



# EXCLUSION POLICY

January 2019

Passmores Academy

Part of the Passmores Co-operative Learning Community

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## Policy rationale

Exclusion from Passmores Academy is only ever used as a last resort in response to serious or persistent breaches of the Academy's discipline policy, and if allowing the student to remain in school would seriously harm the education and welfare of the student or others in the Academy.

All decisions relating to exclusion are made by either of the Co-Principals (or Acting Principal if both of the Co-Principals are absent). An exclusion can only be issued on disciplinary grounds; it is unlawful to exclude for non-disciplinary reasons. Offences for which students may be excluded are: physical assault, verbal abuse, bullying, racist, sexist or homophobic abuse, behaviour which endangers others, ICT related offences (downloading inappropriate material), and acts of vandalism. The Co-Principals may also exclude in the event of a false malicious allegation made against a member of staff. Cases will be examined on the merits of the individual incident.

A student may be excluded for one or more fixed periods, but this must not exceed forty-five days in a single academic year. 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.

Permanent Exclusion is an option that may be pursued in light of particular incidents e.g. physical abuse of a member of staff or student, sexual abuse, the dealing of controlled drugs, or bringing dangerous weapons on to the school site. The Academy reserves the right to consider this sanction depending on circumstances.

Before excluding a student, in most cases a range of alternative strategies would have been tried, without success. These are detailed in the Behaviour for Learning Policy. These procedures do not prevent immediate action being taken to protect students and staff. A permanent exclusion can be given for a first offence, for example involving serious actual or threatened violence against another student or member of staff; sexual abuse or assault; supplying or carrying an illegal drug, or carrying or use of an offensive weapon.

### **Informing parents/carers**

When a decision is taken to exclude a student, the parents are informed by telephone and by letter. The letter will inform the parents/carer of:

- The reason for exclusion.
- The duration of exclusion.
- Parents' right to make representations about the exclusion to the governing body and how the student may be involved in this.
- How to make a representation.
- Where there is a legal requirement for the governing body to consider the exclusion, parents have the right to attend the meeting, be represented at this meeting (at their own expense) and to bring a friend.

The letter will also state how parents can access work for the student to complete online.

The parents/carers will be required to attend a reintegration interview with their son or daughter. At this interview all parties will agree a contract for improvement. If the exclusion is in excess of five days, or if the student has been excluded on several separate occasions, this meeting will be attended by at least one governor.

Written information will be either hand-delivered to parents, or posted to the last known address.

### **Responsibility for a child on a fixed-term exclusion**

For the first five days of exclusion (or until the start date of alternative provision where this is earlier) parents/carers are legally required to ensure their child is not present in a public place during school hours without reasonable justification. Parents/carers who fail to do so may be given a fixed penalty notice or face prosecution.

### **Lunchtime exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In instances of lunchtime exclusion, the Co-Principals are still duty-bound to notify parents/carers without delay. Lunchtime exclusions are counted as half a school day for statistical purposes.

## **Exclusions of five days or less**

For exclusions that are for five days or less, the Academy is responsible for setting and marking work.

## **Exclusions over five days and up to forty-five days**

If a student is excluded for more than five consecutive days, alternative provision must be arranged from the sixth day. The Co-Principals will provide the following information for the parents/carers:

- The start date for the alternative provision.
- Start and finish times.
- The address at which the provision will take place.
- Information required by the student to identify the person he/she should report to on the first day.

This information must be provided without delay and no later than forty-eight hours before the provision is due to start.

## **Permanent exclusion**

Permanent exclusion is only used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy, and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

When a student is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onwards it is the responsibility of the governing body to work with the local authority to make full-time provision.

If the Co-Principals permanently exclude a student from the Academy, the student's name will be removed from the Academy roll from the date of the permanent exclusion, but not until the exclusion is finalised by governors, and the period for the parents'/carers' right to request an independent review panel (IRP) has lapsed (fifteen school days). In cases when an IRP has been requested by the parents/carers, the student will remain on roll until the decision of whether or not to re-instate the student has been finalised (see section on 'Parents'/Carers' right to request an independent review panel (IRP)').

