

East Sussex County Council Exclusion Guidance for Schools and Academies

Updated: March 2016



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This guidance is supplementary to, and should be read in conjunction with, the DfE Guidance “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” – which came into effect in September 2012. All decisions about exclusion must be made with reference to the DfE guidance which outlines statutory responsibilities. This document is not designed to replace the DfE Guidance, but should be used as a series of checklists to ensure that the correct processes and procedures are followed.

This supplementary guidance updates and replaces all previous guidance regarding exclusion from maintained schools, Academies and College Central including special schools published by East Sussex County Council, herein after referred to as the Local Authority (LA). It applies equally to children with and without statements of special educational needs or Education, Health and Care Plans (ECHPs).

This guidance is intended to be of assistance to all parties involved in the exclusion process including head teachers, governing bodies, clerks, Academy Trusts, local authorities and independent review panel members.

The Education Support, Behaviour & Attendance Service (ESBAS) should be the first point of contact for any queries that head teachers, governors, parents, pupils or others may have regarding exclusions.

Contact details for correspondence or queries relating to exclusions:

Education Support, Behaviour & Attendance
Service
Legal & Intervention Team
East Sussex County Council
St Mark’s House
14 Upperton Road
Eastbourne
BN21 1EP
Phone: 01273 481967
Fax: 01323 747409
Email: school.exclusions@eastsussex.gov.uk

Contact details for correspondence or queries relating to Independent Review Panels:

The School Appeals Manager
County Hall
St Anne’s Crescent
Lewes
BN7 1UE.
Phone: 01273 481583
Fax: 01273 481208
Email: schoolappeals@eastsussex.gov.uk

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Context

We believe that children can achieve their full educational potential if they attend school regularly and behave well. All children can realise their full potential, some just need support to do so.

Headteachers should, as far as possible, avoid excluding a Looked After Child (LAC) or any pupil with a Statement of Special Educational Needs/Education, Health and Care Plan (EHCP). If the behaviour leading to exclusion arose from an underlying special educational need or disability, or mental health need, the exclusion could be unlawful under the Equalities Act (2010). This applies to needs that have been identified or not.

Exclusion as a last resort

As a Local Authority, we believe that exclusion rarely changes behaviour. At the heart of the Education Support, Behaviour and Attendance Service (ESBAS) is a set of core values which aim to prevent exclusion. EBAS offers a range of flexible interventions that are designed to meet the needs of pupils, families, schools and academies.

If a pupil is deemed to be at risk of exclusion, it is the East Sussex expectation that a School Based Plan should be in place to enable a range of strategies and support to be implemented and reviewed.

Exclusion should, therefore, be used as a last resort, in response to serious or persistent breaches of a school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school. Other than in the case of a serious one-off offence (such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon) exclusion should only be used when other approaches have been unsuccessful. Even then it is best practice to consider alternatives to exclusion.

It should be noted that permanently excluding a pupil is NOT a 'fast track' to specialist support. If a young person is excluded, they are reintegrated into a mainstream school or academy.

