Exclusions Policy

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R Righini	Change in regulations Sept. 2017	1	

Authorisation

Approved By:	*This policy was approved by the full Trustee board.*
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Document Owner & Reviewer:	The senior manager responsible for this policy is the Director of CP and Emotional Well-being

Equality Impact

Statement	We welcome feedback on this document and the way it operates. We are interested to know of any possible or actual adverse impact that may affect any groups in respect of any of the equalities act 2010 protected characteristics. The person responsible for equality impact assessment for this document is the Director of Equality and Diversity.
Screening	This document has been screened by the Equality Team and the impact has been assessed as: ☐ Not applicable ☐ Low ☐ Medium ☐ High

1. Purpose

1.1. The purpose of this policy is to describe our practice for pupil exclusions and the principles upon which this is based. The current DfE Exclusion Guidance to be followed in relation to disciplinary exclusion from school was published in September 2017 and relates to all exclusions which occur from 01 September 2017.

1.2. We must by law have regard to this guidance when deciding:

1.2.1. whether to exclude a pupil

1.2.2. whether to uphold an exclusion

1.2.3. whether to direct reinstatement

1.2.4. whether to recommend or direct that the governing body considers the exclusion again.

2. Scope of Policy

This policy applies to all staff in all locations. It sets out the route to be followed when considering fixed or permanent exclusion.

3. Reason for Review

This policy was reviewed to take into account new statutory guidance/advice from 1st September 2017 as follows:

Exclusion from maintained schools, academies and pupil referral units in England

4. Aim(s)

We aim for exclusions to only be used as a last resort when a range of other strategies have been tried and exhausted.

5. Procedures and practice

5.1. We have policies, procedures and staff training in place that promote good behaviour.

5.2. The school has the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/academy as part of a 'managed move' and this requires the consent of the family.

5.3. The DfE Exclusion Guidance should be followed alongside this policy. Advice, support and training with regard to disciplinary exclusion is available from the local authority (LA).

5.4. Any decision of the school in relation to exclusion must be made in line with the principles of the Human Rights Act – that it is lawful, rational, reasonable, fair and proportionate.

5.5. Any reference in this policy to parent(s) includes all those with parental responsibility.

5.6. **Types of Exclusion**

5.6.1. There are two types of exclusion:

5.6.1.1. **Fixed period exclusion -** This is an exclusion for a **fixed number of days** during which the pupil must remain at home up to the first 5 days and receive full time education provision from the 6th day. A maximum of 45 days applies across each school year for any pupil, and work should be set and marked in all cases by the school. A pupil is entitled to return to school once the period of exclusion has ended. A pupil may be excluded during **lunchtimes** only for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day fixed period exclusion. Arrangements should be made to provide a lunch if the pupil is entitled to free school meals. If a parent refuses to co-operate with a properly given lunchtime exclusion by refusing to collect (or arrange to have collected) his or her child, the school must have due regard for the pupil's safety in deciding what action to take.

5.6.1.2. **Permanent Exclusion -** This is where the Head of Site's intention is that the pupil should not be allowed to return to the school. The decision should only be taken:

5.6.1.2.1. in response to a serious breach/persistent breaches of the behaviour policy and;

5.6.1.2.2. if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

5.6.1.3. In most cases, this will be after a wide range of alternative strategies have been tried without success, however, there will be exceptional circumstances where, in the Head of Site's judgement, it might be appropriate to permanently exclude a child for a serious breach (one-off or first offence). These might include serious actual or threatened violence, sexual abuse/assault, supplying an illegal drug or carrying an offensive weapon.

5.7. **Unofficial exclusions**

5.7.1. Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). ***"Informal or unofficial exclusions are illegal"*** regardless of whether they are done with the agreement of the family.

5.8. **Reaching the decision to exclude**

5.8.1. Only the Head of Site can exclude a pupil. The Head of Site may consult others, but not anyone who may later have a role in reviewing the Head of Site's decision

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

5.8.3. The decision on whether to exclude is for the Head of Site to take. Where practical, Heads of Site should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to exclude. Establishing facts will be decided on the balance of probabilities.

5.8.4. Whilst an exclusion may still be an appropriate sanction, Heads of Site should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or provocation.

5.8.5. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Heads of Site should also consider the use of a multi-agency assessment (including CAF) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

5.9. **Fixed Term or Permanent**

5.9.1. In many cases investigation may not be immediately possible if, for example, the incident is complex and a number of witness statements are required.

5.9.2. In this case, the Head of Site may issue a fixed term exclusion for a short period (a maximum of 5 days is advised):

5.9.2.1. to allow investigation to take place;

5.9.2.2. to give opportunity for a reasoned decision.

5.9.3. In this case the letter informing the parent of the fixed term exclusion should clearly state that the reason for the fixed term exclusion is **"to allow investigation into an incident which may result in permanent exclusion".** The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following:

5.9.3.1. notification for the pupil to return to school;
5.9.3.2. an extension to the fixed term exclusion;
5.9.3.3. notification of a permanent exclusion.

5.9.4. In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a fixed period exclusion may be extended or converted to a permanent exclusion. Similarly, the Head of Site may choose to withdraw an exclusion in the light of new evidence.

5.10. **Pupils from vulnerable groups**

5.10.1. **Pupils with Special Educational Needs (SEN) -** Schools and governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with a statement of SEN. Where a pupil has a statement of SEN and is at risk of exclusion, schools should request an early annual review or interim/emergency review. This can be arranged through the home LA.

5.10.2. **Disabled Pupils -** Schools have a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent and fixed term exclusions.

5.10.3. **Race Relations -** The law places a general duty on all maintained schools to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff from different racial groups.

5.10.4. **Looked After Children -** Looked After Children are at risk of low attainment in school and exclusion. The school will be especially sensitive to exclusion issues where Looked After Children are concerned. The school will try every practicable means to avoid exclusion and will seek LA and other professional advice as appropriate. The home LA will be informed of all exclusions in relation to a child that is looked after.

