

### 1. Context.

The school's 'Positive Behaviour Strategy' sets out clearly the strategies that the school will use at different levels to secure an orderly environment.

Whilst Ysgol John Bright aims to reduce the need to use exclusion as a sanction within its comprehensive overall strategy, the school sees the use of fixed term or permanent exclusion as the most serious response it can make in its effort to successfully manage student behaviour.

Ysgol John Bright will only consider exclusion when all other disciplinary sanctions have been considered and the school discipline policy will be referred to at all times to ensure consistency of decisions.

The following framework for exclusion has been agreed to ensure that the specific guidelines of the 1997 Education Act are followed and that there is a consistent approach.

This policy has taken account of the DfES advice contained in 'Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Student Referral Units' and Welsh Government guidance on 'Exclusion from schools and pupil referral units' (0171/2015).

### 2. Deciding to Exclude.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Head who is acting in that role).

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

- a) In response to a serious breach of the School's Student Behaviour Policy;
- b) Once the range of alternative strategies set out in the behaviour management policy have failed; and
- c) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

### 3. When will Exclusion be used?

Ysgol John Bright will look at each incident and issue on its own merit, before coming to a decision.

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

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances (having regard to the Substance Misuse Policy)
- Theft
- Serious actual or threatened violence against another student or a member of staff.

- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the student's behaviour.

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

#### **4. How is the Decision made?**

The Headteacher should not make the decision to exclude until he is sure that he has all the relevant facts and firm evidence surrounding the issue.

In the interest of fairness, the Headteacher will not take part in any investigation so that he himself will not be prejudiced in any way when making a decision.

If the Headteacher is absent then the Deputy should decide who will investigate, and who will take the role of the Headteacher.

It is also noted that the student facing possible exclusion should be interviewed by senior staff, and given an opportunity to comment.

Where there are conflicting reports the Headteacher must be sure that the student actually did what he or she has been accused of doing. He should also be sure that the student has not been placed under any undue pressure in interview.

#### **5. Factors to Consider Prior to an Exclusion.**

The Headteacher teacher should not act in the heat of the moment but should:-

- ensure that an appropriate investigation has been carried out;
- consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010;
- allow the student to give his or her version of events;
- check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment;
- if necessary consult others, but not anyone who may later have a role in reviewing the Headteacher's decision;
- keep a written record of the incident and actions taken.

If satisfied that, **on the balance of probabilities** (i.e. it is more probable than not that the student did what he or she is alleged to have done) the Headteacher may exclude the student.

#### **6. When Exclusion is not Appropriate.**

Exclusion should not be used for:

- minor incidents such as failure to do homework
- poor academic performance
- lateness or truancy

- pregnancy
- breaches of school uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules and where all other avenues for resolving the uniform dispute have been exhausted;
- punishing students for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting
- protecting victims of bullying by sending them home

### 7. Alternatives to Exclusion.

Generally, before making a decision to exclude, a range of alternative strategies should have been tried. These may include:

- The use of Pastoral Support Programme
- Using a restorative justice process
- Internal exclusion
- A managed move to another school.

### 8. Unlawful Exclusions.

If the Headteacher is satisfied, on the balance of probabilities, that a student has committed a disciplinary offence and needs to be removed from the school site, formal exclusion is the only legal method of removal.

Unlawful, unofficial or informal exclusion refers to:

- sending students home for disciplinary reasons, but not following the procedures required for formal exclusion
- students being sent home for either short periods of time, or for longer indefinite periods which can sometimes result in the student not returning to school at all.

In every instance where a student is sent home for disciplinary reasons, this must be **formally recorded** and the length of the exclusion specified (for reporting purposes this should be recorded as a half day, whole day or lunchtime).

### 9. Removal of Students from school in Exceptional Circumstances.

There may be exceptional circumstances in which the Headteacher needs to remove students from the school site when exclusion would be inappropriate. An example is where a student is accused of committing a serious criminal offence which took place outside the Headteacher's jurisdiction or where there may be insufficient evidence to warrant exclusion.

The Headteacher can authorise leave of absence for a fixed term in exceptional circumstances, with the parents'/carers' agreement.

Alternatively, exercising powers delegated to the governing body under section 29(3) of the Education Act 2002 gives the governing body the power to direct a student to attend educational provision elsewhere (without parental approval, although the parents/carers should be notified). Such educational provision elsewhere must be arranged for the purposes of receiving any instruction or training included in the secular curriculum for the school and should not be continued for longer than is absolutely necessary. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be kept under periodic review involving the parents/carers.

