

# Barn Croft Primary School

## Exclusion Policy



**Agreed by Full Governing Body 13<sup>th</sup> October 2022**

**To be reviewed October 2025**

**Signed:**

**Tracey Griffiths Headteacher.....Date:.....**

**Colin Whitehead Chair of Governors.....Date:.....**

## Rationale

This purpose of this policy is to explain the school's use of exclusion and has been written following the recommendations by the Behaviour, Attendance and Children Missing Education Service in Waltham Forest. The BACME recommendations are below.

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## **Introduction:**

This exclusion pack has been compiled by the Behaviour, Attendance and Children Missing Education Service to: help schools and governors apply the Government's statutory guidance, Exclusion from Maintained Schools, Academies and Pupil Referral Units (PRUs) in England (2017).

The BACME Service monitors school exclusions and provides challenge, advice and support to schools relating to:

- school-based strategies for preventing exclusions including Pastoral Support Programmes and Managed Moves
- alternatives to exclusion
- The legal framework surrounding exclusions and inclusive 'best practice' in Waltham Forest.

## **Key principles**

Only a head teacher can exclude a pupil and this must be on disciplinary grounds.

Any decision to exclude must be lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties), rational, reasonable, fair and proportionate.

In every instance where a pupil is sent home for disciplinary reasons, head teachers must formally record and specify the length of the exclusion.

The governing body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors.

Current government guidance makes reference to governor training on exclusions, it is very important that governors / committee members who are called upon to review exclusions receive training to equip them to discharge their duties properly.

For a fixed-period exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, a governing body should consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone.

The 'guide to the law' sections in this guidance should not be used as a substitute for legislation and legal advice.

The document also provides statutory guidance to which head teachers, governing boards, local authorities, academy trusts, independent review panel members and special educational needs

(SEN) experts must have regard when carrying out their functions in relation to exclusions. Clerks to independent review panels must also be trained to know and understand this guidance.

The phrase ‘must have regard’, when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Where relevant, this document refers to other guidance in areas such as behaviour, SEN, and equality, but it is not intended to provide detailed guidance on these issues.

Exclusion from school should 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.

If a pupil is deemed to be at risk of exclusion it would be considered appropriate to have a Pastoral Support Programme and/or an Early Help Assessment to enable a range of strategies and support to be implemented.

Schools should, as far as possible, avoid permanently excluding any pupil with a statement of SEN or any pupil who is a looked after child.

## **Exclusion Summary**

Schools must apply their behaviour policies in a consistent, rigorous and non-discriminatory way with due regard to the Equality Act 2010. This Act has provision that allows schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

Specifically, exclusions should not be used for poor academic performance or for the behaviour of pupils’ parents.

The behaviour of pupils outside school can be considered as grounds for exclusion. The school’s behaviour policy should set out what the school will do in response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises.

The law does not allow for extending a fixed-period exclusion or ‘converting’ a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

## **Contributing Factors**

Head teachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred e.g. where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

## **Alternatives to exclusion**

### **Internal exclusion**

Schools can still use internal exclusions. Such exclusions are served on the school site and are not treated as an exclusion from school. Internal exclusion may be more appropriate in cases where a

pupil is Looked After, is subject to a Child Protection Plan, or for whom the head teacher believes formal exclusion might pose a safeguarding risk.

### **Alternative provision**

A head teacher can direct a pupil to be educated elsewhere for the purpose of improving their behaviour. The school must ensure that the pupil's full-time education continues while off site.

### **Gathering evidence**

When establishing the facts in relation to an exclusion the head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true. The head teacher should give a pupil the opportunity to present their case before taking the decision to exclude. Evidence could consist of witness statements, photographs, screen-shots from social network sites, physical evidence or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, head teachers should also provide evidence that preventative measures have been used.

### **Witness statements**

All witness statements should be attributed, signed and dated, unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements.

### **Police involvement and parallel criminal proceedings**

Head teachers need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, head teachers will need to take a decision on the evidence available to them at the time.

### **Fixed period exclusion**

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends.

### **Permanent Exclusion**

A decision to exclude a pupil permanently should only be taken: in response to serious or persistent breaches of the school's behaviour policy; if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

## **Head Teacher's Responsibilities Regarding Exclusion**

### **Preventative Strategies**

### **Pastoral Support Plans and Managed Moves**

The PSP procedure and process is designed to support any pupil for whom the usual school based strategies have not been effective. It is a structured intervention for a pupil at risk of permanent exclusion and ensures that interventions for a pupil at risk of permanent exclusion are co-ordinated and targeted to their needs.

A Managed Move is a formal agreement between two schools, a pupil and their parents. It allows a pupil at risk of permanent exclusion to transfer to another school. The move requires the agreement of the child's parent, the head teacher of the pupil's school, the head teacher of the proposed school.

## **SEND reviews**

Head teachers must consider their statutory duties regarding the SEND Code of Practice when administering the exclusion process. They should, as far as possible avoid permanently excluding any pupil with an Education Health and Care Plan (EHCP).

## **Support for groups with disproportionately high rates of exclusion**

The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children and pupils from certain ethnic groups.

The head teacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.

Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early to reduce the need for exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

Head teachers should consider what extra support might be needed to meet the needs of pupils from key vulnerable groups in order to reduce their risk of exclusion (pupils eligible for Pupil Premium; Children in Care; and pupils from certain ethnic groups; Gypsy/Roma; Travellers of Irish Heritage; and Black Caribbean communities).

## **Early Intervention**

Schools must establish a behaviour policy and should have processes for identifying and supporting pupils' additional needs.

## **Things to consider**

- Does the school behaviour policy clearly set out behaviour expectations and sanctions and reflect the requirements of the Equality Act 2010?
- Are governors/staff (including sixth form staff in school sixth forms) clear about their roles and when to escalate issues/involve parents?
- Is the behaviour policy understood by pupils and parents?
- Are sanctions monitored to identify any inconsistency or potential discrimination (e.g. Special Educational Needs and Disability (SEND) or ethnicity)?
- Are systems in place to identify pupils showing persistent poor behaviour and if there are any underlying causes?

Schools should have a system in place to ensure you are aware of any pupil showing persistent poor behaviour or not responding to low level sanctions.

## Things to consider

- Are underlying factors (for example SEND, family issues or bullying) or specific triggers (for example the time of day or specific lessons) affecting behaviour? Is staff working with the pupil aware of any behavioural trigger points, relevant issues and the ways in which they should be managed?
- Are staff aware of mechanisms for escalation and referral routes to access external support?
- Has the ensured that this pupil's parents are aware of their behaviour issues?
- Should the school request an special educational needs (SEN) assessment, a multi-agency assessment or external support (e.g. counsellors or alternative provision)?
- Did the school consider if the pupil was a looked after child? (e.g. did I engage with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head?)
- Is the use and effectiveness of any support and sanctions properly recorded and regularly reviewed?

## Head Teacher's Checklist

Any decision to exclude a pupil must be:

- lawful;
- reasonable; and
- fair

In making a decision to exclude a pupil, the head teacher must be able to demonstrate that the exclusion has been carefully considered and is being used as a last resort. The checklist below is designed to assist head teachers in these deliberations.

The circumstances of the case	Yes	No
Has there been a serious breach or breaches of the school behaviour policy? Does the school Behaviour Policy clearly set out the behaviour expectations and sanctions. Does the school behaviour policy reflect the requirements of the Equality Action 2010?		
Does the pupil's presence seriously harm or threaten to harm the education/welfare of pupils / others?		
Is exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?		
Is exclusion the appropriate response? Factors to consider: <ul style="list-style-type: none"> <li>• Has a thorough investigation been carried out?</li> <li>• Has the pupil's version of events been sought / encouraged / recorded?</li> <li>• Has the evidence been considered in the light of school policies and possible discrimination?</li> <li>• Are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc)?</li> <li>• Are processes in place to identify pupils showing a persistent poor behaviour and if there are any underlying causes</li> </ul>		
Has a pastoral support programme been used?		

Is this pupil at school action or school action plus? and if so; Has the possibility of additional support from the LA been explored?		
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion, Managed Move)?		
Standard of proof – “on the balance of probabilities” did the pupil do what he/she is alleged to have done?		
<b>Special considerations</b>	<b>Yes</b>	<b>No</b>
<b>SEN</b> Does this pupil have an Education, Health and Care Plan? Has the Disability Enablement Service been contacted? Has an emergency review been arranged?		
<b>LAC</b> Is this pupil looked after? Has the virtual school for children in care been contacted?		
<b>SAFEGUARDING</b> Is this pupil subject to a child protection or a child in need plan?		
Is there an Early Help Assessment for this pupil? What other agencies/services are involved?		
Have issues of SEN or disability been taken into account and reasonable adjustments put in place?		

### Notification of Exclusions

When a head teacher has decided to exclude a pupil he/she must:

- Immediately inform the parent(s) by telephone;
- Draft the appropriate letter (see model letters in appendices)
- Ensure that this letter is sent by first class post to arrive the following day or is hand delivered; Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.
- Ensure that the letter contains the following information:
  - the reasons for the exclusion; the period of fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
  - parents’ right to make representation about the exclusion to the governing body (in line with the requirements set out in paragraphs 52 to 60 of the DFE guidance) and how the pupil may be involved in this;
  - how any representation should be made; and when there is a legal requirement for the governing body to consider the exclusion, that the parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The head teacher has a duty to inform the governing body and the LA of certain types of exclusion:

- a permanent exclusion;
- a fixed term exclusion where the head teacher has indicated to the parent that following further investigation it may be made permanent;

- exclusions which would result in the pupil being excluded for more than five days (or more than ten lunchtimes) in a term; and exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the head teacher must notify the LA and governing body once a term. However, as best practice, head teachers should ensure an EX1 notification is completed after each exclusion and forwarded to [BACME-Referral@walthamforest.gov.uk](mailto:BACME-Referral@walthamforest.gov.uk) so that the LA database can be kept up to date.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher must also advise the pupil's 'home authority' of the exclusion without delay.