5.11. **Behaviour outside School**

5.11.1. There are situations where a pupil may be excluded for behaviour outside school. The school will seek LA advice in these instances.

5.12. **Police Involvement and Parallel Criminal Proceedings**

5.12.1. The process of disciplinary exclusion from school and criminal proceedings can and should run parallel, however decisions should not be postponed merely because the police investigation has not been concluded.

5.13. **Responsibilities of the Head of Site**

5.13.1. Heads of Site should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

5.14. **Informing parents**

5.14.1. Once a decision to exclude has been reached, the parent must be notified without delay, ideally by telephone, followed up with a letter preferably within one school day.

5.14.2. Letters for exclusions are generated by entering the details of the exclusion onto the database.

5.14.3. There are specific requirements for what should be stated in the letter and these are listed in Section 4 of the DfE Exclusion Guidance. Copies of model letters can be found at Appendix 1.

5.14.4. It is important to consider the reason for exclusion stated in the letter, as further reasons cannot be introduced at a later date.

5.15. **Informing Governors, the LA and the Secretary of State.**

5.15.1. Without delay, preferably within one school day, the Head of Site must inform the governing body and LA of;

5.15.1.1. all permanent exclusions (if the pupil resides in another authority, the home LA should also be informed);

5.15.1.2. exclusions that would take the termly total to more than five days;

5.15.1.3. exclusions that would result in the pupil missing a public examination.

5.15.2. All other exclusions should be notified termly. In Oldham, exclusions are reported by sending copies of the letters sent to parents and the DfE data sheet to Oldham LA on a weekly basis. These are entered on to a central pupil database at the LA. Schools must keep a record of all exclusions for reporting to the DfE Census.

5.15.3. In addition, within 14 days of a request, the governing body must provide to the Secretary of State and the local authority, information about any exclusions within the last 12 months.

5.16. **Attendance Register**

5.16.1. Pupils should be marked as code E during a period of exclusion. Other codes may be used if alternative provision has been made. Schools can discuss this with the Education Attendance Service.

5.16.2. Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached. The LA will inform the school in writing when an exclusion has reached its effective date and the pupil can be removed from the school roll.

5.17. **Education provision for excluded pupils**

5.17.1. The school has an obligation to ensure education continues while the pupil is on roll. In all cases of exclusion work should be set from day one and marked.

5.17.2. Where a pupil is given a fixed period exclusion of six school days or longer, the school will provide full time educational provision from and including the sixth day of exclusion. This should be day one where possible for pupils with SEN and looked after children.

5.17.3. During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that he/she is not present in a public place during normal school hours without reasonable justification.

5.17.4. From the sixth day of a permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full time education is provided. The school will ensure that the LA is notified on day one of any permanent exclusions (and will complete the Permanent Exclusion Notification form – Part 1 can be found at Appendix 2)

5.18. **Governing body meetings**

5.18.1. Details of requirements for governors to review exclusions are in section 17 of this policy. If a meeting is to be held, the Head of Site should prepare all supporting papers for the exclusion and pass them to the clerk for circulation to all parties at least five days in advance of the meeting. The Head of Site's case for exclusion form (Appendix 3) should be completed. Other relevant paperwork should include:

5.18.1.1. a copy of the exclusion notification letter to the parent;
5.18.1.2. attendance records;
5.18.1.3. witness statements (signed where possible and dated);
5.18.1.4. excluded pupil statement;
5.18.1.5. behaviour policy, and other relevant policies;

5.18.1.6. pastoral support programme with clearly identified behaviour targets;
5.18.1.7. information from LA services;
5.18.1.8. records of interventions;
5.18.1.9. details of any alternative or enhanced curriculum.

5.19. **Reintegration interviews**

5.19.1. Reintegration interviews are no longer mandatory but are good practice. Heads of Site or another delegated person will hold reintegration interviews with all pupils and their parents following exclusion.

5.19.2. A fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend. Pupils have a right to return to school as soon as the period of fixed term exclusion ends.

5.20. **Responsibilities of the Governing Body**

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

5.20.2. The governing body's role is to review exclusions imposed by the Head of Site. The governing body can uphold an exclusion, or direct reinstatement immediately or by a particular date. A period of fixed term exclusion cannot be extended or be substituted with a permanent exclusion.

5.20.3. The Discipline Committee which meets to consider any exclusion must be made up of at least three governors, none of whom have any connection with the pupil or incident that would affect their ability to act impartially. The Chair has the casting vote in all cases where an even number of governors are considering the case.

5.20.4. The governors should appoint a clerk to the Discipline Committee to handle the administrative arrangements. The clerk's responsibilities are described in Section 22 of this policy.

5.21. **When a meeting should take place**

5.21.1. The Discipline Committee of the governing body has a duty to meet within 15 school days and consider each exclusion if;

5.21.1.1. the exclusion is permanent;
5.21.1.2. it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or

5.21.1.3. it would result in a pupil missing a public examination or national curriculum test.

5.21.2. The governing body should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of Governors can consider the exclusion independently and decide whether or not to reinstate the pupil. Parents still have the right to make representations.

5.21.3. If requested to do so by the parents, the governing body must meet and 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 5 school days, but not more than 15, in a single term.

5.21.4. In the case of one or more fixed term exclusions totalling 5 days or less in a school term, the governing body Discipline Committee must consider any written representations from the parent. They cannot direct reinstatement in this case.

5.21.5. In all exclusion cases, the governing body should comply with the statutory time limits, but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time

5.22. **Prior to the meeting**

5.22.1. The governing body should invite the parent and Head of Site to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or legal representative at their request. A parent may invite an LA representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the governing body.

5.22.2. The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

5.22.3. Any written statements should be requested prior to the meeting. These should be circulated to all parties at least five days in advance of the meeting, along with a list of those who will be present at the meeting.

