

Deykin Avenue JI School
Deykin Avenue, Witton, Birmingham, B6 7BU
Email: enquiry@deykinav.bham.sch.uk
Tel: 0121 464 446 Fax: 0121 464 4461
Head teacher: Mrs Janet Edwards

Exclusions Policy

This Deykin Avenue Junior and Infant School has achieved the 'Level 1' UNICEF's Rights Respecting School Award (RRSA). The RRSA is based on the principles of equality, dignity, respect, non-discrimination and participation. The Rights of the Child are at the heart of our school's ethos and culture.

policy covers/ links to the following rights:

Every child has the right to an education. Primary education must be free. Discipline in schools must respect children's dignity and their rights – **Article 28 – Right to education**

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment – **Article 29 – Goals of education**

This policy was adopted by the governing board on

Signed Chair of Governors.....

Next Review Date: March 2023

INTRODUCTION

Deykin Avenue J&I school is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never “give up” easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

A decision to exclude a pupil, either for a fixed period or permanently is not taken lightly by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some situations, exclusion may be necessary.

Legal framework

This policy is implemented in line with guidance from Birmingham City Council and the Department for Education (DfE).

This policy is based on statutory guidance from the Department of Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 570 of the Education Act 1996, which defines ‘school day’
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England)(Amendment) Regulations 2014
- The Equality Act 2010

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Inclusion Policy
- Child Protection and Safeguarding Policy

'The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion'. – Page 4, paragraph 2.

Statutory guidance on factors that a head teacher should take into account before taking the decision to exclude

A decision to exclude a pupil permanently should only be taken:

- In response to a serious breach, or persistent breaches, of school's behaviour policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

The following examples of behaviour may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to an injury

Special Note. If poor behaviour is due to an SEND difficulty, the SENCO will be involved in target setting to help those children who may have a specific need in behaviour and exclusion will be at a last resort.

Use of physical intervention

Staff should not use physical force of any kind when dealing with poor or bad behaviour. A few exceptions do exist however and the following list is taken directly from Section 550A of the Education Act 1996.

Reasonable force may be used by authorised staff 'to prevent a pupil from doing or continuing to do, any of the following':

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).
- Injuring themselves or others.
- Causing damage to property (including the pupil's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

However, these do not cover anything that could be described as constituting the giving of corporal punishment.

The authorised staff in this school are the teachers, SENCO, the TAs, office staff and the lunchtime supervisory assistants/coaches. Staff have received Team Teach Restraint Training.

The head teacher's power to exclude

Only the head teacher has the power to exclude a pupil from the school, and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.

There are two types of exclusion: fixed period and permanent. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently. 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 fixed period exclusion may be extended or converted to a permanent exclusion.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day.

The school will not make 'informal' or 'unofficial' exclusions, such as sending pupils home to 'cool off' this is unlawful. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

At all times, the head teacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years'. The school will not discriminate against, harass or victimise pupils because of their sex; race, disability; religion or belief; sexual orientation or because of gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

All exclusions will be recorded on the pupil information system –school management system

The head teacher will not issue any 'informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool -off', regardless of whether or not the parents have agreed to this.

The head teacher will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

Temporary exclusion

A temporary exclusion should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

Persistent or cumulative problems

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These strategies are outlined in the Behaviour and Discipline Policy.

Single incident

Temporary exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Head teacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Head teacher will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary the Head teacher will consult the Chair of the Governing board and Deputy Head teacher.

Permanent exclusion

A permanent exclusion is a very serious decision and the Head teacher will consult with the Deputy Head teacher and Chair of the Governing board before enforcing it. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on school premises;
- Persistent bullying;
- Persistent racial harassment;

The decision to exclude

If the Head teacher decides to exclude a pupil he/she will:

- Allow the pupil to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the pupil;

Duty to inform parents

Following the headteacher's decision to exclude a pupil, they will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this.

