Behaviour Policy (including Rewards, Sanctions and Exclusions Procedures)

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Associated documents:
Uniform Code Mobile Phone Procedure The Ravens Way' The Home Academy Agreement
Links to:
• Safeguarding Policy • E-Safety Policy • Anti-Bullying Policy • Social Media Policy • Curriculum Policy • Reasonable Force Policy • Code of Conduct • Home-Academy Agreement • Data Protection Policy

Approved by the Standards and Outcomes Committee of the Trust Board, 3 June 2020

Our Vision

We have one core purpose:
To have the biggest positive impact in the varied communities we serve through ensuring top drawer education for our learners. #TransformingLives

How do we ensure this across our trust?
In all we do we are:

1. Ethical to the core, ensuring that education is always front and centre
2. Futures focused system leaders – never simply followers
3. Collaborative in every endeavour
4. Resolutely learner centred.

What does this look like across our trust?
Education
We are:

1. Ruthlessly ambitious for all who learn and work with us
2. Unwaveringly inclusive – determined on eradicating barriers to educational success
3. Committed to excellent teaching
4. Determined upon academic excellence for all in our communities
5. Compassionate, ethical and caring advocates for all in our communities
6. Outwardly facing and globally conscious

Operations
We are:

1. Committed to the very best people development and empowerment
2. Determined to shout loudly and share proudly our successes
3. The best professional and technical experts (supporting education) in the sector
4. Committed to the very best understanding and management of risk

Financial
We are:

1. Providing the best possible public service for the best possible value
2. Determined to supplement our public income with shrewd income generation
3. Building financially sustainable models of educational improvement in our communities
4. Demonstrably efficient in all we do

Our values

- We will work inclusively within our communities, embracing the varied localities we serve while sharing our common vision and values.
- We will develop the very best leaders of the future, working to improve education and transform lives.
- We will adhere unwaveringly to the 'Nolan Principles' of Public Service, which is made clear in our commitment to Ethical Leadership.

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Statement of Intent

We believe that in order for our pupils/learners to achieve their maximum potential, and to enable effective teaching and learning to take place, the highest standard of behaviour in all aspects of academy life is essential. Each member of staff has responsibility for upholding standards of behaviour in our academies, both within their classroom, around our academy sites and whilst supervising pupils outside of our academies, as well as implementing this policy both fairly and consistently

We believe that children and young people's behaviour and attitudes is intrinsically linked to their success in learning. We focus on developing and promoting positive attitudes and behaviours through high quality teaching, a stimulating learning environment and a culture of praise, recognition and self-discipline. All combine to lead to a rich climate for learning.

We believe that teachers manage pupil behaviour most effectively when they are **warm but strict.** They encourage pupils to be independent while maintaining limits and controls on their actions. Authoritative teachers do not invoke the 'because I said' rule; instead they are willing to listen to and take into account the pupil's viewpoint. Authoritative teachers engage in discussions and debates with the pupil although ultimate responsibility lies with the teacher. In this way, pupils learn how to negotiate and engage in discussion. They understand that their opinions are valued. It is through consistently applying a warm/strict philosophy to behaviour management that pupils are more likely to become socially competent, responsible and autonomous.

Our expected standards of behaviour are clearly communicated to pupils, staff and parents in the relevant sections of the Ravens Way'.

1 Legal framework and definitions

1.1 This policy has due regard to statutory legislation, including, but not limited to

- the Education and Inspections Act 2006
- the Health Act 2006
- the Equality Act 2010
- the Education Act 2011
- the Education (Independent School Standards) Regulations 2014
- the Schools Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- the Immigration Act 2016
- the General Data Protection Regulation (GDPR)
- the Data Protection Act 2018
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

This policy also has due regard to DfE guidance, including, but not limited to

- *Behaviour and discipline in schools 2016*
- *Exclusion from maintained schools, academies and pupil referral units (PRUs) in England 2017*

2 Scope of this policy

2.1 This policy applies to all academy leaders, academy staff (see 2.2 and 2.3) and academy pupils.

2.2 Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the academy rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006). The power also applies to all paid staff with responsibility for pupils, such as teaching assistants.