5.22.4. Governors should familiarise themselves with the DfE Exclusion Guidance, read all the paperwork and prepare relevant questions to assist them in making a decision.

5.23. **Procedure for the meeting**

5.23.1. A suggested procedure for the meeting can be found in Section 23 of this policy. The meeting should be conducted in line with guidance on natural justice:

5.23.1.1. the Head of Site, parents and LA officer should all enter the room together, at the invitation of the Committee, at the beginning of the meeting;

5.23.1.2. parents and the LA officer must not receive any impression that the Head of Site and Committee have discussed the exclusion prior to all parties being invited into the meeting;

5.23.1.3. all parties, except the Committee and the clerk, should be asked to leave the room before the Committee discuss their views and make a decision.

5.23.2. Following this procedure ensures that all parties have an opportunity to present their views and ask questions. At the meeting, the governors should consider:

5.23.2.1. any representations made by the parent, the pupil and the LA;

5.23.2.2. whether the Head of Site has complied with the exclusion procedure and has had regard to the Secretary of State's Guidance on Exclusion;

5.23.2.3. on the balance of probabilities, has the pupil done what they are accused of;

5.23.2.4. has there been a serious breach of the school's Behaviour Policy. (Other policies may be relevant and should be taken into account, for example, a drugs policy);

5.23.2.5. whether allowing the pupil to return will harm the education / welfare of themselves or others;

5.23.2.6. whether a wide range of possible strategies to improve a pupil's behaviour were tried and have failed. Strategies could include the use of a Pastoral Support Programme or an alternative curriculum in the case of a pupil in KS4.

5.23.3. Governors should have particular regard to:

5.23.3.1. the needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010);

5.23.3.2. the needs of Looked After Children.

5.24. **Governing body's decision**

5.24.1. A checklist for governors is available at Appendix 4. This may be useful when making the decision.

5.24.2. The governing body must inform the parent, Head of Site and the LA of their decision, in writing without delay, preferably within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they must also inform the pupil's home LA.

5.24.3. A note of the governing body's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.

5.24.4. If the Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil.

5.24.5. Where the governing body upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. The relevant details have been inserted into the model letter provided by the DfE, a copy of which can be found at Appendix 5.

5.25. **The role of the clerk to the discipline committee**

5.25.1. The Discipline Committee may appoint a clerk. The clerk must not be a member of the governing body or the Head of Site of the school.

5.25.2. The role of the clerk is to handle the administrative arrangements for considering exclusions. The clerk should not have taught the pupil or been involved in any of the incidents involved in the case, and should not contribute to the meeting other than in an administrative capacity.

5.25.3. The LA representative, if present at the meeting, will be able to offer technical advice on the exclusion process.

5.25.4. **Before the Meeting -** When the Head of Site notifies the governors/clerk that s/he has excluded a pupil for more than five days, the clerk should:

5.25.4.1. ensure that the Head of Site's letter of notification has been sent to all relevant parties and that any further information is being prepared;

5.25.4.2. set up a meeting of the Discipline Committee within the timescales (allowing two days for receipt of notification) and formally invite the parents, LA and Head of Site to the meeting at a time and place convenient to all parties;

5.25.4.3. obtain written information/statements and circulate to all parties at least five days in advance of the meeting, along with a list of those who will be attending and a copy of the procedure for the meeting (A suggested procedure can be found in section 23 of this policy)

5.25.5. **At the meeting -** The Clerk should:

5.25.5.1. ensure that the governors have all of the information they require, and that they have appointed a Chair for the meeting;

5.25.5.2. invite all other parties in to the meeting at the same time, when the governors have indicated they are ready to begin;
5.25.5.3. prepare a written record of the meeting;
5.25.5.4. stay with the Committee to help them with reference to his/her notes of evidence and in wording their decision;
5.25.5.5. record the Discipline Committee's decision and reasons for it.

5.25.6. **After the Meeting -** The Clerk should;
5.25.6.1. inform the parent, the Head of Site and the LA of the decision, in writing without delay, preferably within one school day of the meeting, stating the reasons for the decision. Where the pupil resides in a different LA, they must also inform the pupil's home LA;
5.25.6.2. place a note of the governing body's views on the exclusion on the pupil's school record with copies of relevant papers;
5.25.6.3. where the governing body upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to parents. The relevant details have been inserted into the model letter provided by the DfE, a copy of which can be found at Appendix 5.

5.26. **Procedure for Governors' meeting**

5.26.1. **Before the meeting**
5.26.1.1. Election of Chair for meeting (usually the Chair of the Discipline Committee).
5.26.1.2. Confirm arrangements for a clerk to record the meeting (should not take any part in the proceedings).

5.26.2. **During the Meeting**
5.26.2.1. Introductions
5.26.2.2. The Chair should:
5.26.2.2.1. explain the purpose of the meeting, which will be: to hear any representations the parents and the LA may wish to make; and for the governors to consider whether or not to uphold the exclusion;
5.26.2.2.2. circulate copies of this procedure; and
5.26.2.2.3. go through the procedure for the meeting as outlined below.

5.26.3. A decision will be made whether or not to include the pupil. The involvement of the pupil in the meeting should be encouraged, unless there are strong reasons for this not to happen.

5.26.4. **The Head of Site's Case for Exclusion:** The Head of Site will be invited to explain what has happened to lead to his/her decision to exclude the pupil and summarise his/her reasons for it.

He/she may ask other relevant colleagues to help explain what has happened.

5.26.5. **Questions to the Head of Site from the Parents:** The parents and/or friend will be given the opportunity to ask questions of the Head of Site and his/her colleagues.

5.26.6. **Questions to the Head of Site from the representative of the Local Authority:** The LA representative will be given the opportunity to ask questions of the Head of Site and his/her colleagues.

5.26.7. **Questions to the Head of Site from the Governors:** The governors will be given the opportunity to ask questions of the Head of Site and his/her colleagues.