Provide the parents with the following information in writing:

- The reasons for the exclusion
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the governing board (see governing body role) and how the pupil may be involved in this
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- Plan how to address the pupil's needs and integration back into their class on his/her return;
- Plan a meeting with parents and pupil on his/her return

Their right to attend a meeting where there is a legal requirement for the governing board to consider the exclusion, and the fact that they are able to bring an accompanying individual

- Provide information to parents that is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood.
- Inform the parents that they are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

See Appendix A – letters notifying parents of an exclusion

Arranging education for excluded pupils

- For any fixed-period exclusions of more than five school days, the governing board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.
- Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.
- For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.
- The governing board is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion. The governing board will always attempt to arrange alternative provision before the sixth day of exclusion.
- Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil.
- If a pupil with SEND has been excluded, the governing board will ensure that:
- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Behaviour outside school

Pupils' behaviour outside school on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

Pupils with special educational needs and disabled pupils

There are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with statements of special educational needs (SEN) or

Educational Health Care Plans (EHC) and looked after children. As far as possible we will avoid excluding permanently any pupil with a statement of SEN or a looked after child.

The school will engage proactively with parents in supporting the behaviour of pupils with additional needs or children who are in looked after care.

Where we have a concern about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN, EHC or a looked after child we will, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review.

Marking attendance registers following exclusion

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

Removing permanently excluded pupils from the school register

The head teacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to re-instate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

Managed move

In cases where the Head teacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the school or members of its staff unreasonably the Head teacher may require the parents to remove the pupil at the end of a term. This is not exclusion and in such cases the Head teacher may assist the parents in placing the pupil in another school.

Removal from the school for other reasons

The Head teacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

The head teacher's duty to inform the governing board and the local authority

The head teacher must, without delay, notify the governing board and the local authority of:

- A permanent exclusion (including where a fixed period exclusion is made permanent)
- Exclusions which would result in the pupil being excluded for more than five school 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 local authority and governing board once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

The governing boards duty to consider an exclusion

- The governing board has a duty to consider parents' representations about an exclusion. The requirements are illustrated by the diagram in **Appendix B**
- The governing board may delegate their functions with respect to the consideration of an exclusion decision to a designate sub-committee consisting of at least 3 governors.

The governing board must consider the re-instatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- It would result in a pupil missing a public examination or national curriculum test

The following parties must be invited to a meeting of the governing board and allowed to make representations:

- Parents;
- The head teacher; and
- A representative of the local authority (in the case of a maintained school)

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not require to arrange a meeting with parents.

Statutory guidance to governing bodies in preparing for the consideration of an exclusion decision

Where the governing board is legally required to consider the decision of a head teacher to exclude a pupil they should:

- Not discuss the exclusion with any party outside of the meeting;
- Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN)
- Where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- Allow parents and pupils to be accompanied by a friend or representative
- Have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his/her own behalf, taking into account the pupil's age and understanding, or how the excluded pupil may feed in his/her views by other means if attending the exclusion meeting is not possible

- Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion

The requirements on a governing board when considering the reinstatement of an excluded pupil

Where the governing board is legally required to consider an exclusion they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The governing board must also consider any representations made by:

- Parents;
- The head teacher; and
- A representative of the local authority (in the case of a maintained school)

In the light of their consideration, the governing board can either:

- Uphold an exclusion
- Direct reinstatement of the pupil immediately or on a particular date

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing board must, in any event, consider whether the head teacher's decision to exclude the child was justified based on the evidence.

Statutory guidance to governing boards on the consideration of an exclusion decision

The governing board should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own exclusion or giving evidence to the governing board.

The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

The governing board should ask all parties to withdraw before making a decision. Where, present a clerk may stay to help the governing board by reference to his/her notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account the head teacher's legal duties.

The governing board should note the outcome of their consideration on the pupil's educational record, along with copies of relevant paperwork for future reference.