## **Parents/carers right to make representations to the Academy's governing body**

Parents/carers have the right to tell the governing body what they think about the exclusion. This is called making representations.

### Fixed-term exclusions fewer than five days in one term

If the exclusion, or total number of days the student has been excluded in one term is fewer than five, the governing body must consider any representations, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers. There is no time limit for the governing body to consider written parental representations if the student has been excluded for fewer than five days in one term, as long as they would not miss a public examination or National Curriculum test (see section on 'Fixed-term exclusions over fifteen days and permanent exclusion').

### Fixed-term exclusions over five days but no more than fifteen days

If the exclusion, or total number of days the student has been excluded from school is over five, but no more than fifteen days in one school term and the parents/carers make representations, the governing body must review the fixed-term exclusion and decide whether to reinstate the student or uphold the Co-Principals' decision within 50 school days of receiving notice of exclusion. If the student has returned to school before the governing body meet, although reinstatement will not be possible, they will consider whether it would be appropriate to place a note of their findings on the student's school record.

If the total number of days of fixed term exclusions does not exceed fifteen in any one term, and no representations are made, there is no statutory requirement for the governing body to meet.

### Fixed-term exclusions over fifteen days and permanent exclusion

The governing body must review all permanent exclusions and fixed term exclusions over fifteen days in a school term within fifteen school days from the date of the exclusion, or where a student would miss a public examination. In such cases, the governing body will aim to consider the exclusion before the date of the examination. Where this is not possible, the Chair of the local governing body will review the case before the date of the examination and may make a decision to re-instate the student. These are the only circumstances in which the Chair can review an exclusion decision alone. In

such cases parents still have the right to make representations to the governing body and will be made aware of this right.

While there is no automatic right for an excluded student to take an examination or test on the excluding school's premises, the governing body will consider whether to exercise its discretion to allow an excluded student on the premises for the sole purpose of taking the examination or test.

The governing body should note the outcome of its consideration on the students' educational record, along with relevant papers for future reference. These should be retained for at least six months in case a claim of discrimination is made to the First-tier tribunal (Special Needs and Disability) or the County Court.

#### Parents'/Carers' right to request an independent review panel (IRP)

Where parents/carers dispute the decision of a governing body not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel (IRP). An IRP does not have the power to direct the governing body to reinstate an excluded student. The IRP can do one of three things: i) uphold the governing body's decision ii) recommend that the governing body reconsiders reinstatement iii) quash the decision and direct that the governing body reconsiders reinstatement.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination). More information can be obtained from:

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

The local authority has no power to instruct a school to re-admit any student.

#### **Reporting and monitoring**

The Co-Principals will, without delay notify the PCLC Trust Directors, local governing body and local authority of:

- a permanent exclusion;
- exclusions which would result in the student being excluded for more than five days in a term;
- exclusions which would result in the student missing a public exam or national curriculum test.

The Co-Principals will provide the local governing body with anonymised data on exclusions once each term, to include the following information:

- Number of exclusions issued
- Number of students who were excluded
- The period of each exclusion
- Reason for the exclusions (referring the local authority descriptors).

In addition, the local governing body will monitor termly the Academy's exclusion statistics in relation to the following:

- Whether the exclusions are being administered within school policy
- The distribution of exclusions across year groups
- The distribution of exclusions across ethnic or other specific groups
- Any identifiable factors relating to disproportionate representation
- Any evidence of discrimination in policy or practice.

**This policy was approved by the Passmores Local Governing Body on 15<sup>th</sup> January 2019 and will be reviewed at least annually, in line with new legislation.**

## APPENDIX A

### Model Letter 1

From the Co-Principals notifying parent of a fixed period exclusion of 5 days or fewer in one term, and where a public examination is not missed.

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [number of days]. This means that [he/she] will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

[Child's name] will be expected to complete school work on the days specified in the previous paragraph. The school website has a variety of links on the front page that will guide you to the GCSEPod and other learning platforms which can be accessed under the Quick Links section at [www.passmoresacademy.com](http://www.passmoresacademy.com)

You have the right to make representations about this decision to the Local Governing Body. If you wish to make representations, please contact Mrs Sue Walker, Chair of Governors, via Mrs Deb Bartram (Clerk to the Governing Body), by emailing [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. Whilst the Local Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination). Making a claim would not affect your right to make representations to the Governing Body.

