



Exclusion Policy

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1. Introduction

Bosvigo School recognise the importance of celebrating and promoting positive behaviour through frequent recognition and praise. We understand that rewarding young people for good behaviour is crucial in motivating them to succeed. At the same time, we take seriously our responsibility of ensuring the safety and well-being of all members of the school community, and of maintaining an appropriate educational environment in which all can make excellent progress and strive to exceed expectations. It is our belief that all students and staff in Bosvigo School, are entitled to work in a safe, supportive environment in which everyone is valued and treated with respect. Effective learning is best achieved where expectations are high, and standards of behaviour are clearly communicated. The ways in which our schools achieve this balance are detailed in each school's Behaviour Policy, which should be read in conjunction with this policy.

2. Legislation and Statutory Guidance

This policy outlines the school's approach to exclusions in line with the statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England. It is based on the following legislation which outlines the powers of schools to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

The policy also takes into account the following:

- The Education and Inspections Act 2006, Part 7, chapter 2, which looks at parental responsibility for excluded pupils
- The Education Act 1996, Section 579, which defines 'school day' as any day on which there is a school session. Hence, staff training days do not count as a school day.
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

In addition, this policy details Bosvigo School's guidance and procedures, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

3. Definitions

For the purposes of this policy the term 'Parent' is used to refer to those with 'Parental Responsibility' for a child, including the Local Authority where it has a care order in respect of the child and any carer with whom the child lives.

'Exclusion Panels' are also often referred to as 'Governors' Disciplinary Committees'.

While the decision to exclude can only be made by the Headteacher, all references to the Headteacher also includes acting Headteachers, where such a role is being undertaken.

4. The Decision to Exclude – The Headteacher's Responsibilities

Only the headteacher can exclude a pupil from school. A decision to permanently exclude will only be taken as a last resort and only:

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

Prior to deciding whether to exclude a pupil, either for a fixed-term or permanently, the headteacher will:

- Ensure that an appropriate, thorough investigation has been carried out.
- Give the student the opportunity to provide his or her version of events.
- Consider all the evidence available to support the allegations.
- Take into account the school's Behaviour Policy.
- Ensure that actions are lawful, reasonable and fair.
- Ensure that actions do not discriminate against students on the basis of protected characteristics such as disability or race.
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.
- Consider if the pupil has special educational needs and if so, ensure that reasonable adjustments have been made, as appropriate.
- Risk assess to ensure the home background is safe and appropriate for exclusion.
- If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's decision.

If satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done, the Headteacher may exclude the student.

Before deciding to permanently exclude a student the Headteacher will ensure a range of interventions have been employed, as outlined in the school's Behaviour Policy, including fixed-term exclusions. Only when such strategies have proved unsuccessful will permanent exclusion be considered. The only exception to this is in response to a one-off incident of sufficient gravity. On such occasions the severity of the offence may warrant a permanent exclusion even when there has been no previous history of poor behaviour.

The Headteacher may exclude a student for up to 45 school days in any academic year. Should it be necessary to exclude a student beyond 45 school days, then the exclusion will be permanent. However, before this point is reached the school will have considered a range of options, including engaging with external support agencies and attempting to organise a Managed Move to another local school.

5. Following a Decision to Exclude - The Headteacher's Responsibilities

Having made the decision to exclude and wherever possible, after a conversation has taken place with the parent, the Headteacher will provide the following information to the parents of the pupil in writing:

- The reason for the exclusion
- The length of a fixed-term exclusion or, confirmation that it is permanent
- Information about the parents' right to make representations about the exclusion to the Governing Body (GB)/Education Advisory Board (EAB) and how the pupil may be involved in this
- Where the GB is legally required to meet to consider the reinstatement of a pupil, that the parents have a right to attend the meeting, to be represented at the meeting (at their own expense) and to bring a friend

The school will also inform parents on the day their child is excluded that for the first five school days of an exclusion, or until the start date of any alternative provision where this is earlier, their child must not be present in a public place at any time during school hours without a good reason. Parents may be issued a fixed penalty notice or prosecuted if they fail to ensure this.

