EXCLUSION POLICY

Version 4: February 2022

Date approved by Trustees of Ventrus Multi Academy Trust	**24th March 2022**
Review Period	**Annually**
Signed by Chair of Trustees Hugh Whittaker	

Linked policies: *Equality Policy; Behaviour Policy; SEND Policy; Complaints Policy*

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1 Definitions of Terms

Term	To mean
School	Any setting within Ventrus Multi Academy Trust. College, Academy, Infant, Junior or Primary School
Excluding school	The school in which the pupil is registered on roll.
Appointed Local Governing Body Exclusions Panel (ALGB)	Panel consisting of 3 members constituted from Ventrus Multi Academy Trust's Local Governing Bodies
Independent Exclusions Appeals Panel (IEAP)	Panel consisting of 3 members: • 1 governor from a Local Governing Body of a Ventrus school (not having been a member of the ALGB of the exclusion appealed against) and who has not worked in any school in a paid capacity; • a 2nd governor from a Local Governing Body of a Ventrus school (not having been a member of the ALGB of the exclusion appealed against) and who has been a governor for at least 12 months in the last 5 years but not a teacher or Headteacher during that time and • 1 Headteacher from any Ventrus school different to the excluding school.

2 Rationale

This policy, deals with the practice which informs the use of exclusion at schools within Ventrus. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

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;

The second is to realise the aim of reducing the need to use exclusion as a sanction.

Ventrus and the Ventrus schools will have regard to the statutory guidance on exclusions drafted by the Department of Education in applying the law on exclusions and in conducting any exclusion procedures and processes.

3 Introduction

The decision to exclude a pupil can only be made on disciplinary grounds.

Exclusion is an extreme sanction and is only administered by the 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 schools' Behaviour Policies:

- Verbal abuse to staff, other adults or pupils
- Physical abuse to/attack on staff or pupils
- Indecent behaviour

- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

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

4 Exclusion procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfES regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year and also to exclude a pupil permanently.

The DfE regulations allow the Headteacher to exclude a pupil permanently for a serious breach or persistent breaches of the school's Behaviour Policy or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
Following any exclusion parents are contacted immediately where possible by phone or face to face to be informed of the period of exclusion and the reasons for it. In addition, a letter will be sent by hand delivery or post giving details of the exclusion and parents' rights.

An Appointed Local Governing Body Exclusions Panel (ALGB) must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent or;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test

Where a pupil would be excluded from school for more than five school days, but not more than 15, in a single term, an ALGB must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion, if requested to do so by the parents.

In respect of a fixed term exclusion of under 5 days the ALGB must consider any representations made by the parents but cannot direct reinstatement and is not required to hold a meeting with the parents.

The decision of the ALGB will be notified in writing to all relevant parties and will include the reasons for the decision that has been reached. The notification will also include details of the circumstances in which the decision may be referred for independent review by an Independent Exclusion Appeals Panel (the IEAP).

A return to school meeting will be held following the expiry of the fixed term exclusion.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceeds five days, a pastoral support plan will be drawn up. This will be agreed with the school, pupil and parents.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/ guardians.

During the course of a fixed term exclusion where a pupil is to be at home, the school is responsible for providing work for the pupil to complete each day and for ensuring that it is marked.

5 Permanent Exclusion

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

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.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon (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.")
- Arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

6 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 pupil concerned. Before deciding whether to exclude a pupil 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 and Equality Policies.

Where possible allow the pupil 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 pupil did what he or she is alleged to have done, exclusion will be the outcome.

7 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:

- the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy and
- the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff

Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to consider a permanent exclusion.

In reaching a decision on whether or not to reinstate a pupil the ALGB should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair. The ALGB will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

8 Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy. The threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

9 Lunchtime and clubs

Pupils whose behaviour is disruptive at lunchtime or in before or after school clubs may be excluded from the school premises for the duration of the lunchtime period or the period of the club. This will be treated as a fixed term exclusion with each lunchtime exclusion being counted as a half day exclusion and parents will have the same right to gain information and to appeal.

10 Behaviour Outside School

Pupils' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures and events, is subject to the school's Behaviour Policy. Misconduct in these circumstances will be dealt with as if it had taken place in 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 pupil body as a whole.

If a pupil misbehaves in the immediate vicinity of the school or on a journey to and from school and meets the school criteria for exclusion then the Headteacher may decide to exclude.

11 Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's Behaviour and Safeguarding Policies and will also seek advice from colleagues in Partner Agencies. 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.

12 Exclusion resulting in a pupil missing a public examination or national curriculum test

Where an exclusion results in a pupil missing a public examination or national curriculum test the ALGB will, if practicable, consider the exclusion prior to the date of the examination or test. If this is not possible, the Chair of the ALGB may consider the exclusion independently and decide whether or not to reinstate the pupil. Parents will still retain their right to make representations to the ALGB.

13 Changes to the school suspension and expulsion process during the coronavirus (COVID-19) outbreak

The statutory guidance on suspensions and expulsions from maintained schools, academies and pupil referral units in England describes the normal procedures that must follow a decision to suspend and expel on disciplinary grounds. They are unchanged except as noted:

- All expulsions occurring between 25 September 2020 and 24 March 2022 (inclusive of those dates) are subject to amended arrangements with regards to:
  - the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels
  - the deadline for applications for an independent review
- Full detail of these amended arrangements can be found at https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak and in Appendix G. This guidance was correct as of 22/02/2022 but should always be consulted for updates before following.

Appendix A - Summary of Appointed Local Governing Body Exclusion Panel [ALGB] Procedure

For exclusions of 15 or more days in a single term

1. An ALGB must consider the reinstatement of an excluded pupil if:

- The exclusion is permanent
– The exclusion results in a pupil missing a public exam or national curriculum test
– The exclusion is for a fixed period, with the total number of school days leading to more than 15 in a single term

2. An ALGB, appointed by the Ventrus Company Secretary, must convene a meeting to consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion. Ventrus must be sure that appointed LGB governors are experienced and have completed exclusion governor training.