### **Unofficial / Illegal Exclusions**

The procedures described above and in the DFE guidance must always be applied when a pupil is excluded. Sending a pupil home informally for a "cooling-off period" or asking parents to take a pupil home to avoid an exclusion are illegal acts which could be subject to challenge. This also applies to lunchtimes; if a pupil is asked by the school to go home at lunchtimes this must also be treated as a half-day exclusion for each lunchtime.

At no time should a school encourage a parent to off-roll their child to electively home educate in order to avoid a permanent exclusion. Each year a significant number of children are removed from the roll of schools under the guise of elective home education (EHE). In many cases, these children have significant behavioural and/or emotional needs and parents are not always able to provide for them appropriately. Such children will either not have access to the provision that they need or will transfer to a new school without appropriate support thereby placing additional pressures on both schools and families. Schools should, therefore, not promote the use of EHE as a means to remove a child with challenging behaviour or poor attendance from their roll.

### **Return from Exclusion**

The 2017 DFE guidance no longer places a requirement on schools to hold a reintegration meeting prior to readmission. However, it would be considered as good practice to have such a meeting with parents, the pupil, and appropriate support services to put a plan in place to support the pupil and avoid any future exclusions; this could include an Early Help Assessment or Pastoral Support Programme.

Head teachers should note, however, that neither parents nor a pupil can be required to meet specific conditions, such as attending a reintegration meeting, before reinstatement.

### **SEN / Disability / Vulnerable Group Considerations**

Head teachers should, as far as possible, avoid permanently excluding any pupil with a statement of SEN. If the pupil being considered for exclusion has special educational needs (SEN) or any disability, the following considerations must be taken into account.

Children with SEN may not necessarily have a disability. The definition of disability is not the same as the definition of special educational needs but there may be overlap between those who have SEN and those who have a disability. Please refer to paragraphs 21-25 of the DFE Exclusion guidance.

<b>Children with Disabilities</b>
<p>Does this pupil have a statement and/or disability? i.e. does he/she have a mental or physical impairment that:</p> <ul style="list-style-type: none"> <li>• is adverse;</li> <li>• is long term;</li> <li>• is substantial;</li> <li>• affects his/her ability to carry out normal day to day activities? (mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand perception of risk of physical danger).</li> </ul>
<p>Has the pupil been treated less favourably? i.e. would/has a pupil without a disability have been dealt with in the same way? The head teacher will need to consider:</p> <ul style="list-style-type: none"> <li>• what is less favourable treatment?</li> <li>• what is the reason for less favourable treatment?</li> <li>• is the reason directly related to the pupil's disability?</li> <li>• can less favourable treatment be justified?</li> <li>• is the justification material and substantial?</li> </ul>
<p>Have reasonable adjustments been made for the pupil? The head teacher will need to consider:</p> <ul style="list-style-type: none"> <li>• would failure to make reasonable adjustments place the pupil at a substantial disadvantage?</li> <li>• could the need to make reasonable adjustments have been anticipated?</li> <li>• has the school reviewed its policies, practices and procedures (continuing responsibility)?</li> <li>• do reasonable adjustments involve removal/alteration of physical features?</li> <li>• do reasonable adjustments involve provision of auxiliary aids/services (SEN framework)?</li> <li>• have relevant factors been explored and balanced?</li> <li>• the need to maintain standards;</li> <li>• the financial resources available;</li> <li>• the cost of taking a particular step;</li> <li>• the extent to which it is practicable to take a particular step;</li> <li>• the extent to which auxiliary aid/services will be provided under the SEN framework;</li> </ul>
<ul style="list-style-type: none"> <li>• health and safety requirements;</li> <li>• the interests of other pupils/prospective pupils;</li> <li>• could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)?</li> <li>• can act/omission be materially and substantially justified?</li> </ul>

### **The Governing Body's Duty to Consider an Exclusion – Key Points**

The responsibility of the governing body to consider exclusions is usually delegated to a subcommittee of at least three governors. This committee is known as the Discipline Committee. The Discipline Committee has a clear set of responsibilities.

Where required or requested, the governing body must hold a Governors' Discipline Committee (GDC) within the required timescale. (In the case of a permanent exclusion, the GDC must meet within 15 school days of being notified of the exclusion).

The GDC should consist of 3 or 5 governors who have no previous knowledge of the case. The Chair of the governing body should not be part of the GDC if he/she has previously discussed the case with the head teacher or has had any prior involvement with the case as this could compromise his/her impartiality.

The GDC should be clerked by a person who has had appropriate training. Minutes must be taken and distributed to all parties upon request to those who were present.

An LA representative from BACME should be invited to all GDCs at maintained schools. The LA's position will be one of neutrality where the representative would not give his/her view on the merits of the particular exclusion, but rather draw the attention of the panel to issues where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. In essence, the LA representative will act as an impartial third party, providing objective and dispassionate representations to assist the process.

