



Rutland County Council

Children & Young People's Services

Exclusion Guidance

July 2009

Version 2

To be reviewed - July 2011

CONTENTS

	<u>Page</u>
1.0 Introduction	
1.1 Purposes	5
1.2 Legislation	5
1.3 School Policies	6
1.4 Alternatives	6
2.0 Factors to Consider Prior to Exclusion	
2.1 Removing Pupils from a School Site	7
2.2 Vulnerable Children	
2.2.1 Pupils with Special Educational Needs	8
2.2.2 Disabled Pupils	8
2.2.3 Race Relations	9
2.2.4 Looked After Children	9
2.3 Decision to Exclude	10
2.3.1 Exceptional Circumstances	11
2.3.2 Medical Grounds	11
2.4 When Exclusion is not appropriate	12
2.5 Unofficial Exclusions	12
2.6 Behaviour Outside of School	13
2.7 Drug Related Exclusions	13
3.0 Fixed Term Exclusions	
3.1 Procedures following a fixed term exclusion	14
3.2 Reintegration Interview	15
3.3 Lunchtime Exclusions	16
4.0 Permanent Exclusions	
4.1 Procedures following a permanent exclusion	18
4.2 Reintegration	19
5.0 Procedure – Role of the Head Teacher	
5.1 Informing Parents	20
5.2 Informing Governing Body and LEA	21
5.3 Marking attendance Records Following Exclusion	22
6.0 Responsibilities of the Governing Body	
6.1 Role	24
6.2 Meeting	26
6.3 Decision	27

7.0	Independent Appeals	
7.1	Panel and Clerk	29
7.2	Hearing	29
7.3	Evidence	30
7.4	Role of School	30
7.5	Role of LEA Officer	30
7.6	Decisions	31
8.0	Parental Involvement	
8.1	Parental Co-operation	33
8.2	Penalty Notices	33
8.3	Parenting Contracts and Orders	33
9.0	Next Steps	
9.1	Complaint to the Local Government Ombudsman	35
9.2	Judicial Review	35
9.3	Secretary of State	35

Appendices

Appendix 1 – Model Letters

Model letter 1 - From head teacher notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed. **36**

Model Letter 2 - From head teacher notifying parent(s) of a pupil of that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term. **38**

Model letter 3 - From head teacher notifying parent of a fixed period exclusion of more than 15 school days in total in one term. **41**

Model letter 4 - From the headteacher of a primary, secondary or special school notifying the parent(s) of that pupil's permanent exclusion. **44**

Model letter 5 - From the clerk to the governing body to parent upholding a permanent exclusion. **46**

Model letter 6 - From the clerk to the Independent Appeal Panel notifying parent (or pupil if aged 18 or over) of the outcome of the appeal. **48**

Appendix 2 – Flowchart for Good Practice Before Considering Exclusion **50**

Appendix 3 - Flowchart for Fixed term Exclusion **51**

Appendix 4 – Flowchart for Permanent Exclusion	53
Appendix 5 - Exclusion Independent Appeal Flowchart	55
Appendix 6 – Form X1	57

1.0 Introduction

1.1 Purposes

The aim of this guidance is to assist and give support and practical advice to schools about how to deal with exclusions, to enable them:

- To support pupils;
- To work with parents, governors and the LEA.

It is important that these procedures are followed correctly in order to:

- Comply with guidance and legislation;
- Ensure that the unit of funding follows the pupil;
- Enable the accurate monitoring of pupil movements.

1.2 Legislation

The relevant legislation is:

- The Education Act 2002 section 52
- The Education and Inspections Act 2006 sections 97-108
- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 SI 2002/3178
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 SI 2002/3179
- The Education (Pupil Exclusions) (Miscellaneous Amendments) (England) Regulations 2004 SI 2004/402
- The Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (England) Regulations 2006 SI 2006/2189
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007 SI 2007/1870
- The Education (Reintegration Interview) (England) Regulations 2007 SI 2007/1868
- The Education (Penalty Notices) (England) Regulations 2007 SI 2007/1867
- The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007 SI 2007/1869
- Disability Discrimination Act 1995 as amended
- Race Relations Act 1976 as amended
- The Race Relations (Statutory Duties) Order 2001 SI 2001/3458
- The Education (Pupil Registration) (England) Regulations 2006 SI 2006/1751

Headteachers/Principals, Governing bodies, Local Authorities (LEAs) and Independent Appeal Panels (IAPs) must by law also have regard to the following guidance:

DCSF- Improving behaviour and attendance: guidance on exclusion from schools and Pupil referral Units. September 2008

http://www.teachernet.gov.uk/_doc/12798/Exclusions_guidance_2008_FINAL_pdf_110808.pdf

The LEA respects the separate responsibilities of head teachers/principals, and governing bodies in determining exclusion and admission arrangements.

However, this guidance is to assist head teachers, principals and governing bodies in dealing with exclusions.

1.4 School Policies

Schools must have policies, procedures and staff training in place that promote good behaviour and prevent poor behaviour. These behaviour policies must be widely publicised so that pupils, all school staff and parents are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed. Schools must apply their behaviour policies in a consistent, rigorous and non-discriminatory way and all areas of their application must be monitored routinely.

The Department for Children, Schools and Families has issued guidance on school discipline and pupil behaviour policies, which is available at:

<http://www.teachernet.gov.uk/wholeschool/behaviour/schooldisciplinepupilbehaviourpolicies/>

1.5 Alternatives

A number of options may be available to head teachers/teachers in charge in response to a serious breach of behaviour policy as an alternative to exclusion:

- a) **restorative justice**, which enables the offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process. All the professionals need to be thoroughly involved in the process and this can only work with the consent of all parties.
- b) **mediation** through a third party, usually a trained mediator, is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. a pupil and a teacher, or two pupils;
- c) **internal exclusion** which can be used to defuse situations that occur in schools that require a pupil to be removed from class but may not require removal from the school premises.
- d) **managed move** to another school to enable the pupil to have a fresh start in a new school.

For those at risk of exclusion, additional measures could include:

- the school engaging with parents;
- a change of teaching set or class;
- curriculum alternatives at Key Stage 4, including attendance at a further
- education college or another form of alternative provision;
- temporary placement in an in-school Learning Support Unit as part of a

- planned positive programme for pupils;
- temporary or part-time placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider, where the pupil can receive educational provision intended to improve their behaviour
- a managed move to another school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion
- consideration by the Special Educational Needs Co-ordinator (SENCO), with colleagues, of possible interventions within the school;
- assessment of special educational needs, including possible placement in a special school;
- allocation of a key worker such as a Learning Mentor, Connexions Personal Adviser, Education Welfare Officer or member of a Behaviour and Education Support Team; and
- referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service.

2.0 Factors to Consider Prior to Exclusion

2.1 Removing Pupils from a School Site

These are the only four sets of circumstances in which pupils may be required to leave the school site:

- a) there is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently.
- b) a pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the head teacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion.
- c) for medical reasons, a pupil's presence on the school site represents a serious risk to the health or safety of other pupils or school staff. In these circumstances a head teacher may send the pupil home after consultation with the pupil's parents. This is not an exclusion and may only be done for medical reasons and
- d) the pupil is given permission by the head teacher, or person authorised by them, to leave the school premises briefly to remedy breaches of the school's rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in

such a way as to be sent home to avoid school, the pupil's absence may be counted as unauthorised absence. In all such cases the parent must be notified and the absence should be recorded. When making this decision, the child's age and vulnerability, and the parent's availability, will need to be considered.

2.2 Vulnerable Children

2.2.1 Pupils with Special Educational Needs

School governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN.

Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements. Schools should 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. Schools should try every practicable means to maintain the pupil in school, including seeking LEA and other professional advice and support at School Action Plus or, where appropriate, asking the LEA to consider carrying out a statutory assessment. For a pupil with a statement, the school should liaise with their LEA about initiating an interim review of the pupil's statement.

Where a child is permanently excluded, the head teacher should use the period between his or her initial decision and the meeting of the governing body to work with the LEA 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 head teacher/teacher in charge should normally withdraw the exclusion.

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

Permanently excluded pupils with statements of SEN must receive suitable fulltime provision like any other excluded pupils. In some cases, a pupil's statement will specify fewer or more teaching hours than required for their key stage, for example because of an associated medical condition. In such cases, LEAs should provide the number of hours set out in the statement.

2.2.2 Disabled Pupils

Schools have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school because of behaviour related to their disability. This applies to both permanent and fixed period exclusions.

A disabled person is defined as someone who has a physical or mental impairment which has a substantial adverse effect on his or her ability to carry

out normal day to day activities. The definition includes people with sensory impairments, and also hidden impairments (for example, mental illness or mental health problems, learning difficulties, dyslexia and conditions such as diabetes or epilepsy).

Discrimination occurs where a person treats a disabled pupil less favourably than other pupils for a reason which relates to their disability, without justification. It also occurs when a school fails to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers.

It is unlawful to exclude a disabled pupil for a reason related to their disability without justification.

Appeals against permanent exclusion, where discrimination is alleged to have taken place, or the disabled pupil has allegedly been placed at a substantial disadvantage by the exclusion procedures, will be heard by the Independent Appeal Panel.

Claims alleging discrimination in respect of fixed period exclusions will be heard by the SEN and Disability Tribunal.

Schools will be required, in disability discrimination claims, to demonstrate that their actions are justified and that there are no reasonable adjustments to their policies and practice they might have made to prevent the incident which led to the exclusion. Since many disabled pupils will also have special educational needs, schools may wish to consider the action they have taken to address those needs in this context.

2.2.3 Race Relations

Schools must have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups.

Schools must take steps to ensure that they will not discriminate against pupils on racial grounds when making a decision about whether to exclude a pupil.

Schools should ensure that all school staff and governors are fully trained to understand how their own perceptions, values and beliefs affect their behaviour and therefore their interaction with pupils from black and minority ethnic backgrounds. Good connections between schools and community groups and open discussion within schools can greatly help to facilitate this.

2.2.4 Looked After Children

Looked after children are no less able than other children. Many looked after children have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. Schools are expected to proactively support

and co-operate with foster carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked after child.

Exclusion of looked after children should be an absolute last resort. Before excluding, schools, in conjunction with the local authority, should first consider alternative options for supporting the looked after child or young person. No looked after child should be excluded from a school without discussion with the local authority to ensure that there is suitable alternative provision available elsewhere.

The child's social workers should be involved at the earliest opportunity to work with the school to avoid the need for exclusion.

In cases where a looked after child or young person is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. At any exclusion hearings, especially where support for the child may not be consistent or robust, the school should ensure that children and young people have a voice and that they feel they are being listened to. The hearing should take place in an atmosphere where they feel comfortable and able to speak openly.

To ensure there is minimal disruption to their education, where a looked after child or young person is excluded, it is the Government's view that schools and local authorities as appropriate should arrange alternative provision from the first day of the exclusion.

2.3 Decision to Exclude

A decision to exclude a pupil permanently should be taken only:

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

Only the head teacher, (or, in the absence of the head teacher, the acting head teacher) can exclude a pupil.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher should:

- a) ensure that a thorough investigation has been carried out;
- b) consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended;
- c) allow and encourage the pupil to give their version of events;

- d) check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- e) if necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's decision, for example a member of the governing body; and
- f) keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible

2.3.2 Exceptional Circumstances

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

- a) serious actual or threatened violence against another pupil or a member of staff;
- b) sexual abuse or assault;
- c) supplying an illegal drug; or
- d) carrying an offensive weapon. Schools now have a power to screen and search pupils for weapons

Schools should consider whether or not to inform the police where a criminal offence may have taken place. They should also consider whether or not to inform other agencies such as Youth Offending Teams or social workers.

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

In cases where a head teacher has permanently excluded a pupil for:

- a) one of the above offences; or
- b) persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on school premises and where the basic facts of the case have been clearly established on the balance of probabilities,

The Secretary of State would not normally expect the governing body or an Independent Appeal Panel to reinstate the pupil.

2.3.3 Medical Grounds

Head teachers may send a pupil home, after consultation with that pupil's parents and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other pupils and staff.

This is not an exclusion, but it is an authorised absence and should be recorded as such in the attendance register. It should be for the shortest possible time.

Pupils cannot be sent home on health and safety grounds for their own protection because they are being bullied.

It is not appropriate to send home children with SEN, with conditions such as ADHD and autism, purely for that reason and schools should arrange a statutory annual or interim/ emergency review if they feel they are no longer able to meet a child's needs.

2.4 When Exclusion is not appropriate

Exclusion should not be used for:

- a) minor incidents such as failure to do homework or to bring dinner money;
- b) poor academic performance;
- c) Lateness or truancy;
- d) pregnancy;
- e) breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.), except where these are persistent and in open defiance of such rules. (Pupils may be sent home, their parents first having been contacted, on recorded authorised absence to change clothes without being excluded, this should be for no longer than is necessary, otherwise it may amount to an unofficial exclusion)
- f) punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting and
- g) protecting victims of bullying by sending them home

2.5 Unofficial Exclusions

Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as an exclusion.

In every instance where a pupil is sent home for disciplinary reasons, head teachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime).

They should ensure that:

- they are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the

- child is not placed at risk by, for example, being left to wander the streets; and
- that work is sent home or alternative provision is arranged.

2.6 Behaviour Outside of School

Pupils' behaviour outside school on school business – for example, on school trips, away school sports fixtures, or work experience placements – may be subject to the school's behaviour policy. Poor behaviour in such circumstances should be dealt with as if it had taken place in school.

For behaviour outside school, but not on school business, a head teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This will be a matter of judgment for the head teacher.

Pupils' behaviour in the immediate vicinity of the school, or on a journey to or from school, can be grounds for exclusion.

School staff who intervene to control the behaviour of pupils on public transport or in public places should be mindful of the fact that unless they have lawful charge or control of the pupil concerned they are not empowered to use measures beyond their normal common law powers as citizens.

2.7 Drug Related Exclusions

All schools should develop a drug policy in consultation with the whole school community. It should clearly state that illegal and other unauthorised drugs have no place within schools and define any circumstances where authorised drugs may legitimately be in school.

In making a decision on whether or not to exclude for a drug-related incident the head teacher should have regard to the school's drug policy and should consult the designated senior member of staff responsible for managing drug incidents. Where the misuse of authorised drugs is concerned, head teachers should conduct a careful investigation to judge the nature and seriousness of each incident before deciding what action to take.

Further guidance on drugs can be found at:

<http://www.teachernet.gov.uk/wholeschool/behaviour/drugs/>

3.0 Fixed Term Exclusions

A decision to exclude a pupil for a fixed period should be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

Individual fixed period exclusions should be for the shortest time necessary. Ofsted suggests that 1–3 days are often long enough to secure the benefits of exclusion without adverse educational consequences.

Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, head teachers should consider alternative strategies for addressing that behaviour.

Head teachers can exclude a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year.

The limit of 45 school days applies to the pupil and not to the institution.

Exclusions may not be given for an unspecified period.

