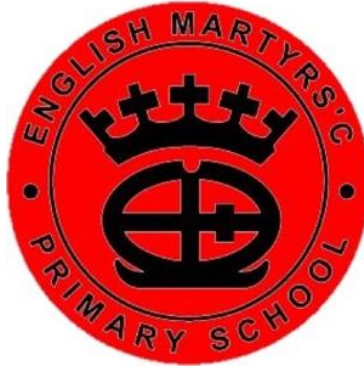


English Martyrs' Catholic Primary School



Exclusions and Suspensions Policy

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Mission Statement

Our children are all unique, beautiful **individuals** but together we are a **masterpiece**, brothers and sisters in **Christ**.

As witnesses of Christ, working together as a **Team**, we strive to promote the **Gospel Values** and Teachings of Jesus by providing a **caring, stimulating environment**, with **nurture, trust, love** and **tolerance** through our spirituality, learning and play. By making connections with Jesus, we promote **high ambitions** and **confidence** to achieve our goals.

Introduction

English Martyrs' Catholic Primary School is an inclusive school which aims to promote equality in all aspects of school life. This policy is to be read alongside the school's Behaviour for Learning Policy, Single Equality Policy and the DoFE guidance 'Exclusion from maintained schools, Academies and pupil referral units in England' (DoFE 2012). Where relevant this policy references other school policies but is not intended to provide detailed information, however the policies referenced can be found on the school website (with paper copies on request).

Our school takes a positive approach to encouraging good behaviour, however recognises that discipline in the school is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusions and suspension as sanctions where they are warranted. Nevertheless, it is important to say that the exclusion or suspension of a pupil from English Martyrs' Catholic Primary School will only be used as a last resort.

The school recognises that it is responsible for communicating to pupils, staff and parents, its expectations for standards of behaviour. The school has a range of policies and procedures in place to promote good behaviour and appropriate conduct and strives to foster good parental engagement. Within Lancashire, there are a range of services available to support pupils who are at risk of exclusion.

Services available:

- District 6 Inclusion Hub
- Educational Psychologists
- Attendance and Engagement Officers
- Lancashire County Council Inclusion Team

Our Local Authority (LA) has an expectation that schools will have employed a range of measures to prevent the need for exclusion or suspension. It is the responsibility of all individuals working with pupils within the school to ensure that no exclusion or suspension will be initiated without first exhausting other strategies or in the case of a serious incident, a thorough investigation. Whilst exclusion/suspension may still be an appropriate sanction, the head teacher should investigate whether any contributing factors may have led to the incident of poor behaviour e.g. pupil has suffered bereavement, has mental health issues or has been subject to bullying.

With this in mind, English Martyrs' Catholic Primary School has encouraged a range of strategies to be employed within the school and the full range of in-class strategies can be found detailed in the schools Behaviour for Learning Policy. Within the school environment there are a range of resources available that can assist in the assessment and management of behavioural issues some of which are listed below:

- Pupil/student behaviour risk assessments
- Individual Behaviour Plans (reviewed half termly)
- Use of the Boxall Profile and SNAP-B assessments to identify specific areas of need
- Use of PIVATS 5 PSED tools to identify and support individual needs
- Work with the ELSA Team
- Nurture Provision
- Pastoral Support Plans
- Early Help Assessments
- Liaison with Child Family Wellbeing (CFW)
- Team Around the Child
- Early intervention to address underlying causes of potentially disruptive behaviour
- Assessments of appropriate provision of support within the school

Reasons for Exclusion and Suspension

- A serious breach of the school's values, rules or policies.
- A risk of harm to the education or welfare of the pupil or others in the school.
- Physical or verbal assault against a pupil, member of staff or others in the school.
- Serious damage to school property
- Theft
- Weapons in school
- Persistent disruptive behaviour
- Persistent bullying
- Indecent behaviour

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.

Occasionally unacceptable behaviour may prove to be persistent and this is where a Suspension may be actioned, in which case a reintegration meeting will be held with the parents and the child on their return to support that child in school moving forward.