It is important that in the exceptional circumstances where the section 29(3) power or authorised leave of absence is used, the Headteacher's actions and arrangements are documented to remove any possibility of this being construed as an unlawful exclusion. The section 29(3) power should not be used to direct students off-site for educational provision/training to improve their behaviour.

If exclusion some time later remains a possibility, the Headteacher should make the parents/carers aware of this at the outset. The more time that passes the more likely it is that the exclusion will be regarded as an improper exercise of the power.

#### **10. Removal of students on Medical Grounds.**

The Headteacher may send a student home, after consultation with the student's parents/carers and a health professional (such as a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease the student poses an immediate and serious risk to the health and safety of other students and staff.

This is not exclusion but an authorised absence and should be recorded as such in the attendance register. It should be for the shortest possible time. If difficulties persist, the Headteacher should seek medical advice.

Health and safety considerations, including a risk assessment, can contribute to a school's case for exclusion, but cannot in themselves be grounds for exclusion, which can only lawfully be for disciplinary reasons. Similarly, students cannot be sent home on health and safety grounds for their own protection because they are being bullied.

#### **11. Lunchtime and Specific Lesson Exclusion.**

Students whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period, if it is not feasible to arrange for the student to go home for lunch. Lunchtime exclusion is treated as fixed term exclusion equivalent to one quarter of a school day and parents will have the same right to gain information and to appeal. If these quarter days add up to more than five school days in a school term, including when they are added to other fixed-term exclusions, this will then entitle the relevant person to make representations to the governing body.

Where a student is kept in the school during lunchtime, but away from other students, this will not count as a formal exclusion but as an 'internal exclusion'. Arrangements should be made for students who are entitled to free school meals. This may mean providing a packed lunch.

Students may be removed from a class, on a one-off basis, as part of a school's range of sanctions against disruptive behaviour. Students should not, however, be removed regularly from specific lessons as a way of dealing with disruptive behaviour unless other suitable arrangements are made for the student's education. In these circumstances the situation should be discussed with the parent/carer and student, and the school should review the arrangements regularly, with a view to the student returning to the lessons. Removal of students for specific lessons is not classified as an exclusion.

#### **12. Behaviour Outside School.**

Students' behaviour outside School on school 'business' (for example school trips and journeys, away school sports fixtures or a work experience placement) is subject to the School's Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside School but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion then the Headteacher may decide to exclude.

### **13. Criminal Activity.**

The school has signed a school-police agreement, which encourages the exchange of information. Under this agreement the school has decided to inform the police of any criminal activity.

The Headteacher should not postpone a decision to exclude a student simply because of the possibility that criminal proceedings might be brought in respect of the same incident. In these circumstances, a judgement must be made on the basis of the evidence available and the Headteacher will not be required to establish the level of proof that may be necessary for any subsequent prosecution. (This, in effect, means that children may be excluded who are subsequently not convicted or when no criminal proceedings at all are considered appropriate.)

The Student Discipline Sub-Committee has no power to postpone their meeting to consider the student's exclusion. In deciding whether to direct the Headteacher to reinstate the student, the discipline committee may therefore be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis.

### **14. Exclusions relating to Substance Misuse.**

In this context the school will follow the guidelines set out by the National Assembly.

In cases of substance misuse exclusion should not automatically be seen as the first and only option. Permanent exclusion may be a necessary response in some cases.

In other cases, fixed term exclusions may be more appropriate. Whatever course of action is decided upon then the Headteacher needs to ensure that the needs of the individual are taken into account.

### **15. Exclusion of 'At Risk' and Vulnerable Students.**

National Assembly Circular 3/99 identifies a number of at risk groups. These include students with additional learning needs, disabled students, ethnic minorities, and those in public care.

#### **Students with Additional Learning Needs**

Other than in the most exceptional circumstances, YJB will avoid permanently excluding students with statements of additional learning needs. We will also make every effort to avoid excluding students who are being supported at School Action or School Action Plus under the Special Educational Needs Code of Practice, including those at School Action Plus who are being assessed for a statement.

**Disabled students**

Schools now have a legal duty under the Equality Act 2010 not to discriminate against students with a recognised disability by excluding them from school. The definition under the 2010 Act is very wide and covers students with physical, sensory, intellectual or mental impairments.

This means that schools must ensure that reasonable steps are taken to ensure that students with a disability are not placed at a substantial disadvantage compared to their non-disabled peers.

Appeals against permanent exclusion of a disabled student, or where a disabled student has been placed at a substantial disadvantage by the exclusion procedures will be heard by the Independent Appeals Panel. Fixed exclusion cases resulting from disability discrimination will be heard by the SEN Tribunal. Since many disabled students will also have special educational needs, schools need to consider carefully what action is taken against such students.

