

# Exclusion Policy

“What does the Lord ask of you? To act justly, to love  
mercy and to walk humbly with your God.”

(Micah 6:8)

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## Statement of intent

At St Michael's Church of England High School, we understand that good behaviour and discipline is essential for promoting a high quality of education.

Amongst other disciplinary sanctions, the school recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Management Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils only be used as a means of last resort.

The school has created this policy to define clearly the legal responsibilities of the headteacher, governing board and local authority (LA) when responding to pupil exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Any pupil who was excluded before September 2017, and whose exclusion is still subject to review at this point, be considered on the basis of the September 2012 guidance.

Signed by:

_____	Headteacher	Date: _____
_____	Chair of governors	Date: _____

## 1. Legal framework

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

- The Education Act 2002 (As amended by The Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (As amended 2014)
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, Academies and pupil referral units (PRUs) in England: A guide for those with legal responsibilities in relation to exclusion' (as amended 2015)
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

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

- Behaviour Management Policy
- Anti-Bullying Policy
- Code of Conduct Agreement
- Violence Towards Staff Policy

## 2. Grounds for exclusion

2.1. The school will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Management Policy, have failed to be successful, or a single serious incident has occurred.

2.2. 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 injury

2.3. Pupils can be excluded on a fixed period basis, i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

2.4. In all cases, the headteacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

- 2.5. As a voluntary aided school, the school has the power to direct a pupil off-site to improve his/her behaviour.

### **3. The headteacher's power to exclude**

- 3.1. Only the headteacher 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.
- 3.2. The headteacher is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.
- 3.3. The headteacher is able to consider a pupil who engages in disruptive behaviour outside of school premises as grounds for exclusion, in accordance with the school's Behaviour Management Policy.
- 3.4. Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the (ECHR).
- 3.5. All exclusions will be formally recorded.
- 3.6. When sending a pupil home following any exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents/carers.
- 3.7. The headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 3.8. The headteacher may withdraw any exclusion that has not already been reviewed by the governing board.
- 3.9. At all times, the headteacher 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, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.
- 3.10. The headteacher will not issue any 'informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.
- 3.11. The headteacher will not use the threat of exclusion as a means of instructing parents/carers to remove their child from the premises.

### **4. Factors to consider when excluding a pupil**

- 4.1. When considering the exclusion of a pupil, the headteacher will:
- allow the pupil the opportunity 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
  - take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction
  - consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour

- 4.2. The headteacher will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, in order to reduce their risk of exclusion, including the following:
- looked after children (LAC)
  - pupils eligible for free school meals
  - pupils with SEND
  - certain ethnic groups
- 4.3. In light of the above, the headteacher will consider avoiding permanently excluding LAC pupils or pupils with an education, health and care (EHC) plan. For other vulnerable groups, additional support will be considered.
- 4.4. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher who will consider what extra support or alternative placement is required.
- 4.5. The headteacher will work in conjunction with the parents/carers of any pupil with additional needs, in order to establish the most effective support mechanisms.

## **5. Duty to inform parents/carers**

- 5.1. Following the headteacher's decision to exclude a pupil, they will inform the parents/carers immediately, of the period of the exclusion and the reasons behind this.
- 5.2. The headteacher will inform the parents/carers in writing, (electronically if written permission has been received from the parents for notices to be sent this way) of the following:
- the reasons for the exclusion
  - the length of the fixed period exclusion, or, for a permanent exclusion, the fact that it is permanent
  - their right to raise any representations of the exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
  - 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
  - the arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
  - relevant sources of free, impartial information
- 5.3. Where the pupil is of compulsory school age, the headteacher will inform the parents/carers by the end of the afternoon session that:
- for the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.
- 5.4. Where the headteacher has arranged alternative provision, they will also inform the parents/carers of the following:
- the start date for any provision of full-time education, including starting and finishing times
  - the address at which the provision will take place
  - any information necessary for the pupil to identify the person they report to on the starting date

- 5.5. Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.
- 5.6. If the alternative provision is due to begin before the sixth day of exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.
- 5.7. If the headteacher has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

## **6. Duty to inform the governing board and LA**

- 6.1. The headteacher will inform the governing board and LA, without delay, of the following:
  - any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
  - any exclusions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
  - any exclusions which would result in the pupil being absent from an examination or national curriculum test
- 6.2. For any exclusions, other than those above, the headteacher will notify the governing board and LA once per term.
- 6.3. All notifications to the governing board and LA will include the reasons for exclusion and the duration of any fixed period exclusion.
- 6.4. If the pupil who is excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

## **7. Arranging education for excluded pupils**

- 7.1. 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.
- 7.2. 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.
- 7.3. The governing board will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.
- 7.4. For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.
- 7.5. 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.

