three members of the Governing Body, none of whom should be the Principal, should comprise the committee convened for the purpose of considering exclusion. The Governing Body should also advise parents and students that they may if they wish have someone of their choice to accompany and assist them at the meeting. The decision of the meeting and the reason for the decision should be clearly communicated to the parent/guardian without delay.

## 10. APPENDIX 6

### FROM THE PRINCIPAL NOTIFYING THE PARENT(S) OF A STUDENT'S PERMANENT EXCLUSION

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Student's Name]** with effect from **[date]**. This means that **[Student's Name]** will not be allowed in this Academy unless he/she is reinstated by the Governing Body/the Discipline Committee or by an Appeal Panel.

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

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

Alternative arrangements for **[Student's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Student's Name]** and would ask you to ensure this work is completed and returned promptly to the Academy 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]** Suffolk County Council will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]**

**[Where student lives in a local authority other than Suffolk County Council]** I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and s/he will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact her/him at **[give contact details]**.

As this is a permanent exclusion the Governing Body must meet to consider it. At the review meeting you may make representations to the Governing Body if you wish and ask them to reinstate your child in the Academy. The Governing Body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the Governing Body must meet is **[specify the date — the 15th school day after the date on which the Governing Body was notified of the exclusion]**. If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number,**

**email**], as soon as possible. You will, whether you choose to make representations, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

**[If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Governing Body.]**

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

You may also wish to contact **[Name]** at Suffolk County Council on/at **[contact details — address, phone number, email]**, who can provide advice on what options are available to you. Additionally, you may find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808. **[Insert reference to sources of local independent advice if known.]**

Yours sincerely

Principal

## 11. APPENDIX 7

### SUMMARY INFORMATION OF THE ARRANGEMENTS FOR APPEALS

1. The Principal must notify, within one school day, the Governing Body, and the local authority of:
  - i. permanent exclusions;
  - ii. exclusions which would result in the student being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
  - iii. exclusions which would result in the student missing a public examination.
  
2. Where the Governing Body is notified of an exclusion, it must (whether or not the parent requests) review any exclusion which is a permanent exclusion from the Academy, or a fixed period exclusion that would result in a student being excluded for more than 15 school days in any one term, or missing a public examination.
  
3. Further details, including those for shorter fixed period exclusions, are as set out in paragraphs 5-8 below. The Governing Body must decide whether to reinstate the student, if appropriate, or whether the Principal's decision to exclude the student was justified/appropriate. The Governing Body can delegate the function of reviewing exclusions to a committee consisting of at least three Governors, which may be called the Discipline Committee. Procedures are set out in Part 4 of the *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units (2008)*.
  
4. The local authority must make arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the Governing Body upholds the exclusion. Procedures are set out in Part 5 of *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units (2008)*.
  
5. On receiving notice of an exclusion from the Principal, the Governing Body:
  - i. must, in the case of a fixed period exclusion of more than 5, but not more than 15 school days in one term (which does not bring the student's total number of days of exclusion to more than 15 in one term), convene a meeting between the 6th and the 50th school day after receiving notice of the exclusion, to consider the exclusion, **but only if the parent (or student aged 18 or over) requests such a meeting** (see letter at Appendix 2);
  - ii. must, in the case of a permanent exclusion, or a fixed period exclusion of more than 15 school days in one term (or which brings the student's total number of days of exclusion to more than 15 in one term) convene a meeting between the 6th and the 15th school day after the date of receipt of notice to consider the exclusion (see letters at Appendices 3 and 5). If a student's total number of days of fixed period exclusion exceeds 15 school days in one term, any subsequent fixed period exclusion(s) of the student in the same term would again trigger the Governing Body's duty to consider the circumstances of the exclusion;