Suspensions

A suspension will be for the shortest time necessary. An exclusion for a period of time from half a day to 5 days for persistent or cumulative problems will be imposed only when the school has offered and implemented a range of support and management strategies. Examples of some of the strategies used are:

- Discussion with the pupil
- Support from the school's ELSA Team
- Discussions with parents
- Sanctions (consequences) in school (see the Behaviour for Learning Policy for details)
- Checking on any possible provocation
- Internal exclusions
- Referral to outside support agencies

It is important to note that exclusion will not be used for minor incidents such as academic performance or lateness. A suspension may be used in response to a serious breach of school rules or policies. In such a case, the head teacher will investigate the incident thoroughly and consider all the evidence to support the allegation, taking account of all the school policies. The child will be encouraged to give their version of events and the head teacher will check whether the incident may have been provoked.

For the first 5 days of a suspension, the school must send homework for the pupil and arrange to have this homework marked. For suspensions of more than 5 days, the school is responsible for arranging suitable alternative full-time education from the 6th day until the end of the exclusion. The school is also aware of its duty to provide a strategy for reintegrating pupils that return to school following a suspension, and for managing their future behaviour.

If a pupil has received numerous suspensions or is approaching the legal limit of 45 school days of suspensions in an academic year, the school has a duty to consider whether exclusion is considered to be an effective sanction.

Procedure for Making a Suspension

The head teacher takes the decision to suspend a pupil for a fixed period. Contact the parent/carer ideally by telephone to arrange the collection and supervision of the pupil. The child's welfare must ALWAYS be the prime consideration. The head teacher must give written notice to the parents informing them of:

- The precise period and the reasons for the exclusion
- The parents' duties during the first 5 days
- The parents right to make a representation to the governing body
- The person the parent should contact if they wish to make such representations
- The arrangement to set and mark work for the pupil during the initial 5 day period.
- If relevant the school day on which they will be provided with full time education.
- Details of the reintegration interview.

The head teacher must inform the governing body and LCC Exclusions Team/Pupil Access if a pupil is suspended for more than 15 days in any one term. Children can be suspended for 1 or more fixed periods, up to a maximum of 45 school days in any one school year. A suspension does not have to be for a continuous period.

A suspension may be extended to or converted to a permanent exclusion in exceptional cases, usually where further evidence has been uncovered. The school has a duty to arrange full time education from and including day 6 of the exclusion and has a duty to provide full time education for a looked after child from day 1.

When returning back to school an interview will be arranged with the Head teacher or a senior member of staff and the parent and child on the school premises. If the parent fails to attend, the school must keep a record of the failure as this could be taken into account for future support needed for the child and family. Parents have the right to make a representation to the governing body for any suspension. The school is also aware that sending children home from school during lunchtime will also be considered a suspension.

Informal suspensions such as sending a child home to "cool off" are unlawful, regardless of whether they occur with the agreement of parents. Any suspension of a pupil must be formally recorded (DoE 2012). The procedure for this is the same as above.

Permanent Exclusions

The school considers permanent exclusion to be a very serious step and the head teacher will need to investigate the incident thoroughly before this decision is made. As with suspensions, permanent exclusion will follow a range of strategies set out by the school and detailed in the Behaviour for Learning Policy and will be seen as a last resort, or it will be in response to a very serious breach to school rules and policies such as:

- Serious actual or threatened violence against another pupil or a member of staff.
- Carrying an offensive weapon ⇔ Persistent bullying
- Racial harassment