**Ethnic Minority Students**

In considering whether to exclude, the Headteacher should have regard for the Equality Act 2010. The Act places a general duty on schools to promote racial equality. Schools will therefore need to monitor the impact of their policies and practices on students from different racial groups and to consider whether an incident was racially provoked. Schools should ensure that they do not treat students from some racial groups more harshly than others and should assess whether policies that lead to sanctions such as exclusion, have a disproportionately adverse impact on students from particular racial groups. If adverse impact is identified and this cannot be justified, then the policy should be revised.

**Looked After Children**

Children looked after by local authorities are especially at risk of low attainment in school. Ysgol John Bright will be especially sensitive to exclusion issues where looked after children are concerned. We will try every practicable means to maintain the child in school and seek LEA and other professional advice as appropriate. Social service departments will in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the student.

**16. Investigating an Incident.**

The Headteacher may consult with senior colleagues and others before deciding to exclude.

Serious incidents that may lead to exclusion need to be investigated by the Pastoral Team and referred to Leadership Team Link and/or Assistant Headteacher with responsibility for behaviour.

Care should be taken not to involve anyone who may at a later date be involved with the statutory review of the decision.

Statements will need to be taken from the victim/perpetrator and any other key witnesses.

Staff who witness incidents also need to write a statement.

The students must be allowed to put their side of the story to the investigator/Headteacher

Parents of victim/perpetrator should be informed as soon as possible that the incident is being investigated and then subsequently of the outcome. Parents will also be asked if there are any mitigating circumstances before the decision to exclude is taken.

#### **17. Length of Exclusion.**

Exclusions should be for the shortest possible time to ensure that the student and others in the school understand that the behaviour has been unacceptable. A fixed-term exclusion does not have to be for a continuous period (for example, a student may normally attend school three days a week and a PRU for the other two; so a five-day exclusion from the school could be for three days in one week and two days in the following week.)

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

In extreme cases the Headteacher is able to exclude a student for a period of up to 45 school days in any one school year. The limit of 45 days applies to the learner and not to the institution, therefore any days of fixed-term exclusion served on the student in any school or PRU in the same school year will count towards the total.

#### **18. Internal Exclusion.**

A fixed term exclusion may take the form of an 'internal' exclusion, with the student being excluded within the School. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.

#### **19. Exclusions of 15 days or more.**

Where the Headteacher is considering excluding a student for more than 15 school days in any one term, the school will ensure that this time will be used constructively to address the student's problems.

The school will initiate early contact with the LEA, and other appropriate support services to see if help can be provided.

#### **20. Permanent Exclusion**

Permanent exclusion is an extremely serious step and is an acknowledgement by the school that it can no longer cope with a child. The Headteacher should decide to exclude a child permanently only:

- In response to very serious breaches the school's behaviour management policy
- As the final step in the process for dealing with disciplinary offences when all other strategies have been tried and proven to have failed — these should include all relevant strategies in the behaviour management policy, and a well thought out Pastoral Support Programme.
- An exceptional case would be one where the exclusion is in response to a one off very serious incident, or:
- Where allowing the student to remain in school would be seriously detrimental to the education or welfare of the student or other students in the school.

#### **21. Setting work.**

The school's obligation to provide education continues while the student is still on the roll. The school will issue a work pack with exclusions of up to 5 days. However with longer term exclusions work will be collected by the relevant Director of Studies. Parents will be asked to collect the work at a prearranged time.

Where the Headteacher is considering excluding a student for more than 15 school days in any one term, whether permanently or for a fixed term, the school must initiate early contact with the LA, ideally before the student is excluded, to discuss how to provide an appropriate package of full-time education for the student that will facilitate reintegration into the school at the end of the exclusion.

## **22. Informing parents and student(s)**

Following exclusion parents are contacted immediately by telephone where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LEA as directed in the letter.

The telephone call should be followed up immediately by a letter within one school day.

In exceptional circumstances the Headteacher may feel that it is essential that the student be required to leave the school premises immediately. In such cases a check should be made with the parent to ensure that the student is not left unsupervised.

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

If a parent/carer refuses to cooperate with a formal exclusion by sending the excluded student to school, or refusing to collect or arrange collection of the student at lunchtime, the school must have due regard for the student's safety in deciding what action to take.

An exclusion should not be enforced if doing so may put the safety of the student at risk. If efforts to resolve the issue with the parents/carers are unsuccessful, the school should consider whether to contact the Education Welfare Service and seek the advice of the LA about available legal remedies.

