GUIDANCE ON THE EXCLUSION OF PUPILS FROM SCHOOL

1. Introduction

This guidance is based on the DfES document ‘Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (revised September 2006)’. It is a summary of the main points in the DfES document. The full version can be found on the DfES website: http://www.teachernet.gov.uk/exclusion

2. Care and Safety of Pupils

Care should be taken about the arrangements for the supervision of the pupil at the time of exclusion. If the parent cannot be contacted, arrangements must be made to contain the pupil until the end of the school day on which an exclusion has taken place. Where a pupil is excluded from school with immediate effect during the morning session, this counts as an exclusion of half a school day. Where a pupil is excluded during the afternoon session the next day is counted as the first day of the exclusion.

3. Removing Pupils from a School Site

There are three exceptional circumstances in which individual pupils may be removed from school sites:

a) Where there is sufficient evidence that a pupil has committed a disciplinary offence. In these circumstances the pupil may be excluded for a fixed period or permanently.

b) Where a pupil is accused of a serious criminal offence but the offence took place outside the school’s jurisdiction. In these circumstances the Headteacher may decide that it is the interests of the individual and of the school community as a whole that the pupil is educated off site for a fixed period. This is not an exclusion and the Headteacher must ensure that a pupil’s full time education continues while off site. The situation must also be kept under periodic review.

c) Where a pupil’s presence on the school site represents a serious risk to the health and safety of other pupils or school staff. See paragraph 4.

Headteachers may send a pupil home, after consultation with the parents and health professionals (e.g. school nurse), as appropriate, where he or she poses an immediate and serious risk to the health or safety of the pupils and staff because of a diagnosed illness (e.g. a notifiable disease) or a diagnosed mental health condition leading to disruptive behaviour. This is not an exclusion and should be for the shortest time possible. If difficulties persist, the Headteacher should seek advice from the relevant professionals, carry out a risk assessment and if appropriate request a review of the pupil’s statement.

5. Drug Related Exclusions.

In making a decision on whether or not to exclude for a drug-related incident, Headteachers should have regard to the schools drug policy and should consult the designated senior member of staff responsible for managing drug incidents. The decision will also depend on the precise circumstances of the case e.g. the seriousness of the incident, the circumstances and needs of those involved and the evidence available.

Where legal drugs are concerned Headteachers should conduct a careful investigation to judge the nature and seriousness of each incident before deciding what action to take. See http://www.teachernet.gov.uk/wholeschool/behaviour/drugs.

6. Exclusion Decision

Only the Headteacher (or the acting Head or teacher-in-charge in his/her absence) can exclude a pupil either permanently or for fixed periods up to a cumulative maximum of 45 days in a school year. A decision to exclude a child should be taken only:

- in response to serious breaches of a schools discipline policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The limit of 45 days applies to the pupil and not to the institution. Therefore, any days of fixed period served at any school or PRU in the same school year will count towards the total.

Exclusion should not be used for:

a) minor incidents such as failure to do homework
b) poor academic performance
c) lateness or truancy
d) pregnancy
e) breaches of school uniform rules or rules on appearance (e.g. relating to jewellery, body-piercing, hairstyle etc) except where these are persistent and in open defiance of such rules;
f) punishing pupils for the behaviour of their parents, e.g. where parents refuse to attend a meeting.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in school or the pupil concerned. Before deciding to exclude a pupil the Headteacher should:

a) ensure that a thorough investigation has been carried out;
b) consider all the evidence available to support the allegations, taking account of the school’s behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended;
c) allow the pupil to give his/her version of events;
d) check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment; and
e) if necessary, consult others, but not anyone who may later have a role in reviewing the decision e.g. a member of the governing body.

Headteachers should be especially sensitive to exclusion issues where children in public care are concerned and should try every practicable means to maintain the child in school.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil. However, the more serious the allegation, the more convincing the evidence needs to be. This is not the same as requiring the criminal standard to be applied.

7. Exclusion for a Fixed Period

On the day of the exclusion the Headteacher should
- Notify the parent immediately, ideally by telephone,
- follow up with a letter within one school day - see annexe 1 - and send a copy of TIPS 3
- Notify the LA on the form EX1.