Procedure for Making a Permanent Exclusion

- Head teacher takes the decision to exclude a pupil permanently
- Contact the parent/carer immediately ideally by telephone.
- The head teacher must give written notice to the parents informing them of specific information found in the LA guidance
- The head teacher must inform the governing body and LA within 1 day on the appropriate form (found on LCC Schools website)
- The school has a duty to arrange full time education from and including day 6 of the exclusion.
- The school has a duty to provide full time education for a looked after child from day 1.
- On receiving notice of the exclusion, the governing body must convene a meeting within 15 school days to review the exclusion and to consider reinstatement. They must invite the parent, the head teacher and a representative from the LA. Papers including written statements must be circulated at least 5 days before the meeting.
- The governing body may ask for advice from the LA officer, but must make the decision alone, asking other parties to withdraw. The clerk may remain.
- The governing body must inform the parent, Head teacher and LA officer of their decision in writing within 1 day of the hearing stating reasons.
- LA to contact parent within 3 working days indicating the latest date by which a review can be lodged.
- The child to be removed from the register only when the review process is complete.
- Where parents dispute the decision of a governing body not to reinstate an excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

N.B It is the Chair of Governors responsibility to direct the governing body of the school to details of their responsibilities when considering exclusions. Details of Governor responsibilities regarding exclusions can be found in DoE Exclusions from maintained schools, Academies and pupil referral units in England (2012).

Behaviour Outside School

Pupils' behaviour outside school on school trips is subject to the school's Behaviour for Learning policy. Poor behaviour in such circumstances will be dealt with as if it has taken place in school. For behaviour outside school, not on school business, it is at the discretion of the head teacher whether or not to exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupils as a whole, or if it is deemed to be damaging to the reputation of the school.

Pupils with Special Educational Needs and Disabilities

The school must take account of any special educational needs when considering whether or not to exclude a pupil. We have a duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. Head teachers and the governing body must take into account their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of

Practice and a Duty of Care. The head teacher will take reasonable steps to ensure that the school responds to a pupil's disability so that the pupil is not treated less favourably, this includes a duty to make reasonable adjustments to policies and practices.

Reasonable steps could include:

- Differentiation in the school's Behaviour for Learning policy
- Developing strategies to prevent the pupil's behaviour
- Requesting external support for the child
- Staff training

English Martyrs' Catholic Primary School recognises that it should engage proactively with parents in supporting the behaviour of its pupils with additional needs and is aware that all parents have a right to request the presence of an SEND expert if their case is to be reviewed by an independent panel. If school has concerns about the behaviour, or risk of exclusion/suspension, of a child with additional needs such as a pupil with an EHC plan or a looked after child, it is aware that it should consider what additional support may be required. Where a pupil has an EHC plan, school will consider requesting an early annual review or interim/emergency review.

Temporary Reduced Timetable

In some cases, the school may consider it appropriate to the needs of a particular child, to offer a reduced timetable for a limited period. In this situation, paramount consideration would be given to safeguarding the child and a thorough risk assessment would be carried out. Any reduced timetable would be planned within a Individual Personalised Provision Map. The timetable would be time-limited with a clear plan to increase attendance back to full time, involve professionals working with the child/family, and ensure that parents have given their full consent.

Marking Attendance Registers Following Exclusion

When a pupil is excluded, he/she should be marked absent using Code E. Where alternative provision is made, and pupils attend it, they will be marked using either code B (education off site) or code D (dual registration)

Policy written by:

Headteacher and all teaching staff: September 2022

Agreed by Governing Body: November 2022 Full Governing Body Meeting

To be reviewed annually (or sooner as required)

Reviewed:

- September 2024:
 - Amendments: Addition of use of SNAP-B Behaviour Assessment tool; addition of EHA support
- September 2025:
 - No amendments
- September 2026:
 - No amendments

Appendix 1

Model Letter 1

MODEL LETTER 1 – FROM THE HEADTEACHER OF A SCHOOL/ACADEMY NOTIFYING PARENTS (this includes guardians and carers) OF A FIXED EXCLUSION OF FIVE DAYS OR FEWER IN ONE SCHOOL TERM (WHERE A PUBLIC EXAMINATION IS NOT MISSED).

Dear [parent's name]

I am writing to inform you of my decision to exclude [pupil's legal name] for a fixed period of [number] days. This means that **he/she** will not be allowed in this school/academy for this period. The exclusion **begins/began** on [date] and ends on [date].

A leaflet about fixed period exclusion is enclosed and it is advised that you note this information. In particular please note the information about parental supervision during the first 5 school days of any exclusion.