### **Letters of notification of exclusion must state:**

- for a fixed-period exclusion - the precise dates and period of the exclusion
- for a permanent exclusion - the fact that it is a permanent exclusion
- the reasons for the exclusion
- the parent and student's right to make representations about the exclusion to the Student Discipline Committee
- the person whom the parent and / or student should contact if they wish to make such representations (i.e. the Clerk to the Student Discipline Committee)

### **Letters should also confirm:**

- the latest date by which the Student Discipline Committee must meet to consider the circumstances in which the student was excluded (except where the exclusion is for fewer than six school days in any one term, and would not result in the student missing a public examination);



- the parent's right to see and have a copy of the student's educational record upon written request to the school as outlined in the Education (Student Records) (Wales) Regulations 2004;
- in the case of a fixed-period exclusion, the date and time when the student should return to school (in the case of a lunchtime exclusion, the number of lunchtimes for which the student is being excluded, and if applicable the arrangements for the child to receive free school meals);
- if the exclusion is permanent, the date it takes effect and any relevant previous history;
- the arrangements made for enabling the student to continue his or her education, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;
- the name and telephone number of an officer of the LEA who can provide advice;
- the telephone number for the Advisory Centre for Education (ACE) confidential helpline — 0300 0115142. ACE is a long established independent national charity providing advice to parents
- if appropriate, that the parent/carer will be invited to attend a reintegration interview that a parent's/carer's failure to attend a re-integration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on the parent/carer.

### 23. Informing the LEA and involvement of Student Discipline Sub-Committee

The following exclusions must be reported to the LEA and Governing Body Student Discipline Sub-Committee **within one school day**:

- all permanent exclusions
- exclusions which will result in a student missing a public examination
- fixed exclusions of more than 5 school days or 20 lunchtimes in any one term

Fixed period exclusions of **5 days or less than 5 school days or 20 or fewer lunchtimes (one-quarter days)**, in any one term should be reported to the LEA as soon as possible.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher must also advise the home LA of the exclusion.

### 24. The Exclusion Report

Exclusion reports must include:

- the student's name, age, date of birth, gender and ethnicity
- whether the student has a statement of SEN, is being assessed for such a statement, or is on School Action or School Action Plus
- whether the student is in Local Authority care
- the length of the exclusion
- the reason for the exclusion

In the case of a looked after child from another local authority area, the 'home' social services department should be informed.

### 25. Governing Body Student Discipline Sub-Committee Responsibilities

The responsibilities of the Student Discipline Committee are as follows:-

- for fixed-term exclusions totalling five school days or less in any one term, consider any representations from the parent and student. However, it cannot direct reinstatement but can put a record of their considerations on the student's educational record.
- for fixed term exclusions totalling more than five but not more than 15 school days in any one term, convene a meeting between the sixth and the 50th school day after receiving notification of the exclusion, if the parent and / or student requests a meeting. **There is no requirement for the meeting to be held if representations are not received.** The Committee may direct reinstatement.
- for permanent exclusions or those fixed term exclusions totalling more than 15 school days in any one term, convene a meeting between the 6th and the 15th school day after receiving notification of the exclusion. Should there be further fixed term exclusions within the term, the Committee must meet to consider further exclusions and assess the effectiveness of support plans put in place.
- where a student is to miss a public examination, the meeting should held prior to the date on which the student is due to take the examination.
- the parent and/or student, Headteacher and Student Services representative must be invited to the meeting.
- to ensure that all written statements are circulated to all parties (including the parent and/or student) in advance of the meeting to offer the opportunity for the views of the excluded student to be considered at the meeting, irrespective of their age.
- to allow the parent and/or student to be accompanied by a friend or legal representative

It may be considered appropriate to convene to consider a situation where there has been 25–30 days of fixed-term exclusion within the school year regardless of whether the exclusions occurred in different terms; it could provide for an additional safeguard from a student accruing 45 days, and another opportunity for the school to reassess any support plans in place.

#### **26. Student Discipline Sub-Committee Procedure.**

The Student Discipline Sub Committee must decide whether to uphold the decision of the Headteacher to exclude the student or direct reinstatement

In reaching their decision the Committee should consider:

- representations by the parent, the student and Student Services representative
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Assembly's guidance
- appropriate school policies, including the school's published behaviour policy, equal opportunities policy, anti-bullying policy, special educational needs policy, and race equality policy.
- the provisions of The Equality Act 2010, including the Public Sector Equality Duty, and the UNCR.

Where the Student Discipline Committee decides that the student should be reinstated they should then decide if reinstatement is practical, i.e. referring to the individual circumstances and needs of the student, rather than issues such as financing of support within the school.

In the case of permanent exclusion, the Student Discipline Committee should normally satisfy itself that all other strategies to improve a student's behaviour have been tried and have not been successful.

Particular consideration should be given to the use of Pastoral Support Programmes.

