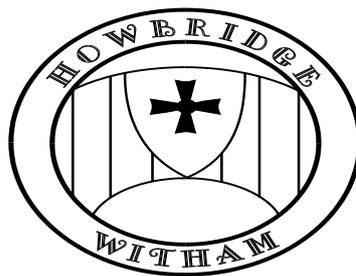




The Diocese of Chelmsford

Vine Schools Trust

Exclusion Policy



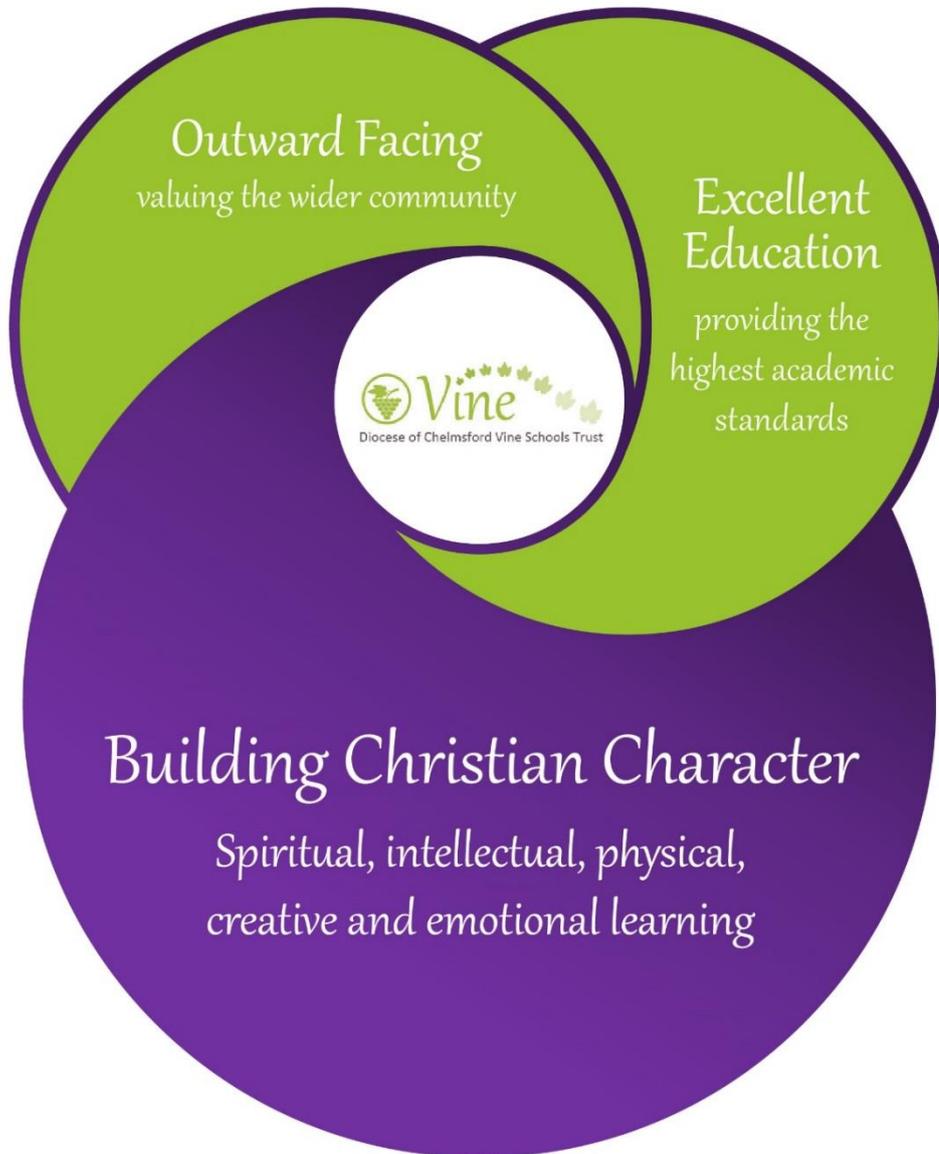
The Diocese of Chelmsford Vine Schools Trust	
Approved by:	The Diocese of Chelmsford Vine Schools Trust
Signature:	
Date:	

HOWBRIDGE CHURCH OF ENGLAND JUNIOR SCHOOL	
Approved by:	Local Governing Body/Local Board
Signed (Chair of Local Governing Body/Local Board)	
Date:	

Policy Reference:	
Version No:	V1.1 – November 2017
Next review date:	

November 2017 Amendments
 1.3.5 and 2.10 – Reference logging adjustments to ensure all has been done prior to internal or external exclusion.