### USE ONE OF THE FOLLOWING THREE PARAGRAPHS:

You [child's name] are requested to attend a reintegration interview with [alternatively, specify the name of another staff member] at Passmores Academy 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. Failure to attend a reintegration interview will be a

factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

**[OR:]**

You and **[child's name]** are requested to attend a governors' panel meeting at Passmores Academy on **[date]** at **[time]**. If this is not convenient, please contact Mrs. Bartram who can be reached by email at [dbartram@passmoresacademy.com](mailto:dbartram@passmoresacademy.com) to arrange a suitable alternative date and time.

**[Or if you are not sure of when the panel will be, use this one:]**

The school will contact you shortly with instructions for you and **[child's name]** to attend a governors' panel meeting, to discuss the re-integration of **[child's name]** back into the academy.

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

You may find it useful to contact The Coram Children's Legal Centre on 01206 714650 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

**[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

Mr V. Goddard

Miss N. Christie

Co-Principal

Co-Principal

Form:

Date:

## APPENDIX B

### Model Letter 2

From the Co-Principals notifying parent of a fixed period exclusion of more than 5 days (up to and including 15 school days) in a term.

Dear [Parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [number of days]. This means that [he/she] will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

[child's name] will be expected to complete school work on the days specified in the previous paragraph. The school website has a variety of links on the front page that will guide you to the GCSE Pod and other learning platforms which can be accessed under the Quick Links section at [WWW.passmoresacademy.com](http://WWW.passmoresacademy.com)

**[If the individual exclusion is for more than 5 days]**

From the 6<sup>th</sup> school day of the pupil's exclusion [specify date] until the expiry of his/her exclusion we will provide suitable full-time education. **[Set out the arrangements if known at time of writing, if not known say that the arrangements for suitable full time education will be notified shortly by a further letter.]**

As the period of exclusion is more than five school days in a term, you have the right make representations to the Academy's Local Governing Body and request that my decision to be reviewed. The latest date by which the Governing Body must meet is **50<sup>th</sup> school day**. If you wish to make representations please contact Mrs. Sue Walker, Chair of the Local Governing Body via Mrs Deb Bartram (Clerk to the Governing Body), by emailing [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform Mrs Bartram if it would be helpful for you to have an interpreter at the meeting.

The Governing Body must consider reinstatement where possible. If the pupil has returned to school before the Governing Body meet, they must still place a copy of their findings on the pupil's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School's Governing Body.

You and **[child's name]** are requested to attend a reintegration interview with **[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. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may find it useful to contact The Coram Children's Legal Centre on 01206 714650 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

**[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

**Mr V Goddard**  
Co-Principal

**Miss N Christie**  
Co-Principal

Form:

Date:

## APPENDIX C

### Model letter 3

From the Co-Principals notifying parent of a fixed period exclusion of more than 15 school days in one term.

Dear [Parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [number of days]. This means that [he/she] will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child's name] during the [first 5 or specify other number as appropriate] school days of [his/her] exclusion [specify the arrangements for this]. Please ensure that any work set by the School is completed and returned to us promptly for marking.

From the 6<sup>th</sup> school day of the pupil's exclusion [specify date] until the expiry of [his/her] exclusion we will provide suitable full-time education. [Set out the arrangements if known at time of writing, if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]

On [date] [he/she] should attend [give name and address of alternative provider] at [specify the time] and report to [staff members name].

As the period of this exclusion is more than 15 school days in one term the School's Governing Body must meet to consider the exclusion. At the hearing you may make representations to the Governing Body if you wish. The latest date by which the Governing Body must meet is [specify date – no later than the 15 school days from the date which the Governing Body were notified of this exclusion]. If you wish to make representations and wish to be accompanied by a friend or representative please contact Mrs Deb Bartram, clerk to the governors by email [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. You will, whether you choose to make representations or not, be notified by

Mrs Bartram of the time, date and location of this 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 Mrs Bartram if it would be helpful for you to have an interpreter at the meeting.