5.26.8. **The Parents' Representations/Views:** The parents, pupil and/or friend will be invited to present their views concerning the exclusion and any other related matters.

5.26.9. **Questions to the Parents from the Head of Site:** The Head of Site will be given the opportunity to ask questions of the parents, pupil and/or friend.

5.26.10. **Questions to the Parents from the representative of the Local Authority:** The LA representative will be given the opportunity to ask questions of the parents, pupil and/or friend.

5.26.11. **Questions to the Parents from the Governors:** The governors will be given the opportunity to ask questions of the parents, pupil and/or friend.

5.26.12. **The views of the LA representative:** The LA representative will be given the opportunity to present his/her views concerning the exclusion and any other related matters.

5.26.13. **Any other questions**

5.26.14. **Summary by the Head of Site of the case for exclusion**

5.26.15. **Summary by the parents of their representations/views**

5.26.16. **At the end of the Representations Stage of the Meeting**

5.26.16.1. The Chair should explain:

5.26.16.1.1. that there are two possible outcomes from this meeting:

5.26.16.1.2. that the governors direct the Head of Site to reinstate the pupil;

5.26.16.1.3. that the governors uphold the Head of Site's decision to exclude the pupil;

5.26.16.1.4. that the governors will be the only people involved in the decision making for this meeting;

5.26.16.1.5. that the governors' decision will be communicated to the parents, Head of Site and the LA in writing without delay within one school day of the meeting and, if applicable, that the governors would be prepared to make their decision known verbally prior to this;

5.26.16.1.6. that everyone but the governors and the clerk to the committee will now be asked to withdraw.

5.26.17. **Making the Decision**

5.26.17.1. The Head of Site, the parent and the LA representative may be invited back into the meeting to offer further information and/or clarification. All parties should be invited in together.

5.26.17.2. The governors may find completing the Governors' Checklist (Appendix 4) useful, in order to determine whether the Head of Site has complied with all of the necessary procedural requirements.

5.26.17.3. Having completed the Governors' Checklist, the governors should then make their decision and record their reasons for their decision.

5.26.17.4. The governors should ensure that the necessary arrangements are made to inform parents, the Head of Site and the LA without delay, preferably within one school day.

5.26.18. **The Role of the LA**

5.26.18.1. The LA does not have a decision-making role in the exclusion process for any school.

5.26.18.2. It is the governing body which has a duty to review the Head of Site's decision to exclude.

5.26.19. **LA Representations**

5.26.19.1. It is intended that, as a rule, the LA's representations will take the form of a standard reminder to governors of their responsibilities, as follows:

5.26.19.2. Where available, the governors are required to take account of:

5.26.19.3. the Head of Site's case;

5.26.19.4. parents' representations; and

5.26.19.5. LA representations.

5.26.20. In reaching their decision, the governors must consider:

5.26.20.1. whether the process has been followed in accordance with DfE Exclusion Guidance;

5.26.20.2. whether the incident is a serious breach of the school's discipline policy;

5.26.20.3. whether the school has tried a wide range of strategies without success, (not for one-off incident); and

5.26.20.4. if allowing the pupil to remain in school would seriously harm the education and/or welfare of all in school, including pupils and staff.

5.27. **Education of excluded pupils**

5.27.1. The LA is required to arrange full time educational provision for permanently excluded pupils from the 6th day of a permanent exclusion. Once the Head of Site has decided to permanently exclude a pupil, the LA will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the school governors). If the exclusions process reaches the effective date, the pupil's name will be deleted from the school roll and it will be the responsibility of the LA to offer an alternative school place.

5.28. **Help and Support**

5.28.1. The LA remains committed to helping and supporting headteachers, principals, governors, academy trusts and parents throughout the exclusion process. Please telephone Targeted Services on 0161 770 5179/3158 at any stage of the exclusion process.

5.28.2. The LA will continue to provide both school specific and general training sessions for governors and their discipline committees to help them to discharge their functions effectively.

5.29. **Independent Review Panels**

5.29.1. The Multi Academy Trust (MAT) will arrange the independent review panel.

5.29.2. Part 8 of the DfE Exclusion Guidance refers to Independent Review Panels.

5.29.3. **Notifying parents** - When a permanent exclusion is upheld by the governors Discipline Committee, the Committee's decision letter to the parent must state the reasons for the decision, give the last day for lodging a review (within 15 school days), explain that the grounds for the review should be set out in writing and give the name and contact details for the clerk to the review panel. If a parent does not request a review within the timescales the MAT must reject the application.

5.29.4. **The timing of the hearing** - An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, if necessary, the panel may then decide to adjourn the hearing.

5.29.5. **Composition of independent review panels** - Review Panels must consist of 3 or 5 members. One must be a lay member (can be an ex-governor), one must be a headteacher or was one within the last 5 years (two for panels of 5), and one must be a governor who has served for 12 consecutive months in the last 5 years (two for panels of 5). The MAT must constitute the independent review panel, may appoint a clerk and ensure that all panel members and clerks receive suitable training. Please see Section 8 of the new DfE Guidance on Exclusions.

5.29.6. **Role of the clerk** - The clerk, if appointed, provides an independent source of advice on procedures for all parties. Their role and training requirements can be found in section 8.3 of the DfE Guidance on Exclusions.

5.29.7. **In advance of the independent review panel** – The MAT must take reasonable steps to find out when the parent and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the independent review panel.

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

5.29.8.1. the parent (or, if aged over 18, the pupil);
5.29.8.2. the Head of Site;
5.29.8.3. the governing body;
5.29.8.4. the LA;
5.29.8.5. the SEN Expert.

5.29.9. The pupil is also entitled to attend the review, but if not attending then their views can be presented through a representative or by written statement.

5.29.10. The clerk should circulate all written evidence to all parties at least 5 working days before the hearing, including information about the parties attending.