The period of the exclusion should be the minimum time to ensure that the pupil and others understand that the behaviour has been unacceptable. Exclusions totalling 5 or fewer school days in any one term must be reported to the Governing Body once a term. Exclusions of more than 5 school days in any one term must be reported to the chair of governors within one school day. All fixed term exclusions must be reported to the LA on form EX1.

Pupils whose behaviour at lunchtime is disruptive may be excluded for the lunchtime period. Lunchtime exclusion should not be used for a prolonged
A lunchtime exclusion is the equivalent to one half of a school day and exclusion for 10 or fewer lunchtimes should be reported to the Governing Body once a term.

The Headteacher should arrange a reintegration meeting with parents following the expiry of a fixed term exclusion. **However the exclusion should not be extended if the meeting cannot be held in time or the parents do not attend the meeting.** Informal or unofficial exclusions and cooling off periods are illegal regardless of whether they are done with the agreement of parents or carers.

8. **Permanent Exclusion**

A permanent exclusion is usually the final step in the process for dealing with disciplinary offences. A wide range of other strategies will usually have been tried without success.

There will however be exceptional circumstances where it is appropriate to permanently exclude a child for a first offence or ‘one off’ incident. 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

Headteachers should consider whether or not to inform the police where a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g. YOT.

Headteachers should avoid permanently excluding pupils with statements. They should also make every effort to avoid excluding pupils who are being supported at School Action or School Action Plus on the SEN Code of Practice.

9 **The Responsibilities of the Governing Body**

The Governing Body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The Governing Body can delegate some or all of its functions in respect of exclusions to a sub committee consisting of at least 3 governors. The quorum for a meeting of the Committee is 3. Where a governor has a connection with a particular pupil or the incident of a case they should not serve at that hearing. The Committee should appoint a clerk. The Chair of this committee has a casting vote.
In the case of exclusions of 5 days or fewer in a school term the Governing Body has no power to direct re-instatement but must consider any representations from parents. No statutory time limits apply but prompt consideration should be given to a request from a parent.

Parents can request a meeting of the Governing Body for exclusions of over 5 but less than 15 days and the governing body can direct reinstatement. In such cases a meeting must be convened between the 6th and 50th school day after receiving notice of the exclusion.

In the case of exclusions of more than 15 days in a school term (or which brings the pupil’s total number of days of exclusion to more than 15 in one term) the governors must meet to consider the exclusion and, where practicable, decide whether the pupil should be reinstated.

If the exclusion would result in the pupil missing the opportunity to sit a public examination, the governors should try to meet before the examination in question. If this is not possible the Chair of Governors, using his/her powers to act in an emergency, may consider the exclusion and decide whether or not to reinstate. In some cases, depending on the circumstances, the Governing Body may exercise its discretion to allow an excluded pupil on to the premises to take a public examination.

When a pupil is excluded for a fixed term of more than 15 days or permanently the Discipline Committee must meet and the meeting must take place between 6th and 15th day after the Head teacher’s decision. If a pupil’s total number of days fixed term exclusions exceeds 15 school days in one term, any subsequent fixed term exclusion in the same term would again trigger the Governing Body’s duty to consider the circumstances of the exclusion.

10. The Governors Meeting.

The following people should be invited to attend a meeting:

- Headteacher
- Parent (with friend if requested)
- LA
- Person to speak for child (e.g. Guardian Ad Litem, Social Worker) if appropriate and their written submissions (if any) should be circulated before the meeting.

The invitation should be issued by the clerk to the governors and should name those invited.

The pupil should normally be allowed to attend the meeting and speak if the parent requests it.
The Headteacher’s submission to the meeting should contain information as in Annex 8 to these notes.

Guidance for Governors can be found in Annexe 7

The meeting should be confidential and a formal minute to this effect should be recorded. Copies of any report circulated should be collected and destroyed at the conclusion of the meeting. An original copy should be retained by the school on a confidential file as part of the pupil’s record and copies are retained by the parents and the Strategic Director for Children. A previously agreed procedure for the meeting should be followed, an example of which is found in Annexe 9 of these notes.