The Governing Body must consider reinstatement where possible. If the pupil has returned to school before the Governing Body meet, they must still place a copy of their findings on the pupil's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You and **[child'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. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may find it useful to contact The Coram Children's Legal Centre on 01206 714650 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

**[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  
Mr V Goddard  
Co-Principal

Miss N. Christie  
Co-Principal

## APPENDIX D

### Model letter 4

From the Co-Principal notifying parent of a Student Behaviour Governors' Review Panel

Dear [PARENT NAME],

Governor Panel Meeting - [DATE AND TIME]

Following the fixed term exclusion issued to [STUDENT NAME] on [DATE] (copy of letter enclosed), you and [STUDENT NAME] are now required to attend a Governor Panel meeting at Passmores Academy on [DATE AND TIME].

We strongly recommend that you attend this meeting to discuss how best the return to school for [STUDENT NAME] can be managed. Failure to attend this meeting could result in a lengthy delay in [STUDENT NAME] reintegration to school and further disruption to [HIS/HER] school education.

You may find it useful to contact The Coram Children's Legal Centre on 01206 714650 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours sincerely

Mr V Goddard  
Co-Principal

Miss N. Christie  
Co-Principal

Form: [FORM GROUP (Year GROUP)]

Date: [DATE OF EXCLUSION AND NUMBER OF DAYS]

## APPENDIX E

### Model Letter 5

From Co-Principals notifying parent of student's permanent exclusion.

Dear [PARENT'S NAME],

I am writing to inform you of my decision to permanently exclude [STUDENT'S NAME] with effect from [DATE OF EXCLUSION]. This means that [HE/SHE] will not be allowed in this school unless [HE/SHE] she is reinstated by the school's Governing Body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [STUDENT'S NAME] has not been taken lightly. [STUDENT'S NAME] has been excluded because [INSERT REASON].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion from [DATE OF EXCLUSION] unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for [STUDENT'S NAME] education to continue will be made. For the first five school days of the exclusion we will set work for [STUDENT'S NAME] and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards i.e. from [DATE OF EXCLUSION], the Local Authority will provide suitable full-time education.

I have also informed Julie Millar-Robinson at Essex 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 on 03330 131150.

As this is a permanent exclusion the school's Governing Body must meet to consider the exclusion. At the hearing you may make representations to the Governing Body. The Governing Body can either reinstate your child immediately or on a particular date, or decline reinstatement. If the reinstatement is declined, you have the right to request an independent review. The latest date by which the Governing Body must meet is **[specify date – no later than 15 school days from the date which the Governing Body were notified of the exclusion]**. If you do wish to make representations and wish to be accompanied by a friend or representative, please contact Mrs D. Bartram on (01279) 770872 or email [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) as soon as possible. You will be notified

by Mrs Bartram of the time, date and location of this meeting. Please advise if you have a disability or special needs which would affect your ability to take part in a meeting at the school. Also please inform Mrs. Bartram if it would be helpful for you to have an interpreter at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

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

You may wish to contact Julie Millar-Robinson (03330 131150) from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre on 01206 714650 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time [www.ace-ed.org.uk](http://www.ace-ed.org.uk) can also be contacted for advice.

Yours sincerely

**Mr V Goddard**  
Co-Principal

**Miss N. Christie**  
Co-Principal

Form: [FORM GROUP (Year GROUP)]

Date: [DATE OF PERMANENT EXCLUSION]

## APPENDIX F

### Model letter 6

From the Clerk notifying parents of date of statutory Governors' Student Discipline Panel meeting.

Dear [Parent's Name]

I am writing to let you know that the Governors' Student Discipline Panel of this school will meet on [date] to consider the exclusion of [Student's Name] and to invite you to attend.

Its duty is to consider the exclusion and decide whether it should be confirmed (that is remain in place) or whether your [son/daughter] should be reinstated (that is, may return to school). An officer of the Local Authority may elect to be present at the meeting.

The Governors will consider carefully all the circumstances of the exclusion, including any letter you send to them, and statements you make at the meeting, as well as the report from the Co-Principals. If you would like to write to the Governors please ensure I receive your letter as soon as possible so that I can send copies to the members of the Panel and to the Co-Principals. Similarly, I will send you a copy of the Co-Principals' report to the Panel.