3. An ALGB must consider representations made by parents and can either uphold an exclusion or direct reinstatement of the pupil immediately or on a particular date.

4. The decision of the ALGB will be notified in writing to all relevant parties and will include the reasons for the decision that has been reached. The notification will also include details of the circumstances in which the decision may be referred to review by an Independent Exclusion Appeals Panel. [refer to Appendix D for IEAP constitution and panel guidance]

For Exclusions of more than 5 school days but <u>not</u> more than 15, in a single term

Where a pupil would be excluded from school for more than 5 school days but no more than 15 in a single term an ALGB must consider the reinstatement of a pupil within 50 school days of receiving notice if requested to do so by the parents.

Q – Have the parents requested the ALGB to consider reinstatement of an excluded pupil?

YES → Follow above procedure [2 onwards]

NO

The ALGB is not required to consider the exclusion and does not have the power to overturn the decision.

For exclusions of less than 5 days

Where a pupil is excluded for less than 5 days the ALGB must consider any representations made by parents but is not required to hold a meeting with parents and cannot direct reinstatement.

Appendix B – Duties of Appointed Local Governing

Body Exclusions Panel

1. Appointed Local Governing Body Exclusion Panel (ALGB)

The requirement to form an ALGB is the responsibility of the Company Secretary of Ventrus. Selected members should ensure they are aware of the Department for Education guidance *'Exclusion from maintained schools, Academies and pupil referral units in England'*. The Company Secretary, in conjunction with the Executive team, should ensure appointed governors have undertaken relevant training. The panel does not have to consist solely of LGB chairs as long as relevant training has been completed, however good practice would suggest forming a panel of LGB chairs to ensure effective chairing.

The Executive team will ensure the ALGB is appropriately clerked. The appointed clerk will assist the ALGB with taking minutes of the proceedings, the attendance, voting and decision in a format approved by Ventrus. The minutes are not public documents but should be retained by Ventrus for a period of at least 5 years. This duty is mirrored by the clerk appointed to the Independent Exclusions Appeal Panel [refer to Appendix D].

2 Statutory Guidance, Rules and Regulations

The requirements on the ALGB to consider an exclusion depend upon a number of factors, these requirements are illustrated by the diagram in Appendix A, summary of the ALGB's duties to review the Headteacher's exclusion decision.

The ALGB must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test

If requested to do so by the parents, the ALGB must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the ALGB, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of the ALGB may consider the exclusion independently and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the ALGB and allowed to make representations:

- parents (and where requested, a representative or friend);
- the Headteacher; and
- an invited representative of the Local Authority.

The invited representative of the Local Authority is to attend the meeting as an observer; that representative may only make representations with the consent of the ALGB.

The ALGB must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. Arranging the meeting will be undertaken by the Company Secretary. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The meeting should take place at a neutral location and not at the school of the excluded pupil.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the ALGB must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

3. Statutory guidance to the ALGB in preparing for the consideration of an exclusion decision

Where the ALGB is legally required to consider the decision of the Headteacher to exclude a pupil they should:

- not discuss the exclusion with any party outside of the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Governing Body should first seek parental consent and invite the parents to accompany their child to the meeting);
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding, or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

4. Statutory guidance to an ALGB on exclusions that would result in a pupil missing a public examination or national curriculum test.

Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

5. The requirements on an ALGB when considering the reinstatement of an excluded pupil

Where the ALGB is legally required to consider an exclusion they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

When establishing the facts in relation to an exclusion decision the Governing Body must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true mrather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the governing body can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Governing Body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

6. Statutory guidance to ALGB on the consideration of an exclusion decision

The ALGB should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own exclusion or giving evidence to the panel.

The ALGB should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the ALGB. These minutes should be made available to all parties on request.

The ALGB should ask all parties to withdraw before making a decision. Where present a clerk may stay to help the ALGB by reference to his / her notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the ALGB should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher legal dutieS

The outcome of the ALGB's consideration should be noted on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the ALGB considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

7. An ALGB's duty to notify people after their consideration of an exclusion.

Where legally required to consider an exclusion the ALGB must notify parents, the Headteacher and the Local Authority of their decision, and the reasons for their decision in writing without delay.

In the case of a permanent exclusion the ALGB notification must also include the information below.

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an Independent Exclusion Appeals Panel and the following information:

a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the ALGB decision was given to parents);

b) the name and address to whom an application for a review (and any written evidence) should be submitted;

c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;

d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require Ventrus Multi-Academy Trust to appoint an SEN expert to attend the review;

e) details of the role of the SEN expert and that there would be no cost to parents for this appointment;

f) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and

g) that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

In addition to the right to apply for review, to an Independent Exclusion Appeals Panel, if parents believe that the exclusion has occurred as result of discrimination, then 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.

Any 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.

The ALGB may provide the information in paragraph 7.1 via the Clerk to the ALGB by arranging delivery to parents directly or posted to last known address and 7.2 by arranging delivery through Company Secretary to parents directly or posted to last known address. In both cases, it is deemed Notice to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

8. Guidance to ALGB on providing information to parents following their consideration of an exclusion

The ALGB should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

Where the ALGB decides to uphold an exclusion they should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.

