

GILLINGSTOOL PRIMARY SCHOOL

Inspire ~ Believe ~ Achieve



EXCLUSION POLICY

Signed ... 

Name: Dave Llewellyn

Chair of Governors

Date: January 2021

Signed 

Name: Caroline Carter

Headteacher

Date: January 2021

EXCLUSION POLICY

1.1 All pupils benefit when behaviour is good. High standards of behaviour are important to help children feel safe and learn well. Parents and carers play an important part in this.

1.2 The government advises schools to focus on promoting positive behaviour, helping to build self-discipline and encouraging respect for others. Schools also need sanctions to deter pupils from misbehaving. This policy should be read in conjunction with our Behaviour Policy, Severe Behaviour Policy, SEND/Inclusion Policy and Single Equalities Policy.

1.3 The decision to exclude a pupil, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:

- In response to serious or persistent breaches of the school's Behaviour Policy;
- If allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

1.4 The Headteacher is the only member of staff in a school who can decide to exclude a pupil from the premises.

1.5 This policy has been written following the 2017 guidelines outlined in the Department for Education 'Exclusions from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007 <https://www.gov.uk/government/publications/school-exclusion> Please note: specific guidance for Head Teachers and Parents/Carers at the back of this document (Annex B and Annex C).

2. Decision Making

2.1 Before reaching a decision to exclude either permanently or for a fixed period, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour and Single Equalities Policies;
- allow the pupil to give his or her version of events;

- check whether the incident may have been provoked for example, by racial or sexual harassment;
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying, suffered a bereavement or other stressful life event or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs and ‘Children in Care’;
- consult others (whilst not using the pupil’s name), including the Local Authority Officer (if a permanent exclusion), being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Governing Body’s Discipline Committee;
- keep a written record of the actions taken, including any interview with the pupil. Witness statements must be dated and should be signed, wherever possible;
- ensure that the decision to exclude is made in line with administrative law i.e. that it is: - Lawful (with respect to the legislation relating directly to exclusions and the School’s wider legal duties, including the European Convention of Human Rights); - Rational; - Reasonable; - Fair; and - Proportionate
- establish the facts in relation to the exclusion, applying the civil standard of proof i.e. ‘on the balance of probabilities’ it is more likely than not that a fact is true, rather than the criminal standard of ‘beyond reasonable doubt’

2.2 South Gloucestershire Council and this school do not authorise the use of unlawful ‘informal’ or ‘unofficial’ exclusions where pupils are sent home, even with the agreement of their parents/carers, for a ‘cooling off’ period. Any exclusion of a pupil must be formally recorded.

2.3 The Headteacher is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are if the child is ill and has been kept at home or if they are formally excluded and the responsibility goes to the parents/carers. Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or member of staff at the school as an alternative to exclusion.

3. Alternatives to Exclusions

3.1 We are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process, working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (SAFeH) and person centred planning approach;
- restorative justice processes;

- the use of the ‘alternatives to exclusion checklist’ and support from the Inclusion Support Worker (via Pathways Learning Centre);
- internal isolation (where appropriate, in line with school’s Behaviour Policy);
- a managed move, in line with the locally agreed protocol (See Fair Access Protocol for more information) <http://www.southglos.gov.uk//documents/Fair-Access-Protocol-June-2018.pdf>

4. Fixed term exclusions

4.1 The Headteacher may exclude a pupil for up to 45 days in any one academic year.

4.2 Generally, fixed term exclusions will be for one to three days. No exclusion will be given for an unspecified period of time.

4.3 A fixed term exclusion does not have to be for a continuous period. In exceptional circumstances, where further evidence has come to light, a fixed term exclusion may be extended or converted to a permanent exclusion.

4.4 Procedures for review and appeal of fixed term exclusions

4.41 A fixed term exclusion, which does not bring the pupil’s total number of days of exclusion to more than five in a term (two termlets), will not usually be reviewed by the Governing Body Disciplinary Committee unless a written request is submitted by a parent/carer, within 50 school days of receiving the notice of the exclusion, to review the decision; however, it cannot direct reinstatement.