- 7.6. 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.
- 7.7. If a pupil with SEND has been excluded, the governing board will ensure that:
- any alternative provision is arranged in consultation with the parents/carers, who are able to request preferences
  - when identifying alternative provision, any EHC plan is reviewed/the pupil's needs are reassessed, also in consultation with the pupil's parents

## **8. Considering exclusions**

- 8.1. The governing board, or a delegated committee, will consider any representations made by parents/carers in regard to exclusion.
- 8.2. Parents/carers and, where requested, a friend or representative, the headteacher and, where applicable, a member of the LA, will be invited to attend any consideration of exclusions and will be able to make representations.
- 8.3. Any meeting to consider an exclusion will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 8.4. The governing board will consider the reinstatement of excluded pupil, where:
- the exclusion is permanent
  - the exclusion is fixed period, and would bring the pupil's total number of excluded school days to more than 15 in any given term
  - the exclusion would result in the pupil missing a public examination
- 8.5. In the case of fixed-period exclusion where the pupil's total number of excluded day is more than 5 but less than 15 school days within a term, if requested by the parents, the governing board will consider exclusions within 50 school days of receiving notification.
- 8.6. In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the governing board is not required to meet and cannot direct the reinstatement of the pupil.
- 8.7. Where exclusion would result in a pupil missing a public examination, the governing board will consider the exclusion before the test to decide whether the pupil be reinstated in time to take the examination.
- 8.8. If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors will consider the exclusion alone and decide whether or not to reinstate the pupil.
- 8.9. In light of the above, the governing board will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.
- 8.10. When considering the reinstatement of an excluded pupil, the governing board will:
- only discuss the exclusion with the parties present at the meeting
  - ask for any written evidence prior to the meeting

- circulate any written evidence and information to all parties, at least five school days in advance of the meeting
- allow pupils and parents/carers to be accompanied by a person of their choice at the meeting
- consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting
- identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on his/her behalf, or how he/she may contribute personal views by other means if attendance is not possible
- consider the interests and circumstances of the excluded pupil, including the grounds for exclusion

## 9. Reaching a decision

9.1. After considering exclusions, the governing board will either:

- decline to reinstate a pupil
- direct the reinstatement of the pupil immediately, or on a specified date

9.2. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing board will still consider whether the pupil be officially reinstated, and whether the headteacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

9.3. The governing board will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

9.4. In order to reach a decision, the governing board will:

- identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views
- ensure that minutes are taken of the meeting as a record of the evidence that was considered
- ask all parties to withdraw from the meeting before concluding their decision
- consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude
- record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months
- make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil

## 10. Notification of considered exclusions

10.1. The governing board will notify the parents/carers of the excluded pupil, the headteacher and the LA of their decision following the consideration of an exclusion, in writing and without delay.

10.2. 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 to whom the review application be submitted

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

10.3. The governing board will also notify parents/carers that if they believe an exclusion has been issued as a result of discrimination then they are required to make a claim under The Equality Act 2010 to the First-tier Tribunal (SEND), and that this be within six months of when the discrimination allegedly took place.

10.4. After any conclusion, the governing board will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## **11. Removing permanently excluded pupils from the school register**

11.1. The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents/carers were notified of the governing board's decision not to reinstate the pupil exclusion and no application for an independent panel review has been received
- the parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion

11.2. 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.

11.3. If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- all the particulars which were entered in the register
- the address of any parent with whom the pupil normally resides
- the grounds upon which the pupil's name is to be removed from the register

11.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

11.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal Court or County Court.

11.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## **12. Independent Review Panel**

- 12.1. The LA will review the governing board's decision not to reinstate a permanently excluded pupil, if the parents/carers submit their application for this within the required time frame.
- 12.2. Parents/carers are required to submit their applications within:
  - 15 school days of the governing board's notification of their decision
  - 15 school days of the final determination of a discriminatory claim made under The Equality Act 2010
- 12.3. Any application made outside of this timeframe will not be reviewed.
- 12.4. Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.
- 12.5. The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.

