

**BARNSLEY MBC**

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Behaviour Support Service  
September 2012**

**EXCLUSION PROCEDURE  
SUMMARY OF GUIDANCE ON  
EXCLUSION FROM  
SCHOOLS**

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## **HOW TO USE THIS SUMMARY**

This guide has been produced to give an easy reference to many of the questions asked by schools relating to the exclusion process.

For further detail, readers are advised to refer to the DFE statutory guidance “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England”.

References are made throughout the text to the relevant sections and paragraphs in the guidance.

Included in the appendix (Exclusion Pack) are copies of standard exclusion forms and relevant paperwork for use by schools, and clerks to Pupil Discipline Committees.

In addition, flow charts for procedures to be followed prior to, and after exclusion, have been included for easy reference.

The Department for Education, standard list of reasons for exclusions has been incorporated into the exclusion forms (see below).

## **National Standard List of Reasons for Exclusions**

This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for exclusions and the “other” category should be used sparingly. The further detail suggesting what the descriptors cover should be used as a guide and this list is not intended to be used as a tick list for exclusions. In reaching a decision on whether to exclude head teachers need to refer to the Department’s guidance revised in September 2007, entitled “Improving Behaviour and Attendance: Guidance on Exclusion from School and Pupil Referral Units”.

### **Physical assault against pupil**

Includes:

- Fighting
- violent behaviour
- Wounding
- obstruction and jostling

### **Physical assault against adult**

Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

### **Verbal abuse / threatening behaviour against pupil**

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

## **Verbal abuse / threatening behaviour against adult**

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

## **Bullying**

Includes:

- Verbal
- Physical
- Homophobic bullying
- Racist bullying

## **Racist abuse**

Includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

## **Sexual misconduct**

Includes:

- Sexual abuse
- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying
- Sexual graffiti

### **Drug or alcohol related**

Includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

### **Damage**

Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson
- Graffiti

### **Theft**

Includes:

- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

### **Persistent disruptive behaviour**

Includes:

- Challenging behaviour
- Disobedience
- Persistent violation of school rules

### **Other**

Includes incidents which are not covered by the categories above but this category should be used sparingly.

## INTRODUCTION

The Department for Education has revised and published new statutory guidance for maintained schools, Academy schools/Free schools, Alternative Provision Academies and Pupil Referral Units about the procedures and strategies it expects to be followed to achieve the Government's aims.

Principles/Head teachers, teachers in charge of an Alternative Academies/Pupil Referral Units (PRU), governing bodies, Local Authorities (LA's) and Independent Review Panels must by law have regard to the guidance on Exclusions from schools and Pupil Referral Units when making decisions on exclusions and administering the exclusions procedure. This means that whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases

The procedures apply to all maintained schools, Academies/Free schools and Alternative Academies/Pupil Referral Units and all pupils in them, including pupils who may fall below or above statutory school age. They also apply to maintained nursery schools.

Academies, by virtue of their funding agreements, must have exclusion procedures which are consistent with those set out in this guidance. This means that the procedures followed by academies should not depart from those in the guidance without good reason.

Where parents of an excluded pupil do not speak, or have a good understanding of, English, correspondence and documentation relating to the exclusion should be translated into their mother tongue. In such cases the school and/or LA should arrange for an interpreter to be present at any meetings with the parent about the exclusion.

The guidance outlines the implications when excluding particular groups of pupils. Head teachers need to be aware of these and pay particular attention to paragraphs 20 - 24.

This is statutory guidance, and is underpinned by the School Standards and Framework Act 1998. Essentially this means that all parties must have regard to the guidance, and therefore, if any alternative action is taken, this must be equally as beneficial for the pupil as that specified in the guidance.

The principle legislation to which this guidance relates is:

- The Education Act 2002 as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Educations and Inspections Act 2006;
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) regulations 2007

## Key points

- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response 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.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.
- All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after exclusion.
- Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).
- An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.
- Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the

exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

### **Children with Statements of Special Educational Needs and Children in Care**

Other than in the most exceptional circumstances, schools should avoid excluding pupils with statements. They should make every effort to avoid excluding pupils who are being supported at school action or school action plus. Schools should try every practicable means to maintain the pupil in school, including seeking LA and other professional advice.

Children in Care as a group are no less able than their peers but they often underachieve. They can fall behind through missing school and are more likely to be at risk of exclusion. Permanent exclusion from school can place great strain on care placements resulting in even more disruption in their lives. That is why it is vital that schools and social workers work together in partnership with other professionals and try every practicable means to maintain them in school and to exclude them only in the most exceptional circumstances.

## SECTION 1

## THE USE OF EXCLUSION

**What are the types of exclusion?**

There are three forms of exclusion available to the headteacher:

1. Lunch time exclusion (equal to one half day fixed term);
2. Fixed term (up to 45 school days in an academic year);
3. Permanent (will result in the pupil being removed from the school roll after statutory procedures completed).

**Informal exclusion?**

If the headteacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and the pupil is being removed from the school site for that reason, formal exclusion is the only legal method of removal. **Informal or unofficial exclusions are illegal** regardless of whether they are done with the agreement of parents carers.

Whilst this is frequently done in the perceived best interests of the child it may ultimately have the effect of denying the child the specialist help which is available both in school and from external agencies. In addition, the parent will not be given the opportunity to make representations to the Pupil Discipline Committee, as is their right.

**Removal of pupils from school in exceptional circumstances**

There may be exceptional circumstances where a headteacher needs to remove a pupil from the school site when exclusion would be illegal. An example is where a pupil is accused of committing a serious criminal offence which took place outside the headteachers jurisdiction (during a weekend or school holiday and off site) which wouldn't warrant exclusion.

However, there may be compelling reasons for removing that pupil from school premises pending the outcome of police investigation. A head teacher can authorise leave of absence for a fixed period with parents agreement or by exercising powers delegated by the governing body under section 29(3) of the Education Act 2002 can arrange for the pupil to be educated elsewhere (without parental approval, although parents should be notified). In these circumstances the school must ensure that the pupils full time education continues while off site

**Removal of pupils on health and safety grounds**

Head teachers may send pupils' home, after consultation with parents and a health professional (for example a school nurse) where a diagnosed illness such as a notifiable disease and the pupil poses an immediate and serious risk to the health and safety of other pupils and staff. This is not exclusion and should be for the shortest time possible. If further difficulties persist, the headteacher should seek medical advice.

**Considerations following a fixed term exclusion and continuing education**

The schools obligation to provide education continues and must be met during a fixed period exclusion. If the exclusion is for six days or more the school has a duty to arrange suitable full time educational provision from and including the sixth day school day.

Good practice guidance on this can be found on the DFE website

During the first five days work must be sent home for the pupil to complete and it must be marked, unless the school has made full time provision for the first five days of exclusion.

In this period the parents of the excluded pupil must ensure that he or she is not found in a public place during normal school hours without reasonable justification. Parents are subject to a fixed penalty notice if they fail to do this.

When planning for suitable full time provision it should normally be off-site. A school can make provision on site where arrangements have been made jointly with another school. Parents must be fully informed of the days on which pupils must attend alternative provision and of any sanctions that may be imposed for non-attendance.

### **Reintegration interviews**

It is good practice to arrange a reintegration interview following any fixed term exclusion.

The purpose of this is to assist the reintegration and promote the improvement of his or her behaviour. This meeting may also be used to discuss the possibility of a parenting contract.

Normally the meeting should take place on the day the pupil returns to school. The exclusion must not be extended because parents can't or won't attend a meeting.

### **Parenting Contracts and Orders**

A parenting contract may be offered as an early intervention to deal with emerging behaviour problems or after an exclusion of any duration.

A parenting contract is a written voluntary agreement between the school governing body or the authority and the parent.

If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour the school or authority may consider applying to the magistrates' court for a parenting order. Further guidance on this can be found in the Local Authorities policy on Parenting Contracts and Orders.

### **Parental Cooperation**

If a parent does not comply with an exclusion, for example by sending the excluded pupil to school, or by refusing to collect them at lunchtime, the school must have due regard for the pupils safety in deciding what action to take.

An exclusion should not be enforced if doing so would put the pupil at risk. If efforts to resolve the issue are unsuccessful then school should contact the local authority to seek advice.