From the sixth day of a fixed-term exclusion, the school is required to arrange alternative full-time education for the excluded pupil. 'Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.' (DfE guidance - Section 5 Paragraph 45) Local Authorities are required to arrange full-time education from the sixth day of a permanent exclusion.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- The contact name of the person to whom they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the day of exclusion, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

6. Informing the Governing Body and the LA

The Headteacher will inform the Chair of the GB, and the Local Authority within one working day of:

- A permanent exclusion, including when a fixed-term exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes/half days) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the school will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will notify the GB and the LA once a term

7. Responsibilities of the Governing Body

The GB will nominate a pool of Governors from which to select three Governors to serve as the Exclusions Panel. The Exclusions Panel has a duty to consider the reinstatement of an excluded pupil, as outlined in Section 9 below. The panel must meet within 15 school days of the date of the permanent exclusion. The parents and Headteacher will be invited to a meeting by the Clerk to the Exclusions Panel. All relevant documentation including relevant policies, written statements, information regarding support provided by the school and other contextual information including a chronology/summary of key behaviour incidents, if relevant, will be circulated at least five working days in advance of the meeting. (See Appendix 3) The pupil and/or a friend or legal representative may accompany the parents at their request and at their own expense. Parents may also request a representative from the Local Authority be present. It should be noted that their role may only be that of an observer and they can only make representations with the approval of the Exclusions Panel.

Within 14 days of receipt of a request, the LGB will provide the Secretary of State with information regarding any exclusions within the previous 12 months.

For a fixed-term exclusion of more than five school days, the GB will ensure suitable full time education for the pupil concerned is arranged. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in their final year of compulsory education who have completed all of their public examinations.

8. The Responsibility of the Local Authority

The LA is responsible for arranging suitable full time education to begin no later than the sixth day of the exclusion for all permanently excluded pupils.

9. Considering the Re-instatement of a Pupil – The Exclusions Panel

The Exclusions Panel has a duty to consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, the Exclusions Panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than five school days, but fewer than 15 in a single term.

If a pupil is excluded for five days or fewer in a term, the Exclusion Panel must consider representations by parents but have no obligation to meet with parents or to hold a meeting themselves. In these circumstances the Panel does not have the power to overturn a decision.

Where an exclusion would result in a pupil missing a public examination, the Exclusions Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Exclusions Panel will consider the exclusion and decide whether or not to reinstate the pupil. The Exclusions Panel can either:

- Uphold the Headteacher's decision to exclude, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Chair of the Exclusions Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered will be kept.

The outcome will also be recorded on the pupil's educational record.

The Chair of the Exclusions Panel will notify, in writing, the Headteacher, parents, and the LA (including the LA in which the pupil resides, if different to the LA in which the school is located) of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusions Panel's decision notification will also include the following:

- Confirmation that the exclusion is permanent
- Notice of the parents' right to ask for the decision to be reviewed by an Independent Review Panel, and:
 - o The date by which an application for an independent review must be made i.e. 15 school days from the date on which notice in writing of the Exclusion Panel's decision is given to parents
 - o The name and address to whom an application for a review (and any written evidence) should be submitted
 - o That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - o That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Bosvigo to appoint an SEN expert to advise the review panel
 - o Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - o That parents must make clear if they wish for an SEN expert to be appointed in any application for a review

- o That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place.

10. An Independent Review

If parents apply for an independent review, Bosvigo School will arrange for an independent panel to review the decision of the Exclusions Panel not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Chair of the Exclusions Panel of its decision not to reinstate a pupil.