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

3.1 Procedures following a fixed term exclusion

For a maintained school the school's obligation to provide education continues and must be met during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard.

Where a pupil is given a fixed period exclusion of a duration of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion: this does not apply to pupils of non compulsory school age.

During this period the school should set work for the pupil to complete and arrange for it to be marked, unless the school/LEA has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day.

A head teacher considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision should plan:

- a) to make suitable full-time provision available to the pupil from the sixth school day of any period of fixed period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day. Provision should normally be off-site, but a school may make provision on-site where arrangements for shared on-site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools. Provision can also be arranged by having reciprocal arrangements between schools. Pupil Referral Units, other external providers and e-learning may also be used to provide full-time education. Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or missed) their public examinations. For a pupil with a statement of special educational needs, suitable full-time provision must be appropriate to their special educational needs as set out on the statement;
- b) to ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision;
- c) to ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance ;
- d) how the time might be used to address the pupil's problems; and
- e) what support will best help with the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with a parent of the pupil.

3.2 Reintegration Interview

The head teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a primary-aged pupil, or of a fixed period exclusion of six or more school days of a secondary-aged pupil.

An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the least ten school days in the school year.

The pupil should normally attend all or part of the interview.

The interview should be conducted by the head teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or governor for Looked After Children or children with SEN.

The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

- a) emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- b) discuss how behaviour problems can be addressed;
- c) explore wider issues and any circumstances that may be affecting the child's behaviour;
- d) reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- e) create a useful forum to consider with parents the possibility of a parenting contract.

The interview must:

- a) 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 pupil returns to school.
- b) Try to be arranged for a date and time that is convenient to the parent.

If possible the interview :

- a) should be held on the day the pupil returns to school.
- b) should be a school day, but the interview can be held on a non-school day if the head teacher and parent agree.
- c) should have at least one of the child's parents in attendance. (Records must be kept of a failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend. A fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend. The interview must be conducted on school premises.)

The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion or relating to the alternative educational provision that the pupil must attend whilst excluded. The notice must be given no later than six school days before the date of the reintegration interview.

3.3 Lunchtime Exclusions

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes and to trigger governor meetings so that parents can make representations.

Lunchtime exclusions will not be counted towards the school's duty to provide fulltime education from day six of a fixed period exclusion. Taking into account the child's age and vulnerability, the head teacher should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful and should not be used for a prolonged period, e.g. for longer than a week.

Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

4.0 Permanent Exclusions

A decision to exclude a child **permanently** is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities.

It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

4.1 Procedures following a permanent exclusion

In the case of a permanent exclusion the pupil remains on the roll of the school until:

- any appeal is determined;
- until the time limit for the parents to lodge an appeal has expired without an appeal being brought;
- or the parent has informed the LEA in writing that no appeal is to be brought.

During the first five school days of a permanent exclusion the school should send work home for the pupil to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification.

During the first five days of a permanent exclusion the LEA should arrange to assess the pupil's needs and how to meet them including any special educational needs the pupil may have. This should involve undertaking a Common Assessment Framework (CAF) process where one has not already been carried out. The LEA should also arrange a meeting with the parents to discuss options within the first week of the exclusion, and where appropriate involve them in the CAF process. From the sixth school day of a permanent exclusion, the LEA is statutorily responsible for ensuring that suitable full-time education is provided to pupils of compulsory school age. This will be the pupil's home LEA in cases where the school is maintained by a different LEA. For a pupil with a statement of special educational needs, suitable full-time provision must be appropriate to their special educational needs as set out on the statement.

If the school or LEA considers that parenting is a factor in the behaviour of the pupil who has been excluded, they should consider whether it may be appropriate to offer a parenting contract or apply to the magistrates' court for a parenting order. Schools and LEAs can also do this before the pupil's behaviour deteriorates to the point where exclusion is the only appropriate response. In accordance with the law on admissions, a school may not require a parent to sign a parenting contract as a condition of their child being admitted following permanent exclusion.

4.2 Reintegration


“Reintegration” refers to longer term planning for the pupil’s reintegration back into school or other suitable full time education, and is in addition to the LEA’s responsibility for making suitable full time educational provision for all permanently excluded pupils from and including the sixth school day of their exclusion.

Pupils who have been permanently excluded from school need to be placed in a new school or other long term provision as quickly as possible for their full education to continue.

In order to ensure the pupil, parents, LEA and school staff agree to and are clear about next steps, individual reintegration plans should be drawn up within one month of a permanent exclusion being upheld by the governing body. Plans should be agreed by and issued to all relevant parties. Each plan should contain all agreed actions, including interim as well as long-term arrangements:

- a) the name of the new school or other educational establishment;
- b) a date for the pupil to start (this can be revised later, if necessary);
- c) steps towards reintegration in the new school or other educational establishment;
- d) a named LEA officer responsible for supporting pupil, parents and teachers; and
- e) monthly review dates for all activities detailed in the plan.

The plan should cover pastoral and educational objectives for reintegration, with appropriate targets. At a review the LEA should amend the reintegration plan to include action by a PRU or other provider to address the pupil’s problems and ease transition to school or other educational establishment.



5.0 Procedure – Role of the Head Teacher

5.1 Informing parents about the exclusion

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

In exceptional cases – usually where further evidence has come to light – a fixed period exclusion may be extended, or converted to a permanent exclusion. In such cases the head teacher must write again to the parents explaining the reasons for the change.

The head teacher may withdraw an exclusion that has not yet been reviewed by the governing body.

Whenever a head teacher excludes a pupil, the parent (or pupil if aged 18) must be notified **immediately**, ideally by telephone followed up by a letter. When the parent must be notified in writing depends on when the pupil is excluded:

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon session;
- Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

Notices must be in writing and must state:

- a) for a fixed period exclusion, the precise period of the exclusion;
- b) for a permanent exclusion, the fact that it is a permanent exclusion;
- c) the reasons for the exclusion;
- d) the parent's right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- e) the person whom the parent should contact if they wish to make such representations (this will usually be the Clerk to the governing body);
- f) the school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification; and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so;
- g) the arrangements made by the school for enabling the pupil to continue his or her education during the first five school days of an exclusion, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;
- h) the school days on (or school day from) which the pupil will be provided with alternative suitable full time educational provision and will be required to attend such alternative provision, if the parent is not otherwise notified of this information separate notification of these details can be sent later if more time is needed by the school or LEA to

make arrangements; in the case of a fixed period exclusion the parent must be given this information in writing at least 48 hours before the education is to be provided. In the case of a permanent exclusion, on receiving details of the provision, its location, start times and transport arrangements if appropriate, from the relevant local authority, the head teacher should advise the parents in writing and confirm to the local authority that these details have been passed on;

- i) that, if appropriate, the parent will be invited to attend a reintegration interview and that the parent's failure to attend will be a factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if this is applied for. Details of time, date and location of the interview should be included in the letter for exclusions of up to five days (which will affect parents of primary-aged pupils). For longer exclusions separate notification of these details can be sent nearer to the date of the proposed interview. Any proposed interview should be held no later than the fifteenth school day, following the pupil's return to school.

Letters may need to be translated into other languages, where parents' first language is not English.

Letters should also mention:

- a) the latest date by which the governing body must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than 5 school days in any one term, and would not result in the pupil missing a public examination);
- b) the parent's right to see and have a copy of his or her child's school record upon written request to the school;
- c) in the case of a **fixed period** exclusion, the date and time when the pupil should return to school (in the case of a **lunchtime** exclusion, the number of lunchtimes for which the pupil is being excluded, and if applicable the arrangements for the child to receive free school meals);
- d) if the exclusion is **permanent**, the date it takes effect and any relevant previous history;
- e) the name and telephone number of an officer of the LA who can provide advice; and
- f) the telephone number for the Advisory Centre for Education (ACE) exclusions information line – 020 7704 9822, their website address: www.ace-ed.org.uk, and the fact that a text 'AskACE' can be sent to 68808. ACE is a long established independent national charity providing advice to parents.