Considerations for the Discipline Committee	Comments
<p><b>What is the quality of the evidence?</b></p> <ul style="list-style-type: none"> <li>• Have the facts been established?</li> <li>• Was a full investigation, involving appropriate witnesses, carried out?</li> <li>• To what extent are the facts agreed between the relevant parties?</li> <li>• How did the incident relate to the school's behaviour policy?</li> <li>• 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).</li> </ul>	
<p><b>Was the exclusion a proportionate response?</b></p> <ul style="list-style-type: none"> <li>• was exclusion a reasonable and proportionate response to the behaviour?</li> <li>• was it fair in respect of sanctions imposed on any other pupils involved in an incident?</li> </ul>	
<p><b>Were alternative strategies tried?</b></p>	
<ul style="list-style-type: none"> <li>• 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 PSP should be in place, clearly identifying school strategies, internal and external support).</li> </ul>	
<p><b>Were there any mitigating circumstances?</b></p> <ul style="list-style-type: none"> <li>• Are there any factors arising from parental representation? e.g. special / medical needs, domestic circumstances, genuine remorse, loss of external examination opportunity.</li> </ul>	

### Fair Hearings and Natural Justice

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. Every effort should be made to ensure that this happens.

The case should be clearly stated and evidence produced. All written material to be presented must have been seen by all parties prior to the GDC to allow for preparation, and to take legal advice if so desired. It is often tempting to provide as much information as possible, however, the information that is provided by the head teacher must be relevant to the decision to exclude a pupil. In order to help with this decision, the following checklist should be used:

Type of evidence	Exclusions for a 'one-off' serious incident	Exclusions for cumulative reasons
Details of the incident(s) in question	Must be provided	Must be provided
Statement from the pupil in question, signed and dated	Should be provided. (where a pupil has refused to provide a statement, evidence of doing so should be provided to confirm a request was made)	Must be provided
Witness statements, signed and dated	Must be provided	Must be provided
Behaviour log and details of previous incidents	No, unless there is a specific reason to do so	Must be provided
Attendance record	Not relevant	Not relevant
Details of support provided to the pupil	Only if relevant	Must be provided
Reports from any professionals involved with the pupil	Not relevant	Must be provided
Details of any SEN the pupil may have	Must be provided	Must be provided
Details of any disability the pupil may have	Must be provided	Must be provided
Academic reports	Not relevant	Not relevant
Early Help Assessment	This must not be included in the GDC information and no area within the Early Help Assessment should be shared with those present at the GDC due to confidentiality	This must not be included in the GDC information and no area within the Early Help Assessment should be shared with those present at the GDC due to confidentiality
Other information	Only if relevant	Only if relevant

If a pupil has a history of challenging behaviour and is then permanently excluded for a one off incident (which does not follow the pattern of behaviour which the pupil usually presents with) then the head teacher needs to exercise care about what information is provided.

If details of prior misconduct are provided in the paperwork, the parent(s) could argue that the GDC has been biased by this information, building up a negative perception of the pupil that may well influence their final decision.

It is unlawful to exclude or increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the actions of a pupil's parents such as failing to ensure regular attendance at school; or the failure of a pupil to meet specific conditions before they are reinstated. As this information is not relevant to the GDC and their decision making, it should not be included in the paperwork for any exclusion.

### **Governor Disciplinary Committee**

The GDC should ensure that a proper agenda for its meetings is prepared. This should cover the following:

The Chair welcomes and introduces all parties

- The head teacher puts the case for exclusion
- The parents, governors and LA representative when present may question the head teacher
- The parents make their case against exclusion
- The head teacher, governors and LA representative (when present) may question the parents
- The LA representative (when present) makes a statement
- The parents, head teacher and governors may question the LA representative (when present)
- The head teacher makes his/her concluding remarks
- The parents make their concluding remarks
- The Chair concludes the meeting and advises the parents/child that they will receive the decision of the governors in writing within 24 school 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 LA within 24 school hours of the decision taken by the governing body in whether to uphold or overturn the exclusion.

### **Independent Review Panels**

Independent Review Panels (IRPs) have replaced Independent Appeal Panels. Following a GDC decision to uphold a permanent exclusion, the LA 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 LA, 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 LA/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.

### **Governor Training**

It is very important that governors who are called upon to be part of a GDC, receive training. Governors Services provides training sessions for governors on exclusion related policy, procedures and issues, and the expectation is that governors who are likely to be involved in exclusions should make every effort to attend. Training for clerks is also provided.

### **Fair Access Panel (FAP)**

FAP Terms of Reference are guided by the School Admissions Code 2014 which states that each local authority must have a Fair Access Protocol. All schools must participate in the local authority in order to ensure that unplaced young people, who live in the local authority, especially the most vulnerable, are offered a place within suitable provision as quickly as possible.

This includes admitting young people above the published admission number to schools that are already full.

The operation of panel is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year procedures.

There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the panel.

Where a Governing Body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children.

Admissions authorities must not refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

A school will not be required to automatically take another child with challenging behaviour in the place of a child excluded from the school.

Wherever possible, pupils with a religious affiliation should be matched to a suitable school, but this should not override the protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have an affiliation.

As part of assessing the suitability of a placement for a young person the panel must take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong view about the religious ethos of the school.

The list of children to be included in the Terms of Reference is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- Children from the Criminal Justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- Young people who have been out of education for two months or more.
- Gypsies, Roma, Travellers, refugees and asylum seekers young people.
- Young people who are homeless.
- Young people with unsupportive family backgrounds for whom a place has not been sought.
- Young people who are carers.
- Young people with special educational needs, disabilities or medical conditions (but without an Education Health and Care Plan).