This information should be included in the letter notifying parents of a decision to uphold an exclusion and should include:

- a link to this statutory guidance on exclusions: https://www.gov.uk/government/publications/school-exclusion
- a link to guidance on making a claim of discrimination to the First-tier Tribunal http://www.justice.gov.uk/tribunals/send/appeals;
- a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com
- 08088 020 008; and,
- where considered relevant by the ALGB, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk)

Appendix C - Appointed Local Governing Body Exclusions Panel Checklist

Checklist for ALGB Review of Exclusions

Issues to Consider	Evidence
Were parents/carers, ALGB and LA (including home LA) informed of the exclusion and within stated timescales?	
Was the appropriate information provided in writing?	
Has the school taken steps to set and mark work or arranged alternative provision from day 6 of a longer exclusion?	
Were the papers (written evidence and information) sent at least 5 school days before the meeting, including a copy of the school's Behaviour Policy?	
Were the parents, Headteacher and LA officer invited to the meeting? (A parent may invite a representative of the local authority to attend a meeting of an Academy's Governing Body as an observer: that representative may only make representations with the Governing Body's consent.)	
Has a clear reason for the exclusion decision been given – what happened? Is it clear whether the exclusion was for a first or one- off offence or serious breach/es of the school's Behaviour Policy? If a Permanent Exclusion was the decision taken: • In responses to a serious breach or persistent breaches of the School's Behaviour Policy: and • Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school? If a Fixed Term Exclusion has been extended or converted to a Permanent Exclusion has the Academy's Head written again to the parents explaining the reasons for the change and providing any additional information required?	
Whether the exclusion was for behaviour on or off the school premises? (Disciplining beyond the school gate covers the school's response to all non-criminal misconduct and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school.)	
Whether the police were involved? How does this affect the evidence and decision? (Evidence may be limited by a police investigation or criminal proceedings)	
Has the pupil been enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding? (The decision on whether to exclude is for an Headteachers to take. However, where practical, Headteachers should give pupils an opportunity to present their case before taking the decision to exclude.)	

Has the Headteacher taken into account any contributing factors that are identified after an incident of misbehaviour has occurred? (E.g. where it comes to light that a pupil has suffered bereavement, or has mental health issues or has been subject to bullying.)	
Has the school taken account of pupils with additional needs, statements of Special Educational Needs (SEN) or Looked After Children? (Headteachers should, as far as possible, avoid excluding permanently any pupil with an EHCP, recognised SEN or a Looked After Child; Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review)	
Has the Head had regard to the Equality Act 2010? Is there evidence of discrimination, harassment or victimisation because of; sex; race; disability; religion or belief; sexual orientation; or a gender reassignment? Has the school taken any positive action to deal with particular disadvantages affecting one group?	
Has the Headteacher taken account of their statutory duties in relation to Special Education Needs (SEN), including the SEN Code of Practice? (For disabled children, this includes a duty to make reasonable adjustments to policies and practices)	
Has the school engaged proactively with parents and foster carers?	
Has the school tried to identify whether there are any causal factors and intervened early in order to reduce the need for a subsequent exclusion e.g. a multi-agency assessment that goes beyond the pupil's educational needs, including seeking to identify mental health of family problems? (Disruptive behaviour can be an indication of unmet needs)	
Is there evidence that the Headteacher has considered extra support needed to identify and address the needs of pupils in order to reduce that risk of exclusion? (Early intervention including multi-agency assessment e.g. Devon Assessment Framework)	
Is there clear evidence of the strategies used and support provided by the school – do the papers include current and previous plans with dates, reviews and outcomes e. g. an Individual Education Plan, Integrated Support Plan, Pastoral Support Programme? (Are there identified targets and clear outcomes?)	
LA or other agencies/services involved e.g. Education Psychology, Behaviour Support Teams, PRU (Schools Company), Special Educational Needs, Youth Offending Team, Social Car, Ethnic Minority and Traveller Achievement Service, CSW. (A re details provided of the referrals to other services or professionals, the support provided and dates of plans/reviews and outcomes?)	
Has the school followed agreed partnership processes e. g. Local Area Partnerships (Secondary), Primary Support Partnerships (Primary)? (Dates and details, including support provided e.g. through DAF)	
Have alternatives to exclusion been considered? For example: 1. Mediation, restorative justice, internal exclusion 2. Curriculum alternatives at Key Stage 4 – college placement or other form of alternative provision	

3. Temporary placement in an in-school Learning Support Unit 4. Temporary or part time placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider 5. A managed move (Supported Transfer) to another school 6. Assessment of special educational needs	
Have you (the ALGB): • Considered the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and had regard to the interests of other pupils and people working at the school. • Considered any representations made by parents and the Headteacher • Established the facts 'on the balance of probabilities' • Considered whether the decision to exclude the pupil was lawful reasonable and procedurally fair, taking account of the Headteacher's legal duties. (In reaching a decision on whether or not to reinstate a pupil) • Decided to direct reinstatement of the pupil immediately or on a particular date • (Where legally required to consider an exclusion) Notified parents, the Headteacher and the Local Authority of your decision, giving reasons, in writing and without delay. (Also inform the pupil's 'Home Authority') • Informed parents, if a Permanent Exclusion, of their rights to apply for an independent review of your decision and to make a discrimination claim. • Ensured that clear minutes of the meeting were taken as a record of the evidence that was considered (These minutes should be made available to all parties on request) • Noted the outcome of your consideration of the pupil's educational record, along with copies of relevant papers for future reference • Made arrangements to retain records and evidence relating to an exclusion for at least six months in case a discrimination claim is made. • Also: (Where recommended or directed by an Independent Review Panel) reconsidered your decision and notified parents, the Headteacher and Local Authority of your reconsidered decision, and the reasons for it, in writing and without delay.	

Headteacher Checklist:

Headteacher's documents for the Appointed Local Governing Body Exclusions Panel

Child's Name :	Date:

Documents	Date	Included	Page number
Reason for Exclusion (including letter to parent/guardian)			
Head of Academy Statement			
Statement of Child Involved			
Witness Statements			
Behaviour Log			
Behaviour Management Plan			
Strategies Used			
Pastoral Support Programme			
Individual Education Plan			
Statement of SENDCo			
Education and Health Care Plan			
Educational Psychology Report (attached with parental consent)			
Certificate of Attendance			
Academic Report			
Others (Please specify below)			
Department for Education document: Exclusion from maintained schools, Academies and pupil referral units in England https://www.gov.uk/government/publications/school-exclusion			
School Behaviour Policy			
SEND Policy			
Exclusion Policy			

Draft Agenda for Appointed Local Governing Body Exclusion Panel meeting:

AGENDA – ALGB Meeting to consider an exclusion.