5.2 Informing Governing Body and LEA

Within one school day the head teacher must inform the governing body and the LEA of:

- a) permanent exclusions;
- b) exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- c) exclusions which would result in the pupil missing a public examination.

- d) all other fixed period exclusions
- e) details of all fixed period exclusions converted to permanent exclusions

For a permanent exclusion, if the pupil lives outside the LEA in which the school is located, the head teacher must also advise the home LEA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion. It is essential that the home LEA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place.

For schools with more than three terms in a school year, fixed period exclusions totalling five or fewer school days, or 10 or fewer lunchtimes or half days, in any one term must be reported in a term in which 31 December, Easter Monday or 31 July falls or the term immediately preceding one of those dates. The school should also at the same time report this information in respect of any previous terms, if it has not already done so.

Detailed exclusion reports should be sent to the LEA (In FORM X1 at appendix 6) and the governing body. Reports should include the following:


- a) the pupil's name;
- b) the length of the exclusion;
- c) the reason for the exclusion;
- d) the pupil's age, gender and ethnicity;
- e) whether the pupil has a statement of SEN, is being assessed for such a statement, or is on School Action or School Action Plus;
- f) whether the pupil is looked after as defined in section 22 of the Children Act 1989; and
- g) for fixed period exclusions of pupils of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

5.3 Marking attendance Records Following Exclusion

Where pupils are excluded for a fixed period and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations and pupils attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration).

Pupils who are permanently excluded must not be deleted from either the admission register or the attendance register until the appeal process has been completed. If no alternative provision is made before the sixth day of exclusion for them to continue their education whilst excluded but still on the school roll, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements

of the pupil registration regulations, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual registration).



6.0 Responsibilities of the Governing Body

The governing body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governor members and such a committee may be called the Discipline Committee.

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

Where the governing body establishes a Discipline Committee it should appoint a Clerk to the Committee. The quorum for a Discipline Committee meeting is three members. If any governor/member has a connection with the pupil, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down.

The Chair has the casting vote in all cases where an even number of governors are considering the case.

At one meeting the governing body may consider more than one exclusion so long as it complies with the statutory time limits relating to each one.

If any exclusion would result in the pupil missing a public examination, the governing body should try to meet before the date of the examination. If, exceptionally, it is not practical for the governing body to meet before the time when the pupil is due to take the public examination, the Chair of Governors—using his or her powers to act in an emergency – may consider the exclusion and decide whether or not to reinstate the pupil (these are the only circumstances in which the Chair of Governors can alone review an exclusion).

In such cases the parent has the right to make oral representations to the governing body or, as the case may be, the Chair. If possible, the Chair should have the advice of the Clerk and an LEA officer. In some cases, depending on the nature and seriousness of the exclusion, the governing body may exercise its discretion to allow an excluded pupil on the premises for the sole purpose of taking a public examination. There is no automatic right for any excluded pupil to take a public examination on the excluding school's premises – this is entirely at the governors' discretion. Nor do excluded pupils have an automatic right to enter the school premises to take National Curriculum Tests – this is also at the governors' discretion.

6.1 Role

The governing body must, in the case of a fixed period exclusion of 5 school days or fewer in one term (and which does not bring the pupil's total number of days of exclusion to more than 5 in one term), consider any representations made by the parent. If representations from the parent are received the

governing body must consider them, but they cannot direct reinstatement, although they can place a copy of their findings on the pupil's school record. In such cases the governing body has discretion to agree to a meeting if the parent requests a meeting to discuss the exclusion. No statutory time limits apply to the consideration of such exclusions, but the governing body should consider responding promptly to any request from the parent.

An excluded pupil under the age of 18 should be allowed and encouraged to attend the hearing and to speak on his or her own behalf, if he or she wishes to do so, subject to their age and understanding.

On receiving notice of an exclusion from the head teacher, the governing body:

- a) must, in the case of a fixed period exclusion of more than 5, but not more than 15 school days in one term (including lunchtime exclusions) (which does not bring the pupil'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 pupil aged 18 or over) requests such a meeting;**
- b) must, in the case of a permanent exclusion, or a fixed period exclusion of more than 15 school days in one term (including lunchtime exclusions) (or which brings the pupil'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. If a pupil's total number of days of fixed period exclusion exceeds 15 school days in one term, any subsequent fixed period exclusion(s) of the pupil in the same term would again trigger the governing body's duty to consider the circumstances of the exclusion;
- c) must invite the parent (or the pupil if aged 18 or over), head teacher and an LEA officer to the meeting at a time and place convenient to all parties (but in compliance with the relevant statutory time limits);
- d) should ask for any written statements (including witness statements) in advance of the meeting; and
- e) 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 pupil if it is known that they are to attend the meeting.

It should be noted that the governing body's role is to review exclusions imposed by the head teacher, 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 pupil'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 pupil has returned to school, they can place a copy of their findings on his or her school record. Governors/committee

members 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'/committee's decision, it will rehear all the facts of the case including any fresh evidence.

6.2 Meeting

The governing body should conduct the meeting along the lines of the principles laid out for Independent Appeal Panels as set out in section 7. Where an allegation of misconduct against the pupil is in dispute the governing body should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the pupil did what 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. This is not the same as requiring the criminal standard of beyond reasonable doubt to be applied, but it does mean that when investigating more serious allegations head teachers/teachers in charge will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour, if relevant to the allegation) in determining whether it is distinctly more probable than not that the pupil has committed the offence. The governing body should allow and encourage the excluded pupil to attend the meeting and speak, subject to their age and understanding. They should allow the parent to be accompanied by a friend or legal representative at their request. A pupil aged 18 or over has the right to attend and to make representations in their own right.

LEA Role :

- The LEA is not required (and it may not be practical) to send a representative to all governing body exclusion meetings in its area.
- The LEA should send a representative to all permanent exclusion meetings and to longer fixed period exclusion meetings if possible.
- The LEA's role at the governing body meeting is not to give its view on the merits of the particular exclusion. But it can make a statement to the governing body in general terms, for example about how other schools in the area (and the LEA itself, if applicable) have dealt with similar incidents.
- The LEA representative should also draw the attention of governors/committee members to issues where there is a lack of clarity or where more information may be needed or where guidance appears to have been ignored.

The head teacher should attend the meeting to clarify points and answer any questions relating to the incident or events leading to the exclusion.

No party to the review should be alone with the governors at any point before, during or after the meeting.

The governing body may ask the LEA officer for advice. However, it should make its decision alone, asking the other parties, including the LEA officer, to

withdraw. The clerk may stay with the governing body to help it by reference to the notes and with the wording of the decision letter.

Where the exclusion is for more than 5 school days in total in one term and where reinstatement is practical, the governing body should decide whether to direct reinstatement. In reaching its decision the governing body should consider:

- a. any representations made by the parent, the pupil and the LEA;
- b. whether on a balance of probabilities the pupil did what he or she is alleged to have done; and
- c. whether the head teacher has complied with the law on exclusion and has had regard to this guidance on exclusion.

In considering whether to direct reinstatement, the governing body should seek the LEA's views as to what support could be made available to assist with reintegrating the pupil.