## Strategies for pupils at risk of exclusion

<b>Restorative Justice</b>	This enables the offender to redress the harm that has been done to the victim.
<b>Mediation</b>	This is done through a third party usually a trained mediator. This is done when there has been conflict between two parties.
<b>Working with parents</b>	A written action plan agreed with parents.
<b>Learning Support Units</b>	Alternative support within the school..
<b>Mentoring</b>	Support and role modelling from older pupils/staff, learning mentors and outside agencies.
<b>Curricular Flexibility</b>	Disapplication, extended work experience, college placements etc.
<b>School Based Assessment</b>	Special educational needs assessment procedures.
<b>Pastoral Support Programme</b>	School based multi-agency intervention.
<b>Parenting Contract</b>	A voluntary agreement between parent/carers, school and the LEA
<b>Parenting Order</b>	Applied for through the Magistrate's Court for parent/carers, who will not engage with voluntary measures.
<b>Referral to the Behaviour Support Service</b>	Alternative provision, advice and support in schools.
<b>A Managed Move through the Fair Access/BAP protocol</b>	This will enable the pupil to have a fresh start in a new school. This must be done with the full cooperation of all parties.

**The decision to exclude**

It is the Secretary of State's view that a decision to exclude a child should be taken only:

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

Before excluding a child, **in most cases** a range of alternative strategies should be tried. This is not meant to prevent immediate action to protect pupils and staff, including fixed period exclusion.

A permanent exclusion can be given for a first offence, for example involving violence, but only when the headteacher has had further opportunity (not in the heat of the moment) to consider the incident in question and when all the alternatives to exclusion have been considered .

**LA advice**

In such cases it would be advisable to issue a short fixed term exclusion to allow time to further investigate the incident, which may then be converted to a permanent exclusion or alternative provision if appropriate.

**When is exclusion inappropriate?**

- ❖ Minor incidents such as failure to do homework or to bring dinner money.
- ❖ Poor academic performance.
- ❖ Lateness or truancy.
- ❖ Pregnancy.
- ❖ Breaches of the school's uniform policy including hairstyle or the wearing of jewellery (except where these are persistent and in open defiance of such rules).
- ❖ Punishing pupils for the behaviour of the parents, for example, by extending a fixed period exclusion until the parents agree to attend a meeting.

## SECTION 2

## THE ROLE OF THE HEADTEACHER

### Who can exclude?

**Only the principle, head teacher or teacher in charge of a Pupil Referral Unit or alternative provision can exclude a pupil from school.**

In the absence of the head teacher the power rests with the most senior teacher who should make clear that they are acting in the head's absence. Exclusion should not be decided in the heat of the moment unless there is an immediate risk to the safety of others in the school or the pupil concerned.

### Who should the Head inform and when?

Parents/Guardians/LA/Social Services/Children's Resource Centres.

A headteacher who excludes a pupil should make sure the parents are notified immediately, ideally by telephone, and that the telephone call is followed with exclusion letter (see appendix 1, 2 and 3 for specimen letters and exclusion forms) and form within one school day. **An exclusion should normally begin on the next school day.**

### Informing the Governing Body and LEA

Within one school day the head teacher must inform the governing body and LA of

- a) Permanent exclusions;
- b) Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term;
- c) Exclusions which would result in the pupil missing a public examination

Fixed period exclusions totalling five or fewer school days or fewer than 10 lunchtimes can be placed in the weekly internal post. This will assist the LA in producing up to date statistics as when required.

In exceptional circumstances, where the headteacher feels it is essential that the pupil be required to leave the school premises immediately, the headteacher should check with the parent to ensure that the pupil is not left unsupervised.

In these circumstances, there may be practical difficulties in completing the exclusion form and this may have to be undertaken on the following school day.

Where a pupil is excluded from school with immediate effect during the morning session, this counts as an exclusion of a full school day for the purposes of determining the length of the exclusion.

Where the pupil is excluded during the afternoon session this should be recorded as a half day.

## SECTION 3

## Responsibilities of the Governing Body

### The Governing Body

The governing body must review certain exclusions and must consider any representations about an exclusion made by parents of the excluded pupil. Some or all of this function can be delegated to a committee of at least three governors. The LA recommends that the committee be called the Pupil Discipline Committee.

### How many members sit on the committee?

Three or more governors may sit on the committee. The LA has issued a model constitution and terms of reference, which suggests that three to five governors is the appropriate number.

### What is the quorum?

The quorum is three (if the committee consists of five, and one member does not arrive, the chairperson has the casting vote).

### What is the function of the Committee?

To review the use of exclusion within the school. To confirm permanent exclusions, and fixed term exclusions with a cumulative total of more than five school days in a term, or where the pupil may lose the opportunity to sit a public examination (not including SATs).

### Does the Committee meet for exclusions of between one and five days?

A parent may make written representations only to the Committee. This could be included for consideration on the next available agenda. The Committee cannot direct reinstatement, but should attach a record of their views to the pupil's school record.

### When does the Committee need to meet?

#### **Permanent Exclusion**

Between six and fifteen school days following the start of the exclusion.

#### **Fixed Term Exclusion**

For an exclusion of more than five but not more than fifteen school days in a term: meet within fifty school days following the start of the exclusion **if the parent requests a meeting.**

For an exclusion of more than fifteen school days in a term, meet within fifteen school days following the exclusion.

### How are the meetings arranged?

The committee must appoint a clerk who should prepare calling notices for parents, headteacher, and members of the Committee to meet at a time convenient to all parties as far as possible, and within the timescales. Approximately seven days notice should be given.

<p><b>Who should clerk the meeting?</b></p>	<p>The clerk should be in a position to take the minutes of the meeting, and to also advise the Committee on the Guidance on Exclusion form Maintained Schools, Academies and Pupil Referral Units in England.</p>
<p><b>What documentation should be circulated?</b></p>	<p>Any written statements and evidence to be used at the meeting should be circulated to all parties prior to the meeting, ensuring the identity of pupils is concealed.</p>
<p><b>What procedures should be followed?</b></p>	<p>The LA has issued procedures and guidance for Committee meetings (appendix 1 and 2).</p>
<p><b>What resolutions can be arrived at?</b></p>	<p><b><u>Permanent Exclusions</u></b></p> <p>The pupil be reinstated.</p> <p>The pupil not be reinstated.</p>
<p></p>	<p><b><u>Fixed Term Exclusions (if the pupil is still out of school)</u></b></p> <p>The pupil be reinstated.</p> <p>The pupil not be reinstated.</p>
<p></p>	<p><b><u>Fixed Term Exclusions (if the pupil has returned to school)</u></b></p> <p>The head teacher's decision to exclude be upheld.</p> <p>The head teacher's decision to exclude not be upheld.</p>
<p><b>What needs to be done after the meeting?</b></p>	<p>The clerk should write to the parent and the LA within one day informing them of the decision. A Notice of Appeal form must be included for parents only following confirmation of a permanent exclusion.</p>
<p></p>	<p>In the case of a permanent exclusion, the letter should be faxed to the LA immediately, as it includes the final date for appeal needed for the LA letter to parents.</p>
<p></p>	<p>Minutes of the meeting need to be sent to Governor Services.</p>
<p></p>	<p>Place a copy of the letter to parents informing them of the Pupil Discipline Committee decision on the pupil record together with a copy of the exclusion papers.</p>
<p><b>Does the parent have a right of an independent review against the Committee's decision to uphold exclusion?</b></p>	<p><b>There is no right of an independent review against fixed term exclusions of any duration.</b></p> <p>However, parents may request an Independent review against a permanent exclusion using the Notice of Independent Review form sent following the Pupil Discipline Committee meeting (appendix 1).</p> <p>The review is against the decision of the Pupil Discipline Committee to uphold the permanent exclusion, and is arranged by the Borough Secretary's Department.</p>

## SECTION 4

## THE ROLE OF THE LA AT PUPIL DISCIPLINE COMMITTEE MEETINGS

**What role does the LA have at the Committee meeting?**

The LA can give their view on the appropriateness of the exclusion.

For permanent, and for fixed term exclusions which total more than fifteen school days in a term, schools are required to send to the LA details which will be used at the Pupil Discipline Committee meeting.