If the Student Discipline Committee decides to confirm a Headteacher's decision to exclude for more than fifteen school days, it should be satisfied that there are suitable arrangements for the student to continue their education while away from school.

### **27. After the Student Discipline Committee Meeting.**

The responsibilities of the Student Discipline Committee after the meeting are as follows:

- the Clerk must inform the parent and/or student the Headteacher and Student Services of the decision within one school day.
- where the Headteacher is directed to reinstate the student the Committee cannot attach any conditions to the direction.
- where the Committee decides to uphold the decision of the Headteacher to permanently exclude a student, the letter to the parent and /or student should also include the following:-
  - the reason for the decision
  - their right of appeal to an independent appeal panel
  - the date by which any appeal should be lodged, i.e. 15 school days after the notification of the decision.
  - that any appeal should set out the grounds on which the appeal is based
  - that any claim of discrimination should also be set out in the notice of appeal.

### **28. Return to School following Fixed Term Exclusion**

The Education (Reintegration Interview) (Wales) Regulations 2010 which came into force on 5 January 2011, require Headteachers to request in specified circumstances parents/carers of students excluded for a fixed-term to attend a reintegration interview at the school.

The request for interview applies to all fixed-term exclusions for secondary-aged students. Reintegration interviews need to take place within 15 school days of the last day of the exclusion period. A request for interview is not required if the first day of exclusion is within the last 10 days of the term of the school year or the Headteacher expects the student to leave school for a reason unconnected with their behaviour before the end of the required 15-day period for the interview.

The Headteacher's PA is to contact the parents to make an appointment for the return to school interview with the Headteacher or Leadership Team Link.

Notice must be given in writing to the parent/carer stating the date, time and duration of the reintegration interview and the purpose of the interview. The notice must also inform the parent/carer that if the LA apply for a parenting order, the Court will be under a duty when deciding whether to make a parenting order in respect of a parent/carer, to take into account a failure by the parent/carer without reasonable excuse to attend a reintegration interview when requested to do

so. The notice must be given no later than six school days before the date of the reintegration interview.

The Director of Studies should ensure the relevant paperwork is gathered prior to this interview.

The reintegration interview provides the opportunity to:

- emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the student's behaviour
- reach agreement on how the student's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

Targets may be set upon the return to school of the excluded student.

If appropriate, a home- school contract or PSP may be drawn up.

The Director of Studies will monitor targets and work with the Social Inclusion Team to put in place appropriate strategies for re-integration. Time in Internal Support may be used as a means to reintegrate a student who has served an external exclusion.

### **29. Equal Opportunities**

In making decisions about exclusion the Headteacher and Student Discipline Committee will take into account any special educational needs, disabilities, gender, pregnancy and maternity, religion or belief, and cultural differences that may be relevant to the case (see <http://www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance/>)

The Headteacher will consider the advice in the DfES 'Improving Behaviour and Attendance', and any published codes of practice.

### **United Nations Convention on the Rights of the Child (UNCRC)**

The best interest of the child, in line with the United Nations Convention on the Rights of the Child, needs to be at the core of any decision to exclude and any subsequent exclusions procedures.

Particularly relevant are the following articles:

- Article 2: Non-discrimination
- Article 3: Best interests of the child
- Article 12: Participation and respect for the views of children and young people
- Article 28: Education
- Article 29: Aims of Education.

### **30. Monitoring and Review**

The Headteacher will report at least annually on the number and type of exclusions and their outcome.