The Governors would also like [Student's Name] to attend and to speak and answer questions at the meeting if you are in agreement with this.

At the meeting, the Panel Chair will explain how it will proceed, and you will have the opportunity to tell the Governors why you think [Student's name] should return to school and to ask the Co-Principal who is in attendance questions.

When you and the Co-Principal have completed what you want to say, the Panel Chair will ask you, the Co-Principal and the Local Authority Officer (if present) to withdraw whilst the Governors arrive at their decision.

If you wish to be accompanied by a friend or representative could you please let me know as soon as possible. Please also 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, and also if it would be helpful for you to have an interpreter at the meeting.

You will be given the decision as soon as possible and in writing by the Panel Chair within one day of the meeting.

In the meantime, if you have any questions, please feel free to contact by email on [d.bartram@passmoresacademy.com](mailto:d.bartram@passmoresacademy.com) or by phone (01279) 770872.

Yours sincerely,

Mrs Deb Bartram - Clerk to the Governing Body

## APPENDIX G

### Model letter 7

From the Student Discipline Panel Chair notifying parents of decision of the Panel to uphold a fixed term exclusion.

Dear [PARENT'S NAME],

Thank you for attending the Pupil Discipline Panel hearing on the [DATE], and for presenting your case to us for consideration.

Our role was to act as independent adjudicators, to consider the evidence presented by both parties, and to make a determination on this matter. Primarily, we are looking for evidence that the school's procedures have been followed, the prescribed timescales have been adhered to, and that a fair outcome has been reached.

In hearing the representations, we are satisfied that the school's procedures have been followed, and the requisite notice of meetings has been applied.

We have considered all the points of both yours and [HEADTEACHER'S NAME] representations, and confirm the Panel has decided to uphold [HEADTEACHER'S NAME] decision to exclude [STUDENT'S NAME] from school, for a period of [NUMBER OF DAYS OF EXCLUSION], until [DATE].

The reasons for the Panel's decision are as follows:  
[INSERT REASONS]

On behalf of the Panel, I would like to thank you for your time and for attending the Panel hearing.

Yours sincerely,

Chair of Pupil Discipline Panel.

## APPENDIX H

### Model letter 8

From the Student Discipline Panel Chair notifying parents of decision of the Panel to uphold a permanent exclusion.

Dear [PARENT'S NAME]

Thank you for attending the Pupil Discipline Panel meeting on [DATE].

Our role was to act as independent adjudicators, to consider the evidence presented by both parties, and to make a determination on this matter. Primarily, we are looking for evidence that the school's procedures have been followed, the prescribed timescales have been adhered to, and that a fair outcome has been reached.

In hearing the representations, we are satisfied that the school's procedures have been followed, and the requisite notice of meetings has been applied.

We have considered all the points of both yours and Mr Goddard's representations, and with regret, confirm the Panel has decided to uphold Mr Goddard's decision to permanently exclude [STUDENT'S NAME] from Passmores Academy, with effect from [DATE].

The reasons for the Panel's decision are as follows:

[INSERT REASONS]

You have the right to ask for this decision to be reviewed by an independent review panel (IRP). If you wish for this decision to be reviewed by an Independent Review Panel, please notify **[address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Alternative Education Commissioning Service prior to sending the letter to parents to confirm which you will be using - this alters the process used by parents to request an Independent Review and an additional form may be required]** of your request. You must set out the reasons for your review in writing, and, if appropriate this may also include reference to any disability discrimination claim you may wish to make. Please send this notice to by no later than **[specify the latest date – the 15<sup>th</sup> school day after the parents would receive this letter – weekends, bank holidays, school holidays and non-pupil days do not count – please contact the Alternative Education Commissioning Service if you would like us to double check the date you intend to use].**

The Review Panel will rehear all facts of the case. If you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15<sup>th</sup> school day after the date on which your request for a review is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

In determining your review the panel can make one of three decisions: they may uphold the Governing Board's decision; recommend that the Governing Board reconsiders reinstatement; or quash the decision and direct that the Governing Board reconsiders reinstatement.

If you have not submitted your request for an Independent Review by **[repeat latest date]**, you will lose your right to do so. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also please inform **[name of clerk to the review panel]** if it would be helpful for you to have an interpreter present at the hearing.