Our Vision and Values



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1. Background

- 1.1 This policy deals with the policy and practice which informs the Academy's use of exclusion. It is written in accordance with the DFE statutory guidance "Exclusion from maintained Schools, Academies and Pupil Referral Units in England" June 2013, updated in June 2015.
- 1.2 It is underpinned by the shared commitment of all members of the Academy community to achieve two important aims:
 - 1.2.1 To ensure the safety and well-being of all members of the Academy community and to maintain an appropriate education environment in which all can learn and succeed;
 - 1.2.2 To realise the aim of reducing the need to use exclusion as a sanction.
- 1.3 The following are the key principles that underpin this policy and must be considered in all decision making:
 - 1.3.1 Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the Academy Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school;
 - 1.3.2 The decision to exclude a pupil must be lawful, reasonable and fair;
 - 1.3.3 Particular consideration should be given to the fair treatment of pupils from groups who are vulnerable to exclusion;
 - 1.3.4 Disruptive behaviour can be an indication of unmet needs. Where an Academy has concerns about a pupil's behaviour it should try to identify whether there are any casual factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, academies should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs;
 - 1.3.5 Academies will make sure that all adjustments are logged to make sure that all is done prior to considering the use of exclusion – internal or external.
 - 1.3.6 All children have a right to an education. Our academies will set and mark work for pupils during the first five school days of exclusion and alternative provision must be arranged from the sixth day.
 - 1.3.7 Where parents dispute the decision of a Local Governing Board (LGB) not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where this 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 (for disability discrimination) or a County Court (for other forms of discrimination)
 - 1.3.8 Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

2. Introduction

- 2.1 The decision to exclude a pupil will be taken in the following circumstances:
 - 2.1.1 In response to a serious breach of the Academy's Behaviour Policy
 - 2.1.2 If allowing the pupil to remain in the Academy would seriously harm the education or welfare of other persons or the pupils in the Academy.
- 2.2 Exclusion is an extreme sanction and is only administered by the Headteacher.
- 2.3 Exclusion, whether for a fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Academy's Behaviour Policy:
 - 2.3.1 Verbal abuse to staff, pupils or others
 - 2.3.2 Physical abuse to / attack on staff, pupils or others
 - 2.3.3 Indecent behaviour

- 2.3.4 Damage to property
 - 2.3.5 Misuse of illegal drugs or other substances
 - 2.3.6 Theft
 - 2.3.7 Serious actual or threatened violence against another pupil or a member of staff
 - 2.3.8 Sexual abuse or assault
 - 2.3.9 Supplying an illegal drug
 - 2.3.10 Carrying an offensive weapon
 - 2.3.11 Arson
 - 2.3.12 Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- 2.4 This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.
- 2.5 The behaviour of pupils outside of the Academy can be considered as grounds for exclusion.
- 2.6 Frequently the Headteacher will decide not to use the extreme sanction of an exclusion but will decide that a Pastoral Support Plan should be drawn up to try avoid the sanction of an exclusion in the future. This might be accompanied by an internal exclusion.
- 2.7 Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- 2.8 Headteachers must take account of their legal duty of care when sending a pupil home following an exclusion.
- 2.9 When establishing the facts in relation to an exclusion decision, the Headteacher must apply a civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than a criminal standard of 'beyond reasonable doubt'.
- 2.10 Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex, race, disability, religion or belief; sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices. Adjustments will be logged to ensure all have been done prior to considering exclusion – internal or external.
- 2.11 'Informal' or 'unofficial' exclusions, such as sending pupil's home to 'cool off' are unlawful, and must not be used regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