5.29.11. **Request for a SEN Expert (see Section 9 DfE Exclusion Guidance)**

5.29.11.1. If requested by the parents, the MAT must appoint a SEN Expert to attend the independent review panel.
5.29.11.2. Parents have a right to the above, regardless of whether their child has recognised or identified SEN.
5.29.11.3. The SEN Experts in Oldham will include specialist SEN teachers, educational psychologists, school SENCO's and behaviour support teachers.

5.29.11.4. The SEN Expert's role is to provide impartial advice to the independent review panel on how special educational needs may be relevant to the exclusion, including whether school policies in relation to SEN were legally reasonable and procedurally fair, whether the school acted in a legal, reasonable and procedurally fair way with regards to identification of SEN and any contribution that this could have made to the circumstances of the pupil's exclusion.

5.29.11.5. The SEN Expert's role does not include making an assessment of the pupil's special educational needs.

5.29.12. **Conduct and role of the independent review panel**

5.29.12.1. It is for the independent review panel to decide how to conduct the proceedings, which should be reasonably formal so that all parties can present their case effectively. The meeting should take a similar form to that of the governor's Discipline Committee meeting.

5.29.12.2. The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

5.29.13. **Reaching a decision**

5.29.13.1. Information on what the panel should consider when coming to their decision can be found in section 9 of the DfE Guidance on Exclusions.

5.29.14. **The decision**

5.29.14.1. An independent review panel can decide to;

5.29.14.1.1. uphold the exclusion decision;

5.29.14.1.2. recommend that the governing body reconsiders their decision; or

5.29.14.1.3. quash the decision and direct that the governing body considers the exclusion again.

5.29.14.2. The panel's decision does not have to be unanimous and can be decided by a majority vote. The Panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

5.29.14.3. The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of the principles applicable on an application for judicial

review; illegality, irrationality and procedural impropriety.

5.29.15. Financial Penalties

5.29.15.1. Where a panel directs a governing body to reconsider an exclusion it has the power to order that a readjustment of the MAT budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment will be as appropriate and payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

5.29.16. **Reconvening a Governor Discipline Committee**

5.29.16.1. If the independent review panel directs or recommends that the governing body reconsider the exclusion, this must be done within 10 school days of notification.

5.29.16.2. Where a governing body has reconsidered an exclusion decision it must inform the relevant person, the Head of Site and the LA of its reconsidered decision and the reasons for it without delay. A governing body must comply with any direction from the review panel with respect to placing a note on the pupil's record.

5.29.17. **After the independent review panel**

5.29.17.1. The independent review panel is independent. Its decision is binding on the parent, the governing body, the Head of Site and the LA. The panel cannot revisit its decision once made.

5.29.17.2. The panel must let all parties know its decision without delay. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

5.29.17.3. If the independent review panel upholds the permanent exclusion, the clerk should immediately report this to the LA. If the pupil is of compulsory school age, it is for the LA in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education. If the pupil lives outside the area of the LA, the clerk should make sure that the home LA is also informed immediately of the position.

5.29.17.4. Where the exclusion is upheld the clerk should also advise the parent to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Head of Site should remove the pupil's name from the school roll the day after the conclusion of the independent review panel

5.30. **Remedies after the independent review panel**

5.30.1. **Complaint to the Commissioner for Local Administration (the Local Government Ombudsman).** A parent can complain to the Secretary of State via the Education Funding Agency at the Department for Education.

5.31. **Judicial review**

5.31.1. Decisions of both governing bodies and independent review panels can be subject to judicial review.

5.32. **Claims of Discrimination in relation to exclusion**

5.32.1. Parents can also apply to the First-tier Tribunal to hear cases of alleged disability discrimination, in addition to their current right to apply to a County Court to hear other cases of discrimination under the Equality Act 2010. The First-tier Tribunal will be able to direct reinstatement.

6. Sources and references

www.gov.uk
The Key

7. Other useful documents

Behaviour Policy

8. Monitoring

This policy will be monitored through the MAT's accountability framework.

APPENDIX 1 - MODEL LETTERS

Model Letter 1
5 school days or fewer in one term, and where a public examinations 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]**.

Out in public place
You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must warn you that you may be prosecuted or 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 **[name of child]** to be completed on the days specified in the previous paragraph **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

If you think the exclusion relates to discrimination
If you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal - http://www.justice.gov.uk/tribunals/send/appeals

You also have the right to see a copy of **[name of child]**'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 **[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 wish to contact Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 5179, email: school.exclusions@oldham.gov.uk, who can provide advice.

You may also find it useful to contact Oldham SEND Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

Reintegration interview

It is good practice for parents to discuss problems with the school and in order for you to do so you and your child are requested to attend a reintegration interview with me on **[date]** at **[time].** The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

[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 of School

Model Letter 2
Fixed period exclusion of more than 5 and up to and including 15 school days in total in one term, or where a public examination would be missed

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period of **[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]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this. I must warn you that you may be prosecuted or 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 **[name of child]** to be completed during the first 5 days of this exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion **[specify date]** until the expiry of the exclusion, we will provide suitable full time education. On **[date]** he/she should attend at **[name and address of alternative provider if not home school]** at **[time]** and report to **[staff member's name].**
[School].

You have the right to request a meeting of the schools discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee can 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]**.

[School] If you wish to make representations to the discipline committee, and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, e-mail]**, 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.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

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 make a claim to the First-tier Tribunal - http://www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on **[date]** at **[time].** The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of **[name of child]**'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 **[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 wish to contact Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 5179, email: school.exclusions@oldham.gov.uk, who can provide advice. You may also find it useful to contact Oldham SEND Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

[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 of School

Model Letter 3
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 **[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]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this. I must warn you that you may be prosecuted or 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 **[name of child]** to be completed during the first 5 days of this exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of this exclusion **[specify date]** until the expiry of the exclusion, we will provide suitable full time education. On **[date]** he/she should attend at **[name and address of alternative provider if not home school]** at **[time]** and report to **[staff member's name].**
[School].