In the event that the parents do not attend, the meeting should follow the formal procedure so that, if subsequently challenged by the parents, the Governors can establish that they had discussed and taken fully into account all the information given by both parties and presented at the meeting.

11. The Governing Body’s decision

The Governing Body in deciding whether or not to reinstate the pupil should consider

- any representations made by the parent, the pupil and the LA officer;
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State’s guidance before deciding to exclude the pupil.

There are only two decisions open to the Governing Body

- to uphold the exclusion or
- to direct reinstatement, either immediately or by a particular date.

Where reinstatement is not practical because the pupil has returned to school after a fixed term exclusion or because the parent makes it clear that he does not want his child reinstated, the Governing Body must consider whether the Headteacher’s decision was justified based on the evidence. The outcome of the review should be added to the pupil’s school file for future reference.

12. After the meeting

If the Governing Body uphold the Headteacher’s decision to exclude a pupil permanently, the clerk should write within one school day to the parent:

- Giving the reasons for the decision;
• If the exclusion is permanent, explain the parent’s right to appeal to an independent appeal panel to which they can make oral and written statements;
• Giving the name and address of the person the parent should contact if they wish to appeal, explaining that any notice of appeal should explain the grounds of appeal and stating the last date for giving notice (15 school days from the Governors decision).
• That any notice of appeal must set out the grounds on which the appeal is made
• That any claim on grounds of disability discrimination can also be set out in the notice of appeal.
• The parent has the right to appeal to the panel even if they did not make a case to the Governing Body.

13 Appeal Panel Hearing

An appeal panel must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged.

Those entitled to attend a hearing and present their case are:

• The parent, who may be represented by a legal or other representative;
• The Headteacher, who may make oral representations;
• A nominated member of the Governing Body, who may make oral representations;
• A nominated LA officer, who may make oral representations;
• A legal or other representative of the Governing Body.

The Panel, which is independent, must have three or five members made up of three categories:

• The chair who must be a lay member, defined as somebody who has not worked in a school in a paid capacity
• One (or two on a five member panel) who must be, or have been a governor, of a maintained school provided they have served in this capacity for at least 12 consecutive months in the last 6 years
• One (or two) who must be, or have been within the last five years, a Headteacher of a maintained school.

The Panel’s decision is binding on all parties. It can
• uphold the decision to exclude,
• direct immediate reinstatement or reinstatement at some future date;
• or it may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction.

The DfES Guidance gives clear advice to Headteachers and Governing Bodies about situations where a school related incident is also the subject of a police investigation and which may result in criminal proceedings. The police and courts will apply the criminal standard of proof – beyond reasonable doubt – whereas the Headteacher and Governing Body will apply the civil standard of proof – balance of probabilities. A Headteacher need not postpone his/her decision to permanently exclude a pupil simply because of the possibility that criminal proceedings might be brought in respect of the same incident. The Governing Body should not postpone their meeting to consider the pupil’s exclusion beyond the statutory time limit.

15. Deletion of the pupil’s name from school roll

A pupil’s name should remain on the school roll after permanent exclusion, until the completion of any appeal stage or until the time for appeals has expired. It may be removed as soon as parents give notice in writing that they do not intend to appeal. A representative of Children’s Services will then advise parents on the future education of their child.

The school will lose funding from the ‘relevant date’ of exclusion. The ‘relevant date’ is the day that an independent appeal panel decides not to direct reinstatement, or, if there is no appeal, the day after the last date on which an appeal may be made or on that day (if earlier) that the relevant person notifies the LEA that they do not intend to appeal.

16. Continuity of School Work

The school’s obligation to provide education continues while the pupil is on the roll, and must be met during a fixed term exclusion. In all cases of more than a day’s exclusion work should be set and marked.

A Headteacher considering whether to exclude a pupil for a long period, e.g. more than 15 days should plan:

a) how the pupil’s education will continue during the exclusion
b) how the time might be used to address the pupil’s problems
c) together with the LEA, what educational arrangements will best help with the pupil’s reintegration into school at the end of the exclusion.