A panel of three or five members will be constituted with representatives from each of the three categories below; these members ideally should reflect the phase of education at the centre of the review. Where a five-member panel is constituted, two members will come from the GB category and two members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School Governors who have served as a Governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last five years

A person may not serve as a member of an Independent Review Panel (IRP) if they:

- Are a Governor of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last five years
- Are an employee of the Governing Body of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with school, LGB, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last two years (See Appendix 5)

A clerk will be appointed to the panel. The clerk is required to keep regularly updated on case law relating to exclusions so that they can:

- advise the Panel and parties on procedures, legislation and guidance
- administer the process prior to hearings, including notification, attendance, collation and circulation of documentation
- assist in the outcome letter

In addition, the clerk must take sufficient minutes of the hearing and evidence to assist the Panel in their decision-making function. They must also take sufficient notes of the decision making to ensure full reasons can be given for the decision.

The clerk must not have served as Clerk at the initial Exclusion Panel hearing.

The Independent Review Panel will decide one of the following:

- Uphold the Exclusions Panel's decision
- Recommend that the Exclusions Panel reconsider reinstatement
- Quash the Exclusions Panel's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. In addition, the Chair's role is to:

- Make introductions and provide an explanation of procedure
- Explain independence and the need to follow guidance
- Deal with inappropriate conduct
- Seek advice from clerk on legal and/or procedural matters when necessary
- Keep the hearing moving but allow parties to have their say without unreasonable interruption
- Involve all panel members in questioning and decision making
- Assist with formulation of decision letter

Where an Independent Review Panel directs or recommends reinstatement, the GB must reconvene to reconsider whether the student should be reinstated within ten school days. In these circumstances the GB must look afresh at the decision in light of the Independent Review Panel's findings and this must be 'conscientiously' undertaken.

11. School Registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the school will wait until that review has concluded before removing a pupil's name from the register. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

12. Returning from a Fixed-Term Exclusion

While schools are not required to arrange a re-admittance meeting for a pupil and parents following a fixed-term exclusion, many will still choose to do so. However, all schools should have a strategy for reintegrating pupils that return to school following a fixed-term exclusion, and for managing their future behaviour. In most cases this will include a meeting which involves parents, the student and at least one member of staff.

A number of possible measures may be implemented when a pupil returns from a fixed-term exclusion. These may include:

- Putting a pupil 'on report' for a set period of time
- Internal exclusion/isolation in a Consequences Room
- Agreeing a behaviour contract

Monitoring Arrangements

School monitors the number of exclusions at least termly and reports back to their GB. They also liaise with the Local Authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed regularly, in line with the policy review calendar.

Links with other Policies

This Exclusions Policy is linked to other school policies including the following:

- Behaviour Policy including Anti Bullying Policy
- SEND Policy
- Equality Policy

Name of School	Date of Exclusion Panel Meeting	Pupil's name	Gender M/F	Ethnicity	Year Group	Disadvantaged ? Y/N	CLA? Y/N	CP/CIN ? Y/N	SEND? Y/N

Reason for Permanent Exclusion being upheld

Appendix 2 – Model Exclusion Letters and Templates

Template letter - Fixed-term excluding a pupil for five days or fewer

[NB Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post]

[DATE]

Dear [PARENT]

Re: [NAME OF PUPIL]

I regret to inform you of my decision to exclude [NAME] for [NUMBER] days with effect from [DATE] [in the first instance, pending further evidence/investigation]. This means that [NAME] will be expected to return to school on [DATE].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [NAME] for a period of [NUMBER] days has not been taken lightly. [NAME] has been excluded because [reasons for the exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice issued by Bosvigo School's Governing Body on behalf of the Local Authority if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for [NAME]'s education to continue will be made. During 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. [Set out how work will be set OR If Alternative Provision is being arranged during the fixed-term exclusion set out the following details if known at this stage: the start date for any provision of full-time education that has been arranged for the child during the exclusion, the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant, the address at which the provision will take place, and any information required by the pupil to identify the person they should report to on the first day.]