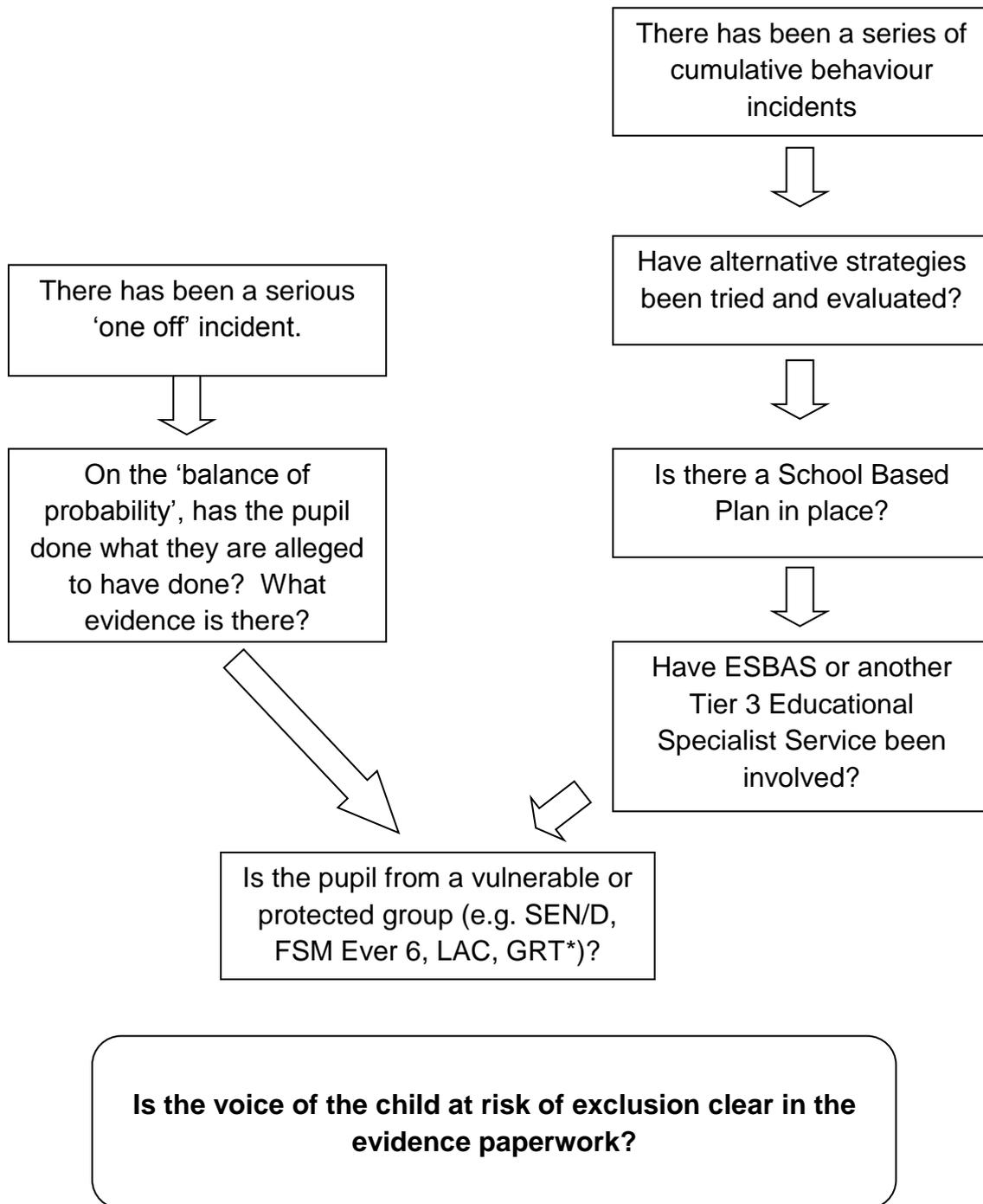
Unofficial or Illegal Exclusions

The procedures contained in this guidance must always be applied when a pupil is excluded.

Sending a pupil home informally to 'cool off' or asking parents to take a pupil home to avoid exclusion are unlawful acts that could be subject to legal challenge. This is regardless of whether they are with or without the agreement of parents.

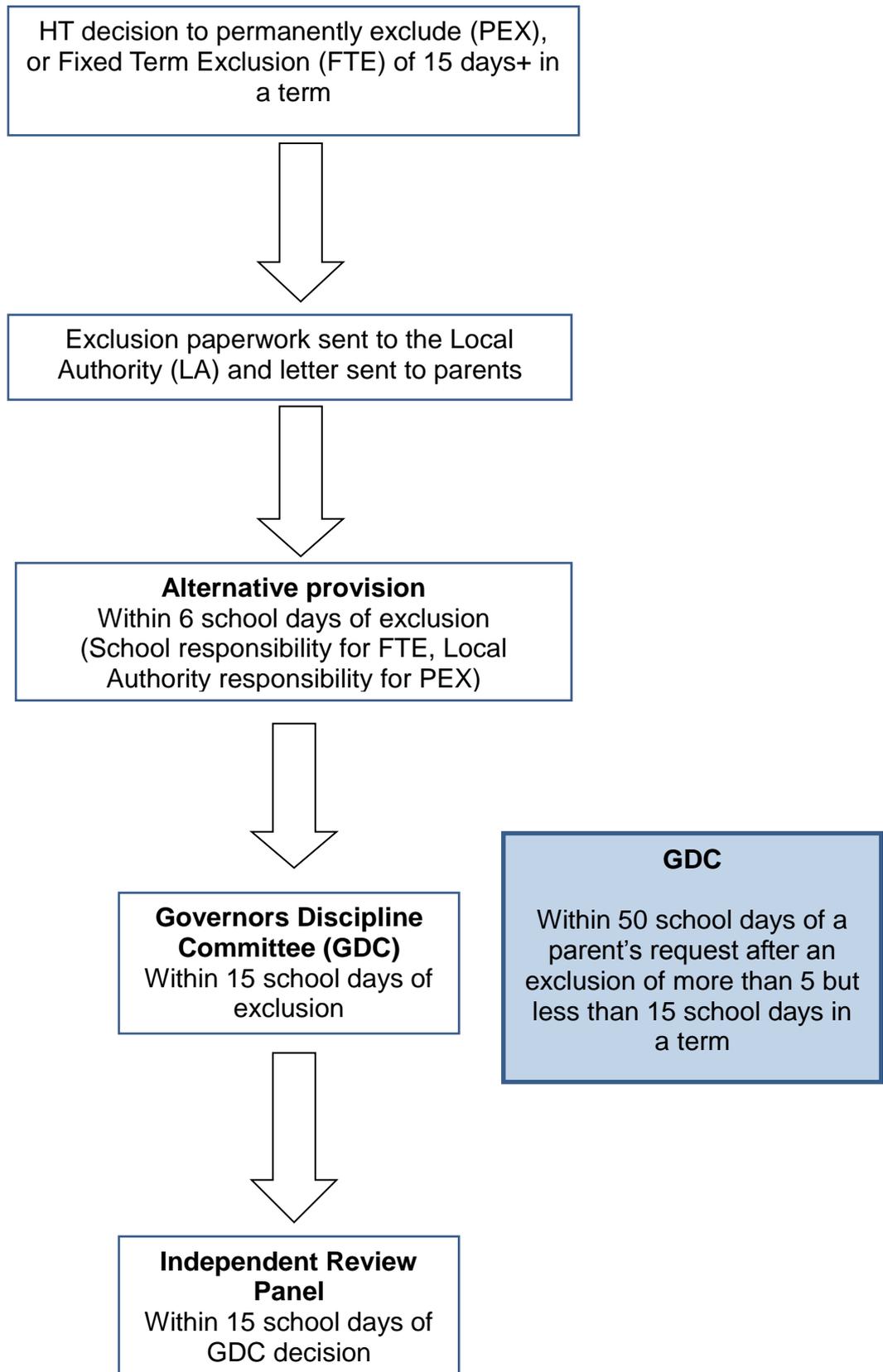
All exclusions, no matter for how short a time, must be formally recorded.