3. Exclusion Procedure

- 3.1 Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DFE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 Academy days in any one Academy year.
- 3.2 The Headteacher will normally consult with the Chief Executive where there is a risk of or a need to exclude such that all options can be explored. The decision to permanently exclude will always be discussed with the Chief Executive before being made.
- 3.3 The LGB have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a pupil being excluded for more than 15 days in a school term or missing a public examination. The LGB have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

- 3.4 Following exclusion, parents must be contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to Diocese of Chelmsford Vine Schools Trust and the Academy as directed in the letter.
- 3.5 A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Leadership Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up, which will include a review date. During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the Academy premises, and that daytime supervision is their responsibility as parents / carers.
- 3.6 In the following circumstances, the Headteacher must inform both the LGB and the Trust (as the statutory Governing Body) and the Local Authority immediately - this notification must include reasons and duration of any fixed term exclusion:
 - 3.6.1 A permanent exclusion (including where a fixed period exclusion is made permanent);
 - 3.6.2 Exclusions which would result in the pupil being excluded for more than five schools days (or more than ten lunchtimes) in a term; and
 - 3.6.3 Exclusions which would result in the pupil missing public examinations or national curriculum tests.
- 3.7 Once a term the Headteacher must inform the LGB, Vine Trust Board and the Local Authority of all other exclusions.
- 3.8 Records relating to exclusions will be stored confidentially.
- 3.9 For a fixed period exclusion of more than five days, the LGB under the guidance of the Headteacher, must agree suitable full-time education. This provision must begin no later than the sixth day of exclusion.

4. Duty of the Governing Body to Consider Exclusion

- 4.1 For all Vine Academies, the duty to consider parental representation about an exclusion are delegated to the LGB.
- 4.2 The LGB should form a committee consisting of at least three LGB members
- 4.3 In responding to parental representations they must act in accordance with DFE statutory guidance at all times
- 4.4 Should a parent apply within the appropriate time frame for an independent review of an LGB decision not to reinstate a permanently excluded pupil, then the Trust will arrange for an independent review panel to review the decision. This panel will be required to operate and act within the statutory framework for such a review.

5. Permanent Exclusion

- 5.1 The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:
 - 5.1.1 The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
 - 5.1.2 The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one-off' offence. These might include:
 - 5.1.2.1 Serious actual or threatened violence against another pupil or a member of staff
 - 5.1.2.2 Sexual abuse or assault
 - 5.1.2.3 Supplying an illegal drug

5.1.2.4 Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him”).