As the length of the exclusion is more than 15 school days in total in one term the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact] on/at [contact details — address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

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 make a claim to the First-tier Tribunal - http://www.justice.gov.uk/tribunals/send/appeals

You and your child are requested to attend a reintegration interview with me on **[date]** at **[time].** The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of **[name of child]**'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 **[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 wish to contact Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 3353, email: school.exclusions@oldham.gov.uk, who can provide advice. You may also find it useful to contact Oldham SEND Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

[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 of School

Model Letter 4
Notifying parent of a 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 back to this school pending a meeting of the discipline committee**.**

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[child's name]** has been excluded permanently because **[reason for exclusion — serious breach (one off incident) or persistent breaches of the school's behaviour policy - also include any other relevant previous history here]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this. I must warn you that you may be prosecuted or 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.

Alternative arrangements for **[child's name]** education to continue will be made. For the first five days of this exclusion we will set work for him/her and would ask you to ensure this work is completed and returned promptly to school for marking. From the 6th day of the exclusion onwards **[specify date]** the Local Authority in which you reside will provide suitable full time education. I have also today informed Targeted Services, Oldham of your child's exclusion and they will be in touch with you about arrangements for his/her education from the 6th school day of exclusion. You can contact them on 0161 770 5179.

[School] As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations to the governing body if you wish and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request an independent review panel to review their decision. The latest date on which the governing body can meet is **[specify date — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

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 make a claim to the First-tier Tribunal - http://www.justice.gov.uk/tribunals/send/appeals

You also have the right to see a copy of **[name of child]**'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 **[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 wish to contact Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 5179, email: school.exclusions@oldham.gov.uk, who can provide advice. You may also find it useful to contact Oldham SEND Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

Yours sincerely

[name]
Head of School

Model Letter 5
From the clerk to the governing body to the parent of a permanently excluded pupil upholding a permanent exclusion

Dear **[parent's name]**

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

The reasons for the governing body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at].** Please see enclosed the minutes from the meeting.

You have the right to request an independent review panel to reconsider the exclusion. If you wish to do so, please notify the Clerk to the Independent Review Panel. You must set out the reasons for your request in writing, and send this request to Constitutional Services, Level 4, Civic Centre, West Street, Oldham, OL1 1UL by no later than **[specify the latest date — no later than 15 school days from the date the letter is posted, allowing 2 school days for receipt of letter]**. If you have not lodged a request for an independent review panel by **[repeat latest date],** your right will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Clerk to the Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your request would be heard by an Independent Review Panel. A three or five member panel will comprise one serving, or recently retired (within the last 5 years), headteacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. The independent review 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 request is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

In determining your request for reconsideration the independent review panel can make one of three decisions: they may uphold your child's exclusion; they may recommend the governing body reconsiders their decision or quash the decision and direct that the governing body considers the exclusion again. However, the independent review panel cannot direct your child be reinstated at the school.

You have the right to request an SEN expert to attend the above panel meeting, regardless of whether the excluding school recognises that your child has SEN. Please inform Constitutional Services should you want this.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and understanding.

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 make a claim to the First-tier Tribunal – http://www.justice.gov.uk/tribunals/send/appeals

I would advise you of the following sources of advice:

Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 5179, email: school.exclusions@oldham.gov.uk, Oldham SEND

Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

The arrangements currently being made for **[pupil's name]**'s education will continue. The LA will shortly send you correspondence and guidance with regards to the Independent Review Panel.

Yours sincerely

[name]
Clerk to the Governing body

APPENDIX 2 - Permanent Exclusion Secondary Head Teacher's Notification
Part 1

Pupil name: (including middle names)		**Excluding school**			
D.O.B		**Tel.No**			
Parent / carer		**School Contact**			
Relationship to pupil		**Year group**			
Address		**Attendance this academic year**	**Authorised**	**%**	
			Unauthorised	**%**	
		Date of Admission to School			
		Date of Last Attendance			
		Date of PX			
Telephone number home		**UPN**			
Mobile		**ULN**			
Ethnicity	**Select Ethnicity**	**LAC**			
		Care authority			
Refugee / Asylum Seeker		**Care authority**			
Traveller		**Child ion Plan**			
Free school meals		**Child In Need**			
Interpreter required					
SEN status		**Gender**			
Name , address contact details of other parent/carer entitled to notification:					
Home Language		**Interpreter required**			

Number / duration of Fixed Term Exclusions this term		**Number / duration of Fixed Term Exclusions this year**	
Reason for Permanent Exclusion		**Other Pupil(s) Pending (relating to this exclusion**	
Brief details of exclusions			

Are you aware of any additional needs		**Comment**
Medical		
Peer Group Relationships		
Home School Relationships		

AGENCIES		**Contact details:**		**Contact details:**

QEST	☐		**Social Care Team**	☐	
Y.O.S.	☐		**Ed Psychologist**	☐	
Y.I.P	☐		**Connexions**	☐	
Reflections	☐		**Police**	☐	
Oasis	☐		**College**	☐	
Health Services	☐		**Kickstart**	☐	
SAIS	☐		**Messenger**	☐	
Barnardos	☐		**Family Support**	☐	
SALT	☐		**CAF**	☐	
Relateen	☐				
Details of agency involvement.					

