



# Langham Primary School

## School Exclusion Policy

<b>Adopted</b>	<b>12<sup>th</sup> June 2012</b>	<b>Author/ Owner</b>	<i>Pupil Related Committee</i>
<b>Last Reviewed</b>	<b>8<sup>th</sup> June 2018 13<sup>th</sup> July 2021</b>	<b>Review Cycle</b>	<i>3 Years</i>

### Langham Primary School Exclusion Policy

This policy draws on statutory guidance from the DFE (2017)<sup>1</sup> and Essex CC guidance to schools on exclusion <https://schools.essex.gov.uk/pupils/AECS/Pages/AlternativeEducationCommissioningService.aspx>

This policy should be read in conjunction with our **Positive Behaviour Policy**.

#### Introduction

We acknowledge that excluding a child is a serious sanction and the decision to exclude a child is not taken lightly. Before deciding to exclude a child a thorough investigation has to have taken place and all alternative measures for maintaining discipline considered. These measures might include:

- Internal exclusion or working out of year group for a period of time
- Initiating a Pastoral Support Programme (PSP)
- Initiating a CAF (Common Assessment Form)
- Withdrawal of privileges

A decision to exclude a pupil for a fixed period should only be taken in response to breaches of the school's behaviour policy for behaviours which are not serious enough to warrant permanent exclusion and lesser sanctions such as internal exclusion are considered inappropriate. Individual fixed period exclusions should be for the shortest time necessary as determined by the headteacher.

The decision to permanently exclude a child is normally used as a last resort and is an acknowledgement that all available strategies for dealing with a child have been exhausted. Before resorting to a permanent exclusion, the head teacher needs to be sure that a pupil is responsible for what they have been accused of doing and that there are no mitigating factors which would make a permanent exclusion inappropriate.

**A decision to exclude a pupil permanently should only be taken:  
in response to serious and sustained breaches of the school's discipline policy; and  
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 head teacher's absence the most senior teacher who is acting in the role of head teacher, may exclude a pupil.

**There will, however, be exceptional circumstances where it is appropriate to permanently**

---

<sup>1</sup> Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion. DfE September 2017

**exclude a pupil for a 'one off' offence. These might include:**

- serious actual or threatened violence against a pupil or a member of staff
- sexual abuse or sexual assault
- supplying an illegal drug
- carrying an offensive weapon

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/teacher in charge must write again to the parents explaining the reasons for the change.

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.

**The Role of the Headteacher**

Only the headteacher (or most senior teacher acting in the headteacher's role) has the power to exclude.

Before making the decision to exclude, the headteacher will ensure that a thorough investigation is conducted.

**Informing parents**

Once a decision has been made, the headteacher will inform parents of the excluded child by way of a written notice.

- 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 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 the contact details in order to do this.
- e) 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;
- f) 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;

g) that 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/management committee 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](http://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.

### **Informing the governing body/ LA**

Within one school day the headteacher/teacher in charge must inform the governing body and the LA 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.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher/teacher in charge must also advise the home LA 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.

Data about exclusions fixed term exclusions of fewer than five school days is collected by the LA, and should be supplied by the headteacher to the governing body on a termly basis.

In addition to the termly data collection, which is collected in respect of all exclusions, Children's Support Service must be notified within one school day of :

a) permanent exclusions (in the case of permanent exclusions, Childrens' Support Service should be sent a copy of the letter to the parents, a copy of the headteacher's report and the completed form: Notification of Permanent Exclusion)

b) exclusions which will result in the pupil being excluded for more than five school days or 10 lunchtimes in any one term. In the case of fixed term exclusions it will only be necessary to send Children's Support Service a copy of the letter, which has been sent to the parents. The pupil's Unique Pupil Number (UPN) should appear on the letter, together with the pupil's full name if this isn't obvious from the letter.

c) exclusions which will result in the pupil missing a public examination.