The governing board's duty to notify people after their consideration of an exclusion

The governing board must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. The governing board

should set out their reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

In the case of a permanent exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel
- Of the date by which an application for review must be made
- Of the name and address of whom the review application should be submitted
- That the application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to exclusion
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this
- That they are required to make it clear if they wish for a SEND expert to attend the review
- That they may appoint someone at their own expense to make representations to the panel

Appendix A– Letters to parents

SAMPLE LETTER 1 (SCHOOL) - TO BE USED BY A HEAD TEACHER WHEN NOTIFYING A PARENT/CARER OF LUNCHTIME EXCLUSION. NB: PLEASE SEE ADDITIONAL PARAGRAPH MARKED ‘*’ WHICH IS TO BE USED IF THE PUPIL IS ENTITLED TO FREE SCHOOL MEALS.

Dear **[Parent/Carer’s name]**

I am writing to inform you of my decision to exclude **[pupil name]** for a fixed lunchtime period of **[number of days commencing on date]**. This means that **[pupil name]** will not be allowed in school for this lunchtime period.

The decision to exclude **[pupil name]** has not been taken lightly. **[Pupil name]** has been excluded for this lunch period because **[reason for exclusion]**.

[for pupils of compulsory school age]

As the parent/carer you have a duty to ensure that **[pupil name]** is not present in a public place, in school hours, without reasonable justification during this exclusion on **[specify each date i.e. 11th, 12th & 13th December 2007 up to 5 days]**. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the governing board. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible.

[This paragraph is optional]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of **[pupil 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 **[pupil name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

* The school will provide a packed lunch for **[name of child]** during the period of **[his/her]** exclusion **[insert details of arrangements that are in place for this]**.

If you require further information or assistance on the exclusion process please contact:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

SEND Information, Advice and Support Service. The Service offers direct support to parents/carers of pupils with special educational needs by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Website: <http://www.birmingham.gov.uk/sendias>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

Yours sincerely

[Name]

Head Teacher

SAMPLE LETTER 2 (SCHOOL) - TO BE USED BY A HEAD TEACHER WHEN NOTIFYING A PARENT/CARER OF A FIXED PERIOD EXCLUSION OF 5 SCHOOL DAYS OR FEWER IN ONE TERM AND WHERE A PUBLIC EXAMINATION IS NOT MISSED.

Dear **[Parent/Carer's name]**

I am writing to inform you of my decision to exclude **[pupil name]** for a fixed period of **[number of school days excluded]** commencing on **[date]**. This means that **[pupil name]** will not be allowed in school for this period.

The decision to exclude **[pupil name]** has not been taken lightly. **[Pupil name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age]

As the parent/carer you have a duty to ensure that **[pupil name]** is not present in a public place, in school hours, without reasonable justification during this exclusion on **[specify each date i.e. 11th, 12th & 13th December 2007]**. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

You also have the right to see a copy of **[pupil 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 **[pupil name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The school will continue to set work for **[pupil name]** during the period of **[his/her]** exclusion. **[Please insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to **[named member of staff]** for marking.

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

If you require further information or assistance on the exclusion process please contact:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendiasm>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

[This paragraph is optional]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Head Teacher

SAMPLE LETTER 3 (SCHOOL) – TO BE USED BY A HEAD TEACHER WHEN NOTIFYING A PARENT/CARER OF A FIXED PERIOD EXCLUSION OF 6 TO 15 DAYS IN A TERM, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM FALL WITHIN THIS RANGE. NB: PLEASE SEE ADDITIONAL PARAGRAPH MARKED ‘’ WHICH MUST BE USED FOR OCCASIONS WHERE PUBLIC EXAMINATIONS ARE DUE TO TAKE PLACE.**

Dear **[Parent/Carer’s name]**

I am writing to inform you of my decision to exclude **[pupil name]** for a fixed period of **[number of school days excluded for]** commencing on **[date]**. This means that **[pupil name]** will not be allowed in school for this period and should not return to school until **[date]**.