**Does an LA representative attend the Committee meeting?**

The LA must receive this information no later than five days before the meeting.

No representative is available to attend Pupil Discipline Committee meetings for exclusions which total less than fifteen school days in a term due to the frequency of such meetings.

The LA representative can attend all Pupil Discipline Committee meetings for permanent exclusions unless prior commitments prevent them doing so. If the LA cannot attend a written report will be sent to the Clerk of the Committee.

For exclusions of more than fifteen days an LA Representative will attend if it is a particularly difficult case or evidence provided to the LA prior to the meeting raises cause for concern.

<b>What is the function of the panel?</b>	The role of the panel is to review the governing bodies' decision not to reinstate a permanently excluded pupil.
<b>How many members sit on the panel?</b>	The panel must have three or five members, and is clerked by a member of the Borough Secretary's Department.
<b>What procedures should be followed?</b>	Procedures and guidance for the meeting are circulated to all parties prior to the meeting.
<b>Who may attend the meeting?</b>	<p>The following are entitled to attend the meeting:</p> <ul style="list-style-type: none"> <li>▪ the parent (who may be represented by a legal or other representative)</li> <li>▪ the headteacher</li> <li>▪ a nominated member from the Committee who considered the exclusion</li> <li>▪ a nominated LA officer</li> <li>▪ a legal or other representative of the Governing Body</li> </ul>
<b>What may the panel decide?</b>	<ol style="list-style-type: none"> <li>1. Uphold the exclusion decision;</li> <li>2. Recommend that the governing body reconsiders their decision</li> <li>3. Quash the decision and direct that the governing body reconsiders the exclusion again.</li> </ol>
<b>What happens after the meeting?</b>	The clerk must let all parties know the appeal panel's decision by the end of the second school day after the hearing.
<b>Is the Review Panels decision binding?</b>	<p>Yes.</p> <p>However, the parent may complain to the Local Government Ombudsman about maladministration by the panel, which may, if appropriate, recommend a fresh hearing.</p> <p>All parties may apply for a judicial review if the panel's decision was legally flawed.</p>

**Who arranges the Independent review following the Pupil Discipline Committee's decision to uphold the permanent exclusion?**

The LA or Academy Trust must set up the Independent Review Panel, appoint the members and a clerk, and choose the chair at their own expense.

The Borough Secretary's Department undertakes the responsibility for these arrangements.

**Does an LA representative attend the Independent Appeal Panel hearing?**

Yes if it is a LA maintained school

The LA will take a view on the exclusion based on the evidence provided by the school prior to the Pupil Discipline Committee meeting and on oral submissions made at the review.

**What is the role of the LA representative?**

The LA representative is entitled to present their case, expressing a view on the appropriateness of the permanent exclusion.

**What are the LA's responsibilities?**

The LA has a responsibility toward all permanently excluded pupils to provide suitable full time education and reintegrate pupils as quickly as possible, where practical into a suitable mainstream school.

**How does the LA provide education for permanently excluded pupils?**

Schools are responsible for setting and marking work for the first five school days of the exclusion.

1. The pupil will be referred to the Behaviour Support Service prior to the Pupil Discipline Committee meeting.
2. The Behaviour Support Service will provide full time education from the sixth day in partnership with other LA services. Following an assessment a referral will be made to the Behaviour and Attendance Partnership for discussion and a decision on appropriate education provision.

## USEFUL CONTACTS

### BARNSELY SUPPORT SERVICES

#### SENIOR PRACTITIONERS WITHIN CENTRAL BEHAVIOUR SERVICES

Dave Whitaker

01226 291133

Jenny Davis

01226 327074

#### EDUCATION WELFARE SAFEGUARDING IN SCHOOLS

Keren Harben

01226 773542

#### ADMISSIONS

Principal Admissions Officer  
Bev Sadler

01226 773506

#### SPECIAL EDUCATIONAL NEEDS ADMINISTRATION

Assessment, Monitoring and  
Review Service.

01226 775952

#### FUTURE DIRECTIONS

#### LOOKED AFTER CHILDREN

Social Worker  
Karen Harkness

01226 770902

#### YOUTH OFFENDING TEAM

Colin Barnes

01226 774963

### EXTERNAL AGENCIES

#### THE CHILDRENS LEGAL CENTRE

0808 802 008

## **Appendix 1**

**Exclusion Pack - documentation to support the process:**

**Permanent Exclusion**

# PERMANENT EXCLUSION PROCESS

## DOCUMENTS REQUIRED TO SUPPORT THE PROCESS

### Information to parents

- flowchart outlining the permanent exclusion process
- initial contact letter to inform them of the exclusion
- details of pupil's exclusion
- letter inviting parents to the meeting of the pupil discipline committee
- procedures and guidance for the pupil discipline committee meeting
- letters informing parents of the decision made by the pupil discipline committee
- notice of appeal against the decision of the pupil discipline committee
- procedure for the meeting of an independent appeals panel
- useful contacts

### Information to governors

- calling letter to governors on the pupil discipline committee
- procedures and guidance for the pupil discipline committee meeting (*as above*)

### Information to the Committee who review exclusions (via the clerk)

- constitution and terms of reference for the pupil discipline committee

### Papers to be completed by the clerk at the Committee meeting

- constitution and terms of reference for the pupil discipline committee
- note of the parents' views expressed at the pupil discipline committee meeting
- governors' reason for the decision of the pupil discipline committee
- minutes of the pupil discipline committee

## SCHOOL LETTERHEAD

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20 January 2012

Parent/Guardian of  
**[child's name\*]**  
4 Wood Lane  
BARNESLEY\*

SPECIMEN 4  
PERMANENT

Dear *Mr and Mrs Smith\**

### **PERMANENT EXCLUSION OF [CHILD'S NAME\*]**

I regret to inform you that I have had to exclude your child from school. This is a permanent exclusion, this means that **[child's name\*]** will not be allowed back to school pending a meeting of the school's Pupil Discipline Committee. Full details of the exclusion are included on the attached sheet. For the first five days of the exclusion we will set work for **[child's name]** and would ask that you ensure this work is completed and returned to school for marking. From the sixth school day of the exclusion onwards which is **[insert date]** the local authority will provide suitable full time education. A local Authority officer will contact you to make arrangements for this.

You have a duty to ensure that your child is not present in a public place at any time during normal school hours during the first five days of this exclusion, i.e. on **[specify dates]** unless there is reasonable justification. The Local Authority may issue a fixed penalty notice if this is the case.

As the exclusion is permanent the school governing body's disciplinary committee must automatically meet to consider the exclusion. At the meeting you may make representations if you wish to do so and ask them to reinstate your child in school. The governing body have the power to reinstate your child or uphold the exclusion in which case you have the right to appeal against their decision to an independent appeal panel. If you do not wish to attend the meeting you may make written representations. The latest date the Committee can meet is **[Date here - between 6 and 15 school days from the date of the exclusion\*]**. If you wish you can be accompanied at the meeting by a friend or representative. You will be notified by the Clerk to the Committee of the date, time 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 **[insert contact]** if it would be helpful for you to have an interpreter present at the meeting

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 make a claim, to the SEN and disability Tribunal (SENDIST). The address to which appeals should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

If you wish to see **[child's name\*]**'s school record, due to confidentiality restrictions you must notify me in writing. You are entitled to a copy of the record if you request it. There may be a charge for photocopying.

If you require any advice on the exclusions process, you should contact the Exclusions Officer on 01226 291133 who will also advise you on future educational provision for your child. Advice can also be sought from The Children's Legal Centre they can be contacted on 0808802008 or <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday except Bank Holidays and 24<sup>th</sup> December to 1<sup>st</sup> January.

PLAse fill in the tear off slip below and return it to me acknowledging receipt of this letter and the attached exclusion details.

Yours sincerely

Headteacher

---

TO BE RETURNED TO THE HEADTEACHER, *PARKWAY PRIMARY*\* SCHOOL

**Permanent exclusion of *[child's name\*]***

I ..... parent/guardian of ***[child name\*]*** acknowledge receipt of your letter and attached exclusion details, dated ....., notifying me of my ***[son / daughter's\*]*** exclusion from school.

Signed ..... Date .....