Academic information:

	English	**Maths**	**Science**		**CATS Scores**	**YELIS**
Key Stage 2						
Key Stage 3						
Other						

GCSE	**Predicted Grade**	**RAG**	**Exam Board**	**GCSE**	**Predicted Grade**	**RAG**	**Exam Board**
Other							

Please attach the following as appropriate: **This information will help us to make the most appropriate provision**					
PSP	☐	**Risk Assessment**	☐	**Incident / behaviour log**	☐

This form should be emailed on Day 1 to:
Paula.Green@oldham.gov.uk
Lynda.Thompson@kingsland.oldham.sch.uk
school.exclusions@oldham.gov.uk

APPENDIX 3 – PERMANENT EXCLUSION FORM

PERMANENT EXCLUSION FORM
HEAD TEACHER'S NOTIFICATION
Part 2

Action taken to inform parent/carer:

	Date
☐ Telephone Call	
☐ Visit	
☐ Meeting	

Date of exclusion notice (letter) to parent/carer:

Letter copied to:

	Date
☐ Governors' Discipline Committee	
☐ LA (f.a.o Senior Exclusions Officer - Pupil Service)	
☐ Clerk to the Committee	

Major reason for exclusion (e.g. fight/assault on peers. assault on member of staff, drugs/substance abuse, vandalism/arson/criminal offence:

Section A

A1. Attendance.

Half day sessions since beginning of year	Possible	
Half day sessions since beginning of year	Actual	

Comments:

A2. Pupil potential including performance in relation to age in comparison with peers:

A3. Relevant National Curriculum information including most recent estimate of levels of performance:

A4. Particular strengths/success (e.g. sport, community work, etc.)

Section B

B1. Summary of incident which led to decision to exclude (including date, time, location etc.)

Racial/Sexual harassment

- ☐ was not involved
- ☐ was involved and detailed below

Investigation into incident conducted by:

Designation:

B2. List of witnesses and copies of witness statements.

- ☐ no witnesses involved
- ☐ witnesses involved and statements attached

B3. Summary of pupil's version of events.

- ☐ no summary of events
- ☐ summary of events attached

B4. Outline of previous incidents which have contributed to this exclusion:

Section C

Behaviour support strategies tried by the school (including use of Learning Support Unit, Learning Mentor, Personal Advisers).

C1. In-School Support:

C2.

Additional school resources provided:

C3. Pastoral Support Programme – Summary including length of time in place and relative success/failure.

C4. LA Services involved:

a. School Attendance Improvement Service (SAIS) Yes ☐ No ☐

Key Officer

b. Additional Educational Needs Service (AENS) Yes ☐ No ☐

Key Officer

c. Education Psychology Service Yes ☐ No ☐

Key Officer

d. Spring Brook /Pupil Support Centre Yes ☐ No ☐

Key Officer

e. Other Service Yes ☐ No ☐
(including Social Care, YOS, Police etc.)

Key Contact

Summary of involvement (relevant information attached if available)

C5. Details of alternative provision for pupils in KS4:

C7. Summary of Involvement and Support of Parents/Carers, including how they have been made aware that exclusion was likely.

Section D

D1. School SEN Assessment undertaken

Yes ☐ No ☐

Details:

D2. SEN identified:

Yes ☐ No ☐

D3. SEN Code of Practice:

☐ School Action ☐ Band 2 funding

☐ School Action Plus ☐ Statement of SEN

☐ Undergoing Statutory Assessment

Comments:

D4. If pupil has a Statement of SEN

	Date
Date of last Review	
Emergency Review held	

Recommendations from last/emergency Review

Section E

Effect on the school if the pupil were allowed to remain on roll:

Section F

Arrangements made by school to continue the pupil's education:

Signed _____ Headteacher

Date _____

APPENDIX 4 – CHECKLIST FOR GOVERNORS

Guidance checklist for the discipline committee meeting **Pupil Name:** **Date of Meeting:**	
1	Notification of Exclusion: Telephone call/visit on: (date) Letter of notification sent on: (date) Copied and sent to LA and Governors on: (date)
2	All necessary information included in the letter: **Yes** **No**
	Reason for exclusion given
	Arrangements for continued education outlined
	Parents' rights to make representation made
	Contact point for parents if representations made
	Latest date for representations from parents included
	Parents' right to see pupil's school record included
	Type of exclusion clearly identified
	Length of fixed period exclusion including date and time of return
	Arrangements for free school meals if lunch-time exclusion
	Date the exclusion is to take effect
	LA contact number
	Relevant sources of free and impartial advice
3	**Date of Discipline Committee Meeting:** **Yes** **No**

	Within 15 school days from Headteacher's letter, for permanent and fixed period exclusions of more than 15 school days
	Within 50 school days from Headteacher's letter, for fixed period exclusions of less than 15 school days
4	**Yes No** **All written statements/evidence circulated in advance of this meeting (at least 5 working days before)**
5	**Procedure for the meeting and confirmation circulated in advance of the meeting**
6	**Yes No** **All relevant information provided on pupil** Name
	Age including Year Group
	Gender
	Ethnicity
	SEN Status
	Care status if looked after or active case for Social Care
	Academic Progress
7	**Yes No** Evidence presented by the Headteacher, satisfactory in relation to: The investigation conducted
	Firm evidence collected to support decision to exclude

	Pupil has been given the opportunity to give his/her version of events
	Provocation/harassment has been taken into account, if appropriate
	Range of strategies tried and failed
	No more strategies being available
	Any SEN taken into account
	Decision is consistent with other similar incidents
	Serious breach of school's discipline policy
	Requirements of discrimination (under the Equality Act 2010) have been considered
8	Parent has been given adequate time to make representations
9	LA has been given adequate time to make representations
10	All parties to the meeting know how this decision will be communicated
11	Satisfactory arrangements in place for pupil to continue their education during exclusion
12	Has the DFE Exclusion Guidance been followed? ***If no, what concerns exist?***

13	To be completed after governors' Discipline Committee Meeting - Parent, Head teacher and LA notified of decision on: (date) Letter regarding decision sent out on: (date) **Signed:** **Date:**

APPENDIX 5 – MODEL LETTER FOR GOVERNORS UPHOLDING A PERMANENT EXCLUSION

Model Letter 6

From the clerk to the governing body to the parent of an excluded pupil upholding a fixed term exclusion

Dear **[parent's name]**

The meeting of the governing body at [**school]** on **[date]** considered the decision by **[headteacher]** to exclude your son/daughter [**name of pupil**]. The governing body, after carefully considering the representations made and all the available evidence, have decided to uphold **[name of pupil]**'s fixed term exclusions from the period of [insert date] to [insert date].