You have the right to make representations to the [Governing Body/Exclusion Panel] if you wish. The [Governing Body/ Exclusion Panel] must consider any such representations but cannot direct reinstatement and are not required to arrange a meeting. If you wish to make representations to the [Governing Body/Exclusion Panel] please contact [NAME], Clerk to the [Governing Body/ Exclusion Panel] contactable on [number or email], as soon as possible.

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- The Children’s Legal Centre – www.childrenslegalcentre.com
- ACE Education: <http://www.aceed.org.uk>. Their advice line service on 03000 115 142 on is available between Monday to Wednesday from 10 am to 1 pm during term time
- [where considered relevant by the head teacher, links to local services, such as: Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)].

Yours sincerely

[NAME]

Headteacher

Template letter - Fixed-term excluding a pupil for six - fifteen days

[NB Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post]

[DATE]

Dear [PARENT]

Re: [NAME OF PUPIL]

I regret to inform you of my decision to exclude [NAME] for [NUMBER] days with effect from [DATE] [in the first instance, pending further evidence/investigation]. This means that [NAME] will be expected to return to school on [DATE].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [NAME] for a period of [NUMBER] days has not been taken lightly. [NAME] has been excluded because [reasons for the exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this exclusion i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those days. It will be for you to show reasonable justification.

Alternative arrangements for [NAME]'s education to continue will be made. During the first five 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. [Set out how work will be set]. [If Alternative Provision details are known from the sixth day provide: the start date for any provision of full-time education that has been arranged for the child during the exclusion, the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant, the address at which the provision will take place, and any information required by the pupil to identify the person they should report to on the first day.]

You have the right to make representations to the [Governing Body/Exclusion Panel] and ask them to reinstate your child in school. The [Governing Body/Exclusion Panel] must meet within 50 school days of receipt of any representations and have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion.

If you wish to make representations to the [Governing Body/Exclusion Panel] and wish to be accompanied by a friend or representative, please contact [NAME(S)] on [NUMBER] as soon as possible. If you choose to make representations you will be notified by the Clerk to the [Governing Body/Exclusion Panel] 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. Also, please inform [NAME] if it would be helpful for you to have an interpreter present at 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 Body/Exclusion Panel].

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- The Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education: <http://www.aceed.org.uk>. Their advice line service on 03000 115 142 on is available between Monday to Wednesday from 10 am to 1 pm during term time
- [where considered relevant by the head teacher, links to local services, such as: Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)].

Yours sincerely

[NAME]

Headteacher

[NB Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post]

[DATE]

Dear [PARENT]

Re: [NAME OF PUPIL]

I regret to inform you of my decision to exclude [NAME] for [NUMBER] days with effect from [DATE] [in the first instance, pending further evidence/investigation]. This means that [NAME] will not be allowed in this school unless he is reinstated by the [Governing Body/Exclusion Panel].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [NAME] for a period of [NUMBER] days has not been taken lightly. [NAME] has been excluded because [GIVE REASONS].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those days. It will be for you to show reasonable justification.

Alternative arrangements for [NAME]'s education to continue will be made. During the first five 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. [Set out how work will be set]. [Set out the following details for Alternative Provision from the sixth day if known at this stage: the start date for any provision of full-time education that has been arranged for the child during the exclusion, the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant, the address at which the provision will take place, and any information required by the pupil to identify the person they should report to on the first day.]

As [NAME] has been excluded for [more than] 15 days in a single term, the [Governing Body/Exclusion Panel] must meet to consider it. At the review meeting you may make representations to the [Governing Body/Exclusion Panel] if you wish and ask them to reinstate your child in school. The [Governing Body/Exclusion Panel] have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion. The latest date by which the [Governing Body/Exclusion Panel] must meet is [DATE].