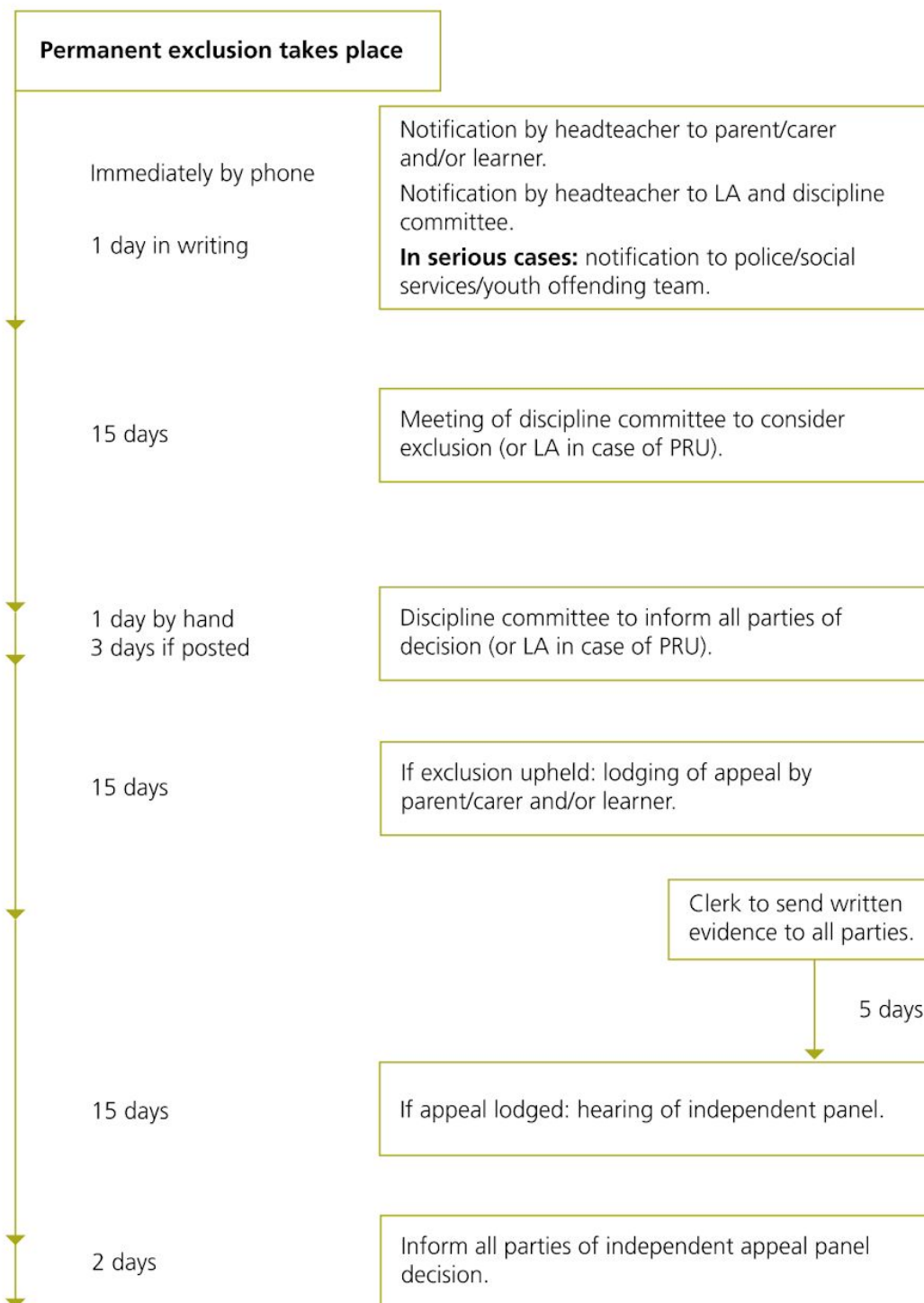
The Discipline Committee will review the working of this policy, make an annual report to the governing body, and make recommendations as necessary to the governing body.

**Ratified September 2017**  
**Review date September 2019**

Appendix 1: Flowcharts

**Permanent exclusions**

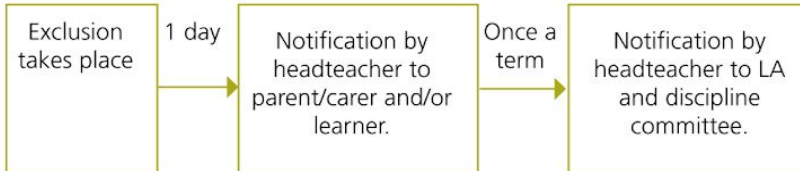
The term 'days' refers to school days throughout.



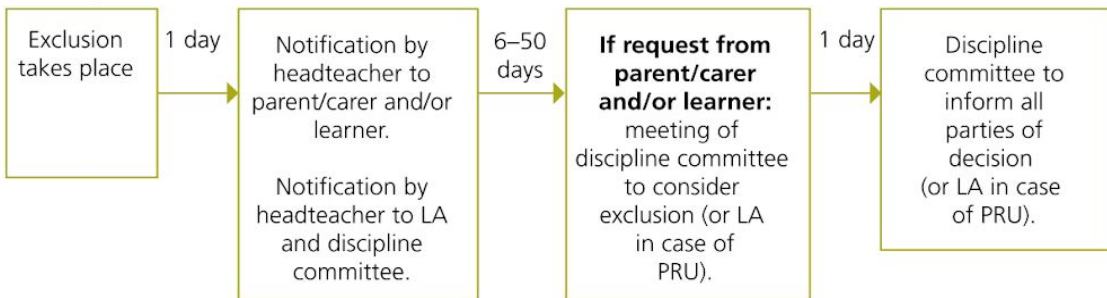
### Fixed-term exclusion

The term 'days' refers to school days throughout.