The Education Welfare Officer should be consulted if there are difficulties with the collection of work and should be notified without delay if the excluded pupil did not return to school at the end of a fixed period of exclusion.

Reviewed by Governors on 15th June 2009
Dear …………………… (parent's name)

I am writing to inform you of my decision to exclude …………………… (child's name) for a fixed period of …………………… (period of exclusion). This means that 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).

(for School other than PRU)
You have the right to make representations to the governing body. If you wish to make representations please contact …………………… (name of contact) on/at …………………… (contact details: address, phone number, email) as soon as possible.

(For PRU)
You have the right to make representations to …………………… (name of LA). These representations will be considered by …………………… (set out the arrangements which the LA have made for considering representations.) If you wish to make representations please contact …………………… (name of contact) on/at …………………… (contact address, phone number, email) as soon as possible.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Procession House, 55 Ludgate Hill, London EC4M 7JW.

Issued September 2004
You also have the right to see a copy of ............... (name of child)’s school record. Due to confidentially restrictions, you will need to notify me in writing if you wish to be supplied with a copy of ............... (name of child)’s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The school will set work for ................. (name of child) during the period of his/her exclusion ................................................................. .................................................................

............... (details of arrangements for this). Please ensure that any work set by the school is completed and returned to us promptly for marking.

You may wish to contact Kay Bailey at the, children’s Services, Oldway, Torquay Road, Paignton TQ3 2TE. Tel No. 01803 208245. E-mail address kay.bailey@torbay.gov.uk who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), 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 on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk

............... (name of child)’s exclusion expires on ............... (date) and we expect ............... (name of child) to be back in school on ............... date) at ............... (time). I am sure it would be helpful for us to meet to discuss ............... (name of child)’s return to school before they are due back. Please could you contact ............... (name) to arrange a convenient time and date.

Yours sincerely

(name)
Headteacher

Issued September 2004
CHILDREN'S SERVICES

Dear ………………………….(parent's name)

I am writing to inform you of my decision to exclude …………………...(child's name) for a fixed period of …………………...(period of exclusion). This means that …………………...(child's name) will not be allowed in school for this period. 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 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(School other than PRU)
You have the right to make request a meeting of the governing body at which you may make representations and the decision to exclude can be reviewed. As the length of the exclusion is more than five school days in one term the governing body must meet if you request it to do so. The latest date by which the governing body can meet is ………………..(date – no later than 50 school days from the date the committee is notified). If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact ………………..(name of contact) on/at ………………..

(contact details: address, phone number, email) as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also, please inform (contact) if it would be helpful for you to have an interpreter present at the meeting.

(for PRU)
You have the right to make representations to ………………..(name of LA). These representations will be considered by ………………..

(here set out the arrangements which the LA have made for considering representations.) If you wish to make representations please contact ………………..(name of contact) on/at ………………..

(contact address, phone number, email) as soon as possible. (Note: this wording is not suitable where a child would lose the opportunity to take a public examination)
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 SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Procession House, 55 Ludgate Hill, London EC4M 7JW.

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

The school will set work for ………………(name of child) during the period of his/her exclusion………………………………………………………………………………………………………

………………………………………………………………………………………………………..

(insert details of arrangements that are in place for this). Please ensure that any work set by the school is completed and returned to us promptly for marking.

You may want to contact Kay Bailey at Children’s Services, Oldway, Torquay Road, Paignton TQ3 2TE. Tel No. 01803 208245. E-mail address kay.bailey@torbay.gov.uk who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk.

………………….(name of child)’s exclusion expires on …………..(date) and we expect ………………..(name of child) to be back in school on …………..(date) at …………..(time). I am sure it would be helpful for us to meet to discuss……………..(name of child)’s return to school before they are due back. Please could you contact ………………..(name) to arrange a convenient time and date.

Yours sincerely

(name)
Headteacher
Model letter 3: from Headteacher( or teacher in charge of a PRU) notifying parent of a fixed-period exclusion of 15 days or more, or where cumulative exclusions in the same term are 15 days or more.