## **13. Appointing a SEND expert**

- 13.1. If requested by parents/carers in their application for an independent review panel, the LA must appoint a SEND expert to attend the panel and cover the associated costs of this appointment.
- 13.2. The LA must make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- 13.3. Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.
- 13.4. The SEND expert's role is set out in [section 14](#) of this policy.
- 13.5. Individuals may not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because he/she is an employee of the LA.
- 13.6. The SEND expert be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; special educational needs coordinators (SENCOs) and behaviour support teachers.
- 13.7. Recently retired individuals are not precluded from fulfilling this role however, the LA will, during interview, assess the knowledge of such individuals to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.
- 13.8. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, a LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

- 13.9. The final decision on the appointment of an SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.
- 13.10. It is for the LA to determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

#### **14. The role of a SEND expert**

- 14.1. The SEND expert's role is analogous to an expert witness, providing (orally, in writing or both) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.
- 14.2. The focus of the SEND expert's advice will be on whether the school's policies that relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case they will, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.
- 14.3. Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.
- 14.4. The SEND expert will not criticise a school's policies or actions simply because they believe a different approach have been followed or because another school might have taken a different approach.

#### **15. Appointing a clerk**

- 15.1. The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.
- 15.2. Where a clerk is appointed the LA will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

#### **16. The role of a clerk**

- 16.1. The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- 16.2. The clerk will:
- identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance
  - identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance

- ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. (Pupils under 18-years-old will not be allowed to appear in person without parental consent)
- inform the parents, headteacher, governing board and the LA that they are entitled to: make oral and written representations to the panel; attend the hearing; and be represented
- ensure that all parties are:
  - provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date
  - informed about who is attending the meeting, and what their roles are
- attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel

16.3. Where a clerk is not appointed, the LA will undertake the functions outlined in paragraphs 16.1 and 16.2 of this policy.

## **17. The duties of the Independent Review Panel members in the conduct of an independent review panel**

17.1. The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel 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.

17.2. The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

17.3. Following the review, the panel will do one of the following:

- uphold the decision
- recommend that the governing board reconsiders reinstatement
- quash the decision and direct that the governing board reconsiders reinstatement

17.4. The panel's decision does not have to be unanimous and can be decided by majority vote. It is binding on the pupil, parents, the governing board, headteacher and the LA.

## **18. Reconsidering reinstatement following a review**

18.1. Where the independent review panel instructs the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

18.2. The school is aware that if the governing board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

18.3. If, following a reconsideration of an exclusion, the governing board offers to reinstate the pupil but the parents/carers decline, no adjustment will be made to the school's budget.

18.4. Following a reconsideration, the governing board will notify the parents/carers, the headteacher and the LA, of their reconsidered decision and the reasons for this.

## 19. **Criminal investigations**

- 19.1. The headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 19.2. The headteacher will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 19.3. If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