\* ***Substitute words in italics with the relevant details***

# Permanent Exclusion

## Pupil Details

School: ..... Year group: .....

Name of pupil: ..... Date of birth: .....

Name of parent/guardian: ..... Telephone: .....

Address : .....

Gender: .....

Ethnic origin: White/Black or Black British/Asian or Asian British/Chinese/Mixed Dual Background/Any Other Ethnic Group (*pLase circle*)  
*If you have circled 'Any Other Ethnic Group' – pLase specify: .....*

Is the pupil on SEN code of practice? YES/NO If yes – which stage? .....

Does the pupil have a statement of special educational needs? YES/NO Band: .....

Is the pupil looked after by the local authority? YES/NO

## Details of Permanent Exclusion

Time: ..... Date: .....

### Reason for exclusion (*pLase tick as appropriate*)

Physical assault against a pupil	Sexual misconduct
Physical assault against adult	Drug or alcohol related
Verbal abuse / threatening behaviour against pupil	Damage
Verbal abuse / threatening behaviour against adult	Theft
Bullying	Persistent disruptive behaviour
Racist abuse	Other

Details of incident: .....

.....

.....

.....

Signature of headteacher: ..... Date: .....

Copies sent to: Parents  
 Exclusions Officer Springwell Community School and Wider Borough Services  
 St Helens Boulevard, Carlton Barnsley S71 2AY  
 Governing Body's Pupil Discipline Committee (Chairperson)

3 March 2012

SPECIMEN

***Mr and Mrs J Smith***

*4 Wood Lane*  
*BARNESLEY\**

Dear *Mr and Mrs Smith\**

**PERMANENT EXCLUSION OF *JOHN SMITH\****  
**PUPIL DISCIPLINE COMMITTEE**  
**MEETING TO BE HELD ON *20 MARCH 2012\** AT *4.30 PM\****

I am writing to invite you to a meeting of the above committee to be held at the school on *Thursday 20 March 2012\* at 4.30 pm\**. The purpose of the meeting will be to consider *your son's\** exclusion and to allow you to express your views on the matter.

It would be helpful if you could let me know if you intend to be present at the meeting. If, however, you intend to submit your views to the committee in writing, you should send them to me at the school a few days before the meeting.

I'm enclosing, for your information, a copy of 'the procedure and guidance for exclusion meetings' of which I would draw particular attention to Section 3 – important notes.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

## **PUPIL DISCIPLINARY COMMITTEE – PROCEDURES AND GUIDANCE FOR EXCLUSION MEETINGS**

### **Procedure for considering parents' views on the permanent exclusion of their child**

In fairness to all parties, it is recommended that the following well established procedure for the meeting be adopted:

- the chairperson will invite the headteacher and parents to the meeting.
- introduction by chairperson (personal introductions, confirmation of procedure).
- outline of cases by headteacher.
- presentation of case by headteacher.
- question by parents to case presented by headteacher.
- response by parents to case presented by headteacher.
- questions by headteacher, through chairperson.
- to receive the LA's representations (if applicable).
- throughout the procedure, governors may, through the chairperson, ask questions of all represented at the meeting.
- Headteacher summarises their case if necessary.
- summary by the parents.
- headteacher and parents LAve meeting at the same time.
- governors determine what decision should be taken and place a note of the Pupil Discipline Committee's views on the exclusion on the pupil's record with a copy of the headteacher's exclusion letter, and:

RESOLVE            either: that the pupil be reinstated  
                         or:        that the pupil not be reinstated

### **Procedure to follow if parents don't attend the meeting**

The chairperson will invite the headteacher to the meeting.

Outline of case by the headteacher.

Presentation of case by the headteacher.

Questions to the headteacher, through the chairperson.

Written representations or letter submitted by the parents will be presented to the governing body by the clerk, LA representative, or by the chairperson or his/her nominee.

Headteacher summarises their case (if necessary).

LA's representations received (if applicable).

Headteacher LAves meeting.

Governors determine what action should be taken and place a note of the Pupil Discipline Committee's views on the exclusion on the pupil's record with a copy of the headteacher's exclusion letter, and:

RESOLVE either: that the pupil be reinstated  
or: that the pupil not be reinstated

### **Important notes**

The term 'parents' includes a person who is not a parent but who has parental responsibility for, or care of, the child.

Parents are entitled to be accompanied by a 'friend'.

The 'friend' can either attend the meeting to help the parents put their case forward, or attend on behalf of the parents.

The 'friend' may be any person nominated by the parent.

The excluded pupil may be represented by a social worker, with the agreement of the parents, who may represent them in a professional capacity.

The excluded pupil may attend the meeting with the agreement of the chairperson.

With the consent of the pupils' parents, the pupil may respond to questions from governors or the headteacher.

The chairperson will have the discretion to exclude any person from the meeting who does not abide by the rules of the meeting.

Parents will be notified by letter of the decision of the meeting.

*No procedure adopted by the governing body can deny a pupil the statutory provisions as detailed in the Children Act 1989.*

3 March 2012

SPECIMEN

*Mr A Black*  
*10 Wood Lane*  
*BARNSLEY\**

Dear *Governor*

**PUPIL DISCIPLINE COMMITTEE**  
**MEETING TO BE HELD ON 20 MARCH 2012\* AT 4.30 PM\***

I am writing to invite you to a meeting of the above committee to be held at the school on *Thursday 20 March\* at 4.30 pm\**.

The purpose of the meeting will be to consider the permanent exclusion of a pupil.

The parents/guardians of the pupil(s) have been invited to the meeting in order to express their views on the exclusion to the committee.

The agenda will be as follows:

- Apologies for absence.
- Consideration of the permanent exclusion of the above pupil(s).

I hope you will be able to attend.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

# **PARKWAY\* PRIMARY SCHOOL GOVERNING BODY PUPIL DISCIPLINE COMMITTEE**

Chair: .....

Vice Chair: .....

## **Constitution**

The committee shall consist of three/five members\* of the governing body, excluding the headteacher.  
*(delete as appropriate)*

The chairperson of the committee shall be .....

The quorum shall consist of three members of the committee.

The members of the committee shall be selected from the governing body e.g.

- any three or five named governors;
- three of five governors – 1 LA, 1 parent, 1 co-opted and 2 other governors;
- a pool of governors across a broad spread of representation.

In the absence of the chairperson of the committee, the committee shall elect a chairperson for the meeting from among their number.

Where there is an equal division of votes, the chairperson shall have a second or casting vote.

The clerk to the committee shall be appointed by the governing body. No member of the governing body or the committee or headteacher shall serve as clerk to the committee. Where the clerk fails to attend a meeting, the committee may appoint one of their number to act as clerk for the purposes of that meeting.

The meetings of the committee shall be convened by the clerk in accordance with the regulations currently in force.

## **Terms of Reference**

Having regard to the current statutory regulations in force, to hear representations from parents/guardians/ carers/headteacher/LA representative.

- relating to permanent and fixed term exclusion over more than five school days;
- if an exclusion for fewer than five school days should cause the pupil to miss sitting a public examination;
- to place a note of the pupil discipline committee's views on the exclusion on the pupils' record with a copy of the headteacher's exclusion letter; and

### **Permanent exclusion**

RESOLVE either: that the pupil be reinstated;  
or: that the pupil not be reinstated.

*NB If an exclusion is fewer than five days, the Pupil Discipline Committee cannot direct reinstatement, but shall consider any statement from the parent.*

*pupil discipline committee  
constitution and terms of reference - permanent exclusion*

**PRESENT**

**IN ATTENDANCE**

**APOLOGIES FOR ABSENCE**

Resolved

*That apologies for absence be received and accepted from .....*

or

*That no apologies for absence were received.*

**PROCEDURE FOR THE MEETING**

Resolved

That the committee adopt the procedure for hearing the case for the exclusion as advised by the authority.

Resolved

That the clerk to the meeting be authorised to write to the parents informing them of the committee's decision.

**CONSIDERATION OF THE PERMANENT EXCLUSION OF *JOHN SMITH***

The chairperson invited the headteacher/parents/friend/pupil/LA representative (*delete as appropriate*) into the meeting. Copies of the procedure and guidance had been sent previously to all present. However, the procedure to be followed was explained.