2.3 For the purpose of this policy the reference to 'Teacher' includes all paid staff responsible for the supervision of pupils. The Principal can limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on an academy trip.

2.4 For the purpose of this policy the reference to 'pupils' includes all learners in our academies.

3 Academy curriculum

3.1 The curriculum has a vital role to play in developing pupils' positive behaviour and attitudes to learning. This includes teaching about mutual respect for all and an understanding of the importance of democracy; the rule of law; individual liberty and tolerance for those with different faiths and beliefs and for those without faith.

3.2 Pupils are taught what constitutes good behaviour and what the benefits of good behaviour are.

3.3 Social, emotional and behaviour skills are taught within the curriculum so that this together with our effective wider work supports pupils to be confident, resilient and independent, and to develop strength of character.

3.4 Teaching styles and approaches to managing behaviour reflect our commitment to the warm-strict philosophy. Pupils respond better to praise and encouragement than punishment.

4 Roles and responsibilities

4.1 Staff members will

- follow this behaviour policy at all times both inside and outside of the classroom
- maintain a positive and well-managed learning environment
- be positive ambassadors of our academies at all times, consistently role modelling high expectations through their professional behaviour and conduct
- use our reward system and hierarchy of sanctions to promote good behaviour
- use the rules and consequences outlined in this policy clearly and consistently
- develop a pupil's individual potential both inside and outside the classroom recognising and celebrating personal milestones
- treat all pupils fairly and equally, seeking to raise their self-esteem and develop to their full potential
- undertake comprehensive planning to provide challenging, interesting and relevant lessons, which are appropriate to the age, ability and individual needs of pupils
- intervene promptly when they encounter poor behaviour or unexplained absence
- record all behavioural events, both positive and negative, on our management information system, by following the correct reporting procedure and ensure that all records are kept up to date
- raise any concerns regarding pupils' behaviour with the relevant senior members of staff and liaise with them in order to implement effective behaviour management
- support other members of staff with behavioural issues involving individual pupils or groups of pupils
- contact parents/carers regarding their child's behaviour where necessary
- monitor the attitude, effort and quality of pupils' work
- provide specific support for SEN/disabled pupils and vulnerable pupils. Take language and cultural barriers into consideration where pupils have English as an additional language
- make referrals to external agencies where deemed appropriate/advised by other agencies
- consistently develop their understanding of behaviour for learning and relevant techniques as part of their CPD.

4.2 Pupils will

- abide by the Home-Academy Agreement and the Behaviour policy at all times
- act as positive ambassadors and representatives of our academies through their exemplary behaviour
- be polite and respectful of others in the surrounding community
- work to the best of their ability and effort at all times, completing all the work assigned to them
- cooperate with other pupils and members of staff in order to create a positive learning environment
- be ready to learn by ensuring regular attendance to all lessons and arriving with the correct equipment
- correctly present themselves in academy uniform
- respect and value the environment and their surroundings, as well as each other
- not act in a manner which is disruptive to the learning of others
- under no circumstances put the health and safety of others at risk.

4.3 Parents/carers will

- abide by the Home-Academy Agreement, ensuring the attendance and punctuality of their children, as well as reporting any absences
- encourage good behaviour and ensure that their children are ambassadors of our academies at all times by reinforcing our rules
- share any concerns they have regarding their children's education, welfare, behaviour and life with staff at our academies
- support their children's independent learning
- support our decisions in relation to behavioural issues, whilst having the right to scrutinise our decisions regarding their children's behaviour
- ensure that their children correctly present themselves as pupils of our academies, in accordance with the uniform code.

