

# St Thomas More

## Catholic Academy

### All Saints Catholic Collegiate

### Exclusion Policy

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Headteacher	Mr M Rayner

**Links to other policies:**

- **Safeguarding/Child Protection**
- **SEND**
- **Anti-Bullying**
- **Attendance**
- **Behaviour for Learning**

St Thomas More Catholic Academy  
All Saints Catholic Collegiate

***United in Faith, Love and Learning***

**Mission Statement**

*Christ is at the heart of our community, where everyone is known and loved.*

*In fulfilling our mission we are a school of prayer. We live as a community of love, peace and reconciliation, valuing everyone's dignity as a child of God to promote and celebrate the growth and achievement of the whole person.*

## **Rationale**

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

## **Introduction**

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy or Assistant Headteacher).

Exclusion, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Bullying
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Being in possession of an offensive weapon.
- Using an offensive weapon.
- Being in possession of a firework.
- Setting a firework off.
- Arson.
- 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.
- Persistent disruptive behavior

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

## **What legislation does this guide relate to?**

The principal legislation to which this guidance relates is:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996; and
- 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.
- Exclusion From Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance For Those With Legal Responsibilities In Relation To Exclusion September 2017

## **Exclusion procedure**

- Most exclusions are of a fixed term nature and are of short duration
- The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- The Academy Representatives have established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.
- The Academy Representatives have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Academy Representatives as advised in the letter.
- A Return to School meeting will be held following the expiry of the fixed term exclusion and this will normally involve the Head of Year, the Head of Key Stage, a member of the Senior Leadership Team and/or the Headteacher.
- It is school practice to place the student on report to the Head of Year, Head Of Key Stage or Senior Leadership Team usually for one week to monitor behaviour and work. A Pastoral Support Plan will also be considered and/or a Return To School Contract will be implemented. These will be agreed with the school, student and parents.
- A fixed term exclusion can occasionally take the form of a Fixed Term Inclusion. However, in most circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.
- During the course of a fixed term exclusion where the student is to be at home, parents/guardians are advised that the student is not allowed on the School premises and that daytime supervision is their responsibility, as parents/guardians. In line with legislation he/she is not allowed to be present in a public place during school hours without reasonable justification. Work will be set by the school for the period of exclusion.

### **Monitoring Arrangements**

Mrs Stubbs (Assistant Headteacher) monitors the number of exclusions every term and reports back to the Headteacher and governors. They also liaise with the LA Learning Pathways to ensure suitable full-time education for excluded students.

### **General factors the school considers before making a decision to exclude**

- Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:
  - Ensure appropriate investigations have been carried out.
  - Consider all the evidence available to support the allegations taking into account the Behaviour for Learning, Equal Opportunity and Race Equality Policies.
  - Allow the student to give her/his version of events.

- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour for Learning Policy and b) the effect that the student remaining in the school would have on the education and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Academy Representatives' Student Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's School record, witness statements and the strategies used by the school to support the student prior to exclusion.

### **Alternatives to Exclusion**

The school actively pursues a policy of using alternatives to both fixed term and permanent exclusions in the following ways.

- The school uses the sanction of Fixed Term Inclusion as an interim sanction measure for serious breaches of the School Code of Conduct. A student may be at risk of Fixed Term Inclusion for serious offences or continual problems despite other strategies having been used, at the discretion of the Senior Leadership Team.
- As an alternative to a Fixed Term Exclusion the school works in partnership with other local schools to arrange education at a different school establishment for a fixed period of time. This is called Alternative Provision (AP). This is done at the discretion of the Headteacher of both schools and may involve an alternative start and end time for the day. Parents/Carers are responsible for transportation to and from the receiving school throughout the time of the AP. Parents/carers can speak to school if necessary. This sanction is also used from the 6th Day of a Fixed Term Exclusion. For Looked After Children AP will be sought from day 1 of a fixed term exclusion, where possible.
- A student with a poor disciplinary record who may be close to a permanent exclusion will meet with their parents and a member of the Senior Leadership Team. Consideration will also be given to an Early Help in order to attempt to support the identified needs and prevent the need for further consequences. A Pastoral Support Plan (PSP) will be put into place and the student will be monitored.
- Should the PSP and /or other measures fail and a student is deemed to be very close to permanent exclusion then he/she, subject to meetings with parents, may be referred to the school's PRU (Reach) or alternative provision for a fixed period of time, via Learning Pathways
- A Managed Move may be considered by the school. This is where there is a transfer of a student to another school, if there is agreement between everyone involved, including the parents and the admission authority for the new school.
- The school cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding.

### **Returning From Exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a fixed-term exclusion:

- Agreeing a behaviour contract (RTS or PSP)
- Putting a student 'on report'
- Pastoral Pupil Passport will be completed

### **Behaviour Outside School**

Students' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the school's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in the school. For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole.

If students' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the school criteria for exclusion then the Headteacher may decide to exclude.

### **Drug Related Exclusions**

This policy is written in accordance with the advice and guidance outlined within the DfE and ACPO's Drug Advice For Schools which states:

*"Any response to drug-related incidents needs to balance the needs of the individual pupils concerned with the wider school community. In deciding what action to take schools should follow their own disciplinary procedures."*

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor if necessary. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's Drugs Policy.

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and or use of an illegal drug on School premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Bringing an illegal drug into school
  - Carrying an offensive weapon \*.

- Arson.
- Assault on a member of staff

The school, in line with its protocols, will consider police involvement for any of the above offences.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him or by some other person.”

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the School.