What should be considered prior to exclusion?



*SEN/D: Special Educational Needs & Disability
FSM Ever 6: Free School Meals
LAC: Looked After Child
GRT: Gypsy, Roma, Traveller

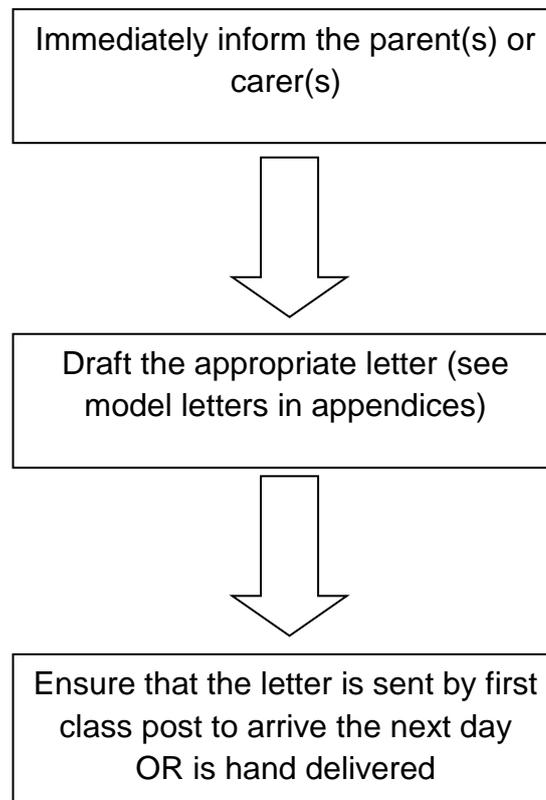
Permanent exclusion process – overview



Notification of exclusions

Parents/Carers

If a Headteacher has decided to exclude a pupil, he/she MUST



The letter must include the following information:

	✓ or x
The reason for exclusion	
The period of the fixed term exclusion or, for a permanent exclusion, the fact that it is permanent	
The parents' right to make representation about the exclusion to the Governing Body and how the representation should be made	
When there is a legal requirement for the Governing Body to consider the exclusion, that the parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend	
That, if the pupil is of compulsory school age, for the first 5 days of any exclusion (or until any alternative provision begins) parents are required to ensure that their child is not present in a public place without reasonable justification and that parents may be given a fixed penalty notice if they fail to do so.	

Notification of exclusions

Local Authority (LA)

The Headteacher has a duty to inform the Governing Body and the Local Authority if the exclusion:

- is a permanent exclusion
- is a fixed term exclusion where the Headteacher has indicated to the parent that following further investigation it may be made permanent
- would result in the pupil being excluded for more than 5 days in a term
- would result in a pupil missing a public exam or national curriculum test

The Headteacher **MUST** notify the LA and Governing Body of all exclusions once a term.

Headteachers should send the EXNO1 form (see appendix) to ESBAS at School.Exclusions@eastsussex.gov.uk after each exclusion so that the County database can be updated.

If a pupil who is being Permanent Excluded lives outside the Local Authority in which the school is based, the Headteacher **MUST** also advise the pupil's 'home authority' without delay.

Headteacher's checklist: decision to exclude*

The circumstances of the case	✓ or x
Has there been a serious breach or breaches of the school or academy behaviour policy?	
Does the pupil's presence seriously harm, or threaten to harm, the education or welfare of pupils or others?	
Is the exclusion as a result of a serious 'one off' incident?	
Is the exclusion a last resort, following a wide range of other strategies that have been unsuccessful?	
Has a School Based Plan (SBP) or a Pastoral Support Plan (PSP) in place?	
Is the pupil on the SEN(D) Support List?	
If so, has the possibility of additional support from outside agencies been explored?	
Has a thorough investigation of the incident been carried out?	
Has the pupil's version of events been sought and recorded?	
Has the evidence been considered in the light of school policies and possible discrimination?	
Are there any mitigating circumstances, or any provocation, which may be relevant (e.g. bullying, harassment)?	
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal or fixed term exclusion, school-to-school placement for Upper Key Stage 2 and older)?	
"On the balance of probabilities", did the pupil do what he/she is alleged to have done?	