5 Classroom behaviour

5.1 Expectations and standards for behaviour are clearly displayed in all classrooms.

5.2 Teaching staff use seating plans and a range of de-escalation techniques to encourage good behaviour and create an effective learning environment.

5.3 Staff use a range of rewards to reinforce and praise good behaviour as set out in Appendix A - Procedure for Rewards.

5.4 When a pupil acts in a disruptive manner or ignores instructions given by a staff member, staff follow our procedures for administering sanctions as set out in Appendix B – Procedure for Sanctions.

6 Pupils' conduct outside of the classroom

6.1 Whilst using the corridors and surrounding area of our academy buildings, pupils must act in a responsible and respectful manner, as would be expected in a classroom.

6.2 We expect our pupils to show respect for their academy and for their community outside of the academy. Anti-social behaviour within the community is not tolerated and this behaviour policy will be followed when

- pupils are taking part in any academy- organised or academy related activity
- pupils are travelling to or from our academies
- pupils are wearing academy uniform
- pupils are in some way identifiable as a pupil at one of our academies
- pupils' behaviour could have repercussions on the orderly running of our academies
- pupils' behaviour poses a threat to another pupil or member of the public
- pupils' behaviour could adversely affect the reputation of our academies.

7 Sanctions for poor behaviour

7.1 Sanctions are given when a pupil's behaviour is unacceptable/inappropriate, in order to help them to develop a sense of right and wrong.

7.2 Punishments are issued sparingly and only where appropriate; however, if a pupil fails to follow instructions or their behaviour falls below the expected standard, staff members will sanction the pupils in question.

7.3 In order for a punishment to be lawful, we ensure that the decision to issue a sanction to a pupil is

- made by a paid member of staff, or a member of staff authorised to do so by the Principal
- made on the academy premises or whilst the pupil is under the charge of a member of staff
- reasonable, will not breach any other legislation, and will not discriminate on any grounds, such as disability, race, special educational needs and disabilities – as per the Equality Act 2010, in respect to safeguarding pupils with special educational needs and disabilities, and any other equality rights.

7.4 The issuing of sanctions is recorded, and the consistent use of sanctions is monitored by senior staff.

7.5 Sanctions

- relate to a specific task or action and will be applied clearly
- are issued consistently and fairly, ensuring that the recipient is clear about what they are being reprimanded for
- reinforce **our** core values and ethos
- do not focus repeatedly on the same issue without progress
- do not have a negative effect upon others.

7.6 The aim of issuing sanctions is to correct the behaviour. Work follows to enhance progress, prevent recurring issues and ensure pupils understand what behaviour was poor and why and what good behaviour looks like in that scenario and why.

7.7 We always consider whether the behaviour under review gives cause to suspect that a pupil is suffering from, or is likely to suffer, significant harm. Where this may be the case, staff follow our safeguarding policy.

7.8 We take a graduated response to pupils whose behaviour may be the result of educational, mental health or other needs or vulnerabilities. This response is individualised to meet the needs of the pupil and includes:

a) an assessment to establish a clear analysis of the pupil's needs

b) a plan setting out how the pupil will be supported

c) the required action to provide the support

d) regular reviews to assess the effectiveness of the provision and identify any necessary changes.

7.9 We consider a pupil's special educational needs when dealing with their behaviours.

7.10 Where points 7.7, 7.8 or 7.9 apply the need for multi-agency assessments will be considered where necessary.

7.11 There is an expectation that, following an incident which requires a pupil to be disciplined by a member of staff, a brief restorative justice meeting between all parties involved will be completed. This improves the relationship between the pupil and member of staff, encouraging tolerance, democracy and mutual respect. Training for this must be provided to ensure the needs of the pupils are met and de-escalation strategies are used appropriately.

7.12 The full set of sanctions that we use are set out in Appendix B – Procedure for Sanctions.

8 Use of exclusions

8.1 Only the Principal or, in the absence of the Principal, the member of the Senior Leadership Team (SLT) who is acting in that role can exclude a pupil from our academy.