If you wish to make representations to the [Governing Body/Exclusion Panel] and wish to be accompanied by a friend or representative please contact [NAME(S)] on [NUMBER] as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the [Governing Body/Exclusion Panel] 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. Also, please inform [NAME] if it would be helpful for you to have an interpreter present at 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 Body/Exclusion Panel].

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

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- The Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education: <http://www.aceed.org.uk>. Their advice line service on 03000 115 142 on is available between Monday to Wednesday from 10 am to 1 pm during term time
- [where considered relevant by the head teacher, links to local services, such as: Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)].

Yours sincerely

[NAME]

Headteacher

[NB Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post]

[DATE]

Dear [PARENT]

Re: [NAME OF PUPIL]

[You will be aware that [NAME] was given a fixed-term exclusion on [DATE] for [NUMBER] days whilst an investigation was being carried out.

The investigation is now complete and I regret to inform you of my decision to permanently exclude [NAME] with effect from [DATE]. This means that [NAME] will not be allowed in this school unless he is reinstated by the [Governing Body/Exclusion Panel].

OR

I regret to inform you of my decision to permanently exclude [NAME] with effect from [DATE]. This means that [NAME] will not be allowed in this school unless he is reinstated by the [Governing Body/Exclusion Panel].

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [NAME] has not been taken lightly. [NAME] has been excluded because [GIVE REASONS].

You have a duty to ensure that your child is not present in a public place in school hours during the first five school days of this exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those days. It will be for you to show reasonable justification.

Alternative arrangements for [NAME]'s education will be made. For the first five 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. [Set out how work will be set OR if Alternative Provision is being arranged during the first five days set out the following details if known at this stage: the start date for any provision of full-time education that has been arranged for the child during the exclusion, the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant, the address at which the provision will take place, and any information required by the pupil to identify the person they should report to on the first day.] From the sixth school day of the exclusion onwards the local authority will provide suitable full-time education. The arrangements for this will be notified in a further letter.

As this is a permanent exclusion the [Governing Body/Exclusion Panel] must meet to consider it. At the review meeting you may make representations to the [Governing Body/Exclusion Panel] if you wish and ask them to reinstate your child in school. The [Governing Body/Exclusion Panel] have 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 their decision be reviewed by an Independent Review Panel. The latest date by which the [Governing Body/Exclusion Panel] must meet is [DATE].

If you wish to make representations to the [Governing Body/Exclusion Panel] and wish to be accompanied by a friend or representative please contact [NAME(S)] on [NUMBER] as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the [Governing Body/Exclusion Panel] 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. Also, please inform [NAME] if it would be helpful for you to have an interpreter present at 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 Body/Exclusion Panel].

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

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on exclusions:
<https://www.gov.uk/government/publications/school-exclusion>
- The Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education: <http://www.aceed.org.uk>. Their advice line service on 03000 115 142 on is available between Monday to Wednesday from 10 am to 1 pm during term time
- [where considered relevant by the head teacher, links to local services, such as: Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)].

Yours sincerely

[NAME]

Headteacher

Dear []

Re: Permanent Exclusion of [] from [Name of School]

The meeting of the Exclusions Panel at [school] on [DATE] 20[] considered the decision made by the Headteacher to permanently exclude [].

The Governors, after carefully considering the representations made and all the available evidence, have decided to uphold []'s permanent exclusion. The Governors' role is set out in the Department of Education exclusions guidance (2017). The Governors had to look at the circumstances of the exclusion, []'s interests and those of the school community and determine whether the Headteacher's decision was lawful, reasonable and procedurally fair.