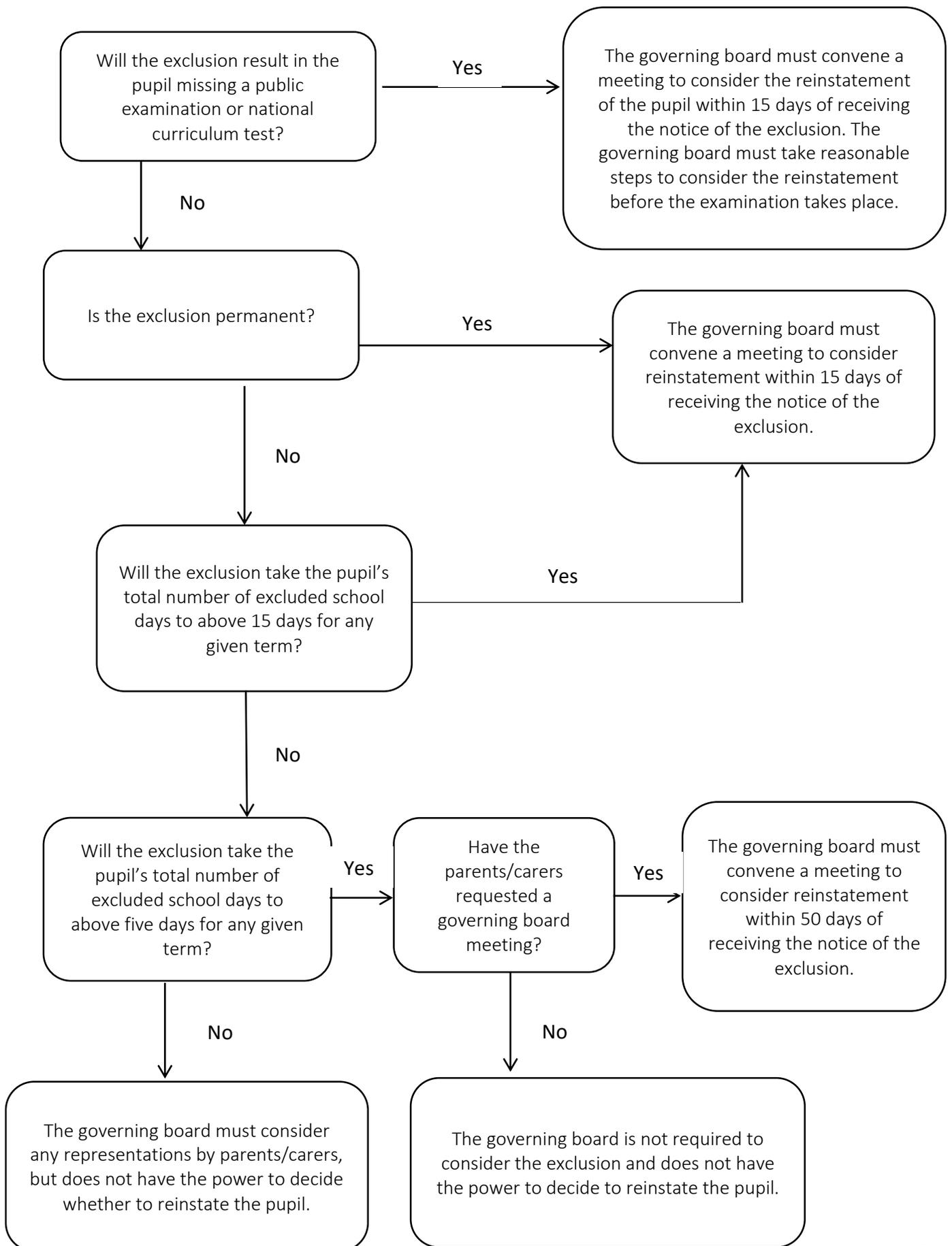
## 20. **Training requirements**

- 20.1. The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.
- 20.2. Training will cover:
  - the requirements of the legislation, regulations and statutory guidance governing exclusions
  - the need for the panel to observe procedural fairness and the rules of natural justice.
  - the role of the chair of a review panel
  - the role of the clerk to a review panel
  - the duties of headteachers, governing boards and the panel under the Equality Act 2010
  - the effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act
- 20.3. Clerks will also have an up-to-date understanding on developments in case law that are relevant to exclusion.

## 21. **Monitoring and review**

- 21.1. This policy will be reviewed on bi-annual basis by the headteacher in conjunction with the governing board.
- 21.2. All members of staff are required to familiarise themselves with this policy as part of their induction programme.

## Appendix a: Reviewing the Headteacher’s Exclusion Decision



## Appendix b: Exclusion letter templates

### Fixed term exclusion letter

Ref: JG/LB

NAME  
ADDRESS

DATE

Dear NAME,

#### **STUDENT REINTEGRATION MEETING:**

I am writing to inform you of my decision to exclude STUDENT for a fixed period of DAYS due to REASON. This means that HE/SHE will not be allowed in school for this period. The exclusion begins and ends on DATE.

You have a legal duty to ensure that your child is not present in a public place in school hours during this exclusion on DATE unless there is reasonable justification. Please note that you may receive a penalty fine if you fail to do this.

We will set work for NAME to be completed on the school days specified in the previous paragraph during the period of HIS/HER exclusion. You must ensure that HE/SHE is not present in a public place without reasonable justification during this time. Please ensure that work set by the school is completed and returned to us promptly for marking. If you do not have access to the internet please contact us and we shall ensure that paper based work is provided.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact Mrs B Picariello – Headteacher's PA on 0121 561 6881 x 2515, as soon as possible. Whilst the governing body/management committee 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 appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>. Making a claim would not affect your right to make representations to the governing body/management committee.

You have the right to see, and have a copy of, your child's school record. Due to confidentiality restrictions, you must 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.

For your information the following sources of advice are available to you:

- Exclusions Team on telephone number 0121 569 8115
- The Children's Legal Centre.