8.2 The Principal is able to rescind an exclusion up to the time it is put before the relevant committee. An example of where this would be appropriate is where a managed move is brokered after a permanent exclusion has been given.

8.3 We are aware that off-rolling is unlawful. Ofsted defines off-rolling as

"the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

8.4 We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

8.4 The decision to exclude a pupil is a serious one and will only be taken

- in response to serious or persistent breaches of this policy, **and**
- if allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

8.5 Where a pupil breaches this policy, the Principal may decide that it is appropriate to exclude them for a fixed period of time. This is known as a 'fixed-term' exclusion. A fixed-term exclusion is a serious sanction.

8.6 With regards to persistent breaches of this policy, any decision to exclude permanently will be the final step in a process where a wide range of other strategies have been tried, without success. It is an acknowledgement that we have exhausted all available strategies for dealing with the pupil and will only be used as a last resort.

8.7 A pupil may be permanently excluded for committing a single serious breach of this policy, even if they have never been in trouble before. Examples of behaviour that constitutes a single serious breach includes, but is not restricted to, assault on another pupil or a member of staff, threat of violence against a member of staff, bringing a knife or other weapon onto academy premises, bringing an illegal substance onto academy premises, whether for personal use or intended for distribution and being found in possession of "prohibited items" listed in 9.2 or banned items. Where a pupil is involved in breaking the law the Police will be informed.

8.8 Pupils can be excluded for a fixed period or permanently, for behaviour outside of the academy, where their behaviour brings our academy into disrepute or when there is a serious chance the incident may affect academy order and discipline.

8.9 Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal will

- consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- allow the pupil to give their version of events
- consider if the pupil has special educational needs (SEN).

8.10 Please see Appendix D – Procedure for Exclusions.

9 Use of detention

9.1 Detention (including detention outside of academy hours) is used as a sanction in our academies.

9.2 In setting a detention outside normal academy hours we adhere to the following statutory legislation. A detention can be given on a) any academy day where the pupil does not have permission to be absent; b) weekends - except the weekend preceding or following the half term break; and c) non-teaching days – usually referred to as 'training days', 'INSET days' or 'noncontact days'.

9.3 Whilst parental consent is not required for detentions we do endeavour to be reasonable and take in to account the need to allow for any family commitments which would be considered essential. We therefore aim to notify parents by phone call. Staff will not issue a detention outside of academy hours where they know that doing so would compromise a pupil's safety. When ensuring that a detention outside academy hours is reasonable, staff issuing the detention consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after academy detention where the pupil can get home safely.

- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

9.4 With lunchtime detentions, staff allow twenty minutes for the pupil to eat, drink and use the toilet.

10 Confiscation of Inappropriate Items

10.1 Members of staff are able to confiscate, retain or dispose of a pupil's property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully. In our academies any items which are confiscated will be held securely by the Principal or Vice-Principal.

10.2 Members of staff can exercise their power to search **without consent** for "prohibited items" including

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

10.3 Weapons and knives and child pornography are given to the police as soon as reasonably practical.

10.4 Other items which are confiscated are returned at the end of the day.

10.5 A log is kept to record all confiscated items (see Appendix C).

11 Power to use reasonable force and right to search pupils

11.1 Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

11.2 Members of staff can seek pupil consent to search for items on the banned list or for any other item linked to safety and welfare. Force cannot be used to search for these items.

11.3 The Principal and authorised academy staff may use such force as is reasonable given the circumstances when conducting a search **without consent** for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Please refer to our Use of Reasonable Force Policy for further details.

11.4 Should a pupil refuse to be searched academy staff should first contact the pupil's parents to request their assistance and if that is not appropriate under the circumstances or the parent is unable to assist, they should call the police and isolate the pupil until such time that the police can carry out the search.