CHILDREN’S SERVICES

Dear ……………..(parent’s name)

I am writing to inform you of my decision to exclude ……………..(child’s name) for a fixed period of ……………(period of exclusion). This means that ……………(child’s name) will not be allowed in school for this period. 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).

(for School other than PRU)
As the length of the exclusion is more than 15 school days in total in one term the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date the governing body can meet is ……………(date – no later than 15 school days from the date the governing body is notified). If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact ……………..(name of contact) on/at ………………..(contact details: address, phone number, email), as soon as possible. You will, whether you choose to make representation or not, be notified by the clerk to the governing body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect you ability to attend a meeting at the school. Also, please inform (contact) if it would be helpful for you to have an interpreter present at the meeting.

(for PRU)
As the length of the exclusion is more than 15 days (name of LA) must consider the exclusion. …

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(here set out the arrangements which the LEA has made to review fixed-period exclusions.) A review meeting will be held and at the review meeting you may make representations if you wish. The latest date for a review meeting is ……………..(date no later than 15 days from the date the LA is notified). If you wish to make representations and wish to be accompanied by a representative please contact ……………..(name of contact) on/at ………………..(shape)
Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also, please inform (contact) if it would be helpful for you to have an interpreter 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 SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Procession House, 55 Ludgate Hill, London EC4M 7JW.

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

The school will to set work for (name of child) during the period of his/her exclusion (insert details of arrangements that are in place for this). Please ensure that any work set by the school is completed and returned to us for marking.

You may want to contact Kay Bailey at Children’s Services, Oldway, Torquay Road, Paignton TQ3 2TE. Tel No. 01803 208245. E-mail address kay.bailey@torbay.gov.uk who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE), which is an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk.

…………… (name of child)’s exclusion expires on ……….. (date) and we expect ……………. (name of child) to be back in school on …………… (date) at…………. (time). I am sure it would be helpful for us to meet to discuss …………… (name of child)’s return to school before they are due back. Please could you contact …………… (name) to arrange a convenient time and date.

Yours sincerely

(name)
Headteacher
CHILDREN’S SERVICES

Dear ………………..(parent’s name)

I regret to inform you of my decision to exclude …………….(child’s name) permanently from …………..(date). This means that …………….(child’s name) will not be allowed back to this school/PRU pending a meeting of the governing body. Alternative arrangements for …………..(child’s name)’s education will need to be made. In the first instance 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.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude …………….(child’s name) has not been taken lightly. …………….(child’s name) has been excluded permanently because………………………………………………………………………………(reason for exclusion – also include any other relevant history here).

(for School other than PRU)
As this is a permanent exclusion the governing body will meet to consider it. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is ……………………..(date – no later than 15 school days from the date the Committee is notified). If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact ………………..(name of contact) on/at ………………..(contact details: address, phone number, email) as soon as possible. You will, whether you choose to make representation or not, be notified by the clerk to the governing body 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 the meeting. Also, please inform (contact) if it would be helpful for you to have an interpreter present at the meeting.

(for PRU)
You have the right to appeal to an independent appeal panel against the decision. If you wish to appeal please notify ………………..(name of Clerk to Appeal Panel) of your wish to appeal including your grounds of appeal in writing to (address) by no later than ………………..(specify the latest date – 15th school day after the second working day after the letter is posted if sent by first class post, or, if delivered by hand, the 15th school day after delivery). If you have lodged an appeal by this date your right to appeal will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform (contact) if it would be helpful for you to have an interpreter present at the hearing.
You also have the right to see a copy of …………………(name of child)’s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of …………………(name of child)’s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Alternative education other than setting work will be provided for …………………(name of child) if the exclusion continues beyond 15 school days. A Torbay LA representative will contact you to discuss this.

You may also want to contact Kay Bailey at Children’s Services, Oldway, Torquay Road, Paignton TQ3 2TE. Tel No. 01803 208245. E-mail address kay.bailey@torbay.gov.uk who can provide advice on what options are available to you. Additionally, you may find it useful to contact the Advisory Centre for Education (ACE), 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 on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk.

Yours sincerely

(name)
Headteacher
CHILDREN'S SERVICES

INVITATION TO GOVERNOR’S MEETING - PARENT

Dear………………..(name of parent)
………………………(child’s name)…………..(D.O.B.)