- iii. must invite the parent (or the student if aged 18 or over), Principal and a local authority officer to the meeting at a time and place convenient to all parties (but in compliance with the relevant statutory time limits);
  - iv. should ask for any written statements (including witness statements) in advance of the meeting; and
  - v. should circulate, at least five days in advance of the Governing Body meeting, any written statements (including witness statements) and a list of those who will be present at the meeting to all parties, including the student if it is known that s/he is to attend the meeting.
6. Note: the legislation deems a lunchtime exclusion to be a fixed period exclusion equivalent to half a school day. This should be taken into account for the purposes of i) and ii) above. For example, if a student were to be excluded at lunchtime for 15 school days in the same term this would be the equivalent of seven and a half full days and i) above would apply.
7. The Governing Body must comply with the statutory time limits but is not relieved of its obligation to carry out the relevant duty if it fails to comply. Accordingly its decision will not be invalid simply on the grounds that it was made out of time.
8. It should be noted that the Governing Body's role is to review exclusions imposed by the Principal, who alone has the power to exclude. It follows that the Governing Body cannot increase the severity of an exclusion, for example by extending the period of a fixed period exclusion or by imposing a permanent exclusion in substitution for a fixed period exclusion. The Governing Body can uphold an exclusion; or direct the student's reinstatement, either immediately or by a particular date. If the Governing Body cannot direct reinstatement because the period of exclusion has expired and the student has returned to the Academy, it can place a copy of its findings on her/his Academy record. Governors should bear in mind that, in the case of a permanent exclusion, if an appeal is lodged the independent appeal panel will not just review the Governors' decision, it will rehear all the facts of the case including any fresh evidence.

## 12. APPENDIX 8

### SUGGESTED FORMAT FOR MINUTES OF GOVERNING BODY MEETING TO CONSIDER AN EXCLUSION

(Note - these minutes assume that the parents attend the meeting. If they do not attend then the minutes should be amended accordingly – though any written representations should still be recorded. If the parents are accompanied by a friend then that too will need to be reflected in the minutes).

#### **1 Present:**

#### **2 Also in attendance:**

#### **3 Apologies:**

#### **4 Introduction by Chairman**

The Chairman explained that the purpose of the meeting was to consider whether (*insert identity of student*) should be reinstated and outlined the procedure to be followed.

#### **5 Principal's report**

The Principal set out the circumstances about the student concerned and the exclusion.

*(the key points should be recorded.)*

#### **6 Questions by Governors and/or parents**

The Principal answered the questions raised by Governors and/or the parents and/or the local authority representative about the student concerned and the exclusion,

*(the key points raised and the responses should be recorded.)*

#### **7 Parental Representations**

The parents submitted written representation (copy attached) and/or made the following points -

*(the key points should be recorded.)*

#### **8 Questions by Governors and/or Principal**

The parents answered the questions raised by Governors and/or the Principal

*(the key points raised and the responses should be recorded.)*

#### **9. Statement made by the local authority representative**

The local authority representative made a statement and drew the Committee's attention to

*(the key points should be recorded.)*

- 9 Principal, involved staff and parent(s)/guardian(s) withdrew

## 13. APPENDIX 9

### FROM THE CLERK TO THE GOVERNING BODY TO A PARENT UPHOLDING A PERMANENT EXCLUSION

Dear **[Parent's name]**

The meeting of the Governing Body at **Samuel Ward Academy** on **[date]** considered the decision by the Principal to permanently exclude your son/daughter **[name of student]**. The Governing Body, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of student]**'s exclusion.

The reasons for the Governing Body'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 appeal, please notify **[name of the clerk to the Appeal Panel]** of your wish to appeal. You must set out the reasons for your appeal in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make, and send this notice of appeal to **[address]** by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not lodged an appeal by **[repeat latest date]**, you will lose your right to appeal. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform **[name of the clerk to the Appeal Panel]** if it would be helpful for you to have an interpreter present at the hearing.

Your appeal will be heard by an Independent Appeal Panel, which can also hear disability discrimination claims. A three-member Panel will comprise one serving, or recently retired (within the last five years), principal, one serving, or recently serving, experienced Governor and one lay member who will be the Chairman. The Appeal Panel will rehear all the facts of the case — if you have fresh evidence to present to the Panel you may do so. The Panel must meet no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your appeal the Panel can make one of three decisions: they may uphold your child's exclusion; they may direct your child's reinstatement in the Academy, either immediately or

by a particular date; or they may decide that the exclusion should not have taken place, but that reinstatement in the Academy is not in the best interests of all concerned.

You may also wish to contact **[Name]** at Suffolk County Council on/at **[contact details — address, phone number, email]**, who can provide advice on what options are available to you. Additionally, you may find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskACE' to 68808. **[Insert reference to sources of local independent advice if known.]**

The arrangements currently being made for **[student's name]**'s education will continue. **[Specify details here]**.

Yours sincerely  
**[name]**

Clerk to the Governing Body

Ratified by the Governing Body on:

October 2016