Copies of the case for exclusion were circulated and time allowed for reading. The case for exclusion was then outlined by the headteacher.

The case for the permanent exclusion of *John Smith* was presented and questions asked.

*The parents were invited to respond to the case for exclusion and questions were asked.*

or

*Written representations submitted by the parents were considered.*

or

*The parents did not attend the meeting and no written representations were submitted.*

The LA representative was invited to present a view on the exclusion and questions were asked.

---

Chairperson

Representatives of all parties concerned gave individual summaries of the case and governors were asked to put forward any questions. The headteacher, parents, friend, pupil and LA representative then withdrew from the meeting.

After listening and considering the case presented for the permanent exclusion of *John Smith*, and the response, if any, from the parents, the committee:

Resolved

*That the pupil should be reinstated.*

or

*That the pupil should not be reinstated.*

All copies of the headteacher's case were collected, except one copy, which was sent to the authority.

**REASON FOR THE COMMITTEE'S DECISION:**

---

Chairperson

*pupil discipline committee - minutes*

# PERMANENT EXCLUSION

## PUPIL DISCIPLINE COMMITTEE MEETING

### Significant points from the case presented by the parent/guardian/friend

School: .....

Date of meeting: .....

Name of pupil: .....

I/we have read the notes taken by the clerk and agree that they are a true record of the significant points made in the representation on behalf of the pupil.

Signed: ..... Date: .....

*Parent/guardian/friend*

*pupil discipline committee - parents' case notes*

# PERMANENT EXCLUSION

## PUPIL DISCIPLINE COMMITTEE MEETING

### Reason for governors' decision

School: .....

Date of meeting: .....

Name of pupil: .....

The reason for the governors' decision in respect of the above named pupil is agreed as detailed below and will be included in the minutes of the meeting. The clerk to the disciplinary committee will inform the parents, in writing, of the reason for the decision.

Signed: ..... Date: .....  
*Chairperson*

*pupil discipline committee - reason for governors' decision*

SCHOOL LETTERHEAD

---

20 March 2003

SPECIMEN

*Mr and Mrs J Smith*  
4 Wood Lane  
BARNSELY\*

Dear *Mr and Mrs Smith*\*

**PERMANENT EXCLUSION OF *JOHN SMITH*\***  
**DECISION OF THE PUPIL DISCIPLINE COMMITTEE**

I am writing to confirm the decision made by the Governing Body Pupil Discipline Committee. After consideration of the case, and taking into account your views on the exclusion, the decision to permanently exclude *John*\* was upheld.

The reason for the governors' decision is:  
(insert reasons from *EXPR2* here)

.

You have the right to request an Independent Review against the decision, either in person or in writing. If you would like to make this request, please complete the attached form, stating the grounds on which you are basing your request. You must submit this to the Exclusions Officer within 15 school days from the notification of the decision - [**insert date**].

Yours sincerely

Clerk to the Pupil Discipline Committee

***Copy to the Responsible Officer for Exclusions Springwell Community School, St Helens Boulevard, Carlton, Barnsley. S71 2AY***

\* *substitute words in italics with appropriate detail*

*pupil discipline committee - confirmation of decision to parents*

**EXCLUSION ON DISCIPLINE GROUNDS – NOTICE TO REQUEST AN INDEPENDENT REVIEW**

FAO The Exclusions Officer  
Behaviour Support Service  
Springwell Community School  
St Helens Boulevard  
Carlton  
Barnsley  
S71 2AY

I, ..... (Name)

of ..... (Address)

being the parent/guardian\* of ..... (Child's name)

hereby give notice that I want to request an Independent Review against the decision of the governing body that he/she should not be reinstated at .....

..... (School)

The grounds for my request are as follows:

I wish/do not wish\* to personally attend a hearing before the Independent Review Panel.

Signed: .....

**NB Notice of request for an independent review must be lodged within 15 school days of notification of the governing body's decision.**

\* delete as appropriate

20 March 2003

SPECIMEN

*Mr and Mrs J Smith*  
*4 Wood Lane*  
*BARNSLEY\**

Dear *Mr and Mrs Smith\**

**PERMANENT EXCLUSION OF *JOHN SMITH\****  
**DECISION OF THE PUPIL DISCIPLINE COMMITTEE**

I am writing to confirm the decision made by the Governing Body Pupil Discipline Committee. After consideration of the case, and taking into account your views on the exclusion, the decision to reinstate *John\** was agreed.

The reason for the governors' decision is:

Yours sincerely

Clerk to the Pupil Discipline Committee

***Copy to: the Exclusion's Officer Springwell Community School St Helens Boulevard,  
Carlton. Barnsley S71 2AY***

*\* substitute words in italics with appropriate details*

*pupil discipline committee - confirmation of decision to parents*

## **EXCLUSION ON DISCIPLINE GROUNDS**

### **PROCEDURE FOR THE INDEPENDENT REVIEW PANEL**

- Clerk to introduce the CASE and explain the procedure.
- Representative of the school's discipline committee to give evidence in support of the decision not to reinstate the excluded pupil. The representative may call witnesses in support.
- Parent (or representative), education officer, headteacher and panel may ask questions of the discipline committee representative and witnesses.
- Headteacher may make representations and may call witnesses in support.
- Parent (or representative), education officer, representative of the school's discipline committee and panel may ask questions of the headteacher representative and/or witnesses.
- Education officer may make representations.
- Parent (or representative), headteacher, representative of the school's discipline committee and panel may ask questions of the education officer and/or witnesses.
- Education officer, headteacher, member of the school's discipline committee and panel may ask questions of the parent and/or witnesses.
- Discipline committee representative will sum up the case for that committee.
- Headteacher will sum up his/her case.
- Education officer will sum up his/her case.
- Parent (or representative) will sum up his/her case.
- All parties (with the exception of the clerk) will retire while the panel considers its decision.
- Parties will be readmitted and informed of the decision of the panel.

## **Appendix 2**

**Exclusion Pack - documentation to support the process:**

**Fixed Term Exclusion**

# **FIXED TERM EXCLUSION PROCESS**

## **DOCUMENTS REQUIRED TO SUPPORT THE PROCESS**

### **Information to parents**

- flowchart outlining the fixed term exclusion process
- initial contact letter to inform them of the exclusion
- details of pupil's exclusion
- letter inviting parents to the meeting of the pupil discipline committee
- procedures and guidance for the pupil discipline committee meeting
- letters informing parents of the decision made by the pupil discipline committee
- useful contacts

### **Information to governors**

- calling letter to governors on the pupil discipline committee
- procedures and guidance for the pupil discipline committee meeting (*as above*)

# FIXED TERM EXCLUSION PROCESS

## Was the incident a serious breach of the school discipline policy?

Would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others in the school?

→ YES →

If the parent can be contacted, the pupil can be excluded with immediate effect. If not, the pupil should be excluded at the end of the day.

## Who should be informed?

- The parent/carer
- Chair of the Pupil Discipline Committee (if more than 5 days or missing public exam)

## When and how should the parties be informed?

The parent should be contacted immediately by phone, and all parties should be informed in writing within one school day.

## Responsibility for school work

During the first five days, work should be set, and marked on its return. Parents should also be informed of their duty to ensure that their child is not found unsupervised during the first five days of exclusion without reasonable justification otherwise the Local Authority may issue a fixed penalty fine. School is responsible for providing suitable full time education from the sixth day of exclusion.

## When should the Pupil Discipline Committee meeting take place?

- Exclusions 6 – 15 school days: meeting to take place between 6 and 50 school days following the first day of exclusion if parents request a meeting.
- Exclusion 16 – 45 days: meeting to take place between 6 and 15 days following the first day of exclusion.

The meeting should, as far as possible, be at a time convenient to all parties, and follow the LA model procedures and guidance



Who should be invited?

- The parent/carer
- The governors responsible for reviewing exclusions

The outcome of the meeting

*Pupil reinstated*  
Pupil returns to school

**Exclusion upheld**  
Pupil returns to school  
on date specified on  
exclusion papers

If the pupil has returned to school before the meeting, place copies of the decision with the school record.

After the meeting



Clerk writes to the parents and the LEA within one school day informing them of the decision, with the school record.