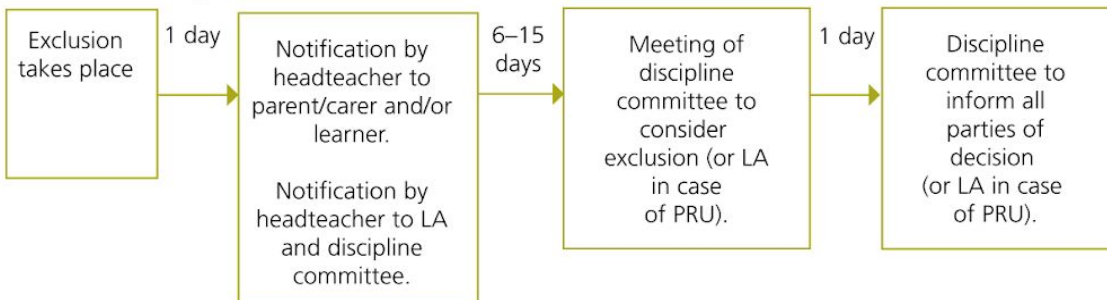
#### 5 days or fewer



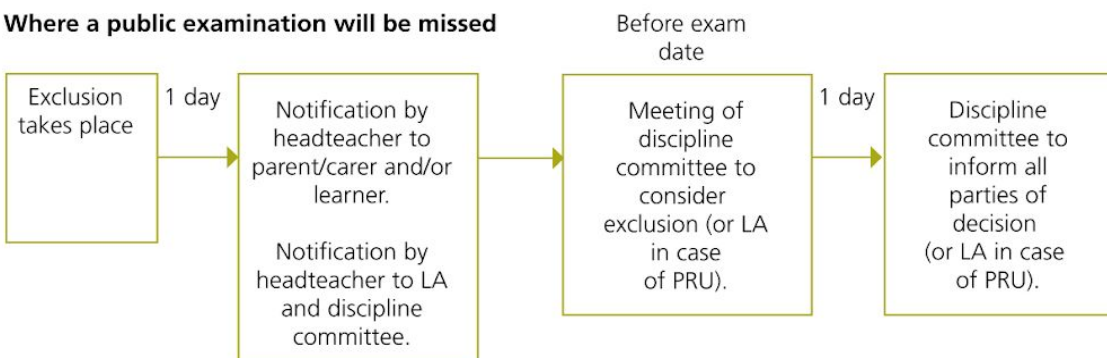
#### 6–15 days



#### More than 15 days



#### Where a public examination will be missed



In serious cases: notification to police/social services/youth offending team may also be appropriate.

Appendix 2: Model Letters**1: Fixed-term exclusion of less than six days**

From Headteacher notifying parent/carer and/or student of a fixed term exclusion of less than six days, and where a public examination is not missed.

Dear [parent/carer/student's name]

I am writing to inform you of my decision to exclude [student's name/you] for a fixed term of [period of exclusion].

This means that [student's name/you] will not be allowed in school for the period of the exclusion which began on [date].

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

The school will continue to set work for [student's name/you] during the period of his/her/your 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. [For students over compulsory school age insert the following].

As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

You have the right to make representations to the school governors' student discipline committee. If you wish to make representations please contact [name of contact] on/at [contact details: address, phone number, e-mail], as soon as possible. While the discipline committee has no power to direct reinstatement they must consider any representations you make and may place a copy of their findings on your child's/your school record.

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

You may want to contact [name] at [LA name] LA on/at [contact details: address, phone number, e-mail], who can provide advice.



[student's name/your] exclusion expires on [date] and we expect [student's name/you] to be back in school on [date] at [time].

Yours sincerely  
[name]  
Headteacher

**2: Fixed-term exclusion of 6–15 days**

From Headteacher notifying parent/carer and/or student of a fixed-term exclusion of six to 15 days, or where cumulative exclusions in the same term fall within this range, or where a public examination is missed.

Dear [parent/carer/student's name]

I am writing to inform you of my decision to exclude [student's name/you] for a fixed term of [period of exclusion]. This means that [student's name/you] will not be allowed in school for the period of the exclusion which began on [date].

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

The school will continue to set work for [student's name/you] during the period of his/her/your 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.

As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

You have the right to request a meeting of the school governors' student discipline committee 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 (or equivalent) the committee must meet if you request it to do so.

The latest date the committee 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 committee and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details: address, phone number, e-mail], as soon as possible.

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

You [and student's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school before [date within the next ten days] to arrange a suitable alternative date and time. The purpose of the reintegration interview is to

discuss how best your child's/your return to school can be managed. You should be aware that your/your parent's/your carer's failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on you/your parent/your carer.

