



# **Exclusion Policy**

# **2019**

**Ratified by LGB**

**Review date**

**September 2020**

**Review by**

**Mr C.Leader**

## **Salford City Academy**

### **Exclusion Policy 2019**

Salford City Academy believes that every child has the right to an education, and that learning is the core purpose for students. In order to ensure that all students can learn we may at times need to consider exclusion as a consequence for preventing this happening, or for not following the high expectations we have.

Sections:

1. Guidance Framework
2. Links to other Policies
3. Principles
4. The decision to exclude
5. Fixed-term exclusion
6. Permanent exclusion
7. Appeals
8. Informing parents/carers
9. Internal procedures

#### **Section 1: Guidance Framework**

The Academy policy is written in line with the following areas of guidance:

Exclusions – DfE Guidance [\[1\]](#)

United Learning Exclusions Policy

#### **Section 2: Links to other Policies**

This policy should be read in conjunction with the Behaviour Policy

### **Section 3: Principles**

3.1 The Academy is a learning institution which aims to provide life chances for all of its students. We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to exclude.

3.2 We recognise the detrimental impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a student and will try hard to avoid it

3.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where very possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

3.4 We take account of the Equality Act and of our duty not to discriminate against students for any reason.

3.5 We also take account of our statutory duties in relation to SEND

3.6 We aim to involve parents as early as possible in any process

### **Section 4: The decision to exclude**

4.1 The decision to exclude is made solely by the Principal, (or in their absence, the acting Principal or teacher in charge). The Principal may consult others, but not anyone who may later have a role in reviewing the Principal's decision

4.2 There are a number of circumstances where a student may be required to leave the Academy site with the authorisation of the Principal:

a) Where a decision has been made to exclude b) Where a student has committed a serious offence outside the jurisdiction of the Academy and it is determined by the Principal that it is in the interests of the community for the student to be educated off-site. This is not an exclusion. c) Where, for medical reasons the presence of a student represents a serious risk to the health or safety of other students or staff. This is not an exclusion. d) If a student is given permission by the Principal to leave

the premises briefly to remedy a breach of the Academy rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence e) Where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be

searched. In this circumstance the student can be refused entry. This is not an exclusion but an unauthorised absence in the first instance but that lead to exclusion following a full investigation.

4.3 The decision to exclude a student is not taken lightly and the Principal will:

a) Ensure that a thorough investigation is carried out b) Consider all the evidence available to support the allegations c) Allow and encourage the student to give their version of events d) Keep a written record of the actions taken including the signed statements of witnesses e) Be confident that the procedures detailed later in this policy have been carried out f) Ensure S.E.N. expert advice has been taken into account where appropriate g) Take into account any contributing factors that are identified e.g. recent bereavement, mental health issues, subject to bullying or provocation h) Ensure that parents/carers have been kept informed throughout the process and consulted where appropriate

4.4 The standard of proof applied when deciding to exclude is 'balance of probabilities'. The more serious the allegation the more convincing the evidence substantiating the allegation needs to be.

4.5 Exclusion will not be used as a consequence for the following:

- a) Minor incidents such as a failure to complete homework
- b) Poor academic performance
- c) Lateness or truancy
- d) Breaches of Academy rules on uniform or appearance except where these are persistent or in open defiance of such rules
- e) Pregnancy
- f) As a punishment for the behaviour of their parent/carer

4.6 Once the decision has been made to exclude, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

**Section 5: Fixed-term Exclusion (Level 1: fewer than 15 days in any term/Level 2: 15 school days or more during any term)**

5.1 A decision to exclude a student for a fixed-term may be taken in response to breaches of the school's behaviour policy

5.2 Examples of behaviour that may lead to a fixed-term exclusion are listed in Appendix 9:

5.3 The Principal may exclude a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

5.4 During a fixed term exclusion of 5 or fewer days, work will be set by the Academy for the student to complete at home. This work should be returned completed at the end of exclusion for marking.

5.5 For an exclusion of longer than 5 days, the Academy will arrange a full-time educational provision from the sixth day of exclusion.

5.6 Before the end of any fixed-term exclusion, parents/carers will be invited to attend a reintegration meeting at the Academy with their child. The purpose of the meeting is to ensure that the student understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The Academy will consider all further support needed to help the student, including referral to external agencies if appropriate. The student will also spend a period of time on report to support their reintegration.

5.7 During the first five days of any exclusion, the parents of an excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent/carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

5.8 Whilst each exclusion is treated on its own merit, in most cases the number of days of exclusion will increase with each offence. A first exclusion is likely to be for a period of 1 or 2 days. The number of days will increase if a student received further exclusions.