Parents' right to make representations to the governing body is not affected in any way by the new requirement for suitable full-time education to be provided from the sixth day of exclusion.

6.3 Decision

Where reinstatement is not practical, because, for example, the pupil has returned to school following the expiry of a fixed period exclusion, or because the parent makes clear he or she does not want their child reinstated, the governing body must consider whether the head teacher's decision to exclude the child was justified, based on the evidence. The outcome of its review should be added to the pupil's school record for future reference. There are only two decisions open to the governing body –to uphold the exclusion or to direct the pupil's reinstatement, either immediately or by a particular date. It may not decide that because of exceptional circumstances or for other reasons it is not practical to give a direction for reinstatement, but that it would otherwise have been appropriate to give such a direction. Such a decision is reserved for the Independent Appeal Panel. If the governing body cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they should annotate his or her school record with their findings.

The governing body must inform the parent (or the pupil if aged 18 or over), the head teacher and the LEA of its decision in writing within one school day of the hearing, stating the reasons.


Where the pupil resides in a different LEA from the one that maintains the school, the governing body must also inform that LEA – the pupil's 'home' LEA. The governing body may not attach conditions to any direction it may give to the head teacher to reinstate the pupil. This does not prevent a school from following good practice in reintegrating the pupil.

Where the governing body decides to uphold a permanent exclusion, its letter (Model letter 5) to the parent (or pupil if aged 18 or over) should also include the following information:

- a) the reason for the decision;
- b) their right to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent (normally the clerk to the appeal panel);
- c) the date by which any notice of appeal should be lodged (15 school days after the day on which notice in writing was given of the governing body's decision. Where the notice is sent by first class post it is treated as having been given on the second working day after it was posted);
- d) that any notice of appeal must set out the grounds on which the appeal is made; and
- e) that any claim on grounds of disability discrimination should also be set out in the notice of appeal.

After the meeting

A copy of the governing body's decision letter should normally be placed on the pupil's school record with copies of relevant papers. Exclusions can only be expunged from the pupil's school record through direction from the courts or rectification of personal data.



7.0 Independent Appeals

In addition to the governing body writing to the parents, the LEA should also write to the parent (or pupil if aged 18 or over) within 3 working days of the governors meeting indicating the latest date by which an appeal may be lodged, the name and contact details for the clerk to the appeal panel, and explain that the notice of appeal must be in writing setting out the grounds on which it is made.

Any appeal made after the latest date for lodging an appeal will be out of time and must be rejected by the LA.

An appeal panel must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged. This may be adjourned in certain circumstances.

7.1 Panel and Clerk

The LA must constitute the appeal panel and appoint a clerk. The panel must have three or five members (as decided by the LA) made up of three categories:

- 1 the chair must be a lay member
- 2 one (or, on a five member panel, two) must be, or have been, a governor of a maintained school
- 3 one (or, on a five member panel, two) must be, or have been within the last 5 years, a head teacher of a maintained school

All panel members must have received the relevant training.

The clerk provides an independent source of advice on procedure for all parties.

7.2 Hearing

The following are entitled to make written representations, appear and make oral representations, and to be represented (including legally):

- a) the parent (or, if aged over 18, the pupil);
- b) the head teacher; (where an excluding head teacher has left the school, the appeal panel may use its discretion in deciding whether to invite him/her to make representations);
- c) the governing body; and
- d) the LEA.

It is for the appeal panel to decide how to conduct the proceedings which should be reasonably informal so that all parties can present their case effectively.

In opening the appeal hearing the chair should outline the procedure to be followed and explain to all parties that the panel is independent of the school and the LA.

Following introductions, the clerk then may explain the order in which the parties entitled to be heard will state their case (as previously notified to them) and that there will be an opportunity for questioning by the other parties after each presentation.

Suggested Order of the Appeal Hearing:

- Welcome and introductions
- The school put their case
- Questioning by other parties
- The appellants put their case
- Questioning by other parties
- Any evidence from the LEA
- Summing up by the school
- Summing up by the appellant
- The appellants , school and LEA representatives leave

7.3 Evidence

Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable.

All parties may put forward new evidence about the event that led to the exclusion, including evidence that was not available to the head teacher or the governing body/management committee. All parties should be given the opportunity to respond to any such new evidence which has been put forward. However, the school may not introduce new reasons for the exclusion.

7.4 Role of School/Governing Body

The school's representatives should be fully aware of all the material showing why the child was excluded. This should include the school rules and behaviour policy. They should be able to explain what has been done to help the pupil before the exclusion took place, unless this was the result of one serious incident.

The head and/or a representative of the governing body's discipline committee can defend their decision to exclude.

They should be prepared to answer questions about the evidence presented to the appeal and decisions.

7.5 Role of LEA Officer

At the independent appeal hearing, the role is also to explain the LEA's views on the decision to exclude the pupil permanently. They will be expected to answer questions on these matters from the panel and the parties to the hearing.

They are not there to present the school's case for permanent exclusion.

They could be asked what will happen to the pupil if the permanent exclusion is confirmed.

7.6 Decisions

In considering an appeal, the panel should decide, on the balance of probabilities, whether the pupil did what he or she is alleged to have done.

The panel should consider the basis of the head teacher's/teacher in charge's decision and the procedures followed having regard to the following:

- a) whether the head teacher and governing body complied with the law and had regard to this guidance in deciding, respectively, to exclude the pupil and not to direct that he or she should be reinstated. While the law states that the panel must not decide to reinstate a pupil solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered or justice was clearly not done;
- b) the school's published behaviour policy, equal opportunities policy and, if appropriate, anti-bullying policy, Special Educational Needs policy, and race and disability equality policies; and
- c) the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

Where a parent appeals against permanent exclusion and makes a claim alleging racial discrimination, the appeal panel must consider whether there has been discrimination in relation to the Race Relations Act 1976 as amended.

An appeal panel may:

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

The panel may not attach conditions to the reinstatement of a pupil.

The panel is independent. Its decision is binding on the parent, the governing body, the head teacher and the LA.

The panel must let all parties know its decision by the end of the second working day after the hearing.

Details of an exclusion may not be deleted from the pupil's record, even where reinstatement is directed.

8.0 Parental Involvement

8.1 Parental Co-operation

If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of, him or her, including at lunchtime, the school must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental co-operation and this is affecting the child's behaviour, the school or local authority may consider applying for a parenting order.

8.2 Penalty Notices

During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification.

This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

The pupil may also be removed from the public place by the police and taken to designated premises.

8.3 Parenting Contracts and Orders

If the school or local authority considers that parental influence could be better brought to bear in improving the behaviour of the pupil, a parenting contract may be offered. It may help parents take responsibility for their children and strengthen their ability to do so. This can engender a productive relationship with parents and provide individualised support. It provides an early intervention to deal with emerging behaviour problems or after an exclusion of any duration. A parenting contract is a written voluntary agreement between the school governing body or the local authority and the parent under which the parent agrees to comply with certain requirements and the school or local authority agrees to provide, or help the parent access, the support that they need. Parenting contracts are appropriate where the parent is willing to engage with the school or local authority but is in need of (and will accept) support in order to help improve their child's behaviour. A school cannot require a parent to sign a parenting contract as a condition of his or her child being reinstated, being admitted to a school or not being excluded from it.

If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour and the requisite standard of misbehaviour is met, the school or LEA may consider applying to the

magistrates' court for a parenting order to compel the parent to comply with certain requirements including attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has or could have resulted in exclusion.

9.0 Next Steps

9.1 Complaint to the Local Government Ombudsman

A parent can complain to the Local Government Ombudsman about maladministration by the appeal panel. The Ombudsman can make recommendations if he or she finds that there has been maladministration. He or she might recommend a fresh hearing, if this were practical, and the LEA would normally be expected to comply.