The decision to permanently exclude a student will be taken in the following circumstances:-

- (a) In response to a serious breach, or persistent breaches, of the school’s Behaviour for Policy;
- (b) If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

## Appendix 1

### **From head teacher notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed.**

Dear **[Parent's Name]**

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

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

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

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Academy Representatives. If you wish to make representations please contact **Mrs Walker** on/at **01782 882900**, as soon as possible. Whilst the Academy Representatives has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **St Thomas More** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

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

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council by telephone: 01782 236821, by email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk) or view the

website at [www.stoke.gov.uk](http://www.stoke.gov.uk) , who can offer general advice on the Exclusions process.

- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

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

Yours sincerely

Mr M. Rayner  
Headteacher

## Appendix 2

**From head teacher notifying parent(s) of a pupil of that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term.**

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

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

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

From the **[6th school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the discipline committee must meet if you request it to do so. The latest date by which the discipline committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this exclusion]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **Mrs Walker** on/at 01782 882900, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform Mrs Walker if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the discipline committee.

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **St Thomas More** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

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

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council by telephone: 01782 236821, by email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk) or view the website at [www.stoke.gov.uk](http://www.stoke.gov.uk) , who can offer general advice on the Exclusions process.
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)
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**[Child's Name]**'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

Mr M. Rayner

**Headteacher**

### Appendix 3

**From head teacher notifying parent of a fixed period exclusion of more than 15 school days in total in one term.**

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

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

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of exclusion or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

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

From the **[6th school day of the pupil's exclusion] [specify date]** until the expiry of his exclusion we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

As the length of the exclusion is more than 15 school days in total in one term the Academy Representatives must meet to consider the exclusion. At the review meeting you may make representations to the Academy Representatives if you wish. The latest date on which the Academy Representatives can meet is **[date here — no later than 15 school days from the date the Academy Representatives is notified]**. If you wish to make representations to the Academy Representatives and wish to be accompanied by a friend or representative please contact **Mrs Walker** on/at **01782 882900**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Academy Representatives of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **Mrs Walker** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the Academy Representatives/management committee.

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **St Thomas More** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

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

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

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council by telephone: 01782 236821, by email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk) or view the website at [www.stoke.gov.uk](http://www.stoke.gov.uk) , who can offer general advice on the Exclusions process.
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)
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**[Name of Child]**'s exclusion expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**Mr M. Rayner**  
Headteacher

## Appendix 4

**From the head teacher of a primary, secondary or special school notifying the parent(s) of that pupil's permanent exclusion.**

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the Academy Representatives/the discipline committee.

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

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[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 dates. It will be for you to show reasonable justification.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** the local authority **[give the name of the authority]** will provide suitable full-time education. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]**

**[For pupils of compulsory school age where pupil lives in a local authority other than the excluding school's local authority]** I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the Academy Representatives must meet to consider it. At the review meeting you may make representations to the Academy Representatives if you wish and ask them to reinstate your child in school. The Academy Representatives 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 a review of their decision by an Independent Review Panel. The latest date by which the Academy Representatives must meet is **[specify the date — the 15th school day after the date on which the Academy Representatives was notified of the exclusion]**. If you wish to make representations to the Academy Representatives and wish to be accompanied by a friend or representative please contact **Mrs Walker** on/at **01782 882900**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Academy Representatives 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 **Mrs Walker**

if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the Academy Representatives/management committee.

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

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

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council by telephone: 01782 236821, by email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk) or view the website at [www.stoke.gov.uk](http://www.stoke.gov.uk) , who can offer general advice on the Exclusions process.
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

Yours sincerely

**Mr M. Rayner**  
**Headteacher**

## Appendix 5

**From the clerk to the Academy Representatives to parent upholding a permanent exclusion.**

Dear **[Parent's name]**

The meeting of the Academy Representatives at **[school]** on **[date]** considered the decision by **[head teacher]** to permanently exclude your son/daughter **[name of pupil]**. The Academy Representatives, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of pupil]**'s permanent exclusion.

The reasons for the Academy Representatives's decision are as follows: **[set out reasons for the decision in sufficient detail to enable all parties to understand why the decision was made and how they arrived at that decision]**

You have the right to a review of this decision by an Independent Review Panel. If you would like to request a review, please notify the Clerk to the Education Appeal Panel. You must set out the reasons for requesting a review in writing and send this notice of appeal to Clerk to the Education Appeal Panel, c/o Member Services Division, Business Services Directorate, Civic Centre, Glebe Street, Stoke-on-Trent, ST4 1RN, by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not requested 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. Also, please inform the Clerk to the Education Appeal Panel if it would be helpful for you to have an interpreter present at the hearing.

Your appeal 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 member and one lay member who will be the Chairperson. 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 the review request is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review the panel can decide to:

- uphold your child's exclusion;
- recommend that the Academy Representatives reconsiders their decision, or
- quash the decision and direct that the Academy Representatives considers the exclusion again.

You have a right to request the attendance of a Special Educational Needs (SEN) Expert at the review, regardless of whether the school recognises that your child has SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make clear that you wish for a SEN expert to be appointed in any application for a review.

You may at your own expense, appoint someone to make written and/or oral representation to the panel or bring a friend to the review.

As stated above you have the right to apply for an independent review panel. In order to assist you to make an informed decision on whether, and if so, how to seek a review please see the

information at the end of this letter. In addition if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals> who have the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for 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 e.g. the day on which the pupil was excluded.

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

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council by telephone: 01782 236821, by email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk) or view the website at [www.stoke.gov.uk](http://www.stoke.gov.uk) , who can offer general advice on the Exclusions process.
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

The arrangements currently being made for **[pupil's name]**'s education will continue. **[specify details here]**.

Yours sincerely

**[name]**

Clerk to the Academy Representatives

## Appendix 6

### A Summary of the governing board's duties to review the headteacher's exclusion decision