There are exceptions to this process depending on the nature and seriousness of the incident for which the student is being excluded.

Once a student has received 4 exclusions the reintegration meeting will take place with a Vice Principal

A fifth exclusion would normally be for 5 days and the reintegration meeting will take place with the Principal

Any further exclusions could lead to a permanent exclusion.

### **Section 6: Permanent Exclusion (Level 3 Exclusion)**

6.1 Permanent exclusion is an extremely rare sanction at the Academy and always avoided wherever possible. The decision to permanently exclude is taken only:

- a) In response to serious breaches of the Academy Behaviour Policy and
- b) If allowing the student to remain would seriously harm the education or welfare of that student or others at the academy

6.2 A student may be permanently excluded where there have been repeated breaches of the behaviour policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the Academy has exhausted all available strategies for dealing with the student and is a last resort.

6.3 There may be exceptional circumstances where, in the judgement of the Principal, it is appropriate to permanently exclude a student for a first or 'one off' offence. Examples of behaviours which may lead to this are listed in Appendix 9. These might include:

- a) Serious actual or threatened violence against another student or member of staff
- b) Sexual abuse or assault
- c) Serious bullying including cyber-bullying
- d) Being in possession of an illegal substance and/or supplying an illegal substance
- e) Carrying an offensive weapon

Again this is not an exhaustive list and there may be other examples of behaviour where the Principal judges that a permanent exclusion is an appropriate sanction for a first or 'one off' offence.

6.4 In many cases investigation may not be immediately possible, for example, the incident is complex and a number of witness statements are required. In this case, a Principal may issue a fixed term exclusion for a short period (a maximum of 5 school days is advised)

a) To allow investigation to take place

b) To give opportunity for a reasoned decision

In this case the letter informing of the fixed term exclusion should clearly state the reason for the fixed term exclusion is "to allow investigation into an incident which may result in permanent exclusion". The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following;

- Notification for the pupil to return to school [?]
- An extension to the fixed term exclusion [?]
- Notification of a permanent exclusion

In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a fixed term exclusion may be extended or converted to a permanent exclusion.

6.5 The Academy operates a 'zero-tolerance' approach to the carrying of offensive weapons and the carrying and supplying of illegal substances.

6.6 Any student who brings an offensive weapons or a banned item onto site, or who brings and/or supplies an illegal substance on site may be permanently excluded. A student who is found in possession of these items on site also runs the risk of permanent exclusion.

6.7 The Principal will:

a) meet wherever possible with the parents/carers and students before reaching a decision to permanently exclude a student

b) notify the parents without delay, ideally by telephone, followed up by a letter preferably within one school day (Appendix 4)

c) Inform governing body and LA within one school day of the decision to permanently exclude

d) continue to provide education for the pupil for five school days. From the sixth day of a permanent exclusion the LA is statutorily responsible for ensuring that full time education is available.

e) prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties at least 5 days in advance of the meeting. The paperwork should include:

- The Principal's case for exclusion [?]
- A copy of the exclusion letter of notification to the parent [?]
- Attendance records [?]
- Witness statements (where appropriate a, signed and dated where possible) [?]
- Excluded pupil statement (where appropriate) [?]
- School behaviour policy [?]
- Details of any Pastoral Support Programme or Individual Education Plan [?]
- Records of interventions [?]
- Details of any alternative or enhanced curriculum

## **Section 7: The Behaviour Committee**

7.1 The Academy has a Behaviour Committee which has responsibility for reviewing decisions in relation to exclusions. The Behaviour Committee consists of at least members, none of whom are employed by United Learning

7.2 The Behaviour Committee will automatically review any exclusion which results in a student being excluded for more than 15 school days in any one term, or any permanent exclusion.

7.3 Parents/carers have the right to appeal the decision to exclude their child. The process is common across United Learning and is different for different levels of exclusion. Full details of how these meetings operate can be found in the following appendices and also within the DfE Guidance (2012) and United Learning Exclusions Policy 2012 but the summary is contained below.

**Level 1 Exclusion (less than 15 days)** A parent/carer may request that the Behaviour Committee review the process within 50 school days of receiving notice of the exclusion. The request should be made in writing and should set out the question(s) which they wish the Behaviour Committee to consider. The committee will respond in writing within 15 days.

**Level 2 Exclusion (more than 15 days fixed-term)** Principal meets with parents to discuss exclusion Behaviour committee meets to review on the exclusion within 15 school days or receiving notice of the exclusion.