In light of the above, the reasons for the Governors' decision are as follows:

- The Governors determined that the Headteacher's actions in permanently excluding [] were lawful. The Governors considered there was more than sufficient evidence, on the balance of probabilities, to show serious and persistent breaches of the school's behaviour policy. The Governors heard that the incident on [] 20[] involved both [verbal abuse and physical violence towards a member of staff and was the culminating event in a series of [number] significant episodes since the end of January 20[]] during which either staff or other pupils were verbally abused or physically harmed. The Governors therefore felt that allowing [] to remain in the school would seriously harm the education or welfare of the pupils, or others in the school. The Governors noted that there was no disagreement that the final incident on [] 20[] occurred in the manner presented by the Headteacher.
- The Governors felt there was sufficient evidence that the Headteacher had fully considered all relevant issues prior to making the decision to permanently exclude, including any potential Equality Act 2010 implications.
- The Governors determined that the Headteacher's actions were reasonable. The Governors noted that the Headteacher did not rush into a decision to permanently exclude [] and took account of a wide range of issues prior to making that decision. The Governors noted that the Headteacher kept you fully informed orally and in writing and has kept the local authority informed at various stages leading up to the exclusion. The Governors noted that alternatives to exclusion were considered with the option of a managed move being offered to help and support a managed transfer to another school.
- The Governors noted the extensive support offered to [] during his time at the school. [] has emotional and behavioural difficulties, speech, language, social and communication difficulties, attention difficulties and sensory difficulties. The Governors noted that staff working with [] are aware of all of these issues and have

tried a myriad of strategies to support him through these problems and to enable him to progress in the classroom. The Governors noted that the school had engaged external agencies for assistance with []'s behaviour and worked pro-actively with you. The school implemented strategies to manage []'s needs after taking advice from agencies including the [name agencies]. The Governors noted that the strategies used included [name strategies]. The Governors noted that none of these strategies produced significant and tangible benefits and []'s ability to manage his feelings and behaviour remains impaired to the extent that he is unable to operate in the school environment. The panel noted that [name] of [agency] is unable to recommend any further strategies that have not already been tried and the Governors feel that to continue to try to implement already-failed approaches will be damaging to []'s interests. In light of this, the Governors felt that it was reasonable to permanently exclude [] and that appropriate strategies had been implemented in an appropriate manner to support []. The Governors were satisfied on the evidence presented that there was no further support that the school could reasonably have been expected to put in place.

- The Governors did not identify any procedural defects in the Headteacher's approach or in the process leading up to the Governors' hearing, which would undermine the decision taken.
- The Governors also balanced []'s needs against the needs of the pupils and staff working at the school. The Governors felt the persistent poor behaviour exhibited was detrimental to the education and welfare of other pupils and the welfare of staff in the school and also negatively impacted on []'s education. The Governors were satisfied on the evidence presented that [] finds the free-flow classroom overwhelming. In the time that [] has been a pupil at [school] there has been a long litany of episodes, which suggest strongly that he is unable to benefit from an education in a conventional school environment. The Governors recognise that a move to a specialist institution will involve some disruption in the short term but are convinced that this is in the best long-term interests of []. As such, the Governors believed it was appropriate for the permanent exclusion decision to be upheld.

You have the right to request a review of this decision by an independent review panel. If you wish to do so, please notify **[name of the clerk to the review panel]** of your wishes. You must set out the reasons for your review in writing, if relevant, this should include a reference to how the pupil's SEN are considered to be relevant to the exclusion, and send this notice of review to **[address]** by no later than **[specify the latest date — within 15 school days from this decision letter]**. If you have not lodged a review by **[repeat latest date]**, you will lose your right to a review. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. You may bring a friend to the

review, or at your own expense appoint someone to make written and/or oral representations to the panel. Also, please inform **[name of the clerk to the review panel]** if it would be helpful for you to have an interpreter present at the hearing.

Your review will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years) head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman.

You may request the presence of a Special Educational Needs expert, the costs of which shall be met by the school. The role of the SEN expert will be to provide impartial advice on how special educational needs may be relevant to the exclusion, and he/she should advise the panel on whether he/she believes the academy acted in legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

The review panel will rehear all the 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 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; they may recommend that the Governing Body reconsiders their decision to exclude your child; or they may quash the governing body's decision and direct that the Governing Body considers the exclusion again. If the review panel either recommends or directs that the Governing Body reconsider its decision, a further meeting must be convened at the school within 10 school days of the governors receiving the panel decision.