11.5 There must always be two members of staff present when a pupil is searched and we aim to ensure that at least one of these members of staff is the same gender as the pupil.

11.6 Staff are permitted to search electronic devices prohibited by academy rules or that they reasonably suspect have been, or are likely to be, used to commit an offence or cause personal injury or damage to property. They may also delete data files if there is a good reason to do so. This includes if they suspect that the data has been, or could be, used to cause harm, disrupt teaching or break academy rules.

11.7 Staff must give confiscated devices to the police as soon as reasonably practicable where they have reasonable grounds to suspect that they contain evidence related to an offence.

11.8 Staff are aware that behaviours linked to 'sexting' place a pupil in danger and must report any such suspicion immediately in line with our safeguarding policy.

11.9 We keep a log of any searches that take place, detailing the name of the pupil, the reason, what was or was not found, confirmation that parents have been contacted and that two members of staff were present during the search (See Appendix C).

12 Seclusion and isolation rooms

12.1 Disruptive pupils can be placed in an area away from other pupils for a limited period. There is no seclusion room so this would be with a member of the pastoral team or with a member of the leadership team. We will only ever use isolation that prevents a pupil from leaving a room of their own free will in exceptional circumstances and where the pupil's safety is at risk by leaving the room.

12.2 We consider pupil wellbeing before placing a pupil in isolation and have due regard for any safeguarding, pupil welfare and health and safety consideration for each individual.

12.3 Appendix B – Procedures for Sanctions specifies how long a pupil may be kept in seclusion or isolation following an **internal exclusion.** Pupils are not kept in isolation for more time than is necessary.

12.4 It is very important that pupils are given suitable academic work to undertake whilst spending time away from their peers but this time may also afford an opportunity for the pupil to receive counselling and guidance aimed at addressing the issues or changing the behaviours that have led to the seclusion. Pupils in isolation are given time to eat or use the toilet.

13 Bullying

13.1 We take bullying very seriously. Bullying involves the persistent physical or verbal abuse of another pupil or pupils including online and mobile devices. It is characterised by an intent to hurt emotionally and/or physically.

13.2 We expect our pupils to be involved in developing our anti-bullying policy. Pupils identified as having SEND and mental ill health must be given additional support should they be involved in a bullying situation.

13.3 Please refer to our Anti-Bullying Policy for further detail about how we endeavour to prevent and deal with bullying.

14 Drugs, tobacco, alcohol and illegal substances

14.1 Pupils are not allowed to bring tobacco, drugs, alcohol, illegal or 'legal high' substances (or any paraphernalia associated with or for the use of these) on to our academy sites.

14.2 Suspected or actual use of drugs, tobacco, alcohol, illegal or 'legal high' substances on the way to and/or from or whilst on our academy sites will result in a serious sanction and could lead to permanent exclusion. This also applies to academy trips and journeys.

14.3 Supplying drugs, alcohol or illegal substances is a criminal activity and will be reported to the police. It will incur a serious sanction and will usually lead to permanent exclusion.

14.4 Confiscated drugs and illegal substances are given to the Police as soon as reasonably practicable.

14.5 Parents are informed of their child's involvement in any activity related to smoking, drugs, alcohol, illegal or 'legal high' substances.

15 Weapons

15.1 The law recognises three categories of offensive weapon:

- Those where objects are made for use for causing injury to the person. These items are legally classified as 'offensive weapons per se' and include flick knives, kitchen knives, butterfly knives, pepper sprays, knuckle dusters and nunchucks.
- Those where objects are adapted for such a purpose, i.e. to cause injury to a person. This includes items that would otherwise be incapable of causing injury but have been changed so that they now can, for example a sock containing a snooker ball, a sharpened stick or a sharpened snooker cue, or a water pistol filled with acid.
- Those where objects are not so made or adapted but carried with the intention of causing injury to the person, for example a cup of bleach carried with the intent of throwing it into someone's face to cause injury, sharpened nail scissors or a baseball bat.