- They aim to provide free legal advice and information to parents on education matters and can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com>. The advice line is open from 8 am to 8 pm, Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Statutory advice can be obtained from the Department for Education website on: [www.education.gov.uk](http://www.education.gov.uk)

NAME's exclusion expires on DATE and we expect NAME to be back in school on DATE & TIME. We would appreciate it if you could accompany STUDENT at this time for a reintegration meeting with STAFF.  
Yours sincerely,

Mrs J Gray  
**Headteacher**

## External isolation at an alternative education provider/school

Ref: JG/LB/??

NAME  
ADDRESS

DATE

Dear NAME,

**STUDENT**  
**REINTEGRATION MEETING: DATE at TIME with STAFF**

I am writing to inform you of my decision to place STUDENT in external isolation for a fixed period of DAYS due to REASON. This means that HE/SHE will not be allowed in school for this period.

The external isolation begins on DATE and ends on DATE. The external isolation will take place at SCHOOL TO BE CONFIRMED, ADDRESS. The times are as follows: Monday to Thursday 10am to 4pm and Friday 9:30am to 2:15pm. If for any reason your child needs to be dropped off or collected at a time different from those listed above, please contact school to arrange this. Your child must report to reception upon their arrival to Ormiston Forge Academy.

We will set work for STUDENT to be completed on the school days specified in the previous paragraph during the period of HIS/HER external isolation.

STUDENT's external isolation expires on DATE and we expect STUDENT to be back in school on DATE at TIME. We would appreciate it if you could accompany STUDENT at this time for a reintegration meeting with STAFF.

Yours sincerely,

Mrs J Gray  
**Headteacher**

## Permanent exclusion

Our Ref: JG/LB

NAME  
ADDRESS

DATE

Dear NAME

### STUDENT

I am writing to confirm our conversation and email, where you were informed that unfortunately we have come to the decision to permanently exclude NAME with effect from **DATE due to** . This means that NAME will not be allowed in this school unless he is reinstated by the disciplinary committee of the governing board or following the recommendations of an independent review panel.

You have a legal duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **DATES** unless there is reasonable justification. Please note that you may receive a penalty fine if you fail to do this.

Alternative arrangements for NAME's education to continue will be made. For the first three school days of the exclusion we will set work for NAME and would ask you to ensure this work is completed and returned promptly to school for marking. If you do not have access to the internet please make us aware and we can ensure that paper based work is provided. From the fourth school day of the exclusion onwards, i.e. from **DATES**, the local authority will provide suitable full-time education.

As this is a permanent exclusion the governing board must meet to consider it. At the review meeting you may make representations to the governing board if you wish and ask them to reinstate your child in school. We shall be in contact to inform you of the date of the review meeting. The governing board has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request that the case is considered by an independent review panel. The latest date by which the governing board must meet is the 15th school day after the date of this exclusion.

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative please contact **Mrs B Picariello** at **St Michael's Church of England High School on 0121 561 6881**, as soon as possible. You will, whether you choose to make representations or not, be notified of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing board. You also have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>. Making a claim would not affect your right to make representations to the governing board.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must 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.

For your information the following sources of advice are available to you:

- *Exclusions Team on telephone number 0121 569 8115*
- ACE Education (<http://www.ace-ed.org.uk/>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10:00am to 1:00pm during term time
- The Information Advice & Support Services Network (formerly known as the local parent partnership)
- The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk))
- Independent Parental Special Education Advice (<https://www.ipsea.org.uk/>)
- The Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters and can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com>. The advice line is open from 8 am to 8 pm, Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- Statutory advice can be obtained from the Department for Education website on: [www.education.gov.uk](http://www.education.gov.uk)

Yours sincerely,

Mrs J Gray  
**Headteacher**

# Changes to the school exclusion process during the coronavirus (COVID-19) outbreak

Updated 29 May 2020

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This publication is available at <https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

This statutory guidance describes the temporary changes we have made to the school exclusion process due to coronavirus (COVID-19).

The [new regulations](#) change some of the procedures that must be followed in relation to an exclusion, to give greater flexibility to schools, parents and local authorities during the coronavirus (COVID-19) outbreak. They apply to all maintained schools, academies (including alternative provision academies but excluding 16 to 19 academies) and pupil referral units (PRUs).

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 [statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'](#). They are unchanged except as noted below.

The term 'governing board' used throughout this guidance includes the governing body of a maintained school, the management committee of a PRU or an academy trust.