5.1.2.5 Arson

5.1.2.6 Behaviour which poses a significant risk to the child’s own safety.

5.2 The Academy will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the Academy.

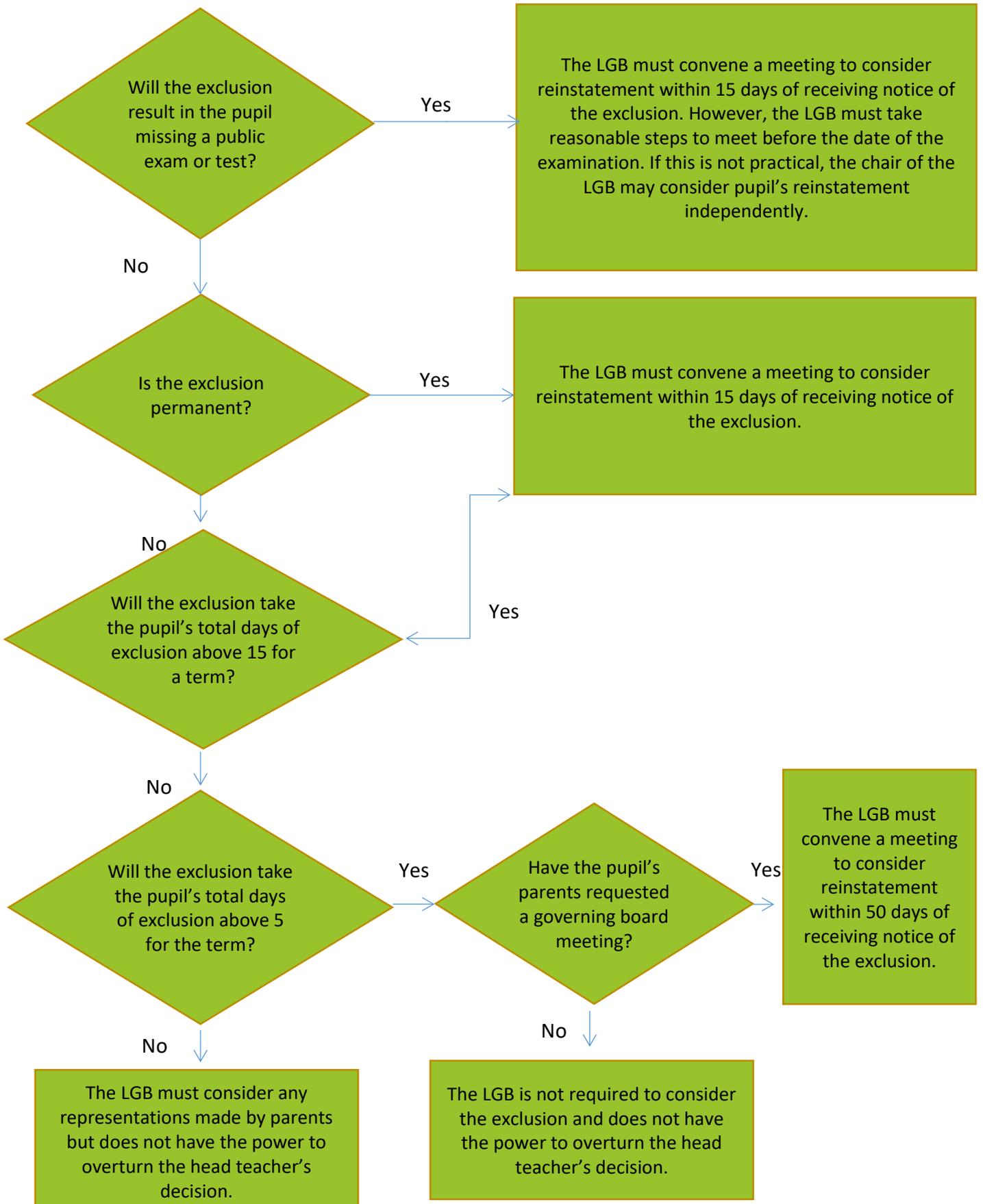
6. Removing a Pupils Name from the Academy Register

- 6.1 The Headteacher must remove a pupil’s name from the Academy admissions register if:
- 6.1.1 15 Academy days have passed since the parents were notified of the governing body’s decision to uphold a permanent exclusion and no application has been made for an independent review panel.
 - 6.1.2 The parents have stated in writing that they will not be applying for an independent review panel.
- 6.2 Where an application for an independent review panel has been made within 15 Academy days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil’s name from the register.
- 6.3 Where a pupil’s name is removed from the Academy register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

7. General Factors the Academy Considers before Making a Decision to Exclude

- 7.1 Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will:
- 7.1.1 Explore a placement at another Vine Academy or another local school to avoid exclusion – this would include a ‘managed move’;
 - 7.1.2 Wherever possible, discuss the situation with the Chief Executive in a bid to explore options and appropriate actions;
 - 7.1.3 Ensure appropriate investigations have been carried out;
 - 7.1.4 Consider all the evidence available to support the allegations, taking into account the Behaviour Policy, Equal Opportunity and Race Equality Policies;
 - 7.1.5 Allow the pupil to give her/his version of events;
 - 7.1.6 Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).
- 7.2 If the Headteacher is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then exclusion will be the outcome.

Appendix A Summary of LGB duties



Appendix B Model Letters

MODEL LETTER 1 - FROM HEAD TEACHER NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION OF LESS THAN 6 DAYS, 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 **[Period of Exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period.

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.

You have the right to make representations to the Local Governing Body Discipline Committee. If you wish to make representations please contact **[Name of Contact (usually the Clerk)]** on/at **[Contact Details – Address, Phone Number, email (usually academy contact details)]**, as soon as possible.

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 (for disability discrimination) 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 **[Name of 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 **[Name of 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.