### **Role of the Governing Body**

The law requires the headteacher to report short fixed period exclusions<sup>2</sup> once a term to the governing body.

If representations from the parent are received the governing body must consider them. The governing body cannot direct reinstatement of a short-term exclusion, but can place a copy of their findings on the pupil's school record. 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.

The governing body will convene a meeting to consider the circumstances of a fixed term exclusion which brings the total of days missed to 15 or more in any one term (or more than five days if it is requested by parents). The correct procedure is outlined in guidance document 4 on the exclusions advice area of the DFE website.

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

The governing body will consider any appeals in line with guidance document 5 on the exclusions advice area of the DFE website.

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

---

<sup>2</sup> Fixed period exclusion of 5 school days or fewer in one term which does not bring the pupil's total number of days of exclusion to more than 5 in one term)

## **EXCLUSIONS FROM SCHOOLS**

This leaflet tells you about exclusions and what you can do if your child is excluded from school.

### *What is exclusion?*

When a pupil behaves extremely badly, or persistently causes serious disruption in school, the law allows the head teacher to ban the pupil from attending school. This is called *exclusion*. Exclusions are intended as a last resort in maintaining good discipline.

During the initial five days of a permanent exclusion or fixed period exclusion of six days or longer, 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 prosecuted, or may be given a fixed period 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 is subject to prosecution for the original offence.

If the exclusion is for more than one day the school is expected to make arrangements for excluded pupils to be set work to do at home and for the work to be marked. This applies both for fixed period and permanent exclusion until the 6<sup>th</sup> day following the headteacher's decision being notified to parents. The LA (Local Authority) will be contacting you about the arrangements for education for pupils who have been permanently excluded. There is a legal requirement on schools to provide full-time education for pupils who are excluded on a fixed term basis for six days or longer. This requirement applies from the sixth day following the notification of permanent exclusion being issued.

If your child should be sitting a public examination whilst excluded you should contact the school as soon as possible. Every effort will be made to make arrangements so that the opportunity is not lost.

### *How will I know if my child has been excluded?*

The school will contact you on the day of the exclusion to tell you your child has been excluded and the reasons why. Wherever possible you will be informed by telephone or in person. This will be followed by a letter within one school day.

### *Are there different types of exclusion?*

There are only two types of exclusion that a headteacher may use:

#### 1) FIXED PERIOD EXCLUSION

This is sometimes called 'a suspension' and is for a limited time. The headteacher must tell you how many days the exclusion is for at the beginning of the exclusion period and what the arrangements will be for setting and marking work for your child.

A pupil may be excluded more than once during an academic year but the total number of school days cannot be more than 45 in any academic year.

You have the right to tell the governing body what you think about the exclusion. This is called making **representations**. If the exclusion is fewer than 5 days, the governing body cannot direct re-instatement, but should convene a meeting to consider any representations from you.

If the exclusion is over 5 days but no more than 15 days, in a school term and you make representations, the governing body must review the fixed term exclusion and decide whether to reinstate the pupil or uphold the headteachers decision. Where no representations are made there is no need for the governing body to meet.

However, the governing body must review all fixed term exclusions of over 15 days in a school term, or where a pupil would miss a public examination.

You should be invited to attend the meeting and may be accompanied by a friend or representative. The LA should also be invited to send a representative. Meetings should take place within the following time scales:

Length of Exclusion	Time scale
Over 5 school days, but less than 15 school days (a meeting need only be called if the parents make representations).	Between the 6 <sup>th</sup> and 50 <sup>th</sup> school day from the date of the exclusion.
Over 15 school days.	Between the 6 <sup>th</sup> and 15 <sup>th</sup> school day after the notice of exclusion.
Where the child will miss an opportunity to sit a public examination.	Where possible before that examination takes place.

If the headteacher decides to extend a fixed term exclusion or, exceptionally, convert it to a permanent exclusion they must write again to the parent and you will again have the right to make representations to the governing body.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed period exclusion (equivalent to one half school day) and should be treated as such. Parents have the same right to be given information and to appeal. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for pupils who are entitled to free school meals. This may mean providing a packed lunch.