### Level 3 Exclusion (permanent)

Student is given an initial fixed term exclusion and a full investigation is carried out by an investigating officer. The student and their parents will be given an opportunity to meet with the investigating officer to give their version of events and to hear any evidence against them. The investigating officer presents their findings to the Principal. The Principal meets with parents/carers to discuss their decision having completed the process fully, and having consulted others including an S.E.N. expert if appropriate. If the decision is to re-instate then the student will return immediately. If the decision is made to permanently exclude the student, parents/carers will be informed by the Principal both verbally and in writing. Following the Principal's decision to permanently exclude, the Behaviour Committee meets to review the decision within 15 school days of receiving notice of exclusion. If the Behaviour Committee upholds the Principals decision to permanently exclude, parents/carers may appeal to an Independent Review Panel.

7.4 An Independent Review Panel will consist of 3 people and will be chaired by a lay member and two other independent members, one with governance experience, the other with Headship experience. This panel will decide whether to uphold the decision to exclude a student.

7.5 The Independent Review Panel can either uphold the decision to exclude the student or recommend that the Academy reconsiders the matter. They cannot, however, direct the reinstatement of the student.

### **Section 8: Informing parents/carers**

Following and decision to exclude, the Principal must inform parents/carers putting the decision to exclude in writing and stating the date the exclusion takes effect.

The letter must also explain:

- The circumstances leading up to the decision to exclude [?]
- Why the Principal decided to exclude the student [?]
- If relevant, what steps were taken to try and avoid exclusion, details of any relevant previous warnings, fixed period exclusions of other disciplinary measures taken before the present incident.
- The arrangements for enabling the student to continue his/her education, including setting and marking of the student's work [?]
- The parent's right to see and have a copy of their child's record [?]
- The parent's responsibilities to ensure their child is not in a public place in school hours during the first five days of an exclusion [?]
- If the exclusion is for a fixed period, the letter will also state the length of the exclusion and the date and time the student should return to the Academy [?]

- The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration [22]
- For Level 2 and Level 3 exclusions, the letter will also state the parent's right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen as well as the fact that the Behaviour Committee will meet to review the decision [22]
- For Level 1 exclusions, the letter will also state that if parents are concerned about the way in which the exclusion was managed, they may write to the Behaviour Committee to ask it to review the process. This may be done by just one member of the Committee. The Committee cannot overturn the decision to exclude but may put a note on the file. [22]
- The involvement, if appropriate, of S.E.N. expert advice.

### **Section 9: Behaviour outside the school gates**

Our exclusion and behaviour policy covers behaviour not only within school but also outside school.

We will sanction students, up to and including Permanent Exclusion, for any behaviour which contravenes our policies when a student is:

- Taking part in any school-organised or school-related activity
- Travelling to or from school [22]
- Wearing our school uniform [22]
- In some other way identifiable as a Salford City Academy student

Or for behaviour which at any time:

- Could have repercussions for the orderly running of the school [22]
- Poses a threat to another student or member of the public [22]
- Could adversely affect the reputation of the school

### **Section 10: Internal advice, guidance and procedures for staff involved in the exclusion process**

10.1 All investigations should aim to be completed within 24 hours of a first report. Ideally an investigation should be completed on the first day of the incident however it is recognised that this is not always possible

10.2 Investigations must be thorough:

- initial statements should be as detailed as possible giving the names of potential witnesses - the 'suspect' should be spoken with as soon as possible and given an opportunity to give their version of events verbally and in writing. They should be placed in Internal Exclusion or an appropriate venue whilst the investigation is carried out and before a decision is made. On a rare occasion it may be necessary to send this student home promptly (they may pose a Health and Safety Risk). This should

only be done after speaking with their parent/carer or after gaining agreement from the Principal (or teacher in charge). If the student has not been able to give a statement, arrangements must be made as soon as possible for them to do so. - All witnesses must be spoken to promptly and individually as soon after the incident as possible. Their safety is paramount and statements should be given in confidence. - If it is suspected that a student is carrying an item which is important as part of the investigation eg an item that it is suspected they have stolen or an illegal item, a search may be carried out in accordance with legal guidance and in the presence of a witness - The community police officer can be used to advise and assist but not in a formal capacity unless agreed by the Principal. If they are used in a formal capacity parents/carers must be notified - All statements must be written clearly and they must be signed and dated. If the statement is dictated this must be indicated. The statement must clearly explain areas of contest and this means that the statements should be discussed with the witness to ensure that understanding and interpretation are clear. - Advice must be sought from relevant experts such as SENCO if appropriate

10.3 Once the investigation is complete all paperwork should be presented to the Principal for a decision. Any previous exclusions and the suspect's behaviour record should be part of this information. The checklist should be completed if a permanent exclusion is recommended.