The school will continue to set work for **[Name of Child]** during the period of his/her exclusion **[Please insert what arrangements are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking.

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 may wish to contact **DELETE AS APPROPRIATE Julie Millar-Robinson- 03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E]** 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 0345 345 4345 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

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

Yours sincerely

[Name]
Head teacher

MODEL LETTER 2 - FROM HEAD TEACHER NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION OF 6 TO 15 DAYS, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM FALL WITHIN THIS RANGE, OR WHERE A PUBLIC EXAMINATION IS MISSED

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[Period of Exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period.

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 6th 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]**.

You have the right to request a meeting of the Local Governing Body Discipline Committee at which you may make representations and the decision to exclude can be reviewed. As the length of the exclusion is more than 5 school days (or equivalent) the Committee must meet if you request it to do so. The latest date the Committee can meet is **[Date Here – no later than 50 school days from the date the Committee is notified]**. If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact **[Name of Contact (usually the Clerk)]** on/at **[Contact Details – Address, Phone Number, email (usually academy contact details)]**, as soon as possible.

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 also have the right to see a copy of **[Name of 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 **[Name of 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 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 (for disability discrimination) 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 may wish to contact **DELETE AS APPROPRIATE Julie Millar-Robinson- 03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E]** 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 0345 345 4345 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

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

Yours sincerely

[Name]
Head teacher

MODEL LETTER 3 - FROM HEAD TEACHER NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION OF 16 DAYS OR MORE, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM ARE 16 DAYS OR MORE

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[Period of Exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period.

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 6th 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 length of the exclusion is more than 15 school days (or equivalent) the Local Governing Body Discipline Committee must automatically meet to consider the exclusion. At this review meeting you may make representations to the Committee if you wish to do so. The latest date the Committee can meet is **[Date Here – no later than 15 school days from the date the Discipline Committee is notified]**. If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact **[Name of Contact (usually the Clerk)]** on/at **[Contact Details – Address, Phone Number, email (usually academy contact details)]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting. The Local 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 (for disability discrimination) 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 **[Name of 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 **[Name of 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 **DELETE AS APPROPRIATE Julie Millar-Robinson- 03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E]** 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 0345 345 4345 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

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

Yours sincerely

[Name]
Head teacher

MODEL LETTER 4 - FROM HEAD TEACHER NOTIFYING PARENT OF A PERMANENT EXCLUSION

Dear **[Parent's Name]**

I regret to inform you of my decision to exclude **[Child's Name]** permanently from **[Date]**. This means that **[Child's Name]** will not be allowed back to this school pending a meeting of the Local Governing Body Discipline Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded permanently because **[Reason for Exclusion – also include any other relevant previous history here]**.

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]** 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 **[child's name]** education to continue will be made. For the first five school days of the exclusion we will set work for **[child's name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards – i.e from **[specify date]** the Local Authority, will provide suitable full-time education.

As this is a permanent exclusion the Local Governing Body Discipline Committee will meet to consider the exclusion. At this review meeting you may make representations to the Committee if you wish to do so. The latest date the Committee can meet is **[Date Here – no later than 15 school days from the date the Committee is notified]**. If you wish to make representations to the Committee and wish to be accompanied by a friend or representative please contact **[Name of Contact (usually the Clerk)]** on/at **[Contact Details – Address, Phone Number, email (usually academy contact details)]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting.

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 (for disability discrimination) or a County Court (for other forms of discrimination). Making a claim would not affect your right to make representations to the Local Governing Body.

You also have the right to see a copy of **[Name of 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 **[Name of 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 **DELETE AS APPROPRIATE Julie Millar-Robinson- 03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E]** 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 0345 345 4345 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

Yours sincerely

[Name]
Head teacher

From the clerk to the Governing Body to the parent upholding the permanent exclusion.

Dear **[parent's name]**

The meeting of the Local Governing Body at **[academy]** on **[date]** considered the decision by **[Head Teacher]** to permanently exclude your son/daughter. The Local Governing Body, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of pupil's]** exclusion.