Parents are required to ensure that excluded pupils are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a pupil is found in a public place during this period.

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

You have the right to make representations to the governing board. If you wish to make representations please contact [name of contact] on/at [address/telephone number/e-mail]. The governing board has no power to direct a re-instatement and cannot overturn the head teacher's decision. They can however consider your representations and make a note of their findings on [pupil's legal name]'s record.

If you think that the exclusion relates to a disability which your child has, you may raise these concerns in any representations which you choose to make to the school/academy governing board.

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 also have the right to appeal, **and/or** make a claim, to the SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington DL1 1RU.

If you wish, [pupil's legal name] may also make representations to the governing board.

You also have the right to see a copy of [pupil's legal name] record. Because of confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. There may be a charge for photocopying.

Work will be set for **[pupil's legal name]** to complete at home during the period of exclusion **[detail the arrangements for this]**. Please ensure that the work set is completed and returned for marking.

You may wish to contact the Local Authority who can provide information and advice (see contact details below).

In addition, there are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <http://www.childrenslegalcentre.com/get-legal-advice/education/>
- ACE education runs a limited advice service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice <https://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and exclusions' and 'Complain about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

[Pupil's legal name] exclusion expires on **[date]** and **he/she** should return to school on **[date]** at **[time]**.

It would be helpful for us to meet to discuss **[pupil's legal name]**'s return to **[name of school/academy]** before they are due back **or** on their return date. The purpose of this meeting is to discuss ways of successfully managing **[pupil's legal name]**'s return. Please could you contact **[name and telephone number]** to arrange a convenient time and date.

Please advise if you have a disability or special needs which would affect your ability to attend a meeting. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

Yours sincerely

[Name]
Headteacher

ENC

Local Authority Contact Details

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

 01524 581148  PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

 01772 532109  PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

 01254 220747  Pupil.AccessEast@lancashire.gov.uk

Appendix 2

MODEL LETTER 2 – FROM THE HEADTEACHER OF A SCHOOL/ACADEMY NOTIFYING PARENTS (this includes guardians and carers) OF A FIXED EXCLUSION OF MORE THAN FIVE DAYS IN ONE SCHOOL TERM (UP TO AND INCLUDING FIFTEEN DAYS)

Dear [parent's name]

I am writing to inform you of my decision to exclude [pupil's legal name] for a fixed period of [number] days. This means that **he/she** will not be allowed in this school for this period. The exclusion **begins/began** on [date] and ends on [date].

A leaflet about fixed period exclusion is enclosed and it is advised that you note this information. In particular please note the information about parental supervision during the first 5 school days of any exclusion.

Parents are required to ensure that excluded pupils are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a pupil is found in a public place during this period.

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

You have the right to request a meeting of the school/academy pupil discipline committee who can review the decision to exclude. The committee must meet if you request that this happens. If you wish to make representations please contact [name of contact] on/at [address/telephone number/e-mail].

If you want to attend the meeting you may be accompanied by a friend or representative. If you wish [pupil's legal name] may also attend the meeting **and/or** make written representations. Please advise if you have a disability or special needs which would affect your ability to attend a meeting. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

If you think that the exclusion relates to a disability which your child has, you may raise these concerns in any representations which you choose to make to the school's pupil discipline committee.

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 also have the right to appeal, **and/or** make a claim, to the SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, 1st floor, Darlington Magistrates' Court, Parkgate, Darlington DL1 1RU.

You also have the right to see a copy of [pupil's legal name] record. Because of confidentiality restrictions, you will need to notify me in writing if you wish to be supplied

with a copy of this. There may be a charge for photocopying.

Work will be set for **[pupil's legal name]** to complete at home during the first 5 school days of exclusion **[detail the arrangements for this]**. Please ensure that the work set is completed and returned for marking. From day 6 suitable full time education will be provided. This will be at **[location/address]**. **OR** you will be contacted shortly about the full time provision.

You may wish to contact the Local Authority who can provide information and advice (see contact details below).