Date and Time:

Venue:
Postcode:
Tel:

Attendees: Parents, Pupil, Parents Friend/ Representative, [Local Authority Representative], 3 Governors from Appointed Local Governing Body Exclusions Panel and Clerk to Appointed Local Governing Body Exclusions Panel.

1.	Introductions, apologies and explanation of the procedure. Declarations of interest. Note of any adjournments (if relevant)	Chair Clerk
2.	Invitation to the Headteacher to present the case for the exclusion.	Headteacher
3.	Questions to the Headteacher about the case presented, from the Appointed Local Governing Body Exclusions Panel, parents and pupil.	All
4.	Invitation to Parents/pupil to give their views about the exclusion.	Parents/pupil
5.	Questions to parents and pupil by the ALGB and Headteacher.	All
6.	[Possible Invitation to Local Authority representative to comment.]	LA Representative
7.	[Questions to Local Authority representative by all.]	All
8.	Invitation to the Headteacher to sum up.	Headteacher
9.	Invitation to Parents to sum up.	Parents
10.	Chair to advise the meeting about how the decision will be communicated to all.	Chair
11.	Chair to invite the Headteacher, parents, parent's friends or representatives, pupil, Local Authority representative to leave the room together.	Chair
12.	ALGB to make their decision. Clerk to advise on guidance and procedures.	ALGB and Clerk

Appendix D - Independent Exclusion Appeal Panel

1. Notifying parents

When a permanent exclusion is upheld by the ALGB, the ALGB's decision letter (model letter 6) to the parent (or the pupil, if aged over 18) must state the reasons for the decision, give the last day for lodging an appeal and explain that the grounds for the appeal should be set out in writing.

Any appeal made after the latest date for lodging an appeal will be out of time and should be rejected by Ventrus.

2. The timing of the hearing

An Independent Exclusions Appeal Panel (IEAP) must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged. However, if necessary, the panel may then decide to adjourn the hearing if, having regard to the particular circumstances of the case, they consider that it would not be appropriate for them to proceed to determine the appeal. They may adjourn on more than one occasion if necessary.

3. Combined appeals

If the issues raised by two or more appeals are the same or connected, the panel may decide to combine the hearings. In such cases the panel should check that no one objects to this approach.

4. Composition of the IEAP

The Company Secretary of the Ventrus must constitute the IEAP and appoint a clerk.

The IEAP will consist of 3 members as set out in the Definition of Terms.

The IEAPwill be chaired by one of the members.

No member of the IEAP may have, or at any time have had, any connection with an interested party which might reasonably be taken to raise doubts about their ability to act impartially. Doubts about impartiality may arise from the panel member having worked closely with the Headteacher, Local Governing Body of the excluding school, panel member of the ALGB or from being the Headteacher or governor of a school to which the pupil might be admitted if the exclusion is confirmed.

Ventrus must ensure that all panel members and clerks receive suitable training and that the chair is trained in the specific chairing skills the panel requires. The DfES has issued a training pack for exclusion appeal panel members (for details of how to obtain a copy see the related documents section at the end of Part 1). The Trust will wish to identify and appropriately train chairs, members and clerks to ensure they can arrange hearings within the necessary timescale.

5. Role of the clerk

The clerk provides an independent source of advice on procedure for all parties. The clerk should not have served as clerk to the ALGB hearing.

Following training, clerks should be allowed to develop experience in the conduct of appeals. If the clerk has not received legal training and no member of the panel is legally qualified the Ventrus should consider whether the panel will require an independent source of legal advice.

6. In advance of the hearing

Ventrus must take reasonable steps to find out when the parents and others entitled to attend the hearing would be available in order to ensure that all parties are able to attend. They must also arrange a suitable venue for hearing the appeal in private. Appeal hearings should never be held at the excluding school.

The following are entitled to make written representations to the IEAP, attend a hearing, make oral representations, be represented and in the case of the parens to bring a friend:

- the parents (or, if aged over 18, the pupil), who may be represented by a legal or other representative
- the Headteacher
- a nominated member of the ALGB
- A SEN expert if requested by parents in their application for an independent review

An excluded pupil under the age of 18 should normally be allowed to attend the hearing and to speak on his or her own behalf, if he or she wishes to do so and the parents agree. Alternatively the pupil may submit a written statement or have their views made known via a representative.

The clerk should advise the parent of his or her right to be accompanied by a friend or representative, including a legal representative or advocate. If the parent wishes to bring more than one friend or representative, the clerk should seek the panel's agreement in advance, having regard to a reasonable limit on numbers attending the hearing.

The clerk should also ascertain whether an alleged victim wishes to be given a voice at the hearing either in person, through a representative or by submitting a written statement.

Pupils may voluntarily appear as witnesses with their parents' consent. Such pupil's parents should be invited to accompany their child.

As soon as it is known, the clerk must give all parties details of those attending and their role, and notify them of the order of hearing.The IEAP cannot compel witnesses to attend the hearing.

The clerk should circulate all written evidence to all parties 5 working days before the hearing. This must include the statement of decision by the ALGB and the notice of appeal from the parent which gives the grounds for the appeal.The Headteacher, the ALGB and Ventrus may also make written representations. If any of the parties intend to raise matters or produce documents at the hearing that are not covered by the statement of decision or the notice of appeal, they should be asked to submit these to the clerk in good time before the hearing.