## SCHOOL LETTERHEAD

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20 January 2011

Parent/Guardian of  
**[child's name\*]**  
4 Wood Lane  
BARNSELY\*

SPECIMEN 1  
5 DAYS OR  
LESS

Dear **[Mr and Mrs Smith\*]**

### **FIXED TERM EXCLUSION OF [CHILD'S NAME\*]**

I regret to inform you that I have had to exclude your child from school. This is for a fixed term **[specify period]**. The exclusion begins on [ ] and ends on [ ]. The reason for the exclusion is **[reason for exclusion]**.

You have the right to make representations to the school governing body's disciplinary committee. To do this you should contact **[name of contact]**, on/at **[contact details, address and telephone number]** as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and place their view on your child's record.

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 make a claim, to the SEN and disability Tribunal (SENDIST). The address to which appeals should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

You have a duty to ensure that your child is not found in a public place during this exclusion on **[Specify dates]** unless there is reasonable justification for this. I must warn you that you may receive a fixed penalty fine from the local authority if your child is found in a public place during normal school hours on the dates specified.

The school will continue to set work for **[child's name]** to complete during the period of the exclusion. Please ensure that any work set is completed and returned for marking. This work must be completed during the day's specified for **[child's name]** exclusion and he/she must not be found in a public place without reasonable justification.

If you wish to see **[child's name\*]** school record, due to confidentiality restrictions you must notify me in writing. You are entitled to a copy of the record if you request it. There may be a charge for photocopying.

If you require any advice on the exclusions process, you should contact the Exclusions Officer on 01226 291133, or alternatively The Children's Legal Centre they can be contacted on 0808802008 or <http://www.childrenslegalcentre.com/> Please fill in the reply slip attached and return it to me acknowledging receipt of this letter and the attached exclusion details.

Yours sincerely

Headteacher

TO BE RETURNED TO THE HEADTEACHER, PARKWAY PRIMARY\* SCHOOL

**Fixed term exclusion of [child's name\*]**

I ..... parent/guardian of **[child's name]** acknowledge receipt of your letter and attached exclusion details, dated ..... , notifying me of my **[son / daughter's]** exclusion from school and that [child's name] must not be found in a public place during the period of exclusion without reasonable justification.

Signed .....

Date .....

## SCHOOL LETTERHEAD

---

20 January 2012

SPECIMEN 2  
6 - 15 DAYS

Parent/Guardian of  
**[child's name\*]**  
4 Wood Lane  
BARNESLEY\*

Dear **[Mr and Mrs Smith\*]**

### **FIXED TERM EXCLUSION OF [CHILD'S NAME\*]**

I regret to inform you that I have had to exclude your child from school. This is for a fixed term **[specify period]**. The exclusion begins on [ ] and ends on [ ].  
The reason for the exclusion is **[reason for exclusion]**

You have the right to request a meeting of the school governing body's disciplinary committee at which you may make representations and the decision to exclude will be reviewed. As the length of the exclusion is more than 5 school days **[or insert the cumulative total for this term]** the Committee must meet if you request it to do so. The latest date the Committee can meet is **[Date here - between 6 and 50 school days from the date of the exclusion]**. If you wish to request a meeting please also fill in the attached form and return as soon as possible to **[Name of contact]** at **[Contact details, address and telephone number]**. If you wish you can be accompanied at the meeting by a friend or representative.

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 make a claim, to the SEN and disability Tribunal (SENDIST). The address to which appeals should be sent is: SENDIST, Mowden Hall, Staindrop Road, Darlington. DL3 9DN.

You have a duty to ensure that your child is not found in a public place during the first five days of this exclusion on **[Specify dates]** unless there is reasonable justification for this. I must warn you that you may receive a fixed penalty fine from the local authority if your child is found in a public place during normal school hours on the dates specified.

The school will continue to set work for **[child's name]** to complete during the first five days of the exclusion. Please ensure that any work set is completed and returned for marking. This work must be completed during the day's specified for **[child's name]** exclusion and he/she must not be found in a public place without reasonable justification.

From the sixth school day until the final day of his/her exclusion suitable full time education will be provided. On **[date]** he/she should attend **[give name and address of alternative provision if not home school and start time]** and report to **[staff members name]**.

If you wish to see **[child's name]** school record, due to confidentiality restrictions you must notify me in writing. You are entitled to a copy of the record if you request it. There may be a charge for photocopying.

If you require any advice on the exclusions process, you should contact the Exclusions Officer on 01226 291133 or alternatively The Children's Legal Centre they can be contacted on 0808802008 or <http://www.childrenslegalcentre.com/>.

Please fill in the reply slip attached and return it to me acknowledging receipt of this letter and the attached exclusion details.

Yours sincerely

Headteacher

B.S.S/JD  
September 2012

TO BE RETURNED TO THE HEADTEACHER, [insert school details]

**Fixed term exclusion of [child's name\*]**

TO BE RETURNED TO THE HEADTEACHER, PARKWAY PRIMARY\* SCHOOL

**Fixed term exclusion of [child's name\*]**

I ..... parent/guardian of **[child's name]** acknowledge receipt of your letter and attached exclusion details, dated ....., notifying me of my **[son / daughter's]** exclusion from school and that [child's name] must not be found in a public place during the first five days of the exclusion without reasonable justification. I also understand that from the sixth school day he/she must attend **[insert details]**.

Signed .....

Date .....

**Request for Meeting of School Governing Body Pupil Discipline Committee**

To: **[School contact]**  
**[contact details]**

I, ..... (Name)

of ..... (Address)

being the parent/guardian\* of ..... (Child's Name)

hereby give notice that I wish request a meeting of the School Governing Body Pupil Discipline Committee to consider my child's exclusion from

..... (School)

\*I wish / do not wish\* to personally attend the meeting.

\*I will / will not be accompanied by a friend / representative.

\*Please find attached my written representation.

\* please delete as appropriate

Signed:- .....

**NB Please notify the contact person detailed above as soon as possible if you wish to request a meeting.**

SCHOOL LETTERHEAD

---

20 January 2012

SPECIMEN 3  
MORE THAN 15  
DAYS

Parent/Guardian of  
**[child's name\*]**  
4 Wood Lane  
BARNSELEY\*

Dear **[Mr and Mrs Smith\*]**

**FIXED TERM EXCLUSION OF [CHILD'S NAME\*]**

I regret to inform you that I have had to exclude your child from school. This is for a fixed term of **[specify period]**. The exclusion begins on [ ] and ends on [ ].  
The reason for the exclusion is **[reason for exclusion]**

As the length of the exclusion is more than 15 school days in one term **[insert the cumulative total this term]** the school governing body's disciplinary committee must automatically meet to consider the exclusion. At the meeting you may make representations if you wish to do so. If you do not wish to attend the meeting you may make written representations. The latest date the Committee can meet is **[Date here - between 6 and 15 school days from the date of the exclusion\*]**. If you wish you can be accompanied at the meeting by a friend or representative. You will be notified by the Clerk to the Committee of the date, time and location of the meeting.

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 make a claim, to the SEN and disability Tribunal (SENDIST). The address to which appeals should be sent is:  
SENDIST, Mowden Hall, Staindrop Road, Darlington. DL3 9DN.

You have a duty to ensure that your child is not found in a public place during the first five days of this exclusion on **[Specify dates]** unless there is reasonable justification for this. I must warn you that you may receive a fixed penalty fine from the local authority if your child is found in a public place during normal school hours on the dates specified.

The school will continue to set work for **[child's name]** to complete during the first five days of the exclusion. Please ensure that any work set is completed and returned for marking. This work must be completed during the day's specified for **[child's name]** exclusion and he/she must not be found in a public place without reasonable justification.

From the sixth school day until the final day of his/her exclusion, suitable full time education will be provided. On **[date]** he/she should attend **[give name and address of alternative provision if not home school and start time]** and report to **[staff members name]**.

If you wish to see **[child's name\*]**'s school record, due to confidentiality restrictions you must notify me in writing. You are entitled to a copy of the record if you request it. There may be a charge for photocopying.

If you require any advice on the exclusions process, you should contact the Exclusion's Officer on 01226 291133, or alternatively The Children's Legal Centre they can be contacted on 0808802008 or <http://www.childrenslegalcentre.com/>.