*It may be useful to include this checklist in the GDC paperwork pack

Is it a one-off or cumulative exclusion?

It should only be considered to be a serious one-off incident if it is an incident without precedent. A serious one-off incident is for cases where the young person involved has no or very few prior behaviour incidents.

If the young person has a history of challenging/concerning behaviours and then there is an out of character or very different type of serious incident, then it would still be considered a cumulative exclusion as there are ongoing needs/behaviours leading up to that different incident. If the Headteacher needs to reference prior behaviours, needs and strategies in setting the context for the case for exclusion, then the exclusion is cumulative.

Headteacher Checklist: Decision to Exclude Special Considerations

(SEND Code of Practice January 2015, Equalities Act 2010)

Special Considerations	✓ or x
Identified SEND	
Is the pupil identified on the school SEND register and/or provision map?	
If yes - have these identified needs been taken in to account and reasonable adjustments been consistently put in place?	
Does the pupil have a Statement of Special Educational Needs or an EHC Plan?	
If yes - has the Local Authority Assessment and Planning team been contacted?	
If yes - has an emergency review of the Statement/EHCP taken place prior to the decision to exclude?	
LAC	
Is the pupil looked after?	
Has the Virtual School for Children in Care been contacted?	
Safeguarding	
Is this pupil subject to a Child Protection or Child in Need plan?	
Is there an Early Help Plan in place for this pupil or family?	
Are any other agencies or services involved?	
Underlying needs	
Could there be underlying SEN(D) and/or Social Emotional Mental Health (SEMH) needs that have contributed to the behaviours leading to exclusion? Has this been fully considered/investigated?	
If there are unmet additional needs, identified by the school or not, an exclusion could be unlawful under the Equalities Act (2010)	

The Governing Body's Duty to Consider an Exclusion

- A Governors' Discipline Committee must be held within 15 school days of a Permanent Exclusion.
- A Governors' Discipline Committee must also be held if a parent requests one following a Fixed Term Exclusion of more than 5 but less than 15 days. In this case, the GDC must be held within 50 school days of the request.
- The GDC should consist of either 3 or 5 governors who have no previous knowledge of the case.
- The Chair of Governors should not be part of the GDC if he/she has previously discussed the case with the Headteacher.
- The GDC should be clerked by a person who has had appropriate training.
- A Local Authority representative from ESBAS should be invited to all GDC meetings at maintained schools. The Local Authority representative will act as an impartial third party, providing objective and dispassionate representations to assist the process. For academies and free schools, a parent may invite a Local Authority representative to attend as an observer and that representative may make representation with the Governing Body's consent.

It is important to remember that if the behaviour of a pupil is a direct consequence of a disability it is illegal to exclude for that behaviour under the Equality Act 2010.

You cannot have one rule for all under the Equality Act 2010. There is a duty on schools and academies to take 'such steps as are reasonable to avoid disadvantage'. Schools are financially responsible for planning for and meeting additional needs.

Headteacher/Clerk checklist : GDC Paperwork Pack

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented and evidence is produced.

The GDC pack containing all written material from the school and parents **MUST** be distributed to the GDC Panel members (Governors, parents and LA Rep) 3-5 working days before the GDC date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a 'one-off' serious incident compared to cumulative reasons. The tables below show the evidence required for each.

Exclusions for a 'one-off' serious incident

Type of evidence	✓ or x	
Details of the incident in question	✓	Must be provided
Witness statements, including the excluded pupil, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Behaviour log and details of previous incidents	x	Should not be provided, as this could influence the Panel. Please check whether this is in fact a one-off exclusion.
Attendance record	x	Should not be included as it is not relevant
Reports of professionals involved with the pupil	x	Should not be included as it is not relevant for a one-off incident
Details of any SEN the pupil may have	✓	Must be provided
Details of any disability the pupil may have	✓	Must be provided
Academic reports	x	Should not be included as it is not relevant
Early Help Plan	x	Must NOT be included

Exclusions for cumulative reasons

Type of evidence	✓ or x	
Details of the incident in question	✓	Must be provided
Statement from the excluded pupil, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided for the final incident, should be provided for previous incidents. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given
Witness statements, signed and dated (these can be dictated and then signed by the young person)	✓	Must be provided for the final incident, should be provided for previous incidents
Behaviour log and details of previous incidents	✓	Must be provided
Attendance record	x	Should not be included as it is not relevant
Details of support provided to the pupil (e.g. School Based Plan, Provision map etc.). The impact of the support should have been evaluated	✓	Must be provided
Reports of professionals involved with the pupil	✓	Must be provided
Details of any SEN the pupil may have	✓	Must be provided
Details of any disability the pupil may have	✓	Must be provided
Academic reports	x	Should not be included as it is not relevant
Early Help Plan	x	Must NOT be included

Suggested format for the Governors' Disciplinary Committee (GDC)

The GDC should ensure that a proper agenda for its meetings is prepared. The agenda can be flexible to meet the needs of attendees but it is important that the final three points occur in this order at the end of the agenda.