7. Conduct of the appeal hearing

It is for the IEAP to decide how to conduct the proceedings which should be reasonably informal so that all parties can present their case effectively. Tape-recording of the hearing should be avoided unless there is good reason and all parties agree.

In opening the appeal hearing it is helpful for the chair to outline the procedure to be followed and to explain to all parties that the panel is independent from both the school and Ventrus. The IEAP needs to have regard to legislation and DfES guidance in its conduct and in reaching its decision.

Following introductions, the clerk should explain the order in which the parties entitled to be heard will state their case (as previously notified to them) and that there will be an opportunity for questioning by the other parties after each presentation. The chair should then lead the panel in establishing the relevant facts. Panel members may wish to ask questions to clarify an issue or to elicit more information. Questions from the panel should generally be taken at the end of each party's statement and following questioning by the other parties.

Sufficient time must be allowed for each party to put their case. The panel should ensure that the parent (or, if aged over 18, the pupil) is given the opportunity to comment on relevant information obtained from Ventrus or the ALGB. Care must be taken to ensure that no party attending the hearing is present alone with the IEAP in the absence of any other party.

An appeal cannot continue if the number of panel members drops below three at any stage. In this event, the IEAP may need to adjourn until its quorum is restored. Once an appeal has begun, no panel member may be substituted by a new member for any reason.The IEAP may continue in the event of the death or illness of one (or even two) of its members, provided all three categories of member are still represented otherwise a new IEAP will have to be constituted. In the case of a panel being reduced to four members and there is deadlock, the Chair has the casting vote.

8. Reaching a decision

In considering an appeal, the IEAP should decide, on the balance of probabilities, whether the pupil did what he or she is alleged to have done. If more than one incident of misconduct is alleged, the panel should decide in relation to each one.

The panel should consider the basis of the Headteacher's decision and the procedures followed having regard to the following:

- whether the Headteacher and ALGB complied with the law and had regard to the Secretary of State's guidance on exclusion in deciding, respectively, to exclude the pupil and not to direct that he or she should be reinstated. While the law states that the panel must not decide to reinstate a pupil solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered or justice was clearly not done.
- the school's published Behaviour Policy, Equality Polices and, if appropriate, Anti-Bullying Policies, Special Educational Needs Policy.
- the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

Having satisfied themselves as to these issues, the IEAP should consider whether in their opinion permanent exclusion was a reasonable response. If they conclude it was not, they should then go on to consider whether this is an exceptional case where reinstatement is not a practical way forward (see section 10.4).

In making its decision the IEAP must balance the interests of the excluded pupil against the interests of all the other members of the school community.

Where parents appeal against permanent exclusion and makes a claim alleging racial discrimination, the IEAP must consider whether there has been discrimination in relation to the Race Relations Act.

Where parents appeal against permanent exclusion and makes a claim alleging disability discrimination, the IEAP must consider whether the pupil is disabled and whether there has been discrimination within the meaning of the Disability Discrimination Act. The IEAP must consider the Disability Rights Commission's Schools Code of Practice which provides guidance on the Disability Discrimination Act.

9. Evidence and witnesses

Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the IEAP. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable.

All parties may put forward new evidence about the event that led to the exclusion, including evidence that that was not available to the Headteacher or the ALGB. However the school may not introduce new reasons for the exclusion.
To reach a decision, the IEAP will generally need to hear from those directly or indirectly involved. They may wish to call witnesses who saw the incident that gave rise to the exclusion. These may include any alleged victim or any teacher other than the Headteacher who investigated the incident and interviewed pupils.

In the case of witnesses who are pupils of the school, it will normally be more appropriate for the IEAP to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and with their parent's consent. The IEAP should be sensitive to the needs of child witnesses to ensure that the child's view is properly heard.

All written witness statements must be attributed, dated and signed, unless the school has good reason to wish to protect the anonymity of the witness. The general principle remains that an accused person is entitled to know the substance behind the reason for their exclusion. The IEAP must consider what weight to attach to written statements, whether made by adults or pupils, as against oral evidence. They should bear in mind that a written statement may not contain all the relevant issues nor can the author be interrogated.

The calling of character witnesses is at the discretion of the IEAP, but should be allowed unless there is good reason to refuse.

It is for the IEAP to decide whether any witnesses should stay for the rest of the hearing.

10. The decision

An IEAP may uphold the decision to exclude or recommend that the ALGB reconsiders their decision or quash the ALGB decision and direct that the ALGB reconsiders the exclusion.

11. Record of the proceedings of an IEAP

The clerk to an IEAP should take minutes of the proceedings, the attendance, the voting and the decision in a format approved by the Ventrus. The minutes are not public documents but should be retained by Ventrus for a period of at least five years, as they may need to be seen by a court or by the Local Government Ombudsman.

12. After the hearing

The IEAP is independent. Its decision is binding on the parents, the ALGB, the Headteacher and Ventrus. The IEAP cannot revisit its decision once made.

The IEAP must let all parties know its decision by the end of the second working day after the hearing. Model letter 8, Appendix E, is for notifying the parent of the decision of the IEAP. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the IEAP upholds the permanent exclusion, the clerk should immediately report this to Ventrus. If the pupil is of compulsory school age, it is the responsibility of Ventrus to contact the LA to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

Where the exclusion is upheld the clerk should also advise the parents to contact the appropriate person at the home LA about arrangements for their child's continuing education. The Headteacher should remove the pupil's name from the school roll the day after the conclusion of the appeal.