**[STUDENT'S NAME] [HAS / HAS NOT]** been identified by yourself **[AND /OR]** the school as having special educational needs (SEN). The Panel must inform you that regardless of whether your child has a recognised special educational need, you have a right to ask us to appoint an SEN expert to attend the review. There would be no cost to you for this. The SEN expert's role is similar to an expert witness and would provide impartial advice to the review panel on how SEN might be relevant to the exclusion, based on the evidence provided to the review panel. If you would like further information on the statutory exclusion guidance, or would like to talk to a SEN expert, please contact Mrs Bartram. If you wish to request the attendance of an SEN expert please include this request in your written request for the review. Please also inform us if you require any special assistance in attending the review.

At your own expense, you may appoint someone to make written and/or oral representations to the review panel. You may also bring a friend with you to the review.

If you request an independent review within the timeframe set out above, we will arrange for an independent review panel hearing within 15 school days of receiving your request in accordance with the Statutory Guidance. Following its review, the Panel can decide to:

- uphold the exclusion, which means your child will subsequently come off the roll of the school and education will continue through the alternative provider;
- recommend that the governing body reconsiders their decision. As this is only a recommendation, the governing body can refuse to reconsider reinstatement. You would be advised accordingly. Should the governors reconsider reinstatement, your child will remain on the school roll until a final decision is reached;
- direct the governing body to consider reinstatement again. If the governing body fail to reinstate your child within ten school days of receiving notice of the Panel's decision, the excluding school will face a £4000 fine.

The Independent Review Panel's decision is binding.

## Discrimination

In addition to your right to apply for an independent review panel, if you believe the exclusion has occurred as a result of discrimination then 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 and to the County Court in the case of other forms of discrimination. For further information, please see: <http://www.justice.gov.uk/tribunals/send/appeals>. A claim of discrimination should be lodged within 6 months of the date which the discrimination is alleged to have taken place.

## Further information

I understand that this will be a worrying time for you. If you would like further information about the exclusion process, you can view the Statutory Guidance 'Exclusion from maintained schools, academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' (DfE, September 2012) on the DfE website:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

For guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) please access the following link: (<https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court for other forms of discrimination.

You may wish to contact **Julie Millar-Robinson- 03330 131150** from the Local Authority Alternative Education Commissioning Service who can provide advice. You may find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

On behalf of the Panel, I would like to thank you for your time and for attending the Panel meeting. We wish **[STUDENT'S NAME]** every success for the future.

Yours sincerely,

Chair of Pupil Discipline Panel

## APPENDIX I

### Decision planner for the Student Discipline Panel

Some points for members of a Governing Bodies Discipline Committee to consider when reviewing the Co-Principals' decision to exclude a pupil;

Did the student, on the balance of probabilities, commit the breach of the Academy's discipline policy of which they are accused?	
Would allowing the student to remain in school seriously harm the education or welfare of others in the Academy?	
Did the Academy evidence that all strategies available had been exhausted prior to the decision to exclude?	
Did the Co-Principals have any alternative to exclusion?	
Is the Co-Principals' decision in line with the Academy's published discipline policy?	
Was the decision to exclude based on a serious one off incident, or for an accumulation of offences?	
Is the student defined as having Special Educational Needs? Has the student received the support as set out in the Statutory Assessment? Has the student had a recent annual	

<p>review? Were the Statutory Assessment Service consulted prior to the decision to exclude?</p>	
<p>Has the student been identified as having a disability? If so, has the student been treated less favourably than other students and have reasonable adjustments been made in regard to their disability?</p>	
<p>Was the incident provoked (for example by bullying, racial or sexual harassment)?</p>	
<p>Are you satisfied that a full and appropriate investigation was undertaken? Has the Academy interviewed all parties and have you cross referenced the witness statements?</p>	
<p>Did the Academy apply the correct procedures when excluding the student?</p>	
<p>Was the student given the opportunity to give their version of events?</p>	

APPENDIX J

## Recommendation for Fixed Term Exclusion

To: Co-Principal/Vice Principal  
(SLT)