The agenda should cover the following:

- The Chair welcomes and introduces all parties
- The headteacher puts the case for exclusion
- The parents, governors and LA representative (when present) may question the head teacher
- The parents (and/or excluded young person where age-appropriate) make their case against exclusion
- The headteacher, governors and LA representative (when present) may question the parents
- The LA representative (when present) makes a statement. If the LA representative is not present their statement is read aloud.
- The parents, headteacher and governors may question the LA representative (when present)
- The headteacher makes his/her concluding remarks
- The parents (and/or excluded young person where age-appropriate) make their concluding remarks
- The Chair concludes this part of the meeting and advises the parents/child that they will receive the decision of the governors in writing within 24 hours.
- At the end of the GDC, the governing body must ensure that all other parties have withdrawn before making a decision in private.

Where a GDC has been held to consider a permanent exclusion, the school must advise the Local Authority within 24 hours of the decision taken by the governing body whether to uphold or overturn the exclusion.

Following all GDCs, the school should inform the Local Authority of the decision, preferably with a copy of the letter that has been sent to parents.

Governors' Checklist - Consideration for the Governors' Discipline Committee

Considerations	✓ or x	Comments
The quality of the evidence		
Have the facts been established? Was a full investigation, involving appropriate witness, carried out? Is the excluded pupil's voice present?		
How did the incident relate to the school's behaviour policy?		
Was the pupil responsible for the behaviour that led to the exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed).		
Was the exclusion a proportionate response?		
Was the exclusion a reasonable and proportionate response to the behaviour?		
Was it fair in respect of sanctions imposed on any other pupils involved?		
Were alternative strategies tried?		
If the exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services had failed? (A School Based Plan should be in place, clearly identifying and evaluating school strategies, internal and external support).		
Were there mitigating circumstances?		
Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity)		
Are there unmet Special Educational Needs or Mental Health needs that have contributed to the behaviour? (If there is doubt this exclusion could be unlawful under the Equalities Act 2010).		
Is there evidence that this has been considered by the Headteacher?		
Could there be other needs that have not been identified? Could any other strategies/investigations be tried (e.g. strategies in school, involving outside agencies)?		

Independent Review Panels (IRPs)

Following a GDC decision to uphold a permanent exclusion, the Local Authority or Academy Trust must, if requested by parents, arrange for a review panel to be held within 15 school days of the parent's request.

The panel must consist of 3 – 5 members representing each of the categories below:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- A school governor, who has served as a governor for at least 12 consecutive months in the last five years, provided he/she has not been a teacher or head teacher during this time.
- A head teacher or individual who has been a head teacher within the last five years.

In addition, a clerk must be appointed who should not have served as clerk to the GDC meeting. He/she should have the training required by law and an up-to-date understanding of developments in case law, legislation and guidance which are relevant to exclusion.

The Role of the SEN Expert on the Independent Review Panel

- When parents apply for an IRP to be held, they may request that a SEN expert attend the panel.
- Parents have a right to request the attendance of a SEN expert at an IRP regardless of whether the school / academy recognise that the child has SEN.
- Arrangements must be made to indemnify a SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- Individuals may not serve as an SEN expert if they have, or at any time have had, a connection with the Local Authority, academy, school, pupil or parent or the incident leading to the exclusion which might reasonably be taken to raise doubts about their ability to act impartially. (However, an individual is not taken to have such a connection solely because he/she is an employee of the Local Authority/school/academy).
- The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.
- Reasonable steps should be taken to ensure that the parents have confidence in the impartiality and capability of the SEN expert and when possible this may include offering parents a choice of SEN expert.
- The SEN expert's role is analogous to an expert witness to provide impartial advice to the IRP about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

- The SEN expert's role does not include making an assessment of the pupil's SEN.
- The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN expert believes that this was not the case he/she should, where possible, advise the panel on the possible contribution which could have been made to the pupil's exclusion.
- The SEN expert should not criticise school policies or actions simply because he/she believes a different approach should have been followed or because different schools might have taken a different approach.

The Remit of the Independent Review Panel

An IRP does not have the power to direct a governing body to reinstate an excluded pupil.

An IRP can make one of three decisions. It can:

- uphold the decision to exclude;
- recommend that the GDC reconsiders its decision; or
- quash the decision and direct the GDC to reconsider its decision.

If following a direction from the IRP, the GDC does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the LA towards the costs of providing alternative provision for the pupil.