4.42 If a pupil is excluded for more than five days (but not more than 15) in a single term (two termlets), the Governing Body Disciplinary Committee will consider the reinstatement of the pupil, if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the exclusion.

4.43 If a pupil is excluded for 15 days or more in one term (two termlets), the Governing Body Disciplinary Committee will meet to consider the reinstatement of a pupil within 15 school days of receiving notice of the exclusion.

4.44 If, as a result of a fixed term exclusion, the pupil will miss a public examination or National Curriculum test, the Governing Body Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Governing Body Disciplinary Committee to meet, the Chair of the Governing Body may consider the exclusion independently and decide whether or not to reinstate the pupil.

4.45 A summary of the exclusion process and the Governing Body’s duties to review exclusion decisions is shown in the flowchart, Appendix A.

4.5 Where a pupil has received multiple exclusions or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.

4.6 When excluding a pupil who is a 'Child in Care', the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed.

5. Permanent exclusions

5.1 Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

5.2 In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO/DCEO or LA Officer, to permanently exclude a pupil for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another pupil or member of staff;
- Sexual misconduct;
- Supplying an illegal drug, as defined within the School's Drugs and Substance Abuse Policy;
- Carrying an offensive weapon;
- Any severe form of bullying including racist or homophobic bullying; and/or
- Any action resulting in a serious health and safety issue.

5.3 In cases where a criminal offence has taken place, the police and, where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the pupil may be informed.

5.4 A Headteacher should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a 'Child in Care'. Before making the decision to permanently exclude a pupil who is a 'Child in Care' the Headteacher will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

5.5 If the Headteacher decides to exclude a pupil permanently they will inform the Local Authority Exclusions Officer, at the earliest possible opportunity. If the pupil lives outside the Local Authority area in which the School is located the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

5.6 Following permanent exclusion the Governing Body is required to review the Headteacher's decision. This review is to be carried out within 15 school days for the notice of exclusion.

5.7 The school must provide the governors (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer and a Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously.

5.8 From day six of a permanent exclusion the Local Authority becomes responsible for the pupil's education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

6. Process for notification of a fixed term exclusion of more than five consecutive days

6.1 A Headteacher must, without delay, notify the Governing Body and the Local Authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent)
- fixed term exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- fixed term exclusions which would result in the pupil missing a public examination or national curriculum test

7. Procedures for review and appeal of permanent exclusions

7.1 The Governing Body Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Headteacher and
- a representative of the Local Authority

7.2 During the meeting, the Governing Body Discipline Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

7.3 The Governing Body Disciplinary Committee, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

7.4 The Governing Body Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

7.5 The Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

7.6 If parents/carers apply for an Independent Review Panel within the legal time frame, the Governing Body/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Appendix A: Positive Behaviour Plan

Positive Behaviour Plan			
Known Triggers:			
Stage	Behaviours Exhibited	Helpful Strategies	Unhelpful Strategies
Anxious			
Defensive			
Crisis			
4&5. Recovery a& Depression			
6. Debrief: Listen and Learn			
Signed	Class teacher:	Parent:	Child:

Appendix B – Alternatives to Exclusion Checklist Primary

<p>STUDENT FOCUSED INTERVENTIONS</p> <p>Managing anger/emotions/conflict resolution</p> <p>Social Skills/peer relationships</p> <p>Mental Health</p> <p>Classroom behaviour skills</p> <p>Time out card</p>	<p>RELATIONSHIP BUILDING INTERVENTIONS</p> <p>Restorative mediation with key staff</p> <p>Micro-management daily check in/debrief</p> <p>Key adult support/mentoring</p> <p>Peer mentor schemes</p>
<p>LEARNING INTERVENTIONS</p> <p>Personalised learning/timetable change</p> <p>SMART targets/daily positive report card</p> <p>Literacy assessment</p> <p>Tutor change/house change/class swap</p> <p>Classroom observations</p> <p>ABC charts</p>	<p>ALTERNATIVE PROVISION</p> <p>In school inclusion facility</p> <p>Off-site provision (CLIC, Engage)</p> <p>Specialist mentoring (Breakthrough, Impact)</p> <p>Early intervention strategies (school swap/intervention moves)</p>
<p>ASSESSMENT AND PLANNING</p> <p>SAF eh</p> <p>ISS/PSP/BSP with regular reviews</p> <p>Planning reviewed internally through 360* or similar</p> <p>Change Tracker</p> <p>Academic assessment review to check progress and access to learning</p> <p>EP assessment</p> <p>PASS/attitudinal assessment</p> <p>Speech and language assessment</p> <p>Medical needs assessment</p>	<p>SEN STATUS</p> <p>EHCP</p> <p>SEN K</p> <p>SAFEGUARDING CONCERNS</p> <p>ART referral</p> <p>SERAF</p> <p>My concern</p> <p>PARENTAL ENGAGEMENT</p> <p>Regular contact/engagement with behaviour plan</p>
<p>RESPONSE TO ESCALATING BEHAVIOUR</p>	<p>SPECIALIST INTERVENTION</p>

Different day intervention	Referral to
Fixed period exclusions	EPS
Internal exclusion/seclusion	YOT
BEHAVIOUR DATA INTERVENTION	FYPS
Patterns of negative incidents from Teachers have been addressed	CAMHS
The data is analysed regularly	ISS
	School nurse
	Social Care
	GP/Paed/Medical

Appendix C – Headteacher’s Exclusion Checklist

	Yes	No
On the balance of probabilities, did the pupil do it?		
Does the incident represent a serious breach of the school behaviour policy / the final straw incident in a series of persistent breaches of the behaviour policy?		
Does the pupil’s presence seriously harm the education/welfare of the pupil or others in the school community?		
Is exclusion the appropriate response? Factors to Consider <ul style="list-style-type: none"> • Decision to exclude not taken in the heat of the moment • A thorough investigation has been carried out • Evidence has been considered in the light of policies and discrimination • The pupil’s views have been encouraged, heard and recorded • Mitigating circumstances and provocation (bullying etc.) have been considered • Appropriate wider consultation has been considered 		
Has there been involvement from specialist teachers (SEND) or Behaviour/Inclusion Service or an Educational Psychologist?		
Has a pastoral support programme been tried?		
Is there an Early Help strategy/SAFeH in place?		
Have alternatives to exclusion been considered? See Appendix B – Alternatives to Exclusion Checklist (e.g. restorative justice, mediation, internal exclusion, school to school managed move)?		

<p>Special Considerations</p> <p>Does this pupil have an Education Health Care Plan [EHCP]? If so: Have you contacted the special needs co-ordinator? Has an emergency annual review been called? Is this pupil currently a child in the care of the Local Authority? If so: Have you contacted the Head of the Virtual School and Social Worker? Is this pupil subject to Child Protection procedures or a Child In Need? If so: Have you spoken to the Social Worker? Have issues of SEN, disability, race and care been fully considered?</p>		
<p>Has the appropriate length of exclusion been considered?</p>		

Appendix D Model letter 1 – Fixed Term Exclusion (up to 5 days/lunchtime exclusion)

From the Headteacher of a school notifying a parent of:

- a single fixed period exclusion of 5 school days or fewer and where a public examination is not missed
- a fixed period exclusion which does not take the total of fixed period exclusions to more than 5 in one term;
- a lunchtime exclusion. (Parts 4 - 6 DfE guidance 2017)

(Where a school’s academic year consists of more than 3 terms, then a reference to ‘term’ means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

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]. You have the right to make representations about this decision to the governing body. [Child's Name] may also be involved in making representations [Explain how this may happen]. If you wish to make representations please

contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]. Whilst the governing body has no power to direct reinstatement and is not required to arrange a meeting with you, they must consider any representations you make and may place a note of their findings on your child's educational record.