10.4 All paperwork relating to the exclusion must be filed immediately and details recorded on SIMS

10.5 For a serious incident for which a PEX is a possibility the suspect may be excluded for an initial period. During this exclusion a full investigation must be carried out and a meeting held with the student and their parent/carer to discuss the investigation and to give the student a chance to address any evidence against them. The Principal will be presented with the findings of the investigation and will meet with parents/carers to discuss the decision.

10.6 If a decision is made to exclude:

Parents/carers must be notified immediately by telephone and the student sent home [?][?]

An exclusion letter following the guidance will be produced and posted that day if time allows. The letter must contain details of the re-instatement meeting. [?]

A pack of work must be sent home with the letter

10.7 Following the re-instatement meeting the student must be placed on report to monitor their return to school

10.8 Behaviour Committee

Where a behaviour committee is called to review an exclusion the panel must consist of at least 3 members, none of which are employed by United Learning.

Parents/carers must be notified of the meeting date and be given at least 5 days notice ideally. They should also be notified that they may bring a representative if they wish [?]

All paperwork relating to the meeting should be available for the Behaviour Committee ideally at least 5 days before the meeting [?]

A clerk will minute all aspects of the meeting which will follow the guidance set out on the DfE document 2012 and United Learning Exclusion Policy 2012. The clerk should not have taught the pupil or been involved in any of the incidents in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the clerk should be experienced in exclusion matters so [?]

The Principal will present to the panel [?]

The parent/carer will present to the panel [?]

The panel will meet on its own with the clerk present to discuss its advice [?]

The panel will meet with the Principal to inform of their advice (or they may have further questions to ask) [?]

The panel will inform the parent/carer of their decision [?]

The panel will inform the Principal of their decision

The Behaviour Committee must inform the parent, principal and the LA of their decision, in writing without delay, preferably within one working day of the meeting, stating their reasons.

A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record.

## Appendix 1: Model Letter one

From the Principal notifying parent of a fixed term exclusion of 5 school days or fewer in one term, and where a public examination is not missed

Date:

Name

Address

Pupil Name: (Full name of pupil)

D.O.B. (Date of birth)

Year Group:

Dear [parent's name]

### Re:Fixed Period Exclusion

I am writing to inform you of my decision to exclude **[child's name]** for **[No of days]** between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

In deciding whether to exclude, the substance and scope of any early intervention to address underlying causes of behaviour have been taken into account. This includes whether appropriate provision has been made to support any SEN or disability that your child may have. Full regard has been given to the SEND Code of Practice (2014) during the consideration and administration of this exclusion.

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/ Management Committee **[Delete one]**. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760).

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

Further information on exclusions can be found on Salford Council's website with an option to 'Contact us online'; <https://www.salford.gov.uk/schools-and-learning/info-for-parents-students-and-teachers/school-attendance-behaviour-and-welfare/exclusion-from-school/>. Alternatively please telephone the Contact Centre at Salford City Council on 0161 793 2500.

The Coram Children’s Legal Centre aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0845 345 4345 or at <http://www.childrenslegalcentre.com>. The advice line is open from 9am to 8pm Monday to Friday and 9am to 12.30 on Saturday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. There is a link on the website to Child Law Advice.

The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Pupil Referral Units in England” is available at;

[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Further support from the Local Authority is also available at [www.siasnetwork.org.uk](http://www.siasnetwork.org.uk)

**[Child’s name]**’s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

**[Name]**

Head Teacher/Principal

## Appendix 2: Model letter two

From the Principal notifying parent of a fixed term exclusion of more than 5 and up to and including 15 school days in total in one term, or where a public examination would be missed

Date:

Name

Address

Pupil name (full name of pupil)

D.O.B. (Date of birth)

Year Group:

Dear [parents' name]

### **Re:Fixed Term Exclusion**

I am writing to inform you of my decision to exclude **[child's name]** for **[no. of days]** between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**.

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

In deciding whether to exclude, the substance and scope of any early intervention to address underlying causes of behaviour have been taken into account. This includes whether appropriate provision has been made to support any SEN or disability that your child may have. Full regard has been given to the SEND Code of Practice (2014) during the consideration and administration of this exclusion.