## Important dates

The arrangements come into force on 1 June 2020 and will apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates). The arrangements also apply to:

- permanent and fixed term exclusions occurring before 1 June which have not yet been considered by the governing board of the school
- permanent exclusions occurring before 1 June which have been considered by the governing board, if they have chosen not to reinstate the pupil and the time limit to apply for a review of this decision has not passed
- permanent exclusions occurring before 1 June where a parent (or pupil aged 18) has requested a review of a governing board's decision, but this has not yet happened

Any exclusions covered by the arrangements will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted.

An exclusion should be taken as having 'occurred' on the first day of the exclusion (not the date when the decision to exclude was made or communicated).

## Remote access meetings

When governing boards or independent review panels (IRPs) have to meet to consider an exclusion, they can do so via telephone or video-conference software ('remote access') as long as certain conditions are met.

The conditions are that it is not reasonably practicable for the meeting to take place in person, within the usual timescales, because of coronavirus (COVID-19), and that the governing board (or arranging authority, if the meeting is an IRP) is satisfied that:

- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

It is the responsibility of the school governing board (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

The governing board or arranging authority should assess the facts of the case, the circumstances in which a meeting in person could be expected to take place, the needs of the intended participants

(as far as this is possible), and the latest public health guidance when determining whether it would be reasonably practicable to meet in person.

## **Arranging a remote access meeting**

The governing board or arranging authority should explain the technology they propose to use to participants and should make sure that the participants (particularly pupils and their families) know that they do not have to agree to a meeting to be held via remote access if they do not want to. They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Though all participants must have agreed to the use of remote access, where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should make reasonable efforts to accommodate that preference unless there is a clear reason not to.

The normal requirements for who must be invited to a governing board or IRP meeting remain in place. However, those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions stated above.

Governing boards, arranging authorities and panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly. If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the local authority/academy trust must appoint one and cover the cost as normal. Parents may bring a friend or representative, as normal.

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

## **Timescales for meetings of governing boards**

If it has not been reasonably practicable for governing boards to meet in person within the original time limit for a reason related to coronavirus (COVID-19) or remotely for a reason relating to the other conditions for a remote access meeting, the time limit for the meeting will be extended.

The time limit for a governing board meeting will not be extended if it has already passed before 1 June. The government appreciates that it may not have been possible to meet the normal time limits over recent months, due to the disruption caused by the coronavirus (COVID-19) outbreak and the health risks of holding meetings. Governing boards should arrange for overdue meetings to take place via remote access, if the conditions for such a meeting are met, or in person as soon as it is safe and practicable to do so.

If a time limit for a meeting has been extended, the governing board should reassess at regular intervals whether it is reasonably practicable to meet in person and, if it is, should arrange to do so without delay, in light of the need to minimise uncertainty for pupils and their families as far as possible.

### **Meetings to consider permanent exclusions, and fixed period exclusions resulting in the pupil missing more than 15 school days in a term**

If a pupil is permanently excluded or receives a fixed period exclusion which results in them having been excluded for 16 or more school days in a term, then the governing board should try to meet to discuss reinstatement within 15 school days. If it has not been reasonably practicable for the governing board to meet face to face within 15 school days for reasons relating to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting, the limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

### **Meetings to consider fixed period exclusions resulting in the pupil missing between 6 and 15 school days in a term**

If a pupil receives a fixed period exclusion which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil, if aged 18 or above) chooses to make representations about the exclusion, then the governing board should meet to discuss reinstatement within 50 school days. If it has not been reasonably practicable for the governing board to meet face to face within 50 school days for reasons relating to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting, the limit will be extended to 60 days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

## **Timescales for application for independent reviews of exclusions**

Where a governing board declines to reinstate a pupil who has been permanently excluded, parents (or the excluded pupil, if they are 18 years old or above) can apply for a review of the governing board's decision.

For exclusions covered under these arrangements, the deadline for applications has increased to 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

## **Timescales for meetings of independent review panels to consider permanent exclusions**

If it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the other conditions for a remote access meeting, the timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

The time limit for an IRP meeting will not be extended if it has already passed before 1 June. The government appreciates that it may not have been possible to meet the normal time limits over recent months, due to the disruption caused by the coronavirus (COVID-19) outbreak and the health risks of holding meetings. Arranging authorities should arrange for overdue meetings to take place via remote access, if the conditions for such a meeting are met, or in person as soon as it is safe and practicable to do so.