In Waltham Forest it has been agreed that the FAP Panel will also consider cases of those:

- At risk of permanent exclusion.
- Young people permanently excluded.

- Children Missing Education.
- Looked After Children

The local authority must produce an annual report for the Schools Adjudicator with an assessment of the effectiveness of the panel including how many young people were admitted to each school

- Local Authority Governance of the panel's processes and procedures.
- The governance of the panel in the local authority lies with the Chair and the Behaviour, Attendance and Children Missing Education Service (BACME).

Safeguarding is a priority concern for the Fair Access Panel and underpins the work undertaken in relation to every case referred to the panel. The approach reflects the priorities set out in the School Admissions Code (SAC) 2014 requiring a local authority to have a Fair Access Protocol. These are outlined in Section 3 of SAC 2014, in that, unplaced young people and the most vulnerable are offered a place at a suitable school. Further to this, it requires a local authority to have provision available for those young people where mainstream schooling is not appropriate and where their needs can be met.

At every stage of the FAP process from the point of referral to the point of entry into the education base the young person's wellbeing and safety is covered by the FAP Terms of Reference. Placing the young person at the centre of the Protection Circles is a demonstration of a child/young person centred approach.

Therefore, the FAP Terms of Reference outlined from a safeguarding perspective can be said to cover:

- Strategic – placing safeguarding at the centre of co-ordinating and planning FAP service delivery ensures that young person has the best opportunity to fulfil their aspirations.
- Operational – the partnership work between the local authority and Head teachers; the partnership work between all professionals that attend the FAP Panel and the clear and precise operating procedures led by the FAP Co-ordinator ensures the no young person coming to notice falls outside of the system and is therefore protected
- Support – throughout the FAP Journey the young person has a range of support of professionals available to ensure that the transition between education bases and accessing provision is as smooth and protected as possibly it can be.

The Fair Access Terms of Reference outline the processes of the panel, please refer to the TOR regarding the panel procedures.

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This policy was agreed by the school's FGB December 2021

This policy will be reviewed in 2024



**MODEL LETTER 1- HEAD NOTIFYING PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF A FIXED PERIOD EXCLUSION OF 5 SCHOOL DAYS OR FEWER 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 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 **Tahira Ahmed, Senior Behaviour, Attendance, Children Missing Education Officer** at **[The Summerfield Centre, 99 Leyton Green Rd, E10 6DB, Tel: 0208 496 1782, Email:**

**Tahira.Ahmed@walthamforest.gov.uk**, 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 The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760).

*[The following paragraph is not compulsory but is good practise for supported reintegration plan for young people. It is also a good evidence base, if the view is that a parenting order maybe required in the future about the support offered from the school].*

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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest Special Educational NEEDS Disability Information Advice and Support Service (WFSENDIASS) Telephone: 020 3233 0251, Email: wfsendiass@walthamforestcab.org.uk)**

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 <https://www.gov.uk/government/publications/school-exclusion>

[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 - HEAD NOTIFYING PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF THAT PUPIL’S FIXED PERIOD EXCLUSION OF MORE THAN 5 SCHOOL DAYS (UP TO AND INCLUDING 15 SCHOOL DAYS) IN A TERM**

Dear [parent’s name]

I am writing to inform you of my decision to exclude [child’s name] for a fixed period 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 **[6<sup>th</sup> 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 50<sup>th</sup> 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 **Tahira Ahmed, Senior Behaviour, Attendance, Children Missing Education Officer** at **[The Summerfield Centre, 99 Leyton Green Rd, E10 6DB, Tel: 0208 496 1782, Email: Tahira.Ahmed@walthamforest.gov.uk]** 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 The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Making a claim would

not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

*[The following paragraph is not compulsory but is good practise for supported reintegration plan for young people. It is also a good evidence base, if the view is that a parenting order may be required in the future about the support offered from the school].*

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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest Special Educational NEEDS Disability Information Advice and Support Service (WSENDIASS) Telephone: 020 3233 0251, Email: wsendiass@walthamforestcab.org.uk)**

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 <https://www.gov.uk/government/publications/school-exclusion>

**[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 - HEAD NOTIFYING PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF A FIXED PERIOD EXCLUSION OF MORE THAN 15 SCHOOL DAYS IN TOTAL IN ONE TERM**

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period 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 **[6<sup>th</sup> 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 **Tahira Ahmed, Senior Behaviour, Attendance, Children Missing Education Officer** at **[The Summerfield Centre, 99 Leyton Green Rd, E10 6DB, Tel: 0208 496 1782, Email: Tahira.Ahmed@walthamforest.gov.uk]**, 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 The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/ Management Committee.

*The following paragraph is not compulsory but is good practise for supported reintegration plan for young people. It is also a good evidence base, if the view is that a parenting order may be required in the future about the support offered from the school].*

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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest Special Educational NEEDS Disability Information Advice and Support Service (WFSEDIASS) Telephone: 020 3233 0251, Email: wfsendiass@walthamforestcab.org.uk)**

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 <https://www.gov.uk/government/publications/school-exclusion>

**[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 - HEAD NOTIFYING PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF A FIXED PERIOD LUNCHTIME EXCLUSION**

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 **Tahira Ahmed, Senior Behaviour, Attendance, Children Missing Education Officer** at **[The Summerfield Centre, 99 Leyton Green Rd, E10 6DB, Tel: 0208 496 1782, Email:**

**Tahira.Ahmed@walthamforest.gov.uk**, 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 The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760).