The decision to exclude **[pupil name]** has not been taken lightly. **[Pupil name]** has been excluded for this fixed period because **[reason for exclusion]**.

[For children of compulsory school age]

As the parent/carer you have a duty to ensure that **[pupil name]** is not present in a public place in school hours without reasonable justification during the first 5 school days **[or specify number of days if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify each date ie 11th, 12th & 13th December 2007]**. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child’s Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to the school promptly for marking.

[if the individual exclusion is for more than 5 days]

From the **[6th school day of the pupil’s exclusion [specify date]]** until the expiry of his **[or her]** exclusion we will provide suitable full-time education. **(If not known at time of writing say the arrangements will be notified shortly by a further letter)**. On **[date]** he **[or she]** should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member’s name]**.

***(If applicable — say something about transport arrangements from home to the alternative provider).**

You have the right to request a meeting of the School Governors’ Discipline Committee at which you may make representations. As the length of the exclusion totals more than five days this term (or equivalent) the Committee must meet if you request it to do so. The latest date the Committee can meet is **[date - no later than 50 school days from the date the Committee is notified]**. If you wish to make representations to the Committee please contact **[name, address and phone number - this is usually the Clerk to the School Governors’ Discipline Committee]** as soon as possible.

At the meeting you have the right to be accompanied by a friend and/or representative (at your own expense). Taking into account your child’s age and understanding, **[he/she]** may also attend the meeting to speak on

[his/her] own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate **[his/her]** views by other means.

Please advise if you have a disability or 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. The purpose of this meeting will be for the Committee to consider the reinstatement, or confirm the fixed period exclusion of **[pupil name]**.

You also have the right to see a copy of **[pupil 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 **[pupil name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

If you require further information or assistance on the exclusion process please contact:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137.

Email: SENParentPartnership@birmingham.gov.uk. Website: <http://www.birmingham.gov.uk/sendiaass>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

****During the period of this exclusion **[pupil name]** is entered for **[details of exams and dates]**. Please contact **[named member of staff]** to discuss the arrangements for enabling **[pupil name]** to take **[his/her]** exams.**

SAMPLE LETTER 4 (SCHOOL) - TO BE USED BY HEAD TEACHER NOTIFYING PARENT(S)/CARER(S) OF A FIXED PERIOD EXCLUSION OF 16 DAYS OR MORE IN ONE TERM, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM ARE 16 DAYS OR MORE. NB. PLEASE SEE ADDITIONAL PARAGRAPH MARKED '*' WHICH MUST BE USED FOR OCCASIONS WHERE PUBLIC EXAMINATIONS ARE DUE TO TAKE PLACE.

Dear **[Parent/Carer's name]**

I am writing to inform you of my decision to exclude **[pupil name]** for a fixed period of **[number of school days]**, commencing on **[date]**. This means that **[pupil name]** will not be allowed in school for this period.

The decision to exclude **[pupil name]** has not been taken lightly. **[Pupil name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age – next 3 paragraphs]

As the parent/carer you have a duty to ensure that **[pupil name]** is not present in a public place in school hours without reasonable justification during the first 5 school days **[or specify number of days if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify each date ie 11th, 12th & 13th December 2007]**. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** during the **[first 5 school days or specify dates]** of his / her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual exclusion is for more than 5 days]

From the **[6th school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we will provide suitable full-time education. **[set out the arrangements if known at time of writing, e.g. On [date] he should attend at [give name and address of the alternative provider if not the home school] at [specify the time — this may not be identical to the start time of the home school] and report to [staff member's name].(If arrangements are not known at time of writing, say these will be notified shortly by a further letter).**

(If applicable — say something about transport arrangements from home to the alternative provider.)