In addition, there are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <http://www.childrenslegalcentre.com/get-legal-advice/education/>
- ACE education runs a limited advice service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice <https://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and exclusions' and 'Complain about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

[Pupil's legal name] exclusion expires on **[date]** and **he/she** should return to school on **[date]** at **[time]**.

It would be helpful for us to meet to discuss **[pupil's legal name]**'s return to **[name of school/academy]** before they are due back **or** on their return date. The purpose of this meeting is to discuss ways of successfully managing **[pupil's legal name]**'s return. Please could you contact **[name and telephone number]** to arrange a convenient time and date.

Yours sincerely

[Name]
Headteacher

ENC

Local Authority Contact Details

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

 **01524 581148**  PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

 **01772 532109**  PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

 **01254 220747**  Pupil.AccessEast@lancashire.gov.uk

Appendix 3

MODEL LETTER 3 – FROM THE HEADTEACHER OF A SCHOOL/ACADEMY NOTIFYING PARENTS (this includes guardians and carers) OF A FIXED EXCLUSION OF MORE THAN 15 DAYS IN ONE SCHOOL TERM

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[pupil's legal name]** for a fixed period of **[number]** days. This means that **he/she** will not be allowed in this school for this period. The exclusion **begins/began** on **[date]** and ends on **[date]**.

A leaflet about fixed period exclusion is enclosed and it is advised that you note this information. In particular please note the information about parental supervision during the first 5 school days of any exclusion

Parents are required to ensure that excluded pupils are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a pupil is found in a public place during this period.

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

As the length of the exclusion is more than 15 days in total the school/academy pupil discipline committee must meet to review the head teacher's decision. You have the right to make representations to this committee either in writing **and/or** in person. If you wish to make representations please contact **[name of contact]** **on/at** **[address/telephone number/e-mail]**.

If you want to attend the meeting you may be accompanied by a friend or representative. If you wish **[pupil's legal name]** may attend the meeting **and/or** make written representations. Please advise if you have a disability or special needs which would affect your ability to attend a meeting. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

If you think that the exclusion relates to a disability which your child has, you may raise these concerns in any representations which you choose to make to the school/academy pupil discipline committee.

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 also have the right to appeal, **and/or** make a claim, to the SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington DL1 1RU.

You also have the right to see a copy of **[pupil's legal name]** record. Because of confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. There may be a charge for photocopying.

Work will be set for **[pupil's legal name]** to complete at home during the first 5 school days of

exclusion **[detail the arrangements for this]**. Please ensure that the work set is completed and returned for marking. From day 6 suitable full time education will be provided. This will be at **[location/address]**. **OR** you will be contacted shortly about the full time provision.

You may wish to contact the Local Authority who can provide information and advice (see contact details below).

In addition, there are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <http://www.childrenslegalcentre.com/get-legal-advice/education/>
- ACE education runs a limited advice service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice <https://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and exclusions' and 'Complain about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

[**Pupil's legal name**] exclusion expires on [**date**] and **he/she** should return to school on [**date**] at [**time**].

It would be helpful for us to meet to discuss [**pupil's legal name**]'s return to [**name of school/academy**] before they are due back **or** on their return date. The purpose of this meeting is to discuss ways of successfully managing [**pupil's legal name**]'s return. Please could you contact [**name and telephone number**] to arrange a convenient time and date.

Yours sincerely

[**Nam**]
Headteacher

ENC

Local Authority Contact Details

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

 **01524 581148**  PupilAccessTeam.North@lancashire.gov.uk

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 **01772 532109**  PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

 **01254 220747**  Pupil.AccessEast@lancashire.gov.uk

Appendix 4

MODEL LETTER 4 – FROM THE HEADTEACHER OF A SCHOOL/ACADEMY NOTIFYING PARENTS (this includes guardians and carers) OF A PERMANENT EXCLUSION

Dear **[parent's name]**

I am writing to inform you of my decision to permanently exclude **[pupil's legal name]** from **[date]**. This means that **he/she** will no longer be allowed to attend this school (unless he/she is subsequently re-instated by the Governors).