[For pupils of compulsory school age only] You are legally required 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 be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for [Child's Name] to be completed during the period of his/her exclusion. [Detail the arrangements for this]. Please ensure

and returned to us promptly for marking. [If alternative provision is being arranged during an exclusion of 5 days or less the letter should provide details – when/where it will take place and who to report to on the first day.]

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [There is no requirement to hold a reintegration meeting but it would be good practice to do so – ‘Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.’; detail the arrangements for the pupil’s return to school].

[Name] Headteacher

Appendix E – Model Letter 2 – Fixed term Exclusion (6-15 days in one term)

From Headteacher notifying parent of a single fixed period exclusion of between 6 and 15 days in length or one which would take the total of exclusions in one term to more than 5 and up to and including 15 school days (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

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/number of days]. 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 the 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].

If requested to do so by parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

[insert date here — no later than 15 school days from the date the governing body is notified].

[Maintained schools only]

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. [Child's Name] may also be involved in making representations. [Explain how this may happen]

If you wish to request the governing body meet to consider this exclusion please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?].

The governing body will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 50 school days from receiving notice of the exclusion. The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. 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 or to make representations. Also, please inform [Clerk] if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only] You are legally required 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 be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking. [If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]

[If the individual exclusion is for more than 5 days - for pupils of compulsory school age only] but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the exclusion onwards — i.e. from [specify the date] until the expiry of the exclusion

South Gloucestershire Pupil Referral Unit will provide suitable full-time education. [Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.] I have forwarded your details to the Pupil referral Unit and they will be in touch shortly. They can be contacted on 01454 868600.

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on

<http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

· Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [There is no requirement to hold a reintegration meeting but it would be good practice to do so – ‘Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.’; detail the arrangements for the pupil’s return to school].

Yours sincerely

[Name] Headteacher

Appendix F – Model Letter 2 – Fixed term Exclusion (6-15 days in one term)

From Headteacher notifying parent of a single fixed period exclusion of between 6 and 15 days in length or one which would take the total of exclusions in one term to more than 5 and up to and including 15 school days (Parts 4 - 6 DfE guidance 2017)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

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/number of days]. 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 the 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].

If requested to do so by parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

[insert date here — no later than 15 school days from the date the governing body is notified].

[Maintained schools only]

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. [Child's Name] may also be involved in making representations. [Explain how this may happen]

If you wish to request the governing body meet to consider this exclusion please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?].

The governing body will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 50 school days from receiving notice of the exclusion. The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. 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 or to make representations. Also, please inform [Clerk] if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only] You are legally required 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 be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only]

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking. [If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]

[If the individual exclusion is for more than 5 days - for pupils of compulsory school age only] but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the exclusion onwards — i.e. from [specify the date] until the expiry of the exclusion

South Gloucestershire Pupil Referral Unit will provide suitable full-time education. [Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.] I have forwarded your details to the Pupil referral Unit and they will be in touch shortly. They can be contacted on 01454 868600.

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

· Statutory guidance on exclusion:

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[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [There is no requirement to hold a reintegration meeting but it would be good practice to do so – ‘Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.’; detail the arrangements for the pupil’s return to school].

Yours sincerely

[Name] Headteacher

Appendix G – Model Letter 4 – Permanent Exclusion

From the Headteacher of a school notifying the parent(s) of a pupil's permanent exclusion. (Parts 4 - 6 DfE guidance 2017) 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. 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].

As this is a permanent exclusion the governing body has a legal requirement to consider the exclusion.

[Maintained schools only]

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. [Child's Name] may also be involved in making representations. [Explain how this may happen]

If you wish to make representations please contact [Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?].

The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. 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 or to make representations. Also, please inform [Clerk] if it would be helpful for you to have an interpreter present at the meeting.

[For pupils of compulsory school age only] You are legally required 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 be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

[For pupils of compulsory school age only] 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] to be completed during the period of his/her exclusion. [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking. [If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]

[Where pupil lives in South Gloucestershire - for pupils of compulsory school age only] but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from [specify the date] until the expiry of the exclusion. South Gloucestershire Pupil Referral Unit (Pathways Learning Centre) will provide suitable full-time education. [Detail the arrangements for this if known at the time of writing; if not known state that the arrangements will be notified by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.] I have forwarded your details to the Pupil Referral Unit (Pathways Learning Centre) and they will be in touch shortly. They can be contacted on 01454 862630.