[If not known say that the arrangements for suitable full time education will be notified shortly by a further letter or by phone]

As the length of the exclusion is more than 15 school days in total in one term the governing board must meet to consider the exclusion. At the review meeting you may make representations to the governing board if you wish. The latest date on which the governing board can meet is **[date here —no later than 15 school days from the date the governing board is notified]**. If you wish to make representations to the Committee please contact

[name, address and phone number - this is usually the Clerk to the School Governors' Discipline Committee] as soon as possible.

At the meeting you have the right to be accompanied by a friend and/or representative (at your own expense). Taking into account your child's age and understanding, **[he/she]** may also attend the meeting to speak on **[his/her]** own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate **[his/her]** views by other means.

You will, whether you choose to make representations or not, be notified by the Clerk to the governing board of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting. The purpose of the meeting will be for the Committee to consider the reinstatement, or confirm the fixed period exclusion of **[pupil name]**.

[This paragraph is optional]

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see and have a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

*During the period of this exclusion **[pupil name]** is entered for **[details of exams and dates]**. Please contact **[named member of staff]** to discuss the arrangements for enabling **[pupil name]** to take **[his/her]** exams.

If you require further information or assistance on the exclusion process please contact:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendiaass>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited

advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

[Pupil name]'s exclusion expires on **[date]** and we expect **[him/her]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Head Teacher

SAMPLE LETTER 5 (SCHOOL) – TO BE USED BY THE CLERK TO THE SCHOOL GOVERNORS’ DISCIPLINE COMMITTEE UNDER THE FOLLOWING CIRCUMSTANCES:

- a) Where a pupil has received a fixed period exclusion or a lunchtime exclusion for less than 6 school days, and their parent/carer has requested the opportunity to make representations to the Committee regarding the exclusion and the Committee has agreed to the meeting (please note governing board is not required to arrange a meeting with parents if exclusion less than 5 school days. The governing board must consider any representations made by the parents, but it cannot direct reinstatement , or
- b) Where a pupil has received a fixed period exclusion or a lunchtime exclusion for between 6 – 15 school days, or where the cumulative exclusions in the same term fall within this range, and the parent/carer has requested the opportunity to make representations to the Committee regarding the exclusions, or
- c) Where the fixed period exclusion or lunchtime exclusion is for 16 school days or more, or where cumulative exclusions in the same term fall within this range, the parent automatically has a right to attend the School Governors’ Discipline Committee meeting and so this letter should be automatically sent as an invitation to the meeting of the Committee.

NB. Lunchtime Exclusion is a Fixed Period Exclusion equivalent to one half school days.

Dear **[Parent/Carer’s name]**

With reference to the letter from the Head Teacher dated **[insert date]**, I am now sending you the relevant information about the reasons that led to **[pupil name]**’s fixed period exclusion.

This report will be presented to the School Governors’ Discipline Committee on **[date]** at **[time]** **[am/pm]**. The report includes details of the relevant previous warnings, fixed period exclusions and strategies already attempted by the school.

You have a right to attend this meeting and also have the right to be accompanied by a friend and/or representative (at your own expense). Taking into account your child’s age and

understanding, **[he/she]** may also attend the meeting to speak on **[his/her]** own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate **[his/her]** views by other means.

Please advise if you have a disability or 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.

Should you prefer to communicate your views in writing, written comments should be sent to the school for the attention of **[name - Clerk to the School Governors' Discipline Committee]** and be received at least two school days before the date of the meeting.

* The following two paragraphs must only be used for exclusions that come under category b) or c) above.

The purpose of this meeting is for the Committee to consider the reinstatement, or confirm the fixed period exclusion of **[pupil name]**.

The Committee may confirm the fixed period exclusion or reinstate **[pupil name]** to the school.

This meeting is extremely important and you should make every effort to attend. If for any reason you are unable to attend it may be possible for the Governing board to arrange another date, although it is in **[pupil name]**'s best interests for the meeting to be held promptly. Please let **[Clerk to School Governors' Discipline Committee]** know as soon as possible.