I am writing to let you know that the meeting of the Governing body to consider ……………………..’s (child’s name) exclusion will be held at the school on …………………..(date and time).

I shall be grateful if you will let me know by ………………..(date) whether you will attend the meeting, whether you intend to have any legal representation at the Governors' meeting or be accompanied by a friend, and also whether you propose that your child should attend the meeting.

I will send to you before the meeting, a copy of all the papers which the Governors will consider and I shall be able to circulate to the Governors any letter or report which you provide to me by…………………..(date).

You will find an outline of the procedure at the Governors’ meeting is given in the TIPS 3 booklet. In brief, you will have the opportunity to ask questions of the Head and, in turn, the Head and the Governors will ask questions of you (and of……………………..(child’s name), if he/she attends) before the Governors reach a decision on the exclusion.

If you would like fuller details at this stage of the procedure to be followed by the Governors’ meeting, please let me know.

Yours sincerely

(name)
Clerk to the Governors
CHILDREN’S SERVICES

Dear………………. (parent’s name)

The meeting of the governing body at ………………..(school/PRU) on (date) considered the decision …………….by (headteacher/teacher in charge) to permanently exclude your ………………. (son/daughter name or pupil). The governing body, after carefully considering the representations made and all the available evidence, have decided to uphold…………..(child's name)’s exclusion.

The reasons for the governing body’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 Kay Bailey at Children’s Services, Paignton TQ3 2TE. Tel No. 01803 208245. E-mail address kay.bailey@torbay.gov.uk of your wish to appeal. You must set out the reasons for your appeal in writing and may also include reference to any discrimination claim you may wish to make, and send this notice of appeal to
…………….……………………………………………………………………………………..(address) by no later than ………………..(specify the latest date – 15th school day after the date of this letter). If you have not lodged
your appeal by………………(repeat last date) your right to appeal will lapse. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform (name of the clerk to the appeal panel) if it would be helpful for you to have an interpreter present at the hearing.

Your appeal would be heard by an Independent Appeal Panel, which is empowered also to hear disability discrimination claims. A three-member panel will comprise one serving, or recently retired (within the last five years) headteacher, one serving, or recently serving, experienced governor and one lay member who will be the chairperson. (use the following if there is a possibility that a five member panel may sit: A five member panel will comprise two serving or recently retired (within the last five years) headteachers, two serving or recently serving experienced governors and one lay member who will be the chairperson.) The Appeal Panel will rehear all the facts of the case – if you wish fresh evidence to present to the Panel you may do so. The Panel must meet no later than the 15th school day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

In determining your appeal the Panel can make one of three decisions: they may uphold your child’s exclusion; they may direct your child’s reinstatement in school, either immediately or by particular date; or they may decide that the exclusion should not have taken place, but that reinstatement in the school is not in the best interests of all concerned.

I would advise you of the following sources of advice: …………………..(repeat details from the original exclusion letter, i.e. a named LA officer and the Advisory Centre for Education

The arrangements currently being made for ………………….. (child’s name)’s education will continue for the time being. However, new arrangements to provide full-time education for ………………….(child’s name) are being made and …………………..(name of LA officer) will liaise with you shortly about these new arrangements. If you have any questions about this please contact …………………..(name).

Yours sincerely

(name)

Clerk to the Discipline Committee
Annexe 7

Guidance for Governors

The Governing Body should:
- review the Headteacher’s decision with a completely open mind
- consider all the evidence put to it
- reach its decision in the light not only of this consideration but also of the statutory guidance.
- have regard to the School’s discipline policy, the Disability Discrimination Act 1995 and the Race Relations Act, where applicable.
- have regard to the Guidance on the exclusion of children with special educational needs and those in public care.

Where an allegation of misconduct against the pupil is in dispute they should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the pupil did what he is accused of. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied, but it does mean that when investigating more serious allegations Headteachers will need to gather and take account of a wide range of evidence (extending in some instances to evidence of the pupils past behaviour) in determining whether it is more probable than not that the pupil has committed the offence.