We, the LA, have no power to instruct a school to re-admit your child.  
There is no legal right to a formal appeal against a fixed term exclusion.

## 2) PERMANENT EXCLUSION

### Consideration by the Governing Body

The governing body will meet to consider the exclusion between the 6<sup>th</sup> and 15<sup>th</sup> school day after the notification of the exclusion. (This does not include school holidays). You will be invited to attend this meeting. You can take a friend or legal representative with you or somebody to speak on your behalf. If you prefer to you may make your representations to the governors in writing. The LA should also be invited to send a representative to the meeting. The governors can instruct the headteacher to re-admit your child to the school.

After the meeting the governors must advise you and the LA of their decision within one school day of the meeting, giving their reasons.

The LA has no power to instruct a school to readmit a pupil.

If the governors confirm the permanent exclusion of your child they must advise you of your right to appeal to an independent appeal panel. You have this right even if you did not make representations to the governing body. The LA will also write to you within three working days of the governing body meeting to confirm the details of your right of appeal.

*(N.B. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee may be called the Discipline Committee).*

### Right of Appeal to an Independent Panel

If you want to appeal you must write to the clerk to the appeal panel within **15 school days of the governors' decision**. Your letter should explain the grounds of your appeal i.e. why you do not think that the decision is the correct one. Your appeal should be sent to:

The Clerk to the Independent Appeal Panel  
PO Box 11  
Chelmsford  
CM1 1LX

The appeal panel meets to consider whether the child should have been excluded and whether he or she should be reinstated at the school.

As the remit of the panel does not include 'clearing the pupils name', details of an exclusion may not be lawfully deleted from the pupil record, if an exclusion is a matter of fact. But the governing body must comply with any parental request to append their appeal statement to the pupil's record. It will be for the governing body to decide what details of the exclusion are included in the school record. Copies of the principal correspondence might be included and possibly minutes of the meeting to consider the exclusion and appeal panel hearings, if the governors and appeal panel respectively agree to this.

The appeal panel must meet within 15 school days after receiving your letter. You will be told as soon as possible when and where the hearing will take place.

Your appeal will be heard in private and the hearing will be as informal as possible.

If possible you should try to attend the hearing. If you do not attend, and do not inform the clerk that you are unable to get there, the Panel will consider your appeal in your absence. If you wish you may bring a friend or representative to put the case for you.

If you wish to present documents or raise matters that are not covered in your letter of appeal you should submit them to the Clerk to the Appeal Panel in good time before the hearing.

If you decide that you do not wish to appeal you should notify the Children's Support Service at the LA of your decision in writing as soon as possible.

#### At the Hearing

There will be at least three people on the Panel. A clerk will also be present to record the Panel's decisions and to advise on law and procedures.

The Panel will have copies of your appeal, plus any statements or reports you sent in beforehand, together with information from the headteacher about the reasons for the exclusion.

Assuming you attend, the hearing will usually follow this pattern:

- The headteacher will explain the reasons for the exclusion. A representative of the governing body may also attend and be given the opportunity to make comments on behalf of the governing body.
- You, or your representatives, may ask questions. The Panel and the LA representative may also ask questions.
- You, or your representative, will be asked to present your case. You may call witnesses in support. (If you want to bring witnesses you must let the clerk know in advance).
- You may be asked questions by the Panel and by the school or LA representatives.
- The LA representative will make a statement.
- The school representative will summarise the case for exclusion.
- You, or your representative, will be given the opportunity to sum up.
- Both 'sides' and the LA representative will then be asked to leave the hearing.

The Panel will then consider all the information and evidence presented to it. It will weigh up, on the one hand, what is in your child's interests and, on the other, the interests of the school, the staff and other pupils. The Panel will then decide whether your child should be re-admitted. The Clerk to the Panel will write to you telling you of the decision and the reasons for it.