DELETE IF NOT APPLICABLE [The Common Assessment Framework (CAF) referral form which you have signed has been forwarded to the Local Authority.]

Information about attendance, attainment, education plans and behaviour will be sent to the Local Authority. This information assists in relation to planning future provision and support.

A leaflet about permanent exclusion is enclosed and it is advised that you note this information.

Parents are required to ensure that excluded pupils are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a pupil is found in a public place during this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's legal name]** has not been taken lightly. **[Pupil's legal name]** has been excluded because of **[reason for exclusion]**.

As this is a permanent exclusion the school/academy's pupil discipline committee must meet to review the head teacher's decision. You have the right to make representations to this committee either in writing **and/or** in person. If you wish to make representations please contact **[name of contact] on/at [address/telephone number/e-mail]**.

If you want to attend the meeting you may be accompanied by a friend or representative. If you wish **[pupil's legal name]** may attend the meeting **and/or** make written representations. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

If you think that the exclusion relates to a disability which your child has, you may raise these concerns in any representations which you choose to make to the school/academy pupil discipline committee.

You also have the right to see a copy of **[pupil's legal name]** record. Because of confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. There may be a charge for photocopying.

Work will be set for **[pupil's legal name]** to complete at home during the first 5 school days of

exclusion [**detail the arrangements for this**]. Please ensure that the work set is completed and returned for marking. From day 6 suitable full time education will be provided. This will be at [**location/address**]. **OR** you will be contacted shortly about the full time provision.

You may wish to contact the Local Authority who can provide information and advice (see contact details below). If you live outside of Lancashire you are advised to contact your home Local Authority immediately about educational provision.

In addition, there are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <http://www.childrenslegalcentre.com/get-legal-advice/education/>
- ACE education runs a limited advice service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through schoolexcusions@nas.org.uk
- Independent Parental Special Education Advice <https://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and exclusions' and 'Complain about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

Yours sincerely

[Name]
Headteacher

ENC

Local Authority Contact Details

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

☎ 01524 581148 ✉ PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

☎ 01772 532109 ✉ PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

☎ 01254 220747



PERMANENT EXCLUSION INDEPENDENT REVIEW FORM
(PLEASE COMPLETE IN BLACK PEN and return to: Iris Winn at The Appeals and Complaints Team,
Lancashire County Council, P.O. Box 78, County Hall, Preston, PR1 8XJ)

A PUPIL ACCESS TEAM / CLERK TO GOVERNORS TO COMPLETE

Name of Pupil: _____

School: _____

Form Issued (Date) _____ Deadline Date: _____ *

B PARENTS/CARERS TO COMPLETE

PLEASE TICK ONLY ONE BOX

– I/we **do** wish to have a review hearing ☐ *

– I/we **do not** wish to have a review hearing ☐

If you **do** wish to have a review please complete the rest of this form, sign Section D and return it by the stipulated deadline date *. If you **do not** wish to have a review, sign the form at Section D and return it immediately.

C1 PARENTS/CARERS TO COMPLETE

Pupil's Surname: _____ Forename(s): _____

Date of Birth: _____ Gender: (male/female): _____

School: _____

Name(s) of Parent(s)/Carer(s): _____

Address: _____

Post Code: _____

Email address: _____

Telephone Number(s): _____

(Please indicate home and mobile telephone numbers)

Do you intend to attend the review hearing? Yes ☐ No ☐

Do you intend to bring a representative? Yes ☐ No ☐
(an additional copy of the papers will be provided if you bring a representative)

Do you consider that this pupil has a disability? (*see note below) Yes ☐ No ☐

Would you like an independent special educational needs (SEN) expert to be present at the independent review hearing? Yes ☐ No ☐

Is the pupil in care to a Local Authority (Looked After)? Yes ☐ No ☐

If yes, please give name/contact number of his/her Social Worker:

Name: _____ Tel No: _____

C2 REASONS FOR YOUR REVIEW REQUEST

Please state the reasons for your review request in full. You may submit additional written information, or any documents which are relevant to your review. All information provided will be copied and sent to all relevant parties, including members of the independent review panel (IRP). **Please continue on separate sheet(s) if necessary.**