15.2 We class weapons as anything that has been designed or adapted to inflict harm upon others.

15.3 Pupils are not allowed to bring weapons or anything that can be used as a weapon on to our academy sites.

15.4 Suspected or actual use of weapons or anything that can be used as a weapon on the way to and/or from or whilst on our academy sites is a criminal activity and will be reported to the police. It will incur a serious sanction and will usually lead to permanent exclusion. This policy applies to academy trips and journeys.

15.5 Providing weapons to others is a criminal activity and must be reported to the police. It will incur a serious sanction and could lead to permanent exclusion.

15.6 Confiscated weapons are given to the police as soon as reasonably practicable.

15.7 Parents are informed of their child's involvement in any activity related to weapons.

16 Mobile phones

16.1 Mobile phones are not allowed to be used by pupils for social activity during the academy day.

16.2 Whilst we accept that pupils may carry a mobile phone on journeys to and from the academy, they are not to be used on our academy sites at any time unless part of an agreed supervised teacher led activity.

17 Child protection and safeguarding

17.1 We take the promotion of children's wellbeing and protection from harm very seriously. Where an allegation is of a safeguarding nature, we have separate procedures in place for managing allegations of abuse against children (see Safeguarding Policy).

18 Outside agencies

18.1 Our academy is part of a wider community of support and we work with many outside agencies to support our pupils and help them to thrive and achieve. This additional support will be discussed with parents/carers as early as possible. All referrals will take into consideration the views of parents and where appropriate pupils.

18.2 The SENCO will act in accordance with the policy for SEND. All support programmes will include personal targets/milestones and will be flexible to meet the changing needs of pupils, particularly when programmes are not deemed to be successful.

19 Staff training and support

19.1 Our commitment to professional development includes helping teachers and other staff to develop and refine their approaches and strategies for managing and improving pupil behaviour and attitudes.

19.2 Staff are trained to know that disruptive or unusual behaviour may have an underlying root cause such as a mental health issue or an undiagnosed or unmet educational need. They know who to refer the pupil to for further support.

19.3 Regular training is provided to newly qualified teachers, support staff and others who have been identified as requiring additional behaviour intervention techniques as part of individual staff development needs.

20 Record keeping and data protection

20.1 We keep a record of incidents of misbehaviour and positive behaviour.

20.2 We keep a record of incidents of rewards and sanctions. We ensure that rewards and sanctions are distributed fairly and analyse this by

- Gender
- Ethnicity
- EAL
- Pupil premium
- SEND
- Disability
- Age
- Religion
- Sexuality
- Children Looked After.

20.3 We monitor 20.1 and 20.2 above to provide regular information on how effectively this behaviour policy is working.

20.4 All records relating to behaviour and discipline are processed and stored in accordance with the requirements of our data protection policy.

Appendix A Procedure for Rewards

Rewarding good behaviour

Green Dojos

Quiet word, smile acknowledgement

Written comment on pupil's work

Praise in front of class group

Visit to another member of staff

Visit to the principal

Participation in the Hall of Fame assembly on Friday afternoon.

Certificates

Acknowledgement in School Newsletter

Appendix B – Procedures for Sanctions

Sanctions for poor behaviour

Most behaviour can be dealt with through the DOJO system.

Immediate verbal or non-verbal check of misbehaviour

Warning

Extra work where work is clearly below potential

Homework

Referral to colleague/paired class possibly with a period of reflection time within partner classroom.

Referral to Vice Principal

Referral to Principal

Parental involvement

Dententions

Liaison with the SENCo to develop further strategies

Referral to outside agencies

Temporary and permanent exclusion from school remain an option as a last resort. (This will always be at the discretion of the Principal)

Appendix C – Search and Confiscation Log

Date	Pupil Name	Search Y/N	Reason for search	Searched by (Confirm 2 members of staff)	List Item(s) found or state nothing found	List items confiscated	Confiscated by?	Where are the items stored?	Police informed Date/time and by whom	Parent informed? Date/time and by whom	Date Item returned or if collected – who by.