In addition to the right to apply for an Independent Review Panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 (within 6 months of the incident) to the First Tier Tribunal (Special Educational Needs and Disability) www.justice.gov.uk/tribunals/send/appeals. In the case of other forms of discrimination, a claim may be made to the County Court. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which your child was excluded.

There are sources of free and impartial advice available on exclusions:

- Statutory guidance on exclusions: <https://www.gov.uk/government/publications/school-exclusion>
- The Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education: <http://www.aceed.org.uk>. Their advice line service on 03000 115 142 on is available between Monday to Wednesday from 10 am to 1 pm during term time
- [where considered relevant by the headteacher, links to local services, such as: Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)].

The Governors recognise that you will be disappointed by their decision. However, we would urge you to make use of the services and provision that the local authority can offer to settle [] into an environment where he can receive effective help in addressing his undoubted

learning disabilities. We sincerely believe that this is in the best long-term interests of your son.

Yours sincerely

[NAME]

Clerk to Governors

Example of an Independent Review Panel Decision Letter

Your Ref:

Our Ref: []

Doc Ref:

Direct Dial: []

E-Mail: []

[ADDRESS]

By email to [Parent Partnership] [EMAIL]

[DATE]

Dear Miss X

Independent Review Panel – Permanent Exclusion of [NAME] from the [SCHOOL] (“the School”)

Following the hearing of your review by the Independent Review Panel, constituted by the School on [DATE] at [VENUE], of the decision of the Governing Body of the School not to reinstate your child, I am writing to inform you of the panel’s decision.

After careful consideration of your [and Parent Partnership’s] representations, both oral and written, and those of the Academy [and the SEN expert], and in light of the evidence available and having had regard to the guidance on exclusions published by the Department for Education, the Independent Review Panel have decided to [uphold the Governing Body’s decision not to reinstate your child].

As you may be aware, the Independent Review Panel must consider a wide range of issues in coming to their decision but may only quash a decision where they are satisfied, on the balance of probabilities, that the decision was flawed when considered in light of the principles applicable to judicial review. The Independent Review Panel considered the facts of the case against those questions outlined in paragraphs 148 – 151 of the exclusions guidance as follows:

Illegality – did the headteacher and/or Governing Body act outside the scope of their legal powers in taking the decision to exclude.

The law and guidance on exclusions requires the decision to be taken by the headteacher and later reviewed by the Governing Body. The headteacher must take the decision to permanently exclude when there has been a serious breach or persistent breaches of the discipline policy and where allowing the pupil to remain on site would seriously harm the education and welfare of the pupil or the remainder of the school community. In coming to a decision to exclude, there must be an opportunity for the pupil to give their version of events and where a pupil has additional needs, the school should work proactively with parents to support the child.

The panel noted that [SET OUT CIRCUMSTANCES]. The consequences of the action was harmful to those pupils [WHY – REFER TO POLICIES]. The panel therefore determined that the actions of the headteacher were lawful and within the scope of his powers.

[With regard to the discussion on [NAME]'s additional or special educational needs, it was noted by the panel that the school accepted that [NAME] had special educational needs relating to his behaviour and that support had been put in place to support [NAME] from when the challenging behaviour arose in the [WHEN, WHAT SUPPORT?]. The panel felt this support was appropriate to meet [NAME]'s needs at this time and that the support was pro-active and involved [NAME OF PARENT] [given her attendance at a number of meetings regarding the behaviour exhibited by [NAME]]. [The change in behaviour appeared to be due to external influences away from school and the panel felt that had the incident not occurred on [DATE], the support would have had a greater impact on [NAME]. However, the panel were clear that [NAME]'s special educational needs and the support provided by the school were not relevant to this one-off incident and that no evidence had been presented to show that [NAME]'s special educational needs were in any way related to the incident that resulted in the permanent exclusion.] The panel felt that the Headteacher had acted in accordance with the guidance and within the scope of his powers.