9.2 Judicial Review

If either the parent or the governing body considers that the appeal panel's decision is unlawful, or not a decision which a reasonable panel could have reached, they may apply to the High Court for a judicial review. This must be done promptly and no later than three months from the date of the decision. If a judicial review were granted, the court would consider the lawfulness of the panel's decision. If it found the panel's decision to be unlawful or unreasonable as above it could quash the decision and direct the LEA to hold a fresh appeal hearing before a newly constituted panel.

9.3 Secretary of State

The Secretary of State issues guidance on exclusion to which head teachers, teachers in charge of a Pupil Referral Unit, governing bodies, LEAs and Independent Appeal Panels must have regard. Complaints should be dealt with locally first, directly with those involved and then to the governing body and LEA. Complaints can also be made to the Local Government Ombudsman about maladministration of the Independent Appeal Panel. The Secretary of State can consider complaints about governing bodies' operation of the exclusion process, however he would not normally intervene in the decision of a governing body and does not have the power to substitute his judgment for that of the head or governing body. In very exceptional circumstances, for example, where there has been a clear breach of legal duty and it would be expedient for him to do so, he may intervene. He has no power to consider complaints about the decision of an Independent Appeal Panel.

Appendix 1 – Model Letters

Model letter 1

From head teacher 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 **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school 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 **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age]

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

[School] 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 school 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 (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

[This paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary aged pupils if the head teacher chooses to hold a reintegration interview.]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed **[not for parents of secondary aged pupils]**. 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 **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **[Name]** at **[LA name]** LA 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.]**

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

Yours sincerely

[Name]
Headteacher

Model Letter 2

From head teacher notifying parent(s) of a pupil of that pupil'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 **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

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

[for pupils of compulsory school age – next 3 paragraphs]

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

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school 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 pupil'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. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]**

and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

[School] You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5

school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is **[specify date – no later than the 50th school day after the date on which the discipline committee were notified of this exclusion]**. If you do wish to make representations to the discipline committee, and wish to be accompanied by a friend or representative, please contact **[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 school. 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 (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which claims should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the discipline committee.

[not mandatory for fixed period exclusions of five days or fewer of secondary aged pupils]

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

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

You may wish to contact **[Name]** at **[LA name]** LA 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]**.

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

Yours sincerely

[Name]
Headteacher

Model letter 3

From head teacher 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 **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school 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 **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age – next 3 paragraphs]

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 **[Child'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 school 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 pupil'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 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 home school]** and report to **[staff member's name]**. **[If applicable – say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

[School] 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 or not, 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 school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think 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 (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Making a claim would not affect your right to make representations to the governing body.

[mandatory for all exclusions of primary-aged pupils and those of more than 5 days of secondary aged pupils]

You **[and your child or name of pupil]** 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 school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may want to contact **[Name]** at **[LA name]** LA 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 Child]'s exclusion expires on **[date]** and we expect [Name of Child] to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]
Headteacher

Model letter 4

From the headteacher of a primary, secondary or special school notifying the parent(s) of that pupil's permanent exclusion.

Dear **[Parent's name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/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 **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant previous history]**.

[For pupils of compulsory school age]

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.

[For pupils of compulsory school age]

Alternative arrangements for **[Child's Name]**'s education to continue 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 the name of the authority]** 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.]**

[For pupils of compulsory school age]

[Where pupil lives in a local authority other than the excluding school's local authority] I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them 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 school. The governing body

have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the governing body must meet is **[specify the date – the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the 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 Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to contact **[Name]** at **[LA name]** 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

[Name]
Headteacher

Model letter 5

From the clerk to the governing body to parent upholding a permanent exclusion.

Dear **[Parent's name]**

The meeting of the governing body at **[school]** on **[date]** considered the decision by **[head teacher/teacher in charge]** to permanently exclude your son/daughter **[name of pupil]**. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of pupil]**'s exclusion.

The reasons for the governing body 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), head teacher, one serving, or recently serving, experienced governor members and one lay member who will be the Chairman. **[Use the following if there is a possibility that a five-member panel may sit: A five-member panel will comprise two serving, or recently retired (within the last 5 years), head teachers, two serving, or recently serving, experienced governors members 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 school, either immediately or by a particular date; or they may decide that the exclusion should not have taken place, but that reinstatement in the school is not in the best interests of all concerned.

I would advise you of the following sources of advice: **[repeat details from the original exclusion letter, i.e. a named LA officer and the Advisory Centre for Education and any local sources of independent advice]**

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

Yours sincerely

[Name]

Clerk to the Governing Body

Model letter 6

From the clerk to the Independent Appeal Panel notifying parent (or pupil if aged 18 or over) of the outcome of the appeal.

Dear **[Parent's name]**

Following the hearing of your appeal by the Independent Appeal Panel constituted by **[Name]** Authority on **[date]** at **[location]** against the decision of the governing body of **[Name]** School/the teacher in charge **[Name]** of **[Name]** Pupil Referral Unit not to reinstate **[Child's Name]**, I am writing to advise you of the panel's decision.

After careful consideration of your representations both oral and written and those of the **[School]** and **[Name]** LA **[and of others if applicable, for example any victim]** and in the light of the available evidence, the panel has decided:

Either

(i) to uphold the exclusion;
Or

(ii) to direct **[pupil's name]**'s reinstatement in **[name of school]** with effect from **[date and time]**. **[Pupil's name]** should report to **[name of staff member]** at that time;
or

(iii) that it is not practical to direct **[pupil's name]**'s reinstatement **[here give reasons, for example because this is an exceptional case where reinstatement would not be in the pupil's best interests or those of the whole school community]** although otherwise reinstatement would have been appropriate. Your child's school record will show that the permanent exclusion was overturned on appeal even though reinstatement was not directed.

[Give reasons in as much detail as possible for the panel's decision: the decision may be challenged by judicial review; or be the subject of a complaint of maladministration to the Local Government Ombudsman]

The panel's decision is binding on you, the governing body and the head teacher of **[Name]** School and **[Name]** Local Authority.

For decisions (i) and (iii) above: The alternative arrangements put in place for **[pupil's name]**'s full-time education will continue for the time being; but **[LA officer's name]** will/may be in touch with you to discuss future provision.

If you think that the appeal panel's decision was unlawful or not a decision which a reasonable panel could have reached and you wish to challenge it, the only way of doing so is to apply to the High Court for a judicial review. This

must be done as soon as possible and in any event within three months of the date of the panel's decision. You can complain to the Local Government Ombudsman about maladministration by the appeal panel, but not about its decision.