Appendix E – Model Letters

Letter	Panel referred to	Requirement to meet	Contact via	Document
Model Letter 1 – Fixed term exclusion of 5 days or less	Representations can be made to the ALGB by parent No power to reinstate	ALGB must consider representations if made – no requirement to meet with parents	ALGB clerk	Model letter 1 - fixed term exclusion of 5 da
Model Letter 2 – Fixed term exclusion of 5 days or more	ALGB	Must meet within 15 days **If** requested – do not need to meet if not requested	ALGB clerk	Model letter 2 - fixed term exclusion of five
Model Letter 3 – Fixed term exclusion of more than 15 days in one term	ALGB	ALGB MUST meet within 15 days of notification of exclusion	ALGB clerk	Model letter 3 - fixed term exclusion of 15 (
Model Letter 4 – notifying parents of permanent exclusion	ALGB	Must meet to consider if permanent exclusion was lawful within 15 days of notification	Company Secretary	Model letter 4 - notifying parents of a
Model Letter 5 – Notifying parents of ALGB meeting	ALGB	Must meet for all exclusions > 5 days (inc PEX) Letter can be used for all mtgs of the ALGB	Company Secretary	Model letter 5 - notifying parents of E
Model Letter 6 – Notifying parents that the decision to exclude has been upheld	Notification of decision – no panel	Offers the opportunity to appeal	Company Secretary	Model letter 6 - notifying parents that
Model Letter 7 – Notifying parents that the child has been reinstated by ALGB	Notification of decision – no panel	N/A	Company Secretary	Model letter 7 - notifying parent that

Model Letter 1
From Headteacher 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 be upsetting 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].

[for pupils of compulsory school age]
You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that if you fail to comply with this you may receive a penalty notice from Devon County Council or may face prosecution.

We will set work for [Child's Name] to be completed on 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 Appointed Local Governing Body Exclusion Panel. If you wish to make representations please contact [whoever is appointed as clerk to the ALGB (name and title)] at [contact details – school phone number & clerks email or by writing to her at [address], as soon as possible. The Appointed Local Governing Body Exclusions Panel has no power to reinstate your child but they must consider any representations you make and may place a copy of their findings on your child's record.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination *www.justice.gov.uk/tribunals/send* or the County Court within 6 months of the alleged discrimination.

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy but there may be a charge for photocopying.

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name:

Matt Gould (Mid & East Devon)
Jaye MacDonald (North & West Devon & Torridge)
Serena Worth (south Devon)
Lara Gebler (Exeter & Cranbrook Education Campus)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit *www.childlawadvice.org.uk*

You can also see the Statutory Guidance on Exclusions by visiting *www.gov.uk/government/publications/school-exclusion*

Devon Information & Advice Service also provides impartial and independent advice for parents and carers of children with additional or special educational needs, and can be contacted on telephone number 01392 383080. You can also visit *www.devonias.org.uk* or email *devonias@devon.gov.uk*

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time].[Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

[Name]
Headteacher

Model Letter 2
From Headteacher notifying parent(s) of a fixed period exclusion of **more than 5 school days (up to and including 15 school days) 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 he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. Your child should return to school on [date].

I realise that this exclusion may 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 5 school days of this exclusion, that is [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, 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 school days – or specify other number of days, as appropriate] of the exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the sixth day of this exclusion [specify date] until the expiry of the exclusion [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.] we will provide suitable full-time education. On [date] [Child's Name] should attend at [give name and address of the alternative provider if not the home school] 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 by a further letter].

You have the right to request a meeting with the Appointed Local Governing Body Exclusion Panel at which you are entitled to make representations about this exclusion. This panel is made up of 3 Governors from other Local Governing Bodies within Ventrus, the Multi Academy Trust that [the school] is part of. The Appointed Local Governing Body Exclusion Panel will review my decision to exclude [child's name] and will consider whether [child's name] should be reinstated.. The latest date by which the Appointed Local Governing Body Exclusion Panel must meet, if you request a meeting, is [specify date – no later than the 50th school day after the date on which the Exclusion Panel were notified of this exclusion].

If you do wish to make representations to the Appointed Local Governing Body Exclusions Panel, please contact [whoever is appointed as clerk to the ALGB (name and title)] at [contact details – school phone number & clerks email or by writing to her at [address],. as soon as possible. Please advise if you wish to be accompanied by a friend or representative and 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 [the clerk] if it would be helpful for you to have an interpreter present at the meeting.

[Pupil's name] is also entitled to attend the meeting and explain their version of events to the Panel.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination *www.justice.gov.uk/tribunals/send* or County Court within 6 months of the alleged discrimination.

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy but there may be a charge for photocopying.

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name:

Matt Gould (Mid & East Devon)
Jaye MacDonald (North & West Devon & Torridge)
Serena Worth (south Devon)
Lara Gebler (Exeter & Cranbrook Education Campus)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit *www.childlawadvice.org.uk*

You can also see the Statutory Guidance on Exclusions by visiting *www.gov.uk/government/publications/school-exclusion*.

Devon Information & Advice Service also provides impartial and independent advice for parents and carers of children with additional or special educational needs, and can be contacted on telephone number 01392 383080. You can also visit *www.devonias.org.uk* or email *devonias@devon.gov.uk*

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

[Name]
Headteacher

Model Letter 3
From Headteacher notifying parent(s) of a fixed period exclusion of **more than 15 school days 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 he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. Your child should return to school on [date].

I realise that this exclusion may 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 [specify dates], unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, it will be for you to show that there is reasonable justification for this.

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

From the sixth day of this exclusion [specify date] until the expiry of the exclusion [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.] we will provide suitable full-time education. On [date] [Child's Name] should attend at [give name and address of the alternative provider if not the home school] 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 by a further letter].

As the exclusion brings your child's total number of school days of exclusion to more than 15 school days in one term, an Appointed Local Governing Body Exclusion Panel must meet to consider the exclusion and you will be invited to attend and can make representations. This panel is made up of 3 Governors from Local Governing Bodies within Ventrus, the Multi Academy Trust that [school] is a member of. You will, be notified by the [ALGB clerk] of the time, date and location of the meeting. Please advise the Clerk, as soon as possible, if you wish to be accompanied by a friend or representative or 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 [the Clerk] if it would be helpful for you to have an interpreter present at the meeting.You may contact [name of Clerk] by email at [email address] or in writing [address details] or by telephone on [telephone number]

[Pupil's name] is also entitled to attend the meeting and explain their version of events to the Panel.