The reasons for the governing body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at]. Please see enclosed the minutes from the meeting.**

You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal – http://www.justice.gov.uk/tribunals/send/appeals

I would advise you of the following sources of advice:

Andy Wood at Oldham Local Authority, Level 12, Civic Centre, West Street, Oldham, OL1 1XJ, telephone: 0161 770 5179, email: school.exclusions@oldham.gov.uk, Oldham SEND Information Advice Support Service (Parent Partnership) 0161 667 2055, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on exclusion from school can be found at https://consumption.education.gov.uk/publications

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

Yours sincerely

[name]
Clerk to the Governing body

APPENDIX 6 – EXCLUSION RECORD FORM

Meeting held with Governors' Discipline Committee

School: _____

Date of Meeting: _____

Name of Child: _____

Type of exclusion: Fixed term
(Please delete as appropriate) Permanent (serious breach/persistent breaches)

Date of letter notifying
parents of exclusion: _____

Date any further information
sent to parents: _____

Did parents indicate they wished to make representations?

Yes ☐

No ☐

No reply ☐

List of Attendees:

The information, which has been sent out from the school, to explain the reasons for the decision to exclude, should be appended to this form.

Following the headteacher's case for exclusion, any additional information gained following questions from:

Parents and/or friend:

LA Representative:

Governors:

The parents, pupil and/or friend will be invited to present their views concerning the exclusion and any other related matters. Any written information/representations received from parents should be appended to this form.

Following the parents' case, any additional information gained following questions from:

Headteacher:

LA Representative:

Governors:

The LA representative will be invited to present his/her views concerning the exclusion and any other related matters. Any written information received from the LA representative should be appended to this form.

LA representative representations:

Summary by the Headteacher of the case for exclusion:

Summary by the parents of their representations/views:

Record filled in by: _____

(Clerk to the Governors' Discipline Committee)

GOVERNORS' DECISION SHEET

(To be completed by the governors when their decision is made)

Decision of governors:

To direct the Headteacher to reinstate the pupil ☐

To uphold the fixed term / permanent* exclusion of the pupil ☐
*(*delete as appropriate)*

Reasons for the decision made:

The original of this form must be completed and, with any additional information, sent to parents without delay, preferably within 1 school day of the date of this meeting.

Copies of the form should be:

a) retained by the school;
b) sent to: Targeted Services at the Civic Centre.

Signed: _____ (Chair of meeting)

Date: _____

N B Any reference of this form to parents includes all those with parental responsibility. This may be particularly applicable to Children in Public Care.

APPENDIX 7 - DATA REQUIREMENTS FOR ALL FIXED TERM EXCLUSIONS
(As requested by Department for Education)

School:	**Name -** **Establishment Number -**
Exclusion details	
Type:	
Number of days:	
Start date:	
Reason*:	
Pupil Details	
Name:	
D.O.B:	
Gender:	
UPN:	
SEN status:	
Looked after status:	

*Standard list to be used

1	Physical assault against pupil	2	Physical assault against adult
3	Verbal abuse/threatening behaviour against pupil	4	Verbal abuse/threatening behaviour against adult
5	Bullying	6	Racist abuse
7	Sexual misconduct	8	Drug and alcohol related
9	Damage	10	Theft
11	Persistent disruptive behaviour	12	Other

Please complete and send with a copy of the exclusion notification letter to:

Learning & Attainment
Level 12
Civic Centre
West Street
Oldham

OL1 1XJ

(electronic copies can be sent by e-mail to school.exclusions@oldham.gov.uk)

APPENDIX 8 - DOCUMENTS TO SEND AFTER EXCLUSION

Permanent Exclusions – head teachers must e-mail the permanent exclusion notification form (part 1) on day 1 of the exclusion to Targeted Services and a copy to the PRU. Please notify home LA if pupil does not reside in Oldham.
Permanent Exclusions – send a copy of the notification letter to parents without delay, preferably within one school day. Please telephone wherever possible.
Permanent Exclusions – send a copy of the notification letter to the Local Authority without delay, preferably within one school day.
Permanent Exclusions – inform the Governor's Discipline Committee at the earliest opportunity and convene a meeting within 15 school days.
Permanent Exclusions – send a copy of the head teacher's case for exclusion (notification form – part 2) and all other relevant information to all parties involved in the Governor's Discipline Committee at least five school days before the meeting. The head teacher's case for exclusion must include; **a copy of the exclusion notification letter to parents, attendance record, witness statements, excluded pupil's statement, school discipline policy, pastoral support programme or IEP and any information from LA support services.**
Permanent Exclusions - after the Governors Discipline Committee meeting, the decision letter and a copy of the minutes should be sent out without delay, preferably within one school day to all parties involved.
Fixed Term Exclusions – send a copy of the notification letter to parents without delay, preferably within one school day. Please telephone wherever possible.
Fixed Term Exclusions – send a copy of the notification letter to the Local Authority, along with a DFE Data Sheet (at least weekly).
Fixed Term Exclusions – send information with regards to any fixed term exclusion over 5 days to the Governors Discipline Committee immediately. For all other exclusions please send once per term.
Fixed Term Exclusions – should a Governors Discipline Committee meeting be needed, please arrange a suitable date according to the DFE guidance timescales.
Fixed Term Exclusions – for any fixed period exclusion of over 15 days, please invite the LA representative to the meeting. Please circulate all paperwork to all parties at least five school days before the meeting.
Fixed Term Exclusions – after the Governors Discipline Committee meeting, the decision letter and a copy of the minutes should be sent out without delay, preferably within one school day to all parties involved.