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendiaass>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

Yours sincerely

[Name]

Clerk to School Governors' Discipline Committee

SAMPLE LETTER 6 (SCHOOL) - TO BE USED BY A HEAD TEACHER NOTIFYING A PARENT/CARER OF A PERMANENT EXCLUSION. NB: PLEASE SEE ADDITIONAL PARAGRAPH MARKED ‘*’ FOR OCCASIONS WHERE PUBLIC EXAMINATIONS ARE DUE TO TAKE PLACE.

Dear [Parent/Carer's name]

This letter is to inform you of my decision to exclude **[pupil name]** permanently from **[date]**. This means that **[pupil name]** will not be allowed back to this school unless **[he/she]** is reinstated by the School Governing board Discipline Committee or the Independent Review Panel recommends that the governing board reconsiders their decision or quash the decision and direct that the governing board considers the exclusion again

The decision to exclude **[pupil name]** has not been taken lightly. **[Pupil name]** has been excluded permanently because **[reason for exclusion - also include any relevant history here]**.

[For pupils of compulsory school age]

As the parent/carer you have a duty to ensure that **[pupil name]** is not present in a public place in school hours without reasonable justification during the first 5 school days of this permanent exclusion, that is on **[specify each date i.e. 11th, 12th & 13th December 2007]**. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education. **[Set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter]**

[Where pupil lives in a local authority other than the excluding school's local authority] I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the School Governors' Discipline Committee must meet to consider the reinstatement or to confirm the permanent exclusion of **[pupil name]**. You have the right to make representations about this decision to the School Governing board Discipline Committee and ask them to reinstate **[pupil name]**. If the Governing board Discipline Committee upholds the exclusion you have the right to ask for the decision to be reviewed by an Independent Review Panel. The latest date the Committee can meet is **[date - no later**

than 15 school days from the date the Committee is notified]. If you wish to make representations to the Committee please contact **[name of contact details: address, phone number – usually the Clerk to the School Governors’ Discipline Committee]** as soon as possible. Please advise if you have a disability or 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 will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting.

At the meeting you have the right to be accompanied by a friend and/or representative (at your own expense). Taking into account your child’s age and understanding, **[he/she]** may also attend the meeting to speak on **[his/her]** own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate **[his/her]** views by other means.

If you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may raise the issue with the Governing board Discipline Committee. This would not affect your right to make a claim to the First Tier Tribunal.

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>.

You also have the right to see a copy of **[pupil 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 **[pupil name]**’s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

*During the period of this exclusion **[pupil name]** is entered for **[details of exams and dates]**. Please contact **[named member of staff]** to discuss the arrangements for enabling **[pupil name]** to participate in [his/her] exams.

If you require further information or assistance on the exclusion process please contact:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email:

exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendiaass>

A link to sources of impartial advice for parents such as the Coram Children’s Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

Yours sincerely

[Name]

Head Teacher

SAMPLE LETTER 7 (SCHOOL) - TO BE USED BY THE CLERK TO THE DISCIPLINE COMMITTEE WHEN WRITING TO THE PARENT(S)/CARER(S) OF A PERMANENTLY EXCLUDED PUPIL INVITING THEM TO THE MEETING OF THE SCHOOL GOVERNORS' DISCIPLINE COMMITTEE, TO CONSIDER THE EXCLUSION.

Dear [Parent/Carer's name]

With reference to the letter from the Head Teacher dated **[insert date]**, I am now sending you a copy of the Permanent Exclusion Report and other relevant information about the reasons that led to **[pupil name]**'s permanent exclusion.

This report will be presented to the School Governors' Discipline Committee on **[date]** at **[time] [am/pm]**. The report includes details of the relevant previous warnings, fixed period exclusions and strategies already attempted by the school.