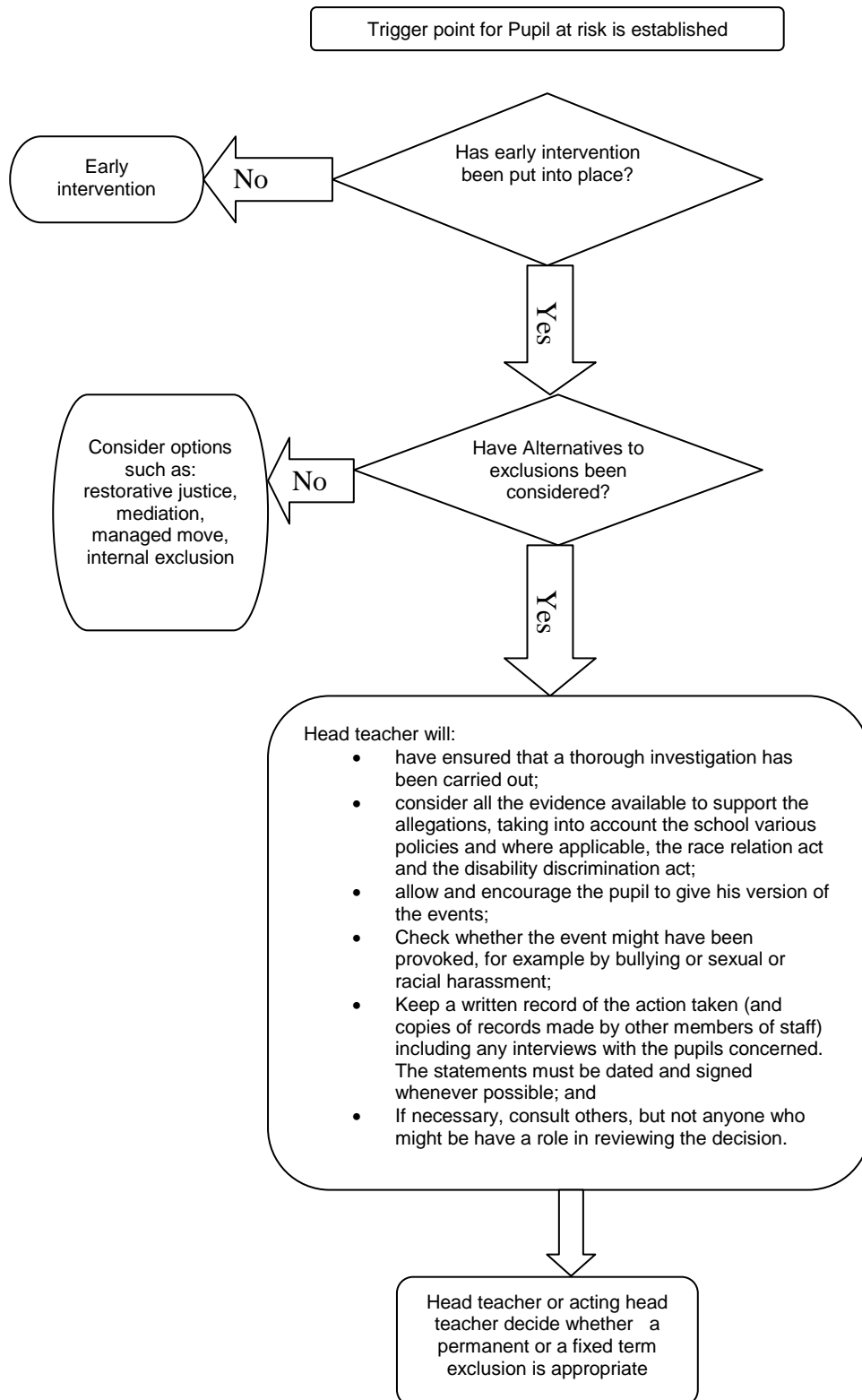
A copy of this letter will be added to **[pupil's name]**'s school record for future reference.

Yours sincerely

[Name]

Clerk to the Independent Appeal Panel

Appendix 2 - Good Practice Before Considering Exclusion



Appendix 3 – Flowchart for Fixed term

Decision: Head teacher, acting head teacher, or teacher in charge of a PRU takes the decision to exclude a pupil for a fixed period.

Contact parent: The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child's welfare must always be the prime consideration

Lunchtime exclusion: Pupils who are disruptive during the lunch time may be excluded just for the duration of the lunch time. Lunchtime exclusion will count as half a day for statistical purpose and for parents to make representation but are not counted in the school's 6th day duty to provide full-time

Exclusion during morning session: the exclusion takes effect from the afternoon session, notice must be given to the parent before the start of the afternoon session.

Exclusion during afternoon session:

- if the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.
- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon session

Written notice: The head teacher must give a written notice to the parents informing them of:

- the precise period and the reasons of the exclusion;
- the parent's duties during the first five days;
- the parents right to make representation to the Governing body and how the pupil may be involved in this;
- The person the parent should contact if they wish to make such representation;
- The arrangement made by the school to set and mark work for the pupil during the initial 5 days of the exclusion;
- if relevant, the school day on which the pupil will be provided with full-time education; and
- if relevant details of a reintegration interview.

The head must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Pupil's can excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

Educational provision during the exclusion:

- The school has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the exclusion.
- Where a Looked After Child is excluded provision should be in place from the 1st day of exclusion.
- Schools in the former BIP still receiving additional funding should make provision from the first day of exclusion.

Reintegration interview:

The head teacher or a senior member of staff should arrange and conduct a reintegration interview with a parent and the pupil at the end of the exclusion at a date and time convenient for the parent on the school premises.

The notice for a reintegration interview must be given no later than 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

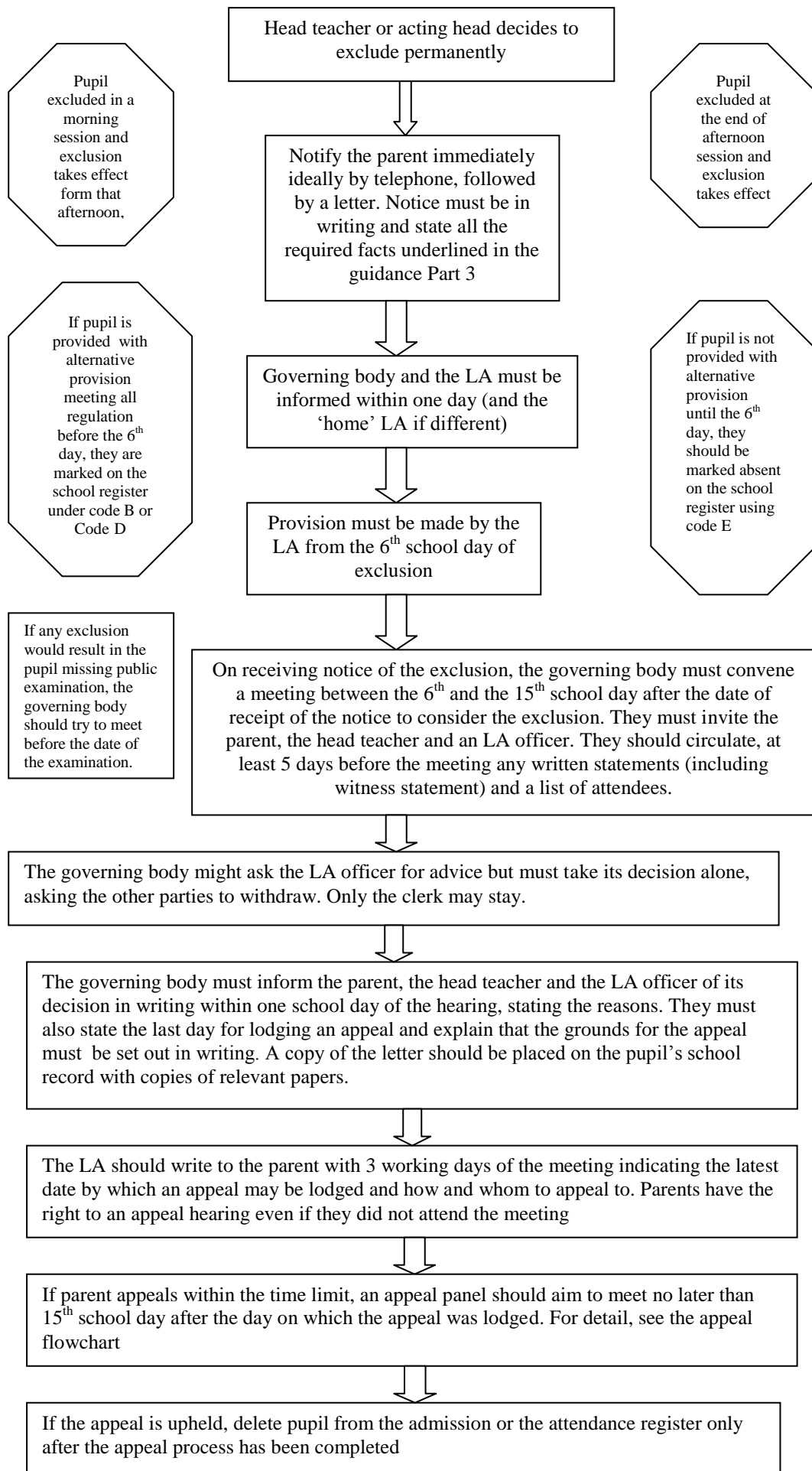
If the parent fails to attend, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