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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest**

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 <https://www.gov.uk/government/publications/school-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 5 - HEAD OF A PRIMARY, SECONDARY OR SPECIAL SCHOOL NOTIFYING THE PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF THAT PUPIL’S PERMANENT EXCLUSION**

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 Behaviour, Attendance and Children Missing Education 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 **Tahira Ahmed, Senior Behaviour, Attendance, Children Missing Education Officer at The Summerfield Centre, 99 Leyton Green Rd, E10 6DB, Tel: 0208 496 1782, Email: Tahira.Ahmed@walthamforest.gov.uk**, 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 The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). 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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest Special Educational NEEDS Disability Information Advice and Support Service (WFSENDIASS) Telephone: 020 3233 0251, Email: wfsendiass@walthamforestcab.org.uk)**

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 <https://www.gov.uk/government/publications/school-exclusion>

Yours sincerely,

**[Name]**

Head Teacher/Principal

## MODEL LETTER 6 – HEAD OF A PRIMARY, SECONDARY OR SPECIAL SCHOOL NOTIFYING THE PARENT(S) OF A PUPIL OF COMPULSORY SCHOOL AGE OF A WITHDRAWAL OF THE 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

### Appendix 2

#### Model Letter 1 - Governor's Decision Letter following Fixed Period Exclusion

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) [inset 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 2 - Governor's Disciplinary Committee/Management Committee Notification Letter

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.

### Formal exclusion hearing – order of proceedings

Exclusion hearings follow a formal procedure as follows:

1. The Head Teacher, the parent(s)/carer(s) and the excluded pupil and/or their representatives (if present), the excluded child (if present) and a representative of the Local Authority (if present) are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Committee/Management Committee.
3. The Head Teacher presents his/her reasons for the exclusion and calls such witnesses as he/she considers appropriate\*.
4. The Head Teacher and his/her witnesses are questioned by the parent(s)/carer(s), or the excluded pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may ask questions and draw attention to any area where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. (**For Academies** – the Local Authority representative is acting as an observer at the request of the parent and therefore can only ask questions / makes comments if asked to do so by the governing body of the academy).
6. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives, may make representations to the Governors' Disciplinary Committee/Management Committee. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Committee/Management Committee should allow the excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
7. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Governors and the Head Teacher.
8. The representative of the Local Authority (if present) can make a statement. (**For Academies** – the Local Authority representative can only make a statement if asked to do so by the governing body of the academy).
9. Following the Local Authority statement, the representative may be questioned by the head teacher, parent(s)/carer(s) and governors.
10. Summing up by the Head Teacher.
11. Summing up by the parent(s)/carer(s), or the excluded pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Committee/Management Committee and the clerk leave the meeting before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the excluded pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Head Teacher and ESBAS.

\*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.

### Model Letter 3 - Governor's Disciplinary Committee/Management Committee Decision Letter

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) [inset reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement from [specify date] for the following reason(s)  
[inset 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 Tahira Ahmed on 0208 496 1782 [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: Tahira Ahmed, Senior Behaviour, Attendance and Children Missing Education Officer, The Summerfield Centre, 99 Leyton Green Rd, Leyton, London, E10 6DB. [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 inform Tahira Ahmed on 0208 496 1782 **[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 inform Tahira Ahmed on 0208 496 1782 **[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 Tahira Ahmed, Senior Behaviour, Attendance and Children Missing Education Officer on 0208 496 1782, [Tahira.Ahmed@walthamforest.gov.uk](mailto:Tahira.Ahmed@walthamforest.gov.uk) who can provide advice. You may also 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 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. **(for a child with special educational needs, please ensure that you make reference to Waltham forest Special Educational NEEDS Disability Information Advice and Support Service (WFSENDIASS) Telephone: 020 3233 0251, Email: wfsendiass@walthamforestcab.org.uk)**