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination *www.justice.gov.uk/tribunals/send* or County Court within 6 months of the alleged discrimination.

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy but there may be a charge for photocopying.

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name:

Matt Gould (Mid & East Devon)
Jaye MacDonald (North & West Devon & Torridge)
Serena Worth (south Devon)
Lara Gebler (Exeter & Cranbrook Education Campus)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit *www.childlawadvice.org.uk*

You can also see the Statutory Guidance on Exclusions by visiting *www.gov.uk/government/publications/school-exclusion*.

Devon Information & Advice Service also provides impartial and independent advice for parents and carers of children with additional or special educational needs, and can be contacted on telephone number 01392 383080. You can also visit *www.devonias.org.uk* or email *devonias@devon.gov.uk*

The exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [Details of a return to school meeting as referred to in para 3.9 of policy]

Yours sincerely

[Name]
Headteacher

Model Letter 4
From Headteacher notifying parent(s) of a 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 he/she will not be allowed in this school unless he/she is reinstated as a result of a decision made by an Appointed Local Governing Body Exclusion Panel.

I realise that this exclusion may 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 [give 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 [specify the exact dates], unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from Devon County Council if your child is present in a public place on the specified dates without reasonable justification. If so, it will be for you to show that there is reasonable justification for this.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first 5 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 6th day]. From the 6th school day of the exclusion onwards ie. from [specify the date] the Local Authority [give 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].

[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 6th school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion an Appointed Local Governing Body Exclusions Panel must meet to review the decision. This Panel is made up of Governors appointed from Local Governing Bodies within Ventrus, the Multi Academy Trust that [school] is part of. At this meeting you may make representations to the Panel if you wish and ask them to reinstate your child in school. You will be notified by the [clerk to the Panel] of the time, date and location of the meeting. Please advise the Clerk, as soon as possible, if you wish to be accompanied by a friend or representative or 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 [the Clerk] if it would be helpful for you to have an interpreter present at the meeting. You may contact [name of Clerk] by email at [email address] or in writing [address details] or by telephone on [telephone number]

The Panel has the power to reinstate your child immediately, reinstate from a specified date, or alternatively, to uphold the exclusion in which case you may appeal against their decision to an Independent Exclusions Appeal Panel. Your application for appeal must be made by **[specify the date – the 15th school day after the date on which the Appointed Local Governing Body Exclusion Panel** gave written notice of its decision to the parents]

If you believe that discrimination has occurred, because of disability or otherwise, you have the right to appeal to the First Tier Tribunal in the case of disability discrimination *www.justice.gov.uk/tribunals/send* or County Court within 6 months of the alleged discrimination.

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy but there may be a charge for photocopying.

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name:

Matt Gould (Mid & East Devon)
Jaye MacDonald (North & West Devon & Torridge)
Serena Worth (south Devon)
Lara Gebler (Exeter & Cranbrook Education Campus)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit *www.childlawadvice.org.uk*

You can also see the Statutory Guidance on Exclusions by visiting *www.gov.uk/government/publications/school-exclusion*.

Devon Information & Advice Service also provides impartial and independent advice for parents and carers of children with additional or special educational needs, and can be contacted on telephone number 01392 383080. You can also visit *www.devonias.org.uk* or email *devonias@devon.gov.uk*.

Yours sincerely

[Name]
Headteacher

Model Letter 5
From the (Clerk to the Appointed Local Governing Body Exclusion Panel) notifying the Parent/Carer about the meeting of the Exclusion Panel.

Dear [Parent's Name]

[Name of Pupil & DOB]
[Fixed Period Exclusion of X days / Permanent Exclusion]

I am writing to let you know that a meeting of the Appointed Local Governing Body Exclusion Panel, made up of 3 appointed Governors from Local Governing Bodies of Ventrus Multi Academy Trust, will be held at the school at [time] on [date]. The purpose of the meeting is for the Exclusion Panel to consider [either] your representations against the exclusion *[in cases where a pupil has been excluded for more than 5 school days but less than 15 in a single term and the parents have made representations about the exclusion]*

[or]

the exclusion and to decide whether to reinstate [child's name] at the school or to uphold the exclusion *[in cases where the Exclusion Panel MUST consider reinstatement eg. exclusions over 15 days]*

You are entitled to attend the meeting and to be accompanied by a friend or legal representative. [name of child] may also attend. Both you, and your child if attending, will have the opportunity to present your case. I have invited a representative from DCC Inclusion Team and the Headteacher will also be present.

It is important that everyone who will be attending the meeting has the chance to read through any written documents beforehand. If you wish to provide a written statement or letter for the Exclusion Panel to consider, please let me have it **no later than** [date]. I will circulate copies of all the documents I receive to each party before the meeting.

Please could you **let me know by** [date] whether:

- You will be attending the meeting;
- You will be bringing a friend or legal representative;
- [Child's name] will be attending; and
- If you will be sending a written statement or letter.

I look forward to hearing from you.

Yours sincerely

[name]
Clerk to the Appointed Local Governing Exclusion Panel

cc: Headteacher
Chair of Appointed Local Governing Body Exclusion Panel
DCC Inclusion Officer – County Hall, Exeter, Devon

Model Letter 6
From the clerk on behalf of the Appointed Local Governing Body Exclusions Panel **to parent upholding a Permanent Exclusion.**

Dear [Parent's Name]

The meeting of the Appointed Local Governing Body Exclusion Panel at [location] on [date] considered the decision by [the Headteacher] to Permanently Exclude your child, [name of child] from [name of school].

After carefully considering the representations made and all the available evidence, the Exclusion Panel has decided to uphold [name of pupil]'s permanent exclusion.