Appendix D – Procedures for fixed-term and permanent exclusion

1 Fixed-term exclusions

1.1 A pupil may be excluded for one or more fixed periods (up to a maximum of 45 academy days in a single academic year).

1.2 When a pupil is excluded, the Principal must notify the parents, without delay, of the period of exclusion and reasons for it. This may be done in person or by telephone.

1.3 The Principal will, without delay, provide the parents with the relevant information, in writing.

1.4 If the exclusion is for more than 5 days, then parents will be advised of arrangements for the continuation of education for the pupil during the exclusion.

1.5 A fixed term exclusion cannot be converted into a permanent exclusion. However, as suggested in the "Guidance….2017", " ….where further evidence has come to light, a further fixed period or a permanent exclusion can be issued to begin immediately after the end of the first fixed period".

1.6 Model letters have been provided below and must be used; they incorporate all the information the Principal is required to provide to the parents and a list of people to send a copy of the letter to, to ensure that all relevant parties have been advised of the exclusion. There are three different letters which may be used depending on the term of exclusion:

Model Letter 1 – if the exclusion is for fewer than 5 days and the total number of days the pupil has been excluded for in the term (including this exclusion) will be 5 days or less.

Model Letter 2 – if the pupil has been excluded for more than 5 days in the term (including this exclusion) but fewer than 15 days in the term.

Model Letter 3 – if the pupil has been excluded for more than 15 days in the term (including this exclusion) or will miss a public exam or national curriculum test.

2 Representation from parents

2.1 Parents may make a representation to the Local Academy Committee about an exclusion. Details of how to make a representation are included in the exclusion letter. If parents have any disability, then adjustments must be made to assist their engagement in the process. Relevant and reasonable adjustments can be made in the whole process to assist both parents and pupils who have a disability either physical or learning.

2.2 Where a pupil has been excluded for more than 15 days in a term, the Local Academy Committee must convene a meeting to consider reinstatement within 15 academy days of receiving notification of the exclusion. This also applies when the pupil will miss a public examination or national curriculum test, however, in this case, the Local Academy Committee must take reasonable steps to meet before the date of the examination.

2.3 For all other exclusions, a panel is only convened if

- the exclusion will take the pupil's total days of exclusion above 15 for a term or
- the exclusion will take the pupil's total days of exclusion above five for the term AND the pupil's parents have requested a meeting with the Local Academy Committee. In this instance the Local Academy Committee must convene a meeting to consider reinstatement within 50 days of receiving notice of the exclusion. For

representations on exclusions of fewer than 5 days, the Local Academy Committee must consider the representation but has no power to overturn the exclusion.

2.4 Where requested/required the clerk to the Local Academy Committee will convene a panel of governors (minimum of 3) to consider the reinstatement of an excluded pupil. The panel may consist of any three governors with the exception of the Principal; however, it is best practice for the panel to exclude staff governors and parent governors, where they have a child in the same year as the pupil that has been excluded. Any governor with a conflict of interest must not be included on the panel (e.g. if they have had any involvement in the exclusion or will benefit from the pupil being excluded). The clerk should notify the parents in writing 5 days in advance of the meeting (see Model Letter 5).

3 Local Academy Committee panel

3.1 The meeting will be attended by the following:

- Panel of governors (minimum of 3)
- Clerk to Local Academy Committee (where the Clerk is a member of staff, providing there is no conflict of interests, they may clerk the meeting)
- Principal
- Excluded pupil (they may choose not to attend)
- Parents/carers of the excluded pupil (they may choose not to attend)
- Companion to parents/carers or pupil (where requested – each parent/carer and pupil in attendance may be accompanied by a friend or representative.
- Parents may request that the local authority and/or home local authority attend a meeting of an academy's governing board as an observer; that representative may only make representations with the governing board's consent.