You may want to contact [name] at [LA name] LA on/at [contact details: address, phone number, e-mail], who can provide advice. [student's name/your] exclusion expires on [date] and we expect [student's name/you] to be back in school on [date] at [time].

Yours sincerely  
[name]  
Headteacher

**3: Fixed-term exclusion of 16 or more days**

From Headteacher notifying parent/carer and/or student of a fixed-term exclusion of 16 days or more, or where cumulative exclusions in the same term are 16 days or more.

Dear [parent/carer/student's name]

I am writing to inform you of my decision to exclude [student's name/you] for a fixed term of [period of exclusion]. This means that [student's name/you] will not be allowed in school for the period of the exclusion which began [date].

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

Alternative education other than setting work will be provided for [student's name/you] if the exclusion has not been overturned within 15 days. A [school's maintaining LA] LA representative will contact you to discuss this.

As the length of the exclusion is more than 15 school days (or equivalent) the school governors' student discipline committee must automatically meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so.

The latest date the committee can meet is [date – no later than 15 school days from the date the discipline committee is notified]. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details: address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys, LD1 6DF.

You [and student's name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school before [date within the next 10 days] to arrange a suitable alternative date and time.

The purpose of the reintegration interview is to discuss how best your child's/your return to school can be managed. You should be aware that your/your parent's/your carer's failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on you/your parent/your carer.

You may want to contact [name] at [LA name] LA on/at [contact details: address, phone number, e-mail], who can provide advice. [student's name/your] exclusion expires on [date] and we expect [student's name/you] to be back in school on [date] at [time].

Yours sincerely  
[name]  
Headteacher

**4: Permanent exclusion**

From Headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a permanent exclusion.

Dear [parent's/carer's/learner's name]

I regret to inform you of my decision to exclude [learner's name/you] permanently from [date]. This means that [learner's name/you] will not be allowed back to this [school/student referral unit] unless reinstated by the [school governors' discipline committee/LA student referral unit management committee] or by an appeal panel.

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

Alternative education other than setting work will be provided for [learner's name/you] if the exclusion has not been overturned within 15 days. A LA representative will contact you to discuss this.

As this is a permanent exclusion the school governors' student discipline committee will meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so.

The discipline committee has the power to reinstate [learner's name/you] immediately or from a specified date, or alternatively, has the power to uphold the exclusion in which case you may appeal to an independent appeals panel.

The latest date the committee 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 committee and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details: address, phone number, e-mail], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

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

You may also want to contact [name] at [LA name] LA on/at [contact details: address, phone number, e-mail], who can provide advice on what options are available to you.

Yours sincerely  
[name]  
Headteacher

**5: Permanent exclusion – discipline committee’s decision**

From the Clerk of the discipline committee notifying the parent/carer of a permanently excluded student of the discipline committee’s decision.

Dear [parent’s/carer’s/student’s name]

The meeting of the school governors’ student discipline committee at the [school] on [date] considered the decision by [Headteacher] to permanently exclude you/your son/daughter [name of student].

The committee, after carefully considering the representations made and all the available evidence, have decided:

*Either*

to overturn the exclusion and direct that [you/name of student] are/is reinstated in the school by [date]. We therefore expect [you/name of student] to be back in school on [date] at [time].

If you wish to discuss [student’s name/your] return to school before reinstatement, please contact [name of Headteacher] to arrange a convenient time and date.

A copy of this letter will be added to [student’s name/your] school record for future reference.

*Or*

to uphold [your/name of student’s] exclusion. The reasons for the committee’s decision are as follows: [give the reasons in as much detail as possible, explaining how the committee arrived at its decision].

You have the right to appeal against this decision. If you wish to appeal, please notify [name of the Clerk to the appeal panel] of your wish to appeal.

You must set out the reasons for your appeal in writing and if appropriate, you may also include any disability discrimination claim you may wish to make and send them to [address] by no later than [specify the latest date – the seventeenth school day after the date of this letter]. If you have not lodged an appeal by [repeat latest date], your right to appeal will lapse.

Your appeal would be heard by an independent appeal panel. A [three-member/five-member] panel will comprise [one/two] serving education practitioner[s] (possibly [a] Headteacher[s]) [one/two] serving or recently serving experienced governor[s]; and one lay member who will be the chair.

The appeal panel will rehear all the facts of the case – if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the fifteenth school day



after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

I would like to remind you of the following sources of advice and assistance: [repeat details from the original exclusion letter, i.e. a named LA officer and the Advisory Centre for Education and any other local source of advice or assistance if known].

The arrangements currently being made for [student's name/your] education will continue for the time being. However, new arrangements to provide full-time education for [student's name/your] 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