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of a fixed period exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** during the **[first 5, or specify other number as appropriate]** days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

From the **[6<sup>th</sup> school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will arrange suitable alternative full-time education for **[child's name]**. Between the dates of **[dates between which suitable alternative full-time education has been arranged]** **[child's name]** should attend **[name and address of the alternative provider if not the home school]** between the hours of **[specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)]** and report to **[staff member's name]**. **[If applicable, include information about transport]**



**arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]**

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee **[Delete one]**. If you wish you have the right to request a meeting of the Governors' Disciplinary Committee/Management Committee to review my decision to exclude **[child's name]** and make representations at that meeting as the period of this exclusion brings **[child's name]**'s total number of days of fixed period exclusion to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting the latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than the 50<sup>th</sup> school day after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible and within the deadline specified. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying. Further information on exclusions can be found on Salford Council's website with an option to 'Contact us online'; <https://www.salford.gov.uk/schools-and-learning/info-for-parents-students-and-teachers/school-attendance-behaviour-and-welfare/exclusion-from-school/>. Alternatively please telephone the contact centre at Salford City Council on 0161 793 2500.

The Coram Children's Legal Centre aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0845 345 4345 or at <http://www.childrenslegalcentre.com>. The advice line is open from 9am to 8pm Monday to Friday and 9am to 12.30 on Saturday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. There is a link on the website to Child Law Advice.

The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at;

[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Further support from the Local Authority is also available at [www.siasnetwork.org.uk](http://www.siasnetwork.org.uk)

**[Child's name]**'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,  
**[Name]**

Head Teacher/Principal

**Appendix 3: Model letter three**

From the Principal notifying of a fixed term exclusion of more than 15 days in total in one term.

Date:

Name

Address

Pupil name (full name of pupil)

D.O.B. (Date of birth)

Year Group:

Dear [parents' name]

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

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

You have a duty to ensure that your child is not present in a public place during school hours during the first 5 days of this exclusion, that is on [specify dates] unless there is a reasonable justification for this. If so, it will be for you to demonstrate reasonable justification.

We will set work for [name of child] to be completed during the first 5 days of the exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the 6th day of exclusion [specify date] until the expiry of the exclusion, we will provide suitable full time education. On [date] he/she should attend at [name and address of alternative provider if not home school] at [time] and report to [staff member's name].

As the length of the exclusion means that [child's name] has been excluded for more than 15 school days in total in one term, the governing body must meet to consider the exclusion. At the review meeting you may make representations to the governing body if you wish. The latest date on which the governing body can meet is [data here – no later than 15 school days from the date the governing body is notified]. If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact [name of contact] on/at [contact details – address, phone number, e-mail] as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the governing body of the time, date and location of the meeting.

Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful to have an interpreter present at the meeting.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding. You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal:

[www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)

You and your child are requested to attend a reintegration interview with [person] on [date] at [time]. The purpose of the reintegration meeting is to discuss how best your child's return to school can be managed.

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

You may wish to contact Karen Hamer, Inclusion Officer, Children's Service, Salford City Council, Unity House, Chorley Road, Swinton, Salford, M27 5AW, Tel: 0161 778 0312, email: [karen.hamer@salford.gov.uk](mailto:karen.hamer@salford.gov.uk), who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre.

They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at; [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Further guidance from the Local Authority is available at [www.iassnetwork.org.uk](http://www.iassnetwork.org.uk)

[name of child's] exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time]

Yours sincerely

[name]

Principal

#### **Appendix 4: Model Letter 4**

From the Principal notifying parent of a permanent exclusion

Date:

Name

Address

Pupil name (full name of pupil)

D.O.B. (Date of birth)

Year Group:

Dear [parents' name]

I am writing to inform you of my decision to permanently exclude **[child's name]** with effect from **[date]**. This means that **[child's name]** will not be allowed in this school unless **[he/she]** is reinstated by the Governors' Disciplinary Committee/Management Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[Child's name]** has been permanently excluded because **[specify full reason(s) for exclusion]**.

In deciding whether to exclude, the substance and scope of any early intervention to address underlying causes of behaviour have been taken into account. This includes whether appropriate provision has been made to support any SEN or disability that your child may have. Full regard has been given to the SEND Code of Practice (2014) during the consideration and administration of this exclusion.

*[The following three paragraphs apply only to pupils of compulsory school age]*

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the first five days of this exclusion, in this case between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

Alternative arrangements for **[child's name]**'s education to continue will be made. We will set work for **[child's name]** during the first 5 days of this exclusion. **[Detail the arrangements for this]**. Please ensure that the work set is completed and returned promptly to us for marking.

On the 6<sup>th</sup> day of **[child's name]**'s exclusion the following arrangements have been made in relation to the exclusion:-

**[child's name]**'s must attend The New Broadwalk Pupil Referral Unit, 51 Belvedere Road, Salford M6 5EJ. (Tel: 778 0920).