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

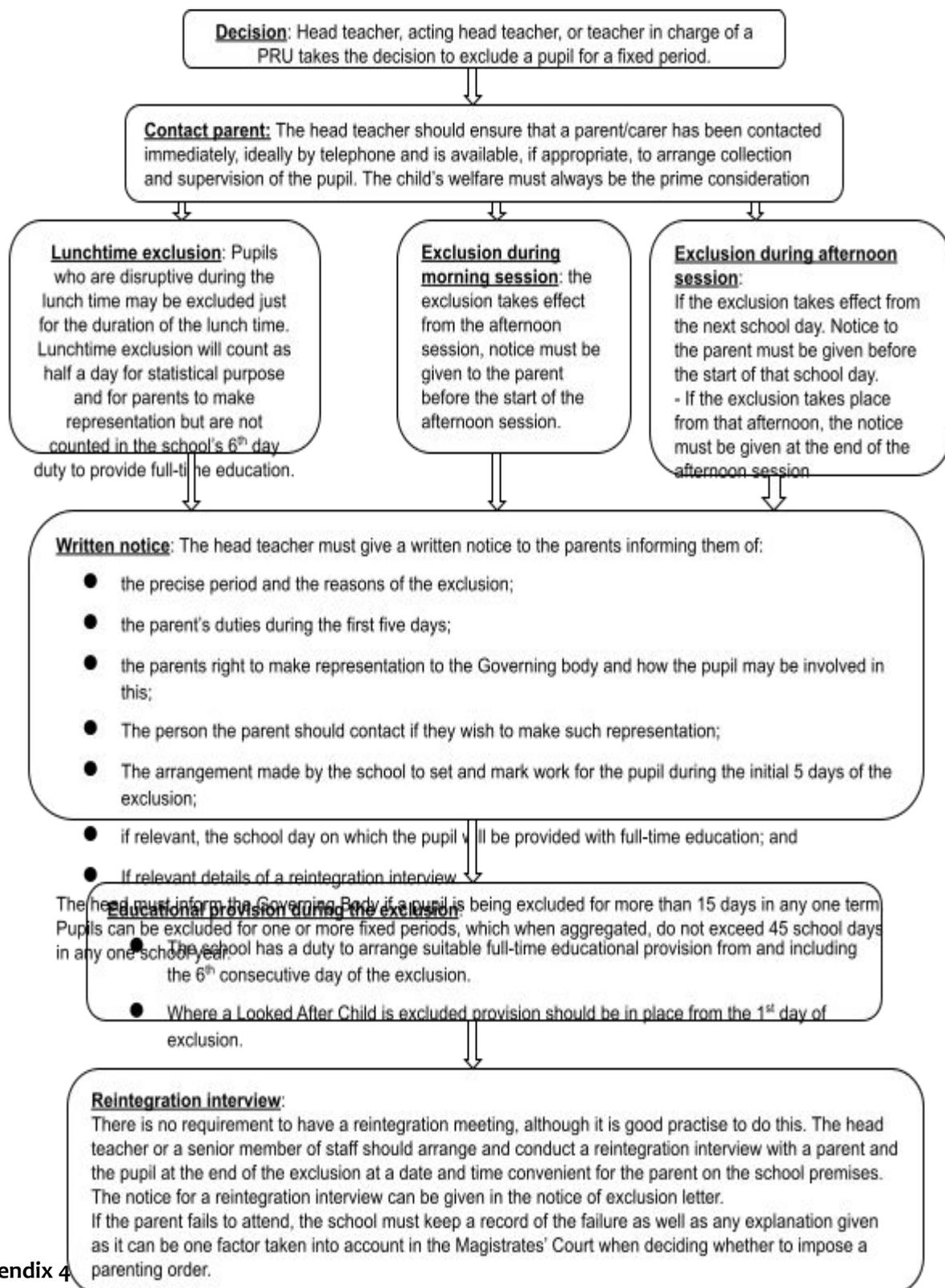
and Pupil Referral Units in England” is available at  
<https://www.gov.uk/government/publications/school-exclusion>

Yours sincerely,

**[Name]**

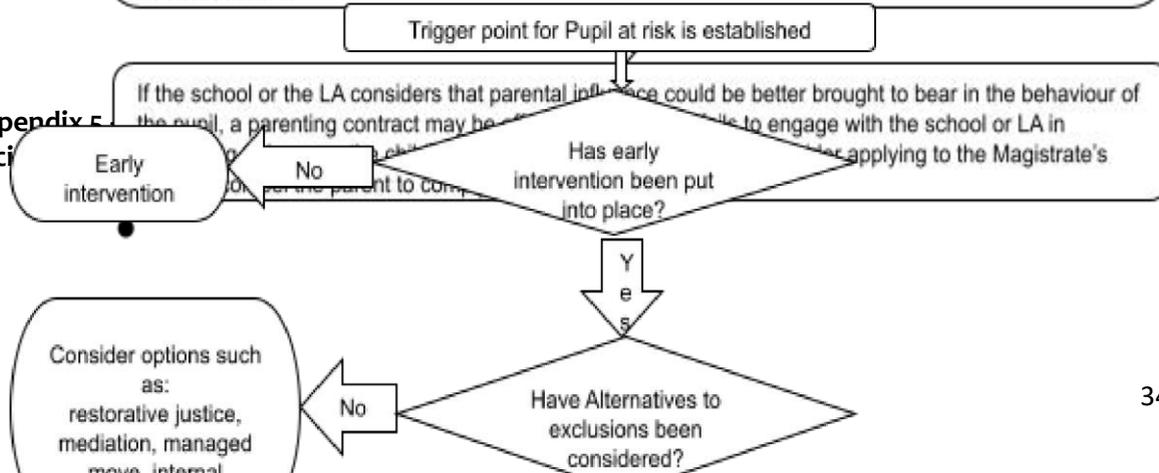
Clerk to the Governors’ Discipline Committee/Management Committee