If you feel that the permanent exclusion was imposed as a result of discrimination on the basis of a protected characteristic (as defined within the Equality Act 2010) please indicate which area you feel is relevant. The defined protected characteristics are disability, race, gender, religion or belief, age, sexual orientation, gender re-assignment, pregnancy or maternity and marital and civil partnership status (* see note below)

D PARENTS/CARERS TO COMPLETE

I/we understand that my/our review will be heard by an independent review panel (IRP) and that I/we have a right to attend and to be represented if I/we wish.

Signed: _____ Date: _____

Signed: _____ Date: _____

NOTES AND CONTACT INFORMATION

- You will be notified of the date, time and venue of your review hearing and provided with a full set of papers in advance. You are strongly advised to attend in person. If you do not attend the review will be heard in your absence.
- If the pupil is in care (looked after) it is advised that his/her social worker is consulted and attends the review hearing
- *If you have indicated that you feel that discrimination has occurred under the Equality Act 2010 the independent panel can consider these factors. You will however need to obtain a further form to complete from your Area Pupil Access Team (see below).

Lancaster, Wyre and The Fylde

01524 581148

PupilAccess.North@lancashire.gov.uk

Preston, South Ribble, Chorley and West Lancashire

01772 532109

pupilaccess.southexclusions@lancashire.gov.uk

Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale

01254 220747

Pupil.AccessEast@lancashire.gov.uk

Appendix 6

Model letter

(From the clerk to the Pupil Discipline Committee of the school/academy governing body to parents / carers upholding a permanent exclusion).

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

The Pupil Discipline Committee of **[school/academy name]** met on **[date]** to consider the decision by the head teacher to permanently exclude **[full name of pupil]**. After carefully considering all of the representations made and all the available evidence the Committee has decided to uphold the head teacher's decision to permanently exclude.

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

You have the right to have this decision reviewed (by an independent review panel – IRP) If you wish to have a review please notify **[name of the clerk to the appeal panel]**. You must set out the reasons for your request in writing, and if appropriate may also include reference to any disability discrimination claim you may wish to make.

You must request a review by contacting **[address]** by no later than **[specify the latest date — the 15th school/academy day after receipt of this letter]**. If you do not submit a review request by **[latest date]** you will lose your right to have an IRP hearing. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Please inform the Local Authority if it would be helpful for you to have an interpreter present at the hearing (see enclosed form and leaflet for contact details).

The review will be heard by an IRP, which can also hear disability discrimination claims. The three-member panel will comprise one serving, or recently retired (within the last 5 years), head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair.

The IRP will rehear all the facts of the case and any new information or evidence which you may wish to present. The IRP must meet no later than the 15th school/academy day after the date on which your review request is lodged. In exceptional circumstances IRPs may adjourn the hearing until a later date.

The IRP can make one of three decisions: they may uphold the permanent exclusion; they may ask the school / academy governors to re-consider the permanent exclusion or they may quash the permanent exclusion and direct the school/academy governors to consider re-instatement of the child to the school/academy.

In order to quash a permanent exclusion the IRP must be satisfied that the decision was flawed in accordance with the principles which apply to judicial review (illegality, irrationality or procedural impropriety). If a permanent exclusion decision is quashed and the school/academy governors do not re-instate the pupil then an additional budget deduction of £4,000 may be imposed by the IRP.

A review request form is enclosed and you should complete and return this as soon as possible (whether or not you intend to appeal).

An information leaflet is also enclosed. The Local Authority will be contacting you about ongoing educational provision for **[first name of pupil]**.

Yours sincerely

[name]

Clerk to the Governing Body

Appendix 7

Further information and documentation can be found using the following links:

[Exclusion Leaflet One ~ Fixed Term/Suspension](#)

[Exclusion Leaflet Two ~ Permanent Exclusion](#)

[Exclusion Leaflet Three ~ Review](#)

[Extract from Children's Commissioner Document](#)