Primary: School **must** offer a reintegration interview after any exclusion

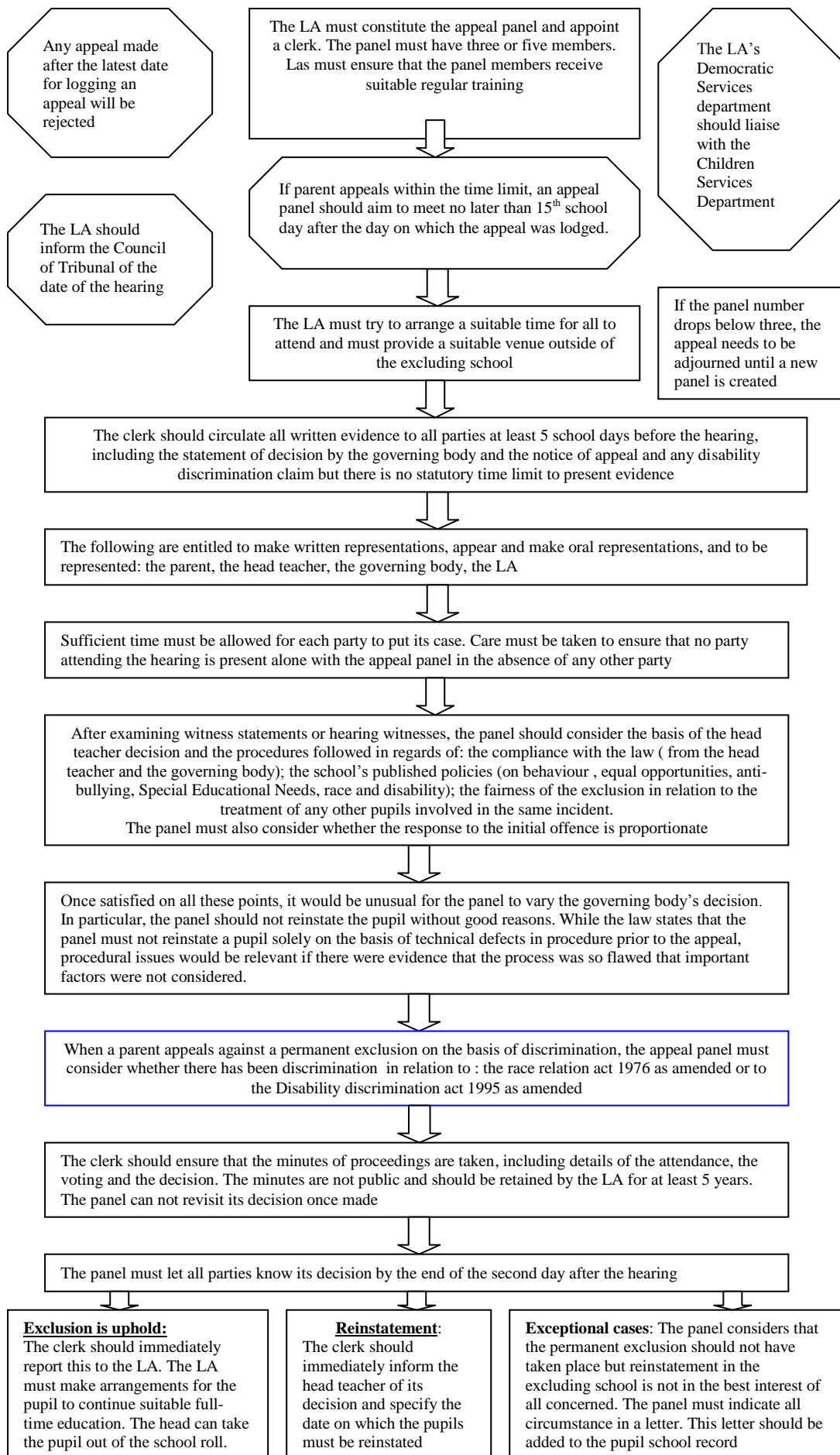
Secondary: School **must** offer a reintegration interview for an exclusion of 6 or more school days.

If the school or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with the school or LA in attempting to improve the child's behaviour, the school or LA may consider applying to the Magistrate's Court to compel the parent to comply with certain requirements. See related guidance.

Appendix 4 – Flowchart for Permanent Exclusion



Appendix 5 – Exclusion Independent Appeal



FORM X1

DETAILS OF EXCLUSION (FIXED PERIOD / PERMANENT)					
School Name:				School Number:	
Pupil's Surname:			Pupil's First Name(s):		
Date of Birth:	Gender: M / F	Year Group:	LAC: Yes / No	Pupil Premium: Yes / No	Statement/EHCP: Yes / No
Pupil's Address:			Unique Pupil Number:		
Parent/Carer Name:			Parent/Carer address:(if different from above)		
Ethnic Origin (must be included and refer to notes on next page):			SEN Support Yes / No		
Home Education Authority (if not Rutland):					

Fixed Period Exclusion		
Start Date:	End Date:	No. Days:
Total No. School days Excluded this Academic Year: (including this Exclusion)		

Permanent Exclusion	
Start Date:	

Reasons for Exclusion (refer to notes on next page)		
Main Reason for Exclusion:		Secondary Reason for Exclusion:
One-Off Incident	Short Term	Continuous

General		
Governors Informed: Yes / No	Child has PSP: Yes / No	Is PSP Current: Yes / No

Other Agency Involvement (Please tick if appropriate)		
Education Psychology Service	Social Services	Social Inclusion Development Officer
Family Support Worker (Social Services)	Youth Offending Service	Other:

**Please return the form to the SEN Team
Please attach any other relevant background information relating to the Exclusion**

NOTES

ETHNIC ORIGIN

Please enter one of the following categories

BOTH	Any other black background
CHNE	Chinese
MWBA	White / Black African
MOTH	Any other mixed background
MWAS	White / Asian
MWBC	White / Black Caribbean
NOBT	Information not obtained
OOTH	Any other ethnic group
REFU	Refused
WOTH	Any other white background
WBRI	British
WIRI	Irish
WIRT	Traveller – Irish Heritage
WROM	Roma / Roma Gypsy

REASONS FOR EXCLUSION

Please enter the letter for appropriate category

A	Verbal Abuse
B	Physical Aggression to Staff
C	Physical Aggression to Children
D	Damage to Property
E	Theft
F	Refusal to Accept School Rules
G	Smoking
H	Alcohol Abuse
I	Drugs
J	Discipline
K	Sexual Harassment
L	Other
M	Bullying

This information is essential to enable the SEN Team to meet its requirements to monitor and report upon exclusions.