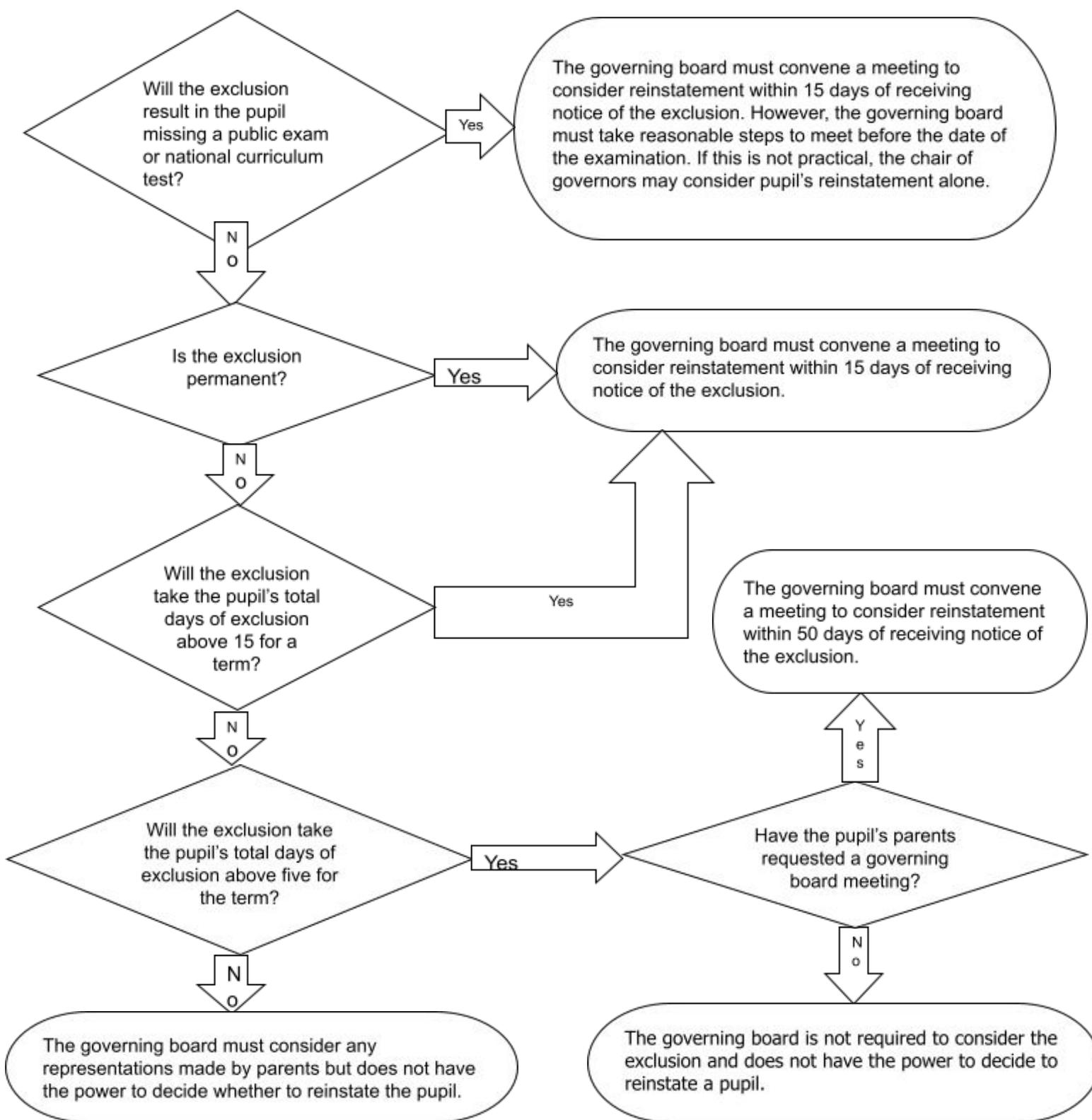
Appendix 3 - Process following Decision to Exclude for a Fixed Period



Appendix 4

Appendix 5  
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## Appendix 6 – Further sources of information

DfE departmental advice on setting the behaviour policy:

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools> What maintained schools must publish online: <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

What academies, free schools and colleges must publish online:  
<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>

Guidance on the use of alternative provision:  
<https://www.gov.uk/government/publications/alternative-provision>

Information on school discipline and exclusions issued by the Department for Education:  
<https://www.gov.uk/school-discipline-exclusions/exclusions>

Coram Children's Legal Centre:  
[http://www.childrenslegalcentre.com/index.php?page=school\\_exclusions](http://www.childrenslegalcentre.com/index.php?page=school_exclusions)

ACE Education also run a limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on their website:  
<http://www.ace-ed.org.uk/>

National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via: [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)

Independent Parental Special Education Advice:  
<http://www.ipsea.org.uk/>

School attendance guidance: <https://www.gov.uk/government/publications/school-attendance>

Attendance Guidance and Education (Pupil Registration) (England) Regulations 2006 as amended: <https://www.gov.uk/government/publications/school-attendance>

Special educational needs and disability code of practice: 0-25 years:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

Children Missing Education statutory guidance:  
<https://www.gov.uk/government/publications/children-missing-education>

Should you wish have any questions in relation to the guidance please contact:  
Tahira Ahmed, Senior Behaviour, Attendance and Children Missing Education Officer, BACME Service, Tel: 0208 496 1782,  
Email: [Tahira.Ahmed@walthamforest.gov.uk](mailto:Tahira.Ahmed@walthamforest.gov.uk)