The school day at The New Broadwalk is from 8.30am until 2.20pm and the Head of Centre is Mrs Naylor.

**[child's name]**'s must attend from **[date]** and you must accompany **[him/her]** on the first day. Whilst excluded **[child's name]**'s will have lessons appropriate to age and level. Lunch will be provided at a cost, however, pupils on a free school meal will receive a meal free. If you live over 3 miles from The New Broadwalk transport to, **but not from**, will be provided and will be organised by the centre.

It is your responsibility to ensure that **[child's name]**'s arrives on time, failure to attend will be treated as an unauthorised absence.

School uniform must be worn.

As this is a permanent exclusion the Governors' Disciplinary Committee/Management Committee **[Delete one]** must meet to review my decision to exclude **[child's name]**. You may attend the review meeting and make representations to the Governors' Disciplinary Committee/Management Committee and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Committee/Management Committee has the power to reinstate your child immediately or from a specified date, or, alternatively, they may decide to uphold the exclusion in which case you may ask for the Governors' Disciplinary Committee/Management Committee's decision to be reviewed by an Independent Review Panel. The latest date by which the Governors' Disciplinary Committee/Management Committee must meet is **[specify date, which must be no later than 15 school days after the date on which the Governors' Disciplinary Committee/Management Committee was notified of the exclusion to which this letter relates]**. You will be notified by the

Clerk to the Governors' Disciplinary Committee/Management Committee of the time, date and location of the meeting whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Committee/Management Committee please contact **[name of contact]** at **[contact details – address, telephone number, e-mail]**, as soon as possible after being notified of the date of the meeting. You may be accompanied by a friend or representative, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Making a claim would not affect your right to make representations to the Governors' Disciplinary Committee/Management Committee.

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

Further information on exclusions can be found on Salford Council's website with an option to 'Contact us online'; <https://www.salford.gov.uk/schools-and-learning/info-for-parents-students-and-teachers/school-attendance-behaviour-and-welfare/exclusion-from-school/>. Alternatively please telephone school exclusions on 0161 778 0069.

The Coram Children's Legal Centre aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0845 345 4345 or at <http://www.childrenslegalcentre.com>. The advice line is open from 9am to 8pm Monday to Friday and 9am to 12.30 on Saturday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. There is a link on the website to Child Law Advice.

The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at; [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Further support from the Local Authority is also available at [www.siasnetwork.org.uk](http://www.siasnetwork.org.uk)

Yours sincerely,

**[Name]**

Head Teacher/Principal

## Appendix 5: Model Letter 5

Date:

Name

Address

Pupil name (full name of pupil) D.O.B. (Date of birth) Year Group:

I am writing to confirm the decision reached by the Governors' Disciplinary Committee/  
Management Committee **[Delete one]** at their meeting on **[date of Governors' Disciplinary  
Committee/ Management Committee meeting]** to review the Head Teacher's decision to exclude  
**[child's name]** from **[name of school]** School.

In reviewing the exclusion, the substance and scope of any early intervention to address underlying causes of behaviour have been taken into account. This includes whether appropriate provision has been made to support any SEN or disability that your child may have. Full regard has been given to the SEN Code of Practice (2014) during the consideration and administration of this exclusion.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Committee/ Management Committee, the committee has decided to

*EITHER*

Uphold the Head Teacher's decision to exclude for the following reason(s) **[inset reasons in as much detail as possible explaining how they were arrived at]** in sufficient detail to enable all parties to understand why the decision was made

OR

Direct reinstatement from **[specify date]** for the following reason(s)

**[inset reasons in as much detail as possible explaining how they were arrived at]**

*[Where a permanent exclusion **has not been upheld and reinstatement has been directed** insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]*

The Head Teacher or a senior member of staff will contact you shortly to discuss the arrangements to be made for **[child's name]** to return to school

*[Where a permanent exclusion **has been upheld** insert the following paragraphs]*

You have the right to ask for this decision to be reviewed by an Independent Review Panel. If you wish the decision to be reviewed by the Independent Review Panel please notify **[INSERT contact details for Democratic Services (0161 793 3318) if a maintained school or Academy Trust if Independent Review Panel hearings are not arranged for the school by the Local Authority]**.

You should then set out the reasons for requesting a review in writing and send this to **[INSERT contact details for Democratic Services (Democratic Services, Service Reform Directorate, Salford City Council, Salford Civic Centre, Chorley Road, Swinton, M27 5DA) if a maintained school or Academy Trust if Independent Review Panel hearings are not arranged for the school by the Local Authority]**. no later than **[specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Governing Body's/ Management Committee's decision to uphold the permanent exclusion was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]**.