**All Appeal Panels act independently and their decisions are binding.**

*What Happens About My child's Education if The Exclusion is confirmed?*

Once the appeal decision; or confirmation of your decision not to appeal is received by the LA; or the time limit for appeal is reached, if your child is still of compulsory school age (5-16), the teaching provided by the Integrated Support Service will continue until a place is found for your child at another school. It is your responsibility as a parent to find another school place, but Children's Support Service will advise you and work with you to achieve this.

You should bear in mind that transport to another school will be provided only if the school is the nearest school that is able to admit your child **and** it is over three miles from your home address by the shortest available walking route.

***Where can I get help or advice?***

For advice on the exclusions and appeal procedure and what happens when the exclusion procedure is complete you should contact:

Essex County Council  
Children's Support Service  
Schools, Children and Families Directorate  
PO Box 47  
County Hall  
Chelmsford  
CM1 1LD            Telephone: 0845 6037627

You may also contact the Advisory Centre for Education (ACE) on their helpline number:  
0207 7049 822

*This document can be made available in alternative formats on request.*

## **Model letters**

### **Model letter 1**

**From head teacher (or teacher in charge of a PRU) 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/PRU]** You have the right to make representations about this decision to the governing body/management committee. 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/management committee 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 First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

**[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 also find it useful to contact the 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 24<sup>th</sup> December to the 1<sup>st</sup> January. **[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]**  
Head teacher

## **Model letter 2**

**From head teacher (or teacher in charge of a PRU) 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 [For PRUs the local authority] - 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/PRU]** You have the right to request a meeting of the school's discipline committee/PRU's management 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/management committee must meet if you request it to do so. The latest date by which the discipline committee/management 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/management 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 also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). 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 also find it useful to contact the 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 24<sup>th</sup> December to the 1<sup>st</sup> January. **[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]**

Head teacher

### **Model letter 3**

#### **From head teacher (or teacher in charge of a PRU) 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 **[For PRUs the local authority - 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 and PRU]** As the length of the exclusion is more than 15 school days in total in one term the governing body/management committee must meet to consider the exclusion. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date on which the governing body/management committee 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/management 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. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee 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, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the governing body/management committee.

**[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 also find it useful to contact the 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 24<sup>th</sup> December to the 1<sup>st</sup> January. **[insert reference to local sources of 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]**  
Head teacher

#### **Model letter 4**

#### **From the head teacher of a primary, secondary or special school (or the teacher in charge of a PRU) 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/this PRU unless he/she is reinstated by the governing body/the discipline committee (management committee in case of a PRU) 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 (or management committee in case of a PRU) must meet to consider it. At the review meeting you may make representations to the governing body/PRU management committee if you wish and ask them to reinstate your child in school. The governing body/PRU management committee 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/PRU management committee must meet is **[specify the date – the 15th school day after the date on which the governing body/PRU management committee was notified of the exclusion]**. If you wish to make representations to the governing body/PRU management 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. You will,

whether you choose to make representations or not, be notified by the Clerk to the governing body/PRU management committee 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/PRU management committee.]**

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.

You may also find it useful to contact the 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 24<sup>th</sup> December to the 1<sup>st</sup> January. **[insert reference to local sources of independent advice if known.]**

Yours sincerely

**[Name]**

Head teacher (teacher in charge in case of a PRU)

## **Model letter 5**

### **From the clerk to the governing body (management committee in case of a PRU) to parent upholding a permanent exclusion.**

Dear **[Parent's name]**

The meeting of the governing body/management committee 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/PRU management committee, 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/management committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]**

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

Your appeal will be heard by an Independent Appeal Panel, which can also hear disability discrimination claims. A three-member panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor/ management committee 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 / management committee 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, the Children's Legal Centre 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 (or clerk to the Management Committee in case of a PRU)

## **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/PRU]** 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/PRU]** 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/PRU 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/the teacher in charge of **[name]** PRU 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