Notification of exclusion (fixed or permanent) from school

To be completed for all exclusions, on the first day of the exclusion

Section 1: Child details

School		
Child's name		DOB
NCY	UPN	
Name of parent/carers		
Address		
Tel Numbers		
Ethnicity		
FSM Ever 6?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	Language Spoken	

Section 2: Exclusion details

Type of exclusion **Fixed** **Permanent** **Lunch**

First day of exclusion _____ **Last day of exclusion** _____

Total sessions missed for this exclusion (1 day = 2 sessions, AM & PM) _____

Total sessions missed for this term _____

Total sessions missed for this academic year _____

Is the exclusion One off **or Cumulative**

Please use the box below to detail the incident briefly

Look at the list of reasons for exclusion below and decide which one **best fits** this exclusion. You can have more than one reason for exclusion but you must highlight which should be the **primary reason**.

• Absconding from lessons	• Alcohol related	• Arson
• Bullying	• Damage to School Property	• Dangerous Behaviour
• Defiance to Teachers	• Drug Related	• Fighting
• Obscene Behaviour	• Persistent Disruptive Behaviour	• Physical Assault to Pupils
• Physical Assault to Staff	• Possession of Drugs	• Possession of Weapon
• Racist Abuse	• Sexual Assault to Pupils	• Sexual Assault to Staff
• Smoking	• Theft	• Threatening Pupils
• Threatening Staff	• Use of Drugs	• Verbal Abuse to Staff

Reason for exclusion: _____

Section 3: Support details

Does the child have a PSP or SBP?
Is there an Early Help Plan in place?

Yes
Yes

No
No

Outside Agency Support

ESBAS
Children's Social Care
Educational Psychologist
Other (please specify)

Targeted Youth Service (TYS)
Youth Offending Team (YOT)
CAMHS

Special Educational Needs and Medical Information

Does the child have a statement or Education Health and Care Plan?

Yes

No

Have you held an emergency Annual Review?

Is the child undergoing Statutory Assessment?

Yes

No

SEN Code of Practice level

Date of entry to level

Date of last review

Looked After Children

Is the pupil in care?

Yes

No

Which Authority?

Have you contacted the Virtual School for children in care?

Yes

No

Have you arranged a case conference review?

Yes

No

Section 4: Communication and Review

This section highlights the tasks that need completing immediately following a fixed, lunch or permanent exclusion.

Fixed Term exclusions

Telephone parent/carer informing them of exclusion and date of return

Send exclusion letter to parent/carer

Provide work for the first 1 - 5 days of the exclusion

Exclusions of over 5 days - ensure alternative full time provision is in place

Exclusions of over 15 days - set up Governors Discipline Committee (GDC) Meeting

Permanent exclusions

Telephone parent/carer informing them of exclusion

Send exclusion letter to parent/carer

Provide work for the first 1 - 5 days of the exclusion

Inform the LA by emailing EXNO1 and parent letter to school.exclusions@eastsussex.gov.uk

Set up Governors Discipline Committee (GDC) Meeting within 15 school days of exclusion

Signed Name Designation	<input type="text"/>	Date	<input type="text"/>
	<input type="text"/>		<input type="text"/>
	<input type="text"/>		

Please complete and email securely with a copy of the exclusion letter, to:
school.exclusions@eastsussex.gov.uk

or post it via the internal Courier to: **Exclusions Co-ordinator, 2nd Floor, St Mark's House, 14 Upperton Road, Eastbourne, BN21 1EP**

Notifications of exclusion must be received by the LA **within 24 hours** of the exclusion

Which letter to send notifying parents of an exclusion

Which circumstances?	Which model letter?	Who is the letter from?
A FTE of 5 days or fewer in one term	1	Headteacher
A FTE of more than 5 but not more than 15 days in one term	2	Headteacher
A FTE of more than 15 days in one term OR if a public examination is missed due to the FTE	3	Headteacher
Invitation to a Governors Discipline Committee for a Fixed Term Exclusion	4	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Fixed Term Exclusion	5	Clerk to the Governors
Lunchtime exclusions of up to 5 days in one term (Lunchtime exclusions count as 0.5 days)	6	Headteacher
Notification of a Permanent Exclusion	7	Headteacher
Invitation to a Governors Discipline Committee for a Permanent Exclusion	8	Clerk to the Governors
Informing of the decision of the Governors Discipline Committee for a Permanent Exclusion	9	Clerk to the Governors
Withdrawing/Rescinding either a Fixed Term, or a Permanent Exclusion	10	Headteacher

MODEL LETTER 1

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following two paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the 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 the work set is completed and returned promptly to us for marking.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk.) Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

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

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may 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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]
Head Teacher/Principal

MODEL LETTER 2

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a fixed period exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]**

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish you have the right to request a meeting of the Governors' Disciplinary Committee/Management Committee to review my decision to exclude **[child's name]** and make representations at that meeting as the period of this exclusion brings **[child's name]**'s total number of days of fixed period exclusion to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting the latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than the 50th school day after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. If you wish to make representations to the Governors' Disciplinary Committee/ Management Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible and within the deadline specified. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk) Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may 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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk . The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]Head Teacher/Principal