The reasons for the Local Governing Body's decision are as follows: **[give reasons in as much detail as possible, explaining how they were arrived at]**

If you wish for this decision to be reviewed by an Independent Review Panel, please notify **[name of clerk to the review panel or address of Essex County Council's Statutory Appeals Service if the school has subscribed to their services – please contact the Alternative Education Commissioning Service if you are unsure which to use]** 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 15th 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 15th 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 your child's exclusion, recommend that the Local Governing Body reconsiders their decision, or quash the decision and direct that the Local Governing Body considers the exclusion again.

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 helpful for you to have an interpreter present at the hearing.

You may wish to contact **DELETE AS APPROPRIATE Julie Millar-Robinson- 03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E]** 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 0345 345 4345 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

The arrangements currently being made for **[child's name]** education will continue.

Yours sincerely

[Name]

Appendix C
Notification of Permanent Exclusion (Essex)

Please submit this form and a completed Appendix A by e-mail or fax on the day that the decision to exclude has been made, together with a copy of the letter notifying the parents of the exclusion and a copy of the Head Teacher’s report. If the Head Teacher’s report is not available please send the form and letter now, and submit the report as soon as possible.

Please do not send this information by post

Please ensure that all sections have been fully completed, checked and signed before sending

E-mail: exclusions@essex.gov.uk

Fax number: 01245 436211

School name and telephone number	
Pupil’s Surname	
Forename(s)	
Date of Birth	
Gender	Please click to select from a list
Ethnicity	Please click to select from a list
Year Group	
Unique Pupil Number (UPN)	
Last date of attendance	
Attendance percentage	
Date of Head Teacher’s decision to exclude	
Reason for exclusion Please explain the	Please click to select from a list

reason for exclusion in further details If the reason for the permanent exclusion is a criminal offence, have the police been informed?	Please click to select
Is the pupil a Child in Care? If 'Yes', please name the Local Authority and allocated Social Worker	Please click to select
Parents' or carers' name and address	
Parents' or carers' contact details	Home: Mobile: E-mail (if applicable):
If parents' live at separate addresses please give alternative contact address and telephone number	
Family home language	
Does the pupil have a Statement/ Education Health and Care (EHC) Plan? If 'Yes', please select Category of Need If the pupil has a physical disability please provide basic details	Please click to select Please click to select
Please give details of any other agencies involved with this pupil please include contact details if possible	
KS1 test results	English Maths Science
KS2 test results	English Maths Science
KS3 test results	English Maths Science
Current levels	Literacy: Reading Writing Speaking Numeracy Number

	Using and Applying Shape, Space and Measures Science: Behaviour:
GCSE's being taken (if applicable) please include predicted grades and exam boards	
UCI Number (exam number)	
Other learning, ASDAN etc.	
Work related learning/work experience	
Previous schools	

Form completed by:

Full Name:

Position within the school:

Date:

Signature:

Appendix A - Risk Assessment. Health and Safety.

Assessing the risk to Health and Safety	Never	Occasionally	Frequently
Has the pupil been known to threaten other pupils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to use sexually offensive or threatening language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to assault another young person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to threaten staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to assault an adult?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did any assault(s) lead to actual bodily harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the assault(s) use weapons/objects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the assault(s) lead to medical treatment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil or adult had time off as a result of assaults/threats?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to damage property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil committed any criminal offence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has there been any police involvement in previous incidents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil been known to do him/herself physical harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil had to be physically restrained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the pupil made any allegations against members of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the parent/carer made any allegations against and members of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Resources or Support (other than routinely available)	Yes	No	Unknown
Full time attendance of an additional member of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special training for staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special supervision during breaks, outside activities or particular subject areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional staffing 'on hand'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support from Social Services or similar?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support from mental health agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multi-agency support?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

In your professional opinion does this pupil present a significant risk?
If so, summarise your concerns referring to available evidence.

In your judgement, does this pupil require a higher level of risk assessment before proceeding further?
Please click to select

Full Name:

Position within the School:

Date:

Signature:

For County Hall use only;

Date of Governing Body meeting:

Date tuition should commence:

Appendix D

Parents' Guide to the Procedure for Permanent Exclusion