[Where pupil lives in a local authority other than the excluding school's local authority - For pupils of compulsory school age only]

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from [specify the date] until the expiry of the exclusion. I have also today informed [name of officer] at [name of local authority] (e.g. Clare Dudley, Bristol LA) 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].

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- [Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership (www.parentpartnership.org.uk).]

Yours sincerely

Appendix H – Model Letter 5 - From the Governing Body of a school notifying a parent of its decision not to reinstate a pupil

From the Governing Body of a school notifying a parent of its decision not to reinstate a pupil (i.e. to uphold the head’s decision to permanently exclude the pupil). (Part 6 DfE guidance 2017)

(Please forward a copy of this letter to the LA; and also to Neil Young (Democratic Services) for information)

Dear [Parent's Name]

The meeting of the Governing Body at [Name of school] on [date] considered the decision by [Head’s Name] to permanently exclude your [son/daughter Name]. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold the permanent exclusion of [Name of Pupil].

The reasons for the governing body's decision are [Insert reasons in sufficient detail to enable all parties to understand why the decision was made].

.....

You have the right to ask for this decision to be reviewed by an independent review panel. If you wish to make an application for a review of the Governing Body’s decision you will need to do so no later than [day and date – i.e. 15 school days plus 2 school days from the date of the letter when posted by 1st class post; ‘Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail’]. If you make an application for a review after this date it will be rejected by the local authority.

The application should be made to

Neil Young, Principal Democratic Service

South Gloucestershire Council Chief Executive & Corporate Resources Department PO Box 19

Chief Executive & Corporate Resources Department PO Box 1953 Bristol BS37 0DB

Please inform Neil Young if you have a disability or special needs which would affect your ability to attend the hearing or if it would be helpful for you to have an interpreter present at the hearing. [For an Academy that does not trade with Legal Services, details and address of own provider which the parent should contact if they wish to request an independent review, should be inserted in place of Neil Young.]

The role of the independent review panel is to review the Governing Body’s decision not to reinstate a permanently excluded pupil. The panel can decide to:

- Uphold the exclusion decision

- Recommend that the Governing Body reconsiders their decision; or
- Quash the decision and direct that the Governing Body considers the exclusion again

Any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion. You have the right to require the Local Authority to appoint a SEN expert to attend the review regardless of whether your child has recognised special education needs; there would be no cost to you for this. The role of the SEN expert is to provide impartial advice to the independent review panel on how special educational needs might be relevant to the exclusion. You must make it clear in your application for a review whether you wish for a SEN expert to be appointed.

You may, at your own expense, appoint someone to make written and/or oral representations to the independent review panel. You may also bring a friend to the review.

In addition to your right to apply for an independent review panel, if you believe that the exclusion has occurred as result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of

discrimination. A claim of discrimination should be lodged within six months of the date on which the alleged discrimination took place e.g. the day on which [Name of Pupil] was excluded.

The following sources of free and impartial information will allow you to make an informed decision on whether and how to seek a review of the Governing Body's decision:

- Department for Education guidance - Exclusion from maintained schools, academies and pupil referral units in England
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools__academies_and_pupil_referral_units_guidance.pdf
- Guidance on making a claim of discrimination to the First-tier tribunal – <http://www.justice.gov.uk/tribunals/send/appeals> · the Coram Children's Legal Centre – www.childrenslegalcentre.com , they can be contacted on 0808 802 0008
- [Also include where considered relevant by governing body – contact details for Traveller Education Services (EMTAS) or Supportive Parents for SEN pupils]

If you do not intend to make an application for a review of this decision you may confirm this in writing to me, but please note, once the Governing Body has received your decision not to apply for a review the head teacher will remove your child's name from the school register.

Yours sincerely

[Name]

Chair/Clerk to the Governing Body