From: \_\_\_\_\_

Student: \_\_\_\_\_

Mentor group: \_\_\_\_\_

Date of incident: \_\_\_\_\_

Date presented to SLT: \_\_\_\_\_

ALT ED/WE: No  Yes  Days M  Tu  Wed  Th  Fr

**Proposed Fixed Term Exclusion:**

**Information:**

*Category:*

*Total number of previous exclusions:*

*To commence on:*

*Total length of previous exclusion*

*Amount of days:*

*Cumulative days excluded this term:*

*Last day of exclusion:*

*Number exclusion letter to send:*

*Previous exclusion codes:*

**Re-integration meeting:-**

**Evidence Attached**

*Date:*

*Student written statement*

*Time:*

*Teacher/Pupil aggrieved*

*With:*

*Witness statements*

**Reason**

**Other strategies considered**

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SANCTIONED BY: \_\_\_\_\_

Parents telephoned: \_\_\_\_\_ Letter sent: \_\_\_\_\_

## APPENDIX K: National standard list of reasons for exclusions

This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for exclusions and the 'other' category should be used sparingly.

	CODE		CODE
<b>Physical assault against pupil</b>	<b>PP</b>	<b>Physical assault against adult</b>	<b>PA</b>
Includes: <ul style="list-style-type: none"> <li>Fighting</li> <li>Violent behaviour</li> <li>Wounding</li> <li>Obstruction and jostling</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Violent behaviour</li> <li>Wounding</li> <li>Obstruction and jostling</li> </ul>	
<b>Verbal abuse / threatening behaviour against pupil</b>	<b>VP</b>	<b>Verbal abuse / threatening behaviour against adult</b>	<b>VA</b>
Includes: <ul style="list-style-type: none"> <li>Threatened violence</li> <li>Aggressive behaviour</li> <li>Swearing</li> <li>Homophobic abuse and harassment</li> <li>Verbal intimidation</li> <li>Carrying an offensive weapon</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Threatened violence</li> <li>Aggressive behaviour</li> <li>Swearing</li> <li>Homophobic abuse and harassment</li> <li>Verbal intimidation</li> <li>Carrying an offensive weapon</li> </ul>	
<b>Bullying</b>	<b>BU</b>	<b>Racist abuse</b>	<b>RA</b>
Includes: <ul style="list-style-type: none"> <li>Verbal bullying</li> <li>Physical bullying</li> <li>Homophobic bullying</li> <li>Racist bullying</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Racist taunting and harassment</li> <li>Derogatory racist statements</li> <li>Swearing that can be attributed to racist characteristics</li> <li>Racist bullying</li> <li>Racist graffiti</li> </ul>	
<b>Sexual misconduct</b>	<b>SM</b>	<b>Drug and alcohol related</b>	<b>DA</b>
Includes: <ul style="list-style-type: none"> <li>Sexual abuse</li> <li>Sexual assault</li> <li>Sexual harassment</li> <li>Lewd behaviour</li> <li>Sexual bullying</li> <li>Sexual graffiti</li> </ul>		Includes: <ul style="list-style-type: none"> <li>Possession of illegal drugs</li> <li>Inappropriate use of prescribed drugs</li> <li>Drug dealing</li> <li>Smoking</li> <li>Alcohol abuse</li> <li>Substance abuse</li> </ul>	
<b>Theft</b>	<b>TH</b>	<b>Damage</b>	<b>DM</b>
Includes: <ul style="list-style-type: none"> <li>Stealing school property <ul style="list-style-type: none"> <li>Stealing personal property (pupil or adult)</li> <li>Stealing from local shops on a school outing</li> <li>Selling and dealing in stolen property</li> </ul> </li> </ul>		Includes damage to school or personal property belonging to any member of the school community: <ul style="list-style-type: none"> <li>Vandalism</li> <li>Arson</li> <li>Graffiti</li> </ul>	
<b>Persistent disruptive behaviour</b>	<b>DB</b>	<b>Other</b>	<b>OT</b>
<ul style="list-style-type: none"> <li>Challenging behaviour</li> <li>Disobedience</li> <li>Persistent violation of school rules</li> </ul>		Includes incidents which are not covered by the categories above, but this category should be used sparingly	