Please fill in the reply slip attached and return it to me acknowledging receipt of this letter and the attached exclusion details.

Yours sincerely

Headteacher

TO BE RETURNED TO THE HEADTEACHER, [insert school details]

**Fixed term exclusion of [child's name]**

I ..... parent/guardian of **[child's name]** acknowledge receipt of your letter and attached exclusion details, dated ....., notifying me of my **[son / daughter's]** exclusion from school and that [child's name] must not be found in a public place during the first five days of the exclusion without reasonable justification. I also understand that from the sixth school day he/she must attend **[insert details]**.

Signed .....

Date .....

# Fixed Term Exclusion

## Pupil Details

School: ..... Year group: .....

Name of pupil: ..... Date of birth: .....

Name of parent/guardian: ..... Telephone: .....

Address: .....

Gender: .....

Ethnic origin: White/Black or Black British/Asian or Asian British/Chinese/Mixed Dual Background/Any Other Ethnic Group *(please circle)*

*If you have circled 'Any Other Ethnic Group' – please specify: .....*

Is the pupil on SEN code of practice? YES/NO If yes – which stage? .....

Does the pupil have a statement of special educational needs? YES/NO Band: .....

Is the pupil looked after by the local authority? YES/NO

## Details of Fixed Term Exclusion

### Reason for exclusion *(please tick as appropriate)*

Physical assault against a pupil		Sexual misconduct	
Physical assault against adult		Drug or alcohol related	
Verbal abuse / threatening behaviour against pupil		Damage	
Verbal abuse / threatening behaviour against adult		Theft	
Bullying		Persistent disruptive behaviour	
Racist abuse		Other	

Details of incident: .....

.....

.....

.....

.....

Length of exclusion: ..... school days (inclusive)

Date of exclusion: From: ..... To: .....

Time of exclusion: .....

Date and time pupil should return to school: .....

Signature of headteacher: ..... Date: .....

Copies sent to: Parents / Guardians

The Exclusions Officer, Springwell Community School, St Helens Boulevard, Carlton  
Barnsley. S70 2AY

Governing Body's Pupil Discipline Committee (Chairperson)

SCHOOL LETTERHEAD

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3 March 2012

SPECIMEN

*Mr and Mrs J Smith*  
*4 Wood Lane*  
*BARNSELY\**

Dear *Mr and Mrs Smith\**

**FIXED TERM EXCLUSION OF *JOHN SMITH\****  
**PUPIL DISCIPLINE COMMITTEE**  
**MEETING TO BE HELD ON *20 MARCH 2003\* AT 4.30 PM\****

I am writing to invite you to a meeting of the above committee to be held at the school on *Thursday 20 March\* at 4.30 pm\**. The purpose of the meeting will be to consider *your son's\** exclusion and to allow you to express your views on the matter.

It would be helpful if you could let me know if you intend to be present at the meeting. If, however, you intend to submit your views to the committee in writing, you should send them to me at the school a few days before the meeting.

I'm enclosing, for your information, a copy of 'the procedure and guidance for exclusion meetings' of which I would draw particular attention to Section 3 – important notes.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

## PUPIL DISCIPLINARY COMMITTEE – PROCEDURES AND GUIDANCE FOR EXCLUSION MEETINGS

### Procedure for considering parents' views on the fixed term exclusion of their child

In fairness to all parties, it is recommended that the following well established procedure for the meeting be adopted:

- the chairperson will invite the headteacher and parents to the meeting.
- introduction by chairperson (personal introductions, confirmation of procedure).
- outline of case by headteacher.
- presentation of case by headteacher.
- question by parents to case presented by headteacher.
- response by parents to case presented by headteacher.
- questions by headteacher, through chairperson.
- to receive the LEA's representations (if applicable).
- throughout the procedure, governors may, through the chairperson, ask questions of all represented at the meeting.
- summary by the parents.
- headteacher and parents leave meeting at the same time.
- governors determine what decision should be taken and place a note of the Pupil Discipline Committee's views on the exclusion on the pupil's record with a copy of the headteacher's exclusion letter, and:

RESOLVE                    either: that the pupil be reinstated  
or:                            that the pupil not be reinstated  
   *(if the pupil is still excluded)*

RESOLVE                    either: that the headteacher's decision to exclude be upheld  
or:                            that the headteacher's decision to exclude not be upheld  
   *(if the pupil has returned to school before the meeting takes  
place)*

### Procedure to follow if parents don't attend the meeting

The chairperson will invite the headteacher to the meeting.

Outline of case by the headteacher.

Presentation of case by the headteacher.

Questions to the headteacher, through the chairperson.

Written representations or letter submitted by the parents will be presented to the governing body by the clerk, LEA representative, or by the chairperson or his/her nominee.

Headteacher summarises their case (if necessary).

LEA's representations received (if applicable).

Headteacher leaves meeting.

Governors determine what action should be taken and place a note of the Pupil Discipline Committee's views on the exclusion on the pupil's record with a copy of the headteacher's exclusion letter, and:

RESOLVE                    either: that the pupil be reinstated  
or:                    that the pupil not be reinstated  
*(if the pupil is still excluded)*

RESOLVE                    either: that the headteacher's decision to exclude be upheld  
or:                    that the headteacher's decision to exclude not be upheld  
*(if the pupil has returned to school before the meeting takes place)*

### Important notes

The term 'parents' includes a person who is not a parent but who has parental responsibility for, or care of, the child.

Parents are entitled to be accompanied by a 'friend'.

The 'friend' can either attend the meeting to help the parents put their case forward, or attend on behalf of the parents.

The 'friend' may be any person nominated by the parent.

The excluded pupil may be represented by a social worker, with the agreement of the parents, who may represent them in a professional capacity.

The excluded pupil may attend the meeting with the agreement of the chairperson.

With the consent of the pupils' parents, the pupil may respond to questions from governors or the headteacher.

The chairperson will have the discretion to exclude any person from the meeting who does not abide by the rules of the meeting.

Parents will be notified by letter of the decision of the meeting.

**No procedure adopted by the governing body can deny a pupil the statutory provisions as detailed in the Children Act 1989.**

3 March 2012

SPECIMEN

*Mr A Black*  
*10 Wood Lane*  
*BARNSELEY\**

Dear *Governor*

**PUPIL DISCIPLINE COMMITTEE**  
**MEETING TO BE HELD ON *20 MARCH 2003\* AT 4.30 PM\****

I am writing to invite you to a meeting of the above committee to be held at the school on *Thursday 20 March at 4.30 pm\**.

The purpose of the meeting will be to consider the fixed term exclusion of a pupil.

The parents/guardians of the pupil(s) have been invited to the meeting in order to express their views on the exclusion to the committee.

The agenda will be as follows:

- Apologies for absence.
- Consideration of the fixed term exclusion of the above pupil(s).

I hope you will be able to attend.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

20 March 2012

SPECIMEN

*Mr and Mrs J Smith*  
*4 Wood Lane*  
*BARNSLEY\**

Dear *Mr and Mrs Smith\**

**FIXED TERM EXCLUSION OF *JOHN SMITH\****  
**DECISION OF THE PUPIL DISCIPLINE COMMITTEE**

I am writing to confirm the decision made by the Governing Body Pupil Discipline Committee. After consideration of the case, and taking into account your views, the fixed term exclusion was upheld.

The reason for the governors' decision is given overleaf.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

20 March 2012

SPECIMEN

*Mr and Mrs J Smith*  
*4 Wood Lane*  
*BARNSLEY\**

Dear *Mr and Mrs Smith\**

**FIXED TERM EXCLUSION OF *JOHN SMITH\****  
**DECISION OF THE PUPIL DISCIPLINE COMMITTEE**

I am writing to confirm the decision made by the Governing Body Pupil Discipline Committee. After consideration of the case, and taking into account your views on the exclusion, the decision to reinstate *John\** was agreed.

The reason for the governors' decision is given overleaf.

Yours sincerely

Clerk to the Pupil Discipline Committee

*\* substitute words in italics with appropriate details*

**PARKWAY\* PRIMARY SCHOOL GOVERNING BODY  
PUPIL DISCIPLINE COMMITTEE**

Chair: .....

Vice Chair: .....