You have a right to attend this meeting and are invited to do so with **[pupil name]**. You may bring a friend and/or representative to attend the meeting with you and you may present oral or written comments for consideration. Taking into account your child's age and understanding, **[he/she]** may also attend the meeting to speak on **[his/her]** own behalf and is entitled to bring a friend. Alternatively your child may wish to communicate **[his/her]** views by other means. Written comments should be sent to the school for the attention of **[name - Clerk to the School Governors' Discipline Committee]** and be received at least two school days before the date of the meeting.

Please advise if you have a disability or 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. The purpose of this meeting is for the Committee to consider the reinstatement, or confirm the permanent exclusion of **[pupil name]**.

This meeting is extremely important and you should make every effort to attend. If for any reason you are unable to attend it may be possible for the Governing board to arrange another date, although it is in **[pupil name]**'s best interests for the meeting to be held promptly. Please let **[Clerk to School Governors' Discipline Committee]** know as soon as possible.

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email: exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendias>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

Yours sincerely

[Name]

Clerk to School Governors' Discipline Committee

SAMPLE LETTER 8 (SCHOOL) - TO BE USED BY THE CLERK TO THE DISCIPLINE COMMITTEE WHEN WRITING TO THE PARENT/CARER CONFIRMING THE COMMITTEE'S DECISION TO UPHOLD THE PERMANENT EXCLUSION.

Dear **[Parent/Carer's name]**

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

The reasons for the Committee's decision are as follows: **[give reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

You have the right to ask for the decision to be reviewed by an Independent Review Panel (IRP). If you wish to request a review please notify **The School Appeals Team, PO Box 15992 Birmingham B2 2UQ**, that you wish to apply for a review of the decision in respect of the permanent exclusion by no later than **[specify the latest date –15 school days after the day on which notice in writing was given of the GDC decision to the parents. Where notification was given by first class post, it is treated as having been given on the 2nd working day after which it was posted if sent by first class mail]**. Your application for review must state your reasons as to why you are requesting a review and any written evidence should also be submitted. Where appropriate, you should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.

If you have not lodged a request for a review by **[repeat latest date]**, your right to request a review will lapse. Please advise **The School Appeals Team, at the above address**, if you have a disability or special needs which would affect your ability to attend a review. Also, please inform **The School Appeals Team** if it would be helpful for you to have an interpreter present at the review meeting.

Regardless of whether your child has recognised special educational needs (SEN), you have the right to require the Local Authority to appoint an SEN expert to attend the review. There would be no cost to you for this appointment. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Please make it clear in your application whether you wish for an SEN expert to be appointed.

If you decide to request a review, it will be heard by an IRP. You may be accompanied by a friend and/or, at your own expense, appoint someone to make written and/or verbal representations on your behalf. A three member panel would comprise one serving or recently retired (within the last five years) head teacher, one serving or recently serving, school governor and one lay member, who would be chairperson. The IRP would rehear all the facts of the case - if you have fresh evidence to present to the Panel you may do so. The Panel are required to meet no later than the 15th school day after the date on which a review request is lodged. In exceptional circumstances, panels may adjourn a hearing until a later date.

In determining your review the IRP can make one of three decisions:

- they may uphold your child's exclusion;
- they may recommend that the governing board reconsiders their decision; or
- they may quash the governing board's decision and direct that the governing board considers the exclusion again.

In addition to the right to apply for a review by an IRP, if you believe that the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which your child was excluded.

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

I would like to remind you of the following sources of advice and assistance:

The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Fax: 0121 303 2882. Email:

exclusions@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS). The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email: SENParentPartnership@birmingham.gov.uk.

Website: <http://www.birmingham.gov.uk/sendiaass>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1pm during term time);

Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership)

www.councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The exclusions guidance on:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/ or make a claim, to the First Tier Tribunal.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing board/ management committee.

Yours sincerely

[Name]

Clerk to School Governors' Discipline Committee

Appendix B – A summary of the governing board’s duties to review the head teacher’s exclusion decision