MODEL LETTER 3

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a fixed period exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the **[6th school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]**

As this exclusion brings **[child's name]**'s total number of days of fixed period exclusion to more than 15 days in total in one term the Governors' Disciplinary Committee/Management Committee must meet to review my decision to exclude **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee if you wish. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being

notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview. The paragraph also applies to secondary age pupils where the exclusion to which this letter relates is for more than 5 days].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may 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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]Head Teacher/Principal

MODEL LETTER 4

Dear **[parent's name]**

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to review the Head Teacher's decision to exclude **[child's name]** from school during the period **[start date and end date of the period of exclusion]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Governors' Disciplinary Committee/Management Committee, please contact **[enter "me" or the name of contact]** at **[contact details – address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to uphold the exclusion or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

If the Governors' Disciplinary Committee/Management Committee cannot direct reinstatement due to the period of exclusion having expired and your child having already returned to school they will place a copy of their findings on the child's school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee
Enc.

MODEL LETTER 5

Dear **[parent's name]**

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/ Management Committee at their meeting on **[date of Governors' Disciplinary Committee/ Management Committee meeting]** to review the Head Teacher's decision to exclude **[child's name]** from school during the period **[start date and end date of the period of exclusion]**.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

uphold the Head Teacher's decision to exclude for the following reason(s) **[insert reasons in as much detail as possible explaining how they were arrived at]**

OR

direct reinstatement from **[specify date]** for the following reason(s)
[insert reasons in as much detail as possible explaining how they were arrived at]

[Where reinstatement cannot be directed because the period of exclusion has expired, add the following sentence]

As the period of **[child's name]**'s exclusion has expired the committee's findings will be placed on your child's school record.

Yours sincerely

[Name]

Clerk to the Governors' Disciplinary Committee/Management Committee

MODEL LETTER 6

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** during lunchtimes for a fixed period of **[specify period]**. This means that **[child's name]** will not be allowed in school at lunchtimes for this period. The exclusion begins 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 because **[specify full reason(s) for exclusion]**.

This exclusion covers the lunchtime period only from **[time]** to **[time]** and you should ensure that arrangements are in place for **[child's name]**'s supervision away from school during this period. You should also ensure **[child's name]** returns to school in time for the start of the afternoon session at **[time]**.

[The following paragraph should be inserted if applicable]

As **[child's name]** is eligible to receive a free school meal, I have made arrangements for a packed lunch to be provided for the period of the lunchtime exclusion.

[The following paragraph apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” is available at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

[Child’s name]’s lunchtime exclusion expires on **[date of last day of lunchtime exclusion]** and **[child’s name]** can return for lunchtime in school as from **[date of first school day following the last day of lunchtime exclusion]**.

Yours sincerely

[Name]
Head Teacher/Principal

MODEL LETTER 7

Dear **[name(s) of parent(s)]**

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This means that **[child's name]** will not be allowed in this school unless **[he/she]** is reinstated by the Governors' Disciplinary Committee/Management 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 permanently excluded because **[specify full reason(s) for exclusion]**.

[The following three paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of this exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

Alternative arrangements for **[child's name]**'s education to continue will be made. We will set work for **[child's name]** during the first 5 days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

From the sixth school day of the exclusion onwards, i.e. from **[specify the date]** the Local Authority will provide suitable full-time education. I have informed the Local Authority of your child's exclusion and you will shortly receive contact from the Education Support, Behaviour & Attendance Service who will let you know the arrangements for **[child's name]**'s education from the sixth school day of exclusion.

As this is a permanent exclusion the Governors' Disciplinary Committee/Management Committee must meet to review my decision to exclude **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Committee/ Management Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide to uphold the exclusion in which case you may ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Governors' Disciplinary Committee/ Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend 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 that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-

tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is SENDIST, 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU (Tel: 01325 289350, Email address: sendist@hmcts.gsi.gov.uk)

Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

Yours sincerely,

[Name]
Head Teacher/Principal

MODEL LETTER 8

Dear **[Name(s) of parent(s)]**

I am writing to advise you that the meeting of the Governors' Disciplinary Committee/Management Committee to review the Head Teacher's decision to permanently exclude **[child's name]** will take place at **[place]** on **[date]** at **[time]**.

If you would like to attend the meeting of the Governors' Disciplinary Committee/Management Committee, please contact **[enter "me" or the name of contact]** at **[contact details – address, telephone number, e-mail]** as soon as possible. You will have the opportunity to make representations to the panel. **[Child's name]** may attend the hearing with you. You may also be accompanied by a friend or representative, including a legal representative, if you wish. If you intend to be accompanied please let **[enter "me" or the name of contact]** know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[enter "me" or the name of contact]** if it would be helpful for you to have an interpreter present.