**Constitution**

The committee shall consist of three/five members\* of the governing body, excluding the headteacher. (*delete as appropriate*)

The chairperson of the committee shall be .....

The quorum shall consist of three members of the committee.

The members of the committee shall be selected from the governing body eg

- any three or five named governors;
- three of five governors – 1 LA, 1 parent, 1 co-opted and 2 other governors;
- a pool of governors across a broad spread of representation.

In the absence of the chairperson of the committee, the committee shall elect a chairperson for the meeting from among their number.

Where there is an equal division of votes, the chairperson shall have a second or casting vote.

The clerk to the committee shall be appointed by the governing body. No member of the governing body or the committee or headteacher shall serve as clerk to the committee. Where the clerk fails to attend a meeting, the committee may appoint one of their number to act as clerk for the purposes of that meeting.

The meetings of the committee shall be convened by the clerk in accordance with the regulations currently in force.

**Terms of Reference**

Having regard to the current statutory regulations in force, to hear representations from parents/guardians/ carers/headteacher/LA representative.

- relating to permanent and fixed term exclusion over more than five school days;
- if an exclusion for fewer than five school days should cause the pupil to miss sitting a public examination;
- to place a note of the pupil discipline committee's views on the exclusion on the pupils' record with a copy of the headteacher's exclusion letter; and

*Fixed term exclusion*

RESOLVE either: that the pupil be reinstated;  
or: that the pupil not be reinstated.

***If the pupil is still excluded***

RESOLVE either: the headteacher's decision to exclude be upheld  
or: the headteacher's decision to exclude not be upheld

***If the pupil has returned to school before the meeting takes place***

*NB If an exclusion is fewer than five days, the Pupil Discipline Committee cannot direct reinstatement, but shall consider any statement from the parent.*

## **PARKWAY SCHOOL GOVERNING BODY**

**Minutes of the Pupil Discipline Committee meeting held on 20 March 2012 at 4.30 pm**

### **PRESENT**

### **IN ATTENDANCE**

### **APOLOGIES FOR ABSENCE**

Resolved

*That apologies for absence be received and accepted from .....*

or

*That no apologies for absence were received.*

### **PROCEDURE FOR THE MEETING**

Resolved

That the committee adopt the procedure for hearing the case for the exclusion as advised by the authority.

Resolved

That the clerk to the meeting be authorised to write to the parents informing them of the committee's decision.

### **CONSIDERATION OF THE FIXED TERM EXCLUSION OF JOHN SMITH**

The chairperson invited the headteacher/parents/friend/pupil/LA representative (*delete as appropriate*) into the meeting. Copies of the procedure and guidance had been sent previously to all present. However, the procedure to be followed was explained.

Copies of the case for exclusion were circulated and time allowed for reading. The case for exclusion was then outlined by the headteacher.

The case for the fixed term exclusion of *John Smith* was presented and questions asked.

*The parents were invited to respond to the case for exclusion and questions were asked.*

or

*Written representations submitted by the parents were considered.*

or

*The parents did not attend the meeting and no written representations were submitted.*

The LA representative was invited to present a view on the exclusion and questions were asked.

---

Chairperson

Representatives of all parties concerned gave individual summaries of the case and governors were asked to put forward any questions. The headteacher, parents, friend, pupil and LA representative then withdrew from the meeting.

After listening and considering the case presented for the fixed term exclusion of *John Smith*, and the response, if any, from the parents, the pupil discipline committee:

Resolved

*That the pupil should be reinstated.*

or

*That the pupil should not be reinstated.*

**if the pupil is still excluded**

OR

*That the headteacher's decision to exclude be upheld.*

or

*That the headteacher's decision to exclude not be upheld*

**if the pupil has returned to school before the meeting takes place**

All copies of the headteacher's case were collected, except one copy, which was sent to the authority.

**REASON FOR THE PUPIL DISCIPLINE COMMITTEE'S DECISION**

\_\_\_\_\_  
Chairperson

# FIXED TERM EXCLUSION

## PUPIL DISCIPLINE COMMITTEE MEETING

### Significant points from the case presented by the parent/guardian/friend

School: .....

Date of meeting: .....

Name of pupil: .....

I/we have read the notes taken by the clerk and agree that they are a true record of the significant points made in the representation on behalf of the pupil.

Signed: ..... Date: .....  
*Parent/guardian/friend*

# FIXED TERM EXCLUSION

## PUPIL DISCIPLINE COMMITTEE MEETING

### Reason for governors' decision

School: .....

Date of meeting: .....

Name of pupil: .....

The reason for the governors' decision in respect of the above named pupil is agreed as detailed below and will be included in the minutes of the meeting. The clerk to the disciplinary committee will inform the parents, in writing, of the reason for the decision.

Signed: ..... Date: .....

## **Appendix 3**

**Exclusion Pack - documentation to support the process:**

**Lunchtime Exclusion**

# LUNCHTIME EXCLUSION PROCESS

## DOCUMENTS REQUIRED TO SUPPORT THE PROCESS

### Information to parents

- initial contact letter to inform them of the exclusion
- details of pupil's exclusion

3 March 2012

SPECIMEN

Parent/Guardian of  
*John Smith*  
4 Wood Lane  
BARNSELEY\*

Dear *Mr and Mrs Smith*\*

**LUNCHTIME EXCLUSION OF *JOHN SMITH*\***

I regret to inform you that I have had to exclude your child from lunchtime sessions for the period *4 to 11 March*\*. He may return to school lunchtime sessions on *Wednesday 12 March*\*. Full details of the exclusion are included on the attached sheet.

You are entitled to make representations to the governing body's disciplinary committee [*or if cumulative total adds to more than 5 days adapt accordingly*]. To do this you should contact the clerk to the committee, at the school on *745321*\*, who will let you know the latest date you may make a written statement to the committee.

*\*\* As John is entitled to free school meals, the following arrangements will be made for the duration of the exclusion. (detail arrangements)    or*

*\*\* As you are responsible for John during the lunch break, could you please make arrangements to take him home at the end of the morning session and return him at the start of the afternoon session.*

If you require any advice on the exclusions process, you should contact the Exclusions Officer on 01226 291133, or alternatively The Children's Legal Centre they can be contacted on 0808802008 or <http://www.childrenslegalcentre.com/>

Please fill in the tear off slip below and return it to me acknowledging receipt of this letter and the attached exclusion details.

Yours sincerely

Headteacher

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**TO BE RETURNED TO THE HEADTEACHER, *PARKWAY PRIMARY*\* SCHOOL**

**Lunchtime exclusion of *John Smith*\***

I ..... parent/guardian of *John Smith*\* acknowledge receipt of your letter and attached exclusion details, dated *3 September 2001*, notifying me of my son's\* exclusion from school lunchtime sessions.

Signed ..... Date .....

\* ***Substitute words in italics with the relevant details***  
\*\* ***Use whichever paragraph is applicable to the individual pupil***

# Lunchtime Exclusion

## Pupil Details

School: ..... Year group: .....

Name of pupil: ..... Date of birth: .....

Name of parent/guardian: ..... Telephone: .....

Address : .....

Gender: .....

Ethnic origin: White/Black or Black British/Asian or Asian British/Chinese/Mixed Dual Background/Any Other Ethnic Group *(please circle)*  
*If you have circled 'Any Other Ethnic Group' – please specify: .....*

Is the pupil on SEN code of practice? YES/NO If yes – which stage? .....

Does the pupil have a statement of special educational needs? YES/NO

Is the pupil looked after by the local authority? YES/NO

## Details of Lunchtime Exclusion

Time: ..... Date: .....

### Reason for exclusion *(please tick as appropriate)*

Physical assault against a pupil	Sexual misconduct
Physical assault against adult	Drug or alcohol related
Verbal abuse / threatening behaviour against pupil	Damage
Verbal abuse / threatening behaviour against adult	Theft
Bullying	Persistent disruptive behaviour
Racist abuse	Other

Details of incident: .....

.....

.....

.....

Length of exclusion: .....

Period of exclusion: From: ..... To: .....

Date and time pupil should resume school lunch: .....

Signature of headteacher: ..... Date: .....

Copies sent to: Parents

Exclusions Officer, Springwell Community School. St Helens Boulevard,  
 Carlton, Barnsley