If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by **[repeat latest date]** you will lose your right to have the decision of the Governors' Disciplinary Committee/Management Committee reviewed.

An Independent Review Panel comprises one serving, or recently retired (within the last 5 years) Head Teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chairman. The role of the panel is to review the governing board's decision not to reinstate your child. New evidence may be presented to the panel, though the school may not introduce new reasons for the exclusion.

If you ask for Governors' Disciplinary Committee/ Management Committee to be reviewed by the Independent Review Body you have the right to request that an expert in Special Educational Needs (SEN) attends the review at no cost to you. You may request that an SEN expert attends the hearing, or provides a written report, irrespective of whether the school believes your child has special educational needs or not. The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs. Further details on the role of the SEN is included in the guidance from the Department for Education (school exclusion) and the link to this is provided below.

Should you request a review of the Governors' Disciplinary Committee's/ Management Committee's decision and you wish for an SEN expert to be appointed ~~please inform;~~ **you must** make this clear in your application for a review.

I should also inform you that if you request a review of the Governors' Disciplinary Committee's/ Management Committee's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and/or oral representations to the Independent Review Panel and that you may also bring a friend or supporter to the review. If you intend to be accompanied please inform **[Democratic Services if a maintained school or Academy Trust if**

**Independent Review Panel hearings are not arranged for the school by the Local Authority].**

Please also advise if you have a disability or any special needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

In addition, if you believe that there has been unlawful discrimination in relation to the exclusion then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (special educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

In determining the outcome of a review the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the Governors' Disciplinary Committee/ Management Committee reconsiders its decision; or they may quash the decision and direct that the Governors' Disciplinary Committee/ Management Committee considers the exclusion again. A panel should only quash a decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

Further information on exclusions can be found on Salford Council's website with an option to 'Contact us online'; <https://www.salford.gov.uk/schools-and-learning/info-for-parents-students-and-teachers/school-attendance-behaviour-and-welfare/exclusion-from-school/>. Alternatively please telephone the contact centre at Salford City Council on 0161 793 2500.

The Coram Children's Legal Centre aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0845 345 4345 or at <http://www.childrenslegalcentre.com>. The advice line is open from 9am to 8pm Monday to Friday and 9am to 12.30 on Saturday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January. There is a link on the website to Child Law Advice.

The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at;

[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

Further support from the Local Authority is also available at [www.siasnetwork.org.uk](http://www.siasnetwork.org.uk)

In addition guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court is available at <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

*Where considered relevant by the head teacher links to social services, such as Traveller Education Services, the Information Advice and Support Services Network, the National Autistic Society School exclusion Service or Independent Parental Special Education Advice should be included*

Yours sincerely,

**[Name]**

Clerk to the Governors' Discipline Committee/ Management Committee

## Appendix 7: Governor check-list

This should be used in the Behaviour Committee to ensure proper process has been followed and a completed checklist should be sent to the Managing Director at United Learning at the end of the process.

Pupil Name:	Date of Meeting
1.	<p>Telephone call to parent/visit from parent on (date):</p> <p>Letter of notification using model text sent on (date):</p> <p>Copied and sent to Behaviour Committee on (date):</p>
2.	<p>Date of Behaviour Committee Meeting:            Within 15 school days from the Principal's letter for permanent or fixed term exclusions of more than 15 days (or total more than 15 school days in a term).            OR            Within 50 school days from Principal's letter, for fixed term exclusions of less than 15 school days.</p> <p>Yes/No</p>
3.	<p>All written statements/evidence circulated in advance of this meeting (at least 5 school days before).</p> <p>Yes/No</p>
4.	<p>Procedure for the meeting and confirmation circulated in advance of the meeting</p> <p>Yes/No</p>
5.	<p>All relevant information provided on pupil, including: SEN Status; Care status if looked after or active case for Social care; academic progress</p> <p>Yes/No</p>

## Appendix 8:

Salford City Council

# Governors' Discipline Committees

## Guidance for procedure

A balanced, disciplined procedure is essential if all parties are to receive a fair hearing at Governors' Discipline Committees. The order of procedure outlined below reflects the concept of even handedness embodied in guidance, as the procedure followed by an Independent Appeal Panel.