In arriving at its decisions, the Governing Body must consider the following issues and must therefore have these in mind during the hearing.

1. If the exclusion is already over, or is one where the governing body has no power to re-instate the pupil, the Governing Body has only to decide whether it considers the exclusion to have been justified. A note of its views, together with the Headteacher’s exclusion letter to the parent can be placed on the pupil’s record.

2. If the exclusion is not over, the Governing Body must consider whether to uphold it or to direct the Headteacher to re-instate the pupil. If it directs the reinstatement, it should discuss with the LA whether extra short-term support would help to ensure the pupil’s reintegration. The answer to this question may affect the decision, which the governing body must also take, whether the re-instatement should be immediate or at a reasonably early future date which allows time for the necessary support arrangements for the pupil. Conditions must not be added to a pupil’s re-instatement.

3. In cases where a Headteacher has permanently excluded a pupil for
   - Serious assault or threatened violence against another pupil or a member of staff
   - Sexual abuse or assault
   - Supplying an illegal drug

Issued September 2004
• Carrying an offensive weapon
• Persistent and defiant misbehaviour, including bullying (including racist or homophobic bullying) or repeated and/or use of an illegal drug on school premises, the Secretary of State would not normally expect the Governing Body to reinstate the pupil.
CHILDREN'S SERVICES

HEADTEACHER’S REPORT TO THE GOVERNING BODY

The Headteacher’s report to the Governing body should be sent to the clerk to the Governors for circulation. A copy should be sent to the parent and agreement with the Clerk should be reached as to who should do this.

The report should include:

- A full account of the events which led to the exclusion;
- The letter to the parent informing them of the exclusion;
- A record of the investigation and any statements taken after the event(s) which led to the exclusion;
- A record of contacts between home and school;
- The pupil’s attendance record;
- Names of schools previously attended by the pupil (with dates if known);
- An assessment of the pupil’s ability and attainments;
- Involvement of other LA support services (e.g. Behaviour & Learning Support Team, Educational Psychologist, Education Welfare Officer):
- Involvement of external agencies if known and relevant;
- Details of pastoral support programme. (PSP)

Further advice can be obtained from Kay Bailey, Admissions and Student Services Planning Co-ordinator, telephone 01803 208245
SUGGESTED PROCEDURE FOR A MEETING OF THE GOVERNING BODY CALLED TO CONSIDER THE EXCLUSION OF A PUPIL.

The Governing Body of ……………… school/college, at its meeting on……………….. adopted the procedure described below for consideration of the exclusion of a pupil.

1. Questions to the Headteacher/Principal by the parent and/or representative, Governors and LEA Officer on matters of fact.
2. Introduction by the Chair.
3. Presentation of Case by the Headteacher/Principal (assisted by staff member(s) if appropriate).
4. Statement by the parent and/or representative.
5. Questions to parent by Governors, Headteacher/Principal and LEA Officer on matters of fact.
6. Statement by representative(s) of other agency/agencies involved if appropriate.
7. Questions to the representative(s) by the parent and/or representative, Governors, Headteacher/Principal and LEA Officer on matters of fact.
8. Statement by the LEA Officer.
9. Questions to the LEA Officer by the parent and/or representative, Governors and Headteacher/Principal.
10. Statement by the pupil if attending.
11. Questions to the pupil by the parent and/or representative, Governors, Headteacher/Principal and LEA Officer.
12. Opportunity for the Headteacher/Principal to make a final statement.
13. Opportunity for the parent to make a final statement.
14. Withdrawal by the parent and/or representative, pupil (if present), Headteacher/Principal, representative(s) of other agency/agencies and LEA Officer.
15. Consideration of the matter by Governors in the presence of the Clerk to the Committee. If further information is needed from any of the persons who have left the meeting, then all such persons should return to the meeting when such information is obtained. An opportunity should be given to each party to question or comment on this additional information.
16. The Governors make their decision. This is recorded in the minutes, along with reason, by the Clerk to the Committee.
   Note: re-instatement is not possible if the exclusion is for a fixed term of less than 5 days.

17. Headteacher/Principal and parents rejoin the meeting to be informed of the governors’ decision.