The reasons for the Exclusion Panel's decision are as follows: [give the reasons in as much detail as possible explaining how they were arrived at].

You have the right to appeal against this decision. If you wish to appeal, please notify [the Ventrus Company Secretary either by email to cosec@ventrus.org.uk or in writing to The Company Secretary, Ventrus Multi Academy Trust, Woodwater Academy, Woodwater Lane, Exeter EX2 5AW] of your wish to appeal no later than **[specify the latest date – the 15th school day after receipt of this letter]**. If you have not lodged an appeal by **[repeat latest date]** you will lose your right to appeal.

You must set out the reasons for your appeal in writing.

Your application to appeal should include reference, if appropriate, to how you consider your child's special educational needs to be relevant to the exclusion and in these circumstances you have the right to require Ventrus to appoint a SEN expert to attend the appeal hearing. Please inform [the Company Secretary] of your wish that a SEN expert be appointed; you will not incur costs for this.

You also have the right to appoint someone, at your expense, to make written or oral representations to the Appeal Panel on your behalf and you are entitled to be accompanied to the hearing by a friend.

In addition to your right to apply to appeal, you may make a claim under the Equality Act 2010 to the First Tier Tribunal if you believe there has been disability discrimination, or to the County Court if you believe there has been any other form of discrimination. Claims alleging discrimination under the Equality Act 2010 must be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform the Company Secretary if it would be helpful for you to have an interpreter present at the hearing.

Your appeal will be heard by a Panel (the Independent Exclusions Appeal Panel) consisting of 2 non staff governors from schools other than the school at which [pupil's name] was excluded and a Headteacher of a school unconnected with the exclusion.

The Independent Exclusions Appeal Panel will review the decision of the Appointed Local Governing Body Exclusion Panel – if you have fresh evidence to present to the Appeal you may do so. The Independent Exclusions Appeal Panel must meet no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstance the hearing may be adjourned to a later date.

Following the hearing the Independent Exclusions Appeal Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Appointed Local Governing Body Exclusions Panel reconsiders its decision; or

- Quash the decision and direct that the Appointed Local Governing Body Exclusions Panel consider the exclusion again

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

You have the right to see a copy of [Child's Name] school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. I will be happy to give you a copy but there may be a charge for photocopying.

You may wish to contact one of the Inclusion Officers, telephone 01392 383000 and ask for the Inclusion Officer covering your geographic area by name:

Matt Gould (Mid & East Devon)
Jaye MacDonald (North & West Devon & Torridge)
Serena Worth (south Devon)
Lara Gebler (Exeter & Cranbrook Education Campus)

You may also find it useful to contact Coram Children's Legal Centre which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales including exclusion from school. They can be contacted on telephone number 0300 330 5485 or visit *www.childlawadvice.org.uk*.

You can also see the Statutory Guidance on Exclusions by visiting *www.gov.uk/government/publications/school-exclusion***.**

Devon Information & Advice Service also provides impartial and independent advice for parents and carers of children with additional or special educational needs, and can be contacted on telephone number 01392 383080. You can also visit *www.devonias.org.uk* or email *devonias@devon.gov.uk*.

Yours sincerely

[Name]
Clerk to Appointed Local Governing Body Exclusions Panel

Model Letter 7
From the Clerk notifying the Parent/Carer of the **Appointed Local Governing Body Exclusions Panel's decision to reinstate pupil**

Dear [Parent's Name]

[Name of Pupil & DOB]
[Permanent Exclusion]

I am writing to confirm the decision of the Appointed Local Governing Body Exclusion Panel made at its meeting on [date].

The Panel considered the Headteacher's reasons for the exclusion very carefully and [if parents'/ carers attended] the representations you made against the exclusion. The Panel determined that [child's name] should be reinstated at the school. There are no conditions attached to this decision.

[Child's name] should start back at [ ] School on [date]. [details of a return to school meeting].

Yours sincerely

Clerk to the Appointed Local Governing Body Exclusion Panel

Copies to:

- Headteacher
- DCC Inclusion Officer – County Hall, Exeter, Devon

Appendix F - DFE Exclusions from maintained schools, Academies and pupil referral units in England

https://www.gov.uk/government/publications/school-exclusion

Appendix G – Changes to the school suspension and expulsion process during the coronavirus (COVID-19) outbreak

https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak

This guidance was correct as of 22/02/2022 but should always be consulted for updates before following.
This statutory guidance describes the temporary changes we have made to the school suspensions and expulsions process due to coronavirus (COVID-19).

Appendix H – DFE Literature Review on the continued disproportionate exclusion of certain children (May 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800028/Timpson_review_of_school_exclusion_literature_review.pdf

Appendix I – Policy History

Version	Summary of Change	Review Date	Lead Author
2	Appendix G from Verson 1 removed – document no longer exists (Ofsted School's use of Exclusions 2014)	Dec 2019	R Olivant
2	p.6 Ref to Drug and Substance Misuse Policy removed (policy no longer required). Point 11 – replaced with reference to Behaviour and Safeguarding Policies.	Dec 2019	R Olivant
3	Replaced document which was previously Appendix G and removed with more up to date research document (School exclusion: a literature review on the continued disproportionate exclusion of certain children May 2019). To become Appendix H	Jan 2021	R Olivant
3	Point 13 included on page 6 to include DFE amendments to suspension and expulsion procedures during the coronavirus outbreak.	Jan 2021	R Olivant
3	Appendix G included to detail DFE amendments as referred to in point 13, page 6	Jan 2021	R Olivant
4	Point 13, page 6 updated to refer to most recent DFE guidance about changes to the exclusion process due to covid-19.	Feb 2022	R Olivant
4	Appendix G updated to refer to most recent DFE guidance about changes to the exclusion process due to covid-19.	Feb 2022	R Olivant
4	Contact details of local inclusion officers for each area updated in all model letters.	Feb 2022	R Olivant