1. The Discipline Committee gathers on its own. The Head Teacher/Principal, pupil, parent/carers and LA representative then enter together, as equals.
2. The Chairman of the Discipline Committee introduces all those present and explains their roles. The order of the meeting should be outlined.
3. The Head Teacher/Principal outlines the case for the exclusion and calls such witnesses as he/she considers appropriate\*.
4. Governors, parents, pupil and the LA representative have the opportunity to question the Head Teacher/Principal.
5. Parents, their representative and pupil present their case. The excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.
6. Head Teacher/Principal, governors and LA representative have the opportunity to question the parent/carers, or the excluded pupil if 18 years of age or over.
7. Head Teacher/Principal sums up the case for the exclusion.
8. Parents sum up their view.
9. LA representative gives the LA view as to the appropriateness of the exclusion.
10. All present have the opportunity to question the LA representative.
11. All leave, except the clerk who remains to advise the Discipline Committee on its decision.

The Clerk will notify the parent/carers of the committee's decision in writing within one school day and send copies to the Head Teacher/Principal and the Inclusion Officer of the Local Authority.

Please note that the balance of the meeting is reflected in those present. This should be the Clerk, the members of the Discipline Committee, the Head Teacher/Principal, the pupil, their parents and their representative and a representative of the local authority.

\*If witnesses attend for the school or parents, it is for the Discipline Committee to decide whether they remain for the entire meeting, or leave having given evidence.

## **ADDITIONAL INFORMATION FOR GOVERNING BODY MEETINGS**

### **Fair Hearings and Natural Justice**

It is important that the Discipline Committee provides all parties with a fair hearing and that the rules of natural justice are adhered to. Every effort should be made to ensure that this happens.

- Case should be clearly stated and evidence produced
- Confidentiality should be respected
- All parties should:

Have time to prepare and right of reply

Have the right to be represented or accompanied

Be able to ask questions and call witnesses

Be given reasonable opportunity to state case without unreasonable interruption

- All written material presented must have been seen by all parties
- If a new issue arises during the hearing, parties should be offered the opportunity to consider/comment
- No panel member should have any involvement in earlier stage of proceedings or been party to the original decision or have vested interest in the outcome of the proceedings

### **Considerations for the Discipline Committee**

The following may be of assistance for the Discipline Committee in reviewing an exclusion. In balancing the needs of the individual against the broader interests of the other pupils and staff within the school, it is recommended that governors should consider:

**1. Quality of Evidence** - have the facts been established? Was a full investigation, involving appropriate witnesses, carried out? To what extent are the facts agreed between the relevant parties? How did the incident relate to the School's Code of Conduct / Behaviour Policy?

Was the pupil responsible for the behaviour that led to the exclusion? If there is serious doubt (governors should consider matters on 'the balance of probabilities') a reinstatement should be directed.

**2. Proportionate Response** - Was exclusion a reasonable and proportionate response to the behaviour? Was it fair in respect of sanctions imposed on any other pupils involved in the incident?

**3. Alternative Strategies** - If the exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a 'last resort' after other strategies, including the involvement of outside agencies and support services, had failed.

**4. Mitigating Circumstances** - are there any factors arising from parental/carer representation e.g. special/medical needs, domestic circumstance; genuine remorse, loss of external examination opportunity?

It is particularly important that the Discipline Committee consider issues relating to disability, SEN, race, children in need and looked after children.

The Discipline Committee has limited powers to either uphold or overturn the Head Teacher's decision to permanently exclude. No conditions can be attached to these decisions

#### **Appendix 9: Examples of Misconduct that may lead to a fixed term or permanent exclusion**

Verbal abuse of staff or students [?]

Physical abuse of staff or students [?]

Indecent behaviour [?]

Intentional damage to property [?]

Unauthorised use of or supply of alcohol or drugs within the academy premises or whilst in the company of teachers, students or parents of students or during any extra-curricular activities organised by the academy at any time [?]

Theft – stealing from the academy, employees of the academy, or from students and other serious deliberate offences of dishonesty [?]

Serious actual or threatened violence against another student or a member of staff [?]

Sexual misconduct, abuse or assault [?]

Carrying and/or supplying an illegal substance [?]

Carrying an offensive weapon \* or a banned item [?]

Arson [?]

Persistent poor behaviour contrary to acceptable behaviour outlined in the Behaviour Policy [?]

Bullying including cyber-bullying, or harassment including racial, sexual or homophobic harassment

Wilful defiance of the properly exercised authority of the academy and its staff [?]

Bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principle or ethos or to the detriment of students and staff [?]

A serious breach of safety requirements likely to endanger other people or yourself, or to cause damage to academy property [?]

Abuse of the academy's computer system and of the internet and non-compliance with any policy issued by the academy addressing these matters specifically

\*a weapon is defined as any item made or adapted for causing injury

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that exclusion is an appropriate sanction.