The panel found no fault in the Governing Body procedure. The panel noted that the Governing Body discipline committee acted properly in testing the evidence and looking at all the circumstances relevant to the case as was their legal responsibility under exclusions law and guidance.

Irrationality – was the decision of the Governing Body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?

[Given that it was accepted by all parties that [WHAT DID PUPIL DO] and that the school's discipline policy [ANY OTHER POLICIES?] was/were clear regarding the potential sanctions for such behaviour, it was the view of the panel that the decision taken by the Governing Body was reasonable. The role of the Governing Body in exclusion cases is to consider all the circumstances of the case, including the circumstances of the exclusion, and balance the needs of the excluded pupil against the needs of the remainder of the school community. The evidence points towards the Governing Body taking on this responsibility in a reasonable manner and arriving at a decision which was within the reasonable range of responses open to them given the evidence.]

[Given that it was accepted by the Panel that the Academy's investigation of the incident was thorough and that the correct procedures had been applied, the Panel felt the decision reached by the Governing Body on the evidence before it was reasonable, rational and fair. The evidence presented a situation where [SET OUT WHAT HAPPENED]. The decision to uphold the Headteacher's decision, which was supported by the outcomes of the

investigation, was clearly within the range of reasonable responses open to the Governing Body and was based on the clear evidence of the incident.

Procedural impropriety – was the process of exclusion and the Governing Body’s consideration so unfair or flawed that justice was clearly not done.

[SET OUT REASONING].

[The Panel did not find any flaws in the procedure followed or Governing Body's consideration which would give rise to procedural impropriety. The Panel felt that the process had been handled fairly and that you had a reasonable opportunity to put your concerns to the Governing Body.]

[The Panel also considered whether it would be appropriate to recommend that a Governing Body reconsiders their decision not to reinstate the pupil. The Panel determined there was no evidence or procedural flaws identified that justify a reconsideration of the Governing Body's decision.]

The panel's decision is binding on you, the Headteacher and the Governing Body of the School.

Yours sincerely

[NAME]

Clerk to the Independent Review Panel

Appendix 3 – Information to consider collating for an Exclusion Panel

(This is not an exhaustive list)

- Attendance Certificate (current academic year)
- Fixed-term exclusion letters, including evidence relating to them
- Behaviour log/chronology including:
 - description of incidents of poor behaviour
 - sanctions/actions taken and by whom
 - support strategies
- Evidence of incidents including:
 - witness accounts from adults and pupils, with student names redacted, as appropriate
 - the account of the excluded pupil
 - If appropriate:
 - summary of incidents
 - photographic evidence
 - accident/incident reports
- Most recent academic report
- Additional evidence of support strategies:
 - Placement report
 - Progress reports from external agencies
 - Educational Psychologist's report
 - Social care and health information
 - CAMHS referral
 - Youth Offending Team intervention
 - Behaviour contracts
 - Mentoring progress reports
 - Early Help/CAF process documentation
- For pupils on the SEND register:
 - EHCP (if relevant)
 - Latest individual support plan and review (if applicable)
 - PSP documentation
- Examples of parental involvement e.g. letters, telephone call logs, minuted meetings.
- Behaviour Policy
- Any other relevant policy – Anti Bullying, SEN etc.

Appendix 4 – A summary of the LGB's duties to review the Headteacher's exclusion decision

(Taken from the DfE's Exclusions Statutory Guidance – September 2017)

Appendix 5 - Independent Review Panel Training

Bosvigo School must ensure that all members of an Independent Review Panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the Panel's decision making
- The need for the Panel to observe procedural fairness and the rules of natural justice
- The role of the Chair and the clerk of an Independent Review Panel
- The duties of Headteachers, Governing Bodies and the Panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.