A representative of the Local Authority will be present at the Governors' Disciplinary Committee/Management Committee. **[For Academies]** - You have the right to request that a representative of the Local Authority be present at the Governors' Disciplinary Committee/Management Committee, in which case you should let **[enter "me" or the name of contact]** know so we can arrange this. The Local Authority representative would act as an observer at your request and therefore can only ask questions / makes comments if asked to do so by the governing body of the academy]. **For maintained schools** - The Local Authority's position will be one of neutrality where the representative in attendance would not give his/her view on the merits of the particular exclusion as they would see it but rather, if asked by any party, act as an impartial third party, providing objective and dispassionate representations to assist the process.

At the meeting the Chair will explain the order of proceedings and a copy is enclosed with this letter for your information.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by **[insert date]** so that it may be circulated in advance to the members of the Committee and to all parties including the Head Teacher.

The committee will consider the representations made by all parties and decide whether to uphold the exclusion or to direct **[child's name]**'s reinstatement, either immediately or by a particular date.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied **(for Academies)** - and if you would like a representative of the Local Authority to be present at the hearing.

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee
Enc.

MODEL LETTER 9

Dear **[parent's name]**

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/Management Committee at their meeting on **[date of Governors' Disciplinary Committee/Management Committee meeting]** to review the Head Teacher's decision to exclude **[child's name]** from **[name of school]** School.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/Management Committee, the committee has decided to

EITHER

uphold the Head Teacher's decision to exclude for the following reason(s) **[insert reasons in as much detail as possible explaining how they were arrived at]**

OR

direct reinstatement from **[specify date]** for the following reason(s) **[insert reasons in as much detail as possible explaining how they were arrived at]**

*[Where a permanent exclusion has **not** been upheld and reinstatement has been directed insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]*

The Head Teacher or a senior member of staff will contact you shortly to discuss the arrangements to be made for **[child's name]** to return to school

*[Where a permanent exclusion **has** been upheld insert the following paragraphs]*

You have the right to ask for this decision to be reviewed by an Independent Review Panel. If you wish the decision to be reviewed by the Independent Review Panel please notify the Schools Appeals Manager on 01273 – 481583 **[or other body if Independent Review Panel hearings are not arranged for the Academy / School by the Local Authority]** in the first instance. You should then set out the reasons for requesting a review in writing and send this to: Schools Appeals Manager, East Sussex County Council, Room C3F, County Hall, St Anne's Crescent, Lewes, BN7 1UE **[or other body if Independent Review Panel hearings are not arranged for the Academy / School by the Local Authority]** no later than **[specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Governing Body's/College Central Management Committee's decision to uphold the permanent exclusion was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]**. If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by **[repeat latest date]** you will lose your right to have the decision of the Governors' Disciplinary Committee/Management Committee reviewed.

An Independent Review Panel comprises of one serving, or recently retired (within the last 5 years) Head Teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. The review panel will rehear all the facts of the case. If any party has fresh evidence to present to the panel they may do so.

If you ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by the Independent Review Panel you have the right to require that an expert in

Special Educational Needs (SEN) attends the review at no cost to you. You may require that an SEN expert attends the hearing irrespective of whether the school believes your child has special educational needs or not. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. Should you request a review of the Governors' Disciplinary Committee's/Management Committee's decision and you wish an SEN expert to be appointed please let the Schools Appeals Manager **[or other body if Independent Review Panel hearings are not arranged for the Academy / school by the Local Authority]** know.

I should also inform you that if you request a review of the Governors' Disciplinary Committee's/Management Committee's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and/or oral representations to the Independent Review Panel and that you may also bring a friend or supporter to the review. If you intend to be accompanied please let the Schools Appeals Manager **[or other body if Independent Review Panel hearings are not arranged for the academy/school by the Local Authority]** know. Please also advise if you have a disability or any special needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

Where a representative of the Local Authority attended the Governors' Disciplinary Committee/Management Committee meeting and made representation, he/she or another representative will also **[in the case of an Academy, add "at your request"]** attend the review and submit a statement in advance.

In determining the outcome of a review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the Governors' Disciplinary Committee/Management Committee reconsiders its decision; or they may quash the decision and direct that the Governors' Disciplinary Committee/Management Committee considers the exclusion again. A panel should only quash a decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

You may wish to contact The Education Support, Behaviour & Attendance Service, East Sussex Children's Services on 01273 481967, exclusions@eastsussex.gov.uk, who can provide advice.

You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0300 330 5485 or on www.childlawadvice.org.uk. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at <http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory-guidance-regs-2012>

Yours sincerely,

[Name]

Clerk to the Governors' Discipline Committee/Management Committee

MODEL LETTER 10

From the Head Teacher/Principal/Teacher In Charge of College Central notifying the withdrawal of a fixed period or permanent exclusion

Dear **[parent's name]**

Further to my letter of **[date of letter giving notification of exclusion]** I am writing to advise you that I am, on this occasion, withdrawing my earlier decision to

EITHER

exclude **[child's name]** for a fixed period between **[insert dates of start and end of exclusion]**

OR

permanently exclude **[child's name]** from the school

I have decided to withdraw the exclusion on this occasion for the following reasons.

[insert reasons]

Yours sincerely,

[Name]

Head Teacher/Principal