A model agenda has been included in the appendices.

3.2 The outcome of the panel meeting is either to decline to reinstate the pupil; or direct reinstatement of the pupil immediately or on a particular date.

3.3 The Clerk will advise the parents in writing of the outcome:

Model Letter 6 – if the pupil has been reinstated.

Model Letter 7 – if the exclusion has been upheld.

4 Permanent exclusions

4.1 When a pupil is permanently excluded the Principal must notify the parents by telephone, without delay, that the exclusion is permanent and the reasons for it.

4.2 The Principal must then provide the relevant information in writing to the parents either directly or by posting it to the address held on file.

4.3 A model letter has been provided in Appendix 1 **(Model Letter 4)** which incorporates all information the Principal is required to provide to the parents and a list of people to send

a copy of the letter to, to ensure that all relevant parties have been advised of the exclusion.

4.4 The Local Academy Committee must convene a meeting to consider reinstatement within 15 academy days of receiving notice of the exclusion.

4.5 The Clerk to the Local Academy Committee will convene a panel of governors (minimum of 3) to consider the reinstatement of an excluded pupil. The panel may consist of any three governors with the exception of the Principal; however, it is best practice for the panel to exclude staff governors and parent governors, where they have a child in the same year as the excluded. Any governor with a conflict of interest must not be included on the panel (e.g. if they have had any involvement in the exclusion or will benefit from the pupil being excluded). The clerk should notify the parents in writing 5 days in advance of the meeting (see Model Letter 5).

5 Local Academy Committee panel

5.1 The meeting will be attended by the following:

- Panel of governors (minimum of 3)
- Clerk to the Local Academy Committee (where the clerk is a member of staff, providing there is no conflict of interests, they may clerk the meeting)
- Principal
- Excluded pupil (they may choose not to attend)
- Parents/carers of the excluded pupil (they may choose not to attend)
- Witness (where required)
- Companion to parents/carers or pupil (where requested – each parent/carer and pupil in attendance may be accompanied by a friend or representative.
- Parents may request that the local authority and/or home local authority attend a meeting of an academy's governing board as an observer; that representative may only make representations with the governing board's consent.

5.2 A model agenda has been included below.

5.3 The outcome of the panel meeting is either to decline to reinstate the pupil; or direct reinstatement of the pupil immediately or on a particular date.

5.4 The Clerk will advise the parents in writing of the outcome:

Model Letter 6 – if the pupil has been reinstated.

Model Letter 7 – if the exclusion has been upheld.

6 Independent Review Panel

6.1 Parents have the right to ask that an Independent Review Panel (IRP) be arranged to review the decision taken by the Local Academy Committee not to reinstate their child, following their permanent exclusion.

6.2 The request must be made in writing within 15 academy days from the date on which notice in writing of the Local Academy Committee's decision was given. Details of how to

make a representation are included in the letter sent following the Local Academy Committee meeting.

6.3 The role of the panel is to review the Local Academy Committee's decision not to reinstate the excluded pupil balancing the interests of the pupil against the interests of other pupils and people working within the academy.

6.4 The clerk, with the support of the Regional Governance Manager will convene an Independent Appeals Panel in accordance with statutory guidance and will ensure that parents are notified of the date, time and venue in writing 5 days in advance of the meeting.

6.5 The panel will consist of

6.5.1 a lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.

6.5.2 a current or former school governor (including members of PRU management committees and directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during that time.

6.5.3 a headteacher/Principal or someone who has been a Headteacher/Principal within the last 5 years.

6.6 Members/directors/employees of ATT and governors of the excluding academy must not sit on the Panel.

6.7 All panel members and independent clerks must have received the relevant training within the two years prior to the date of the review. See para 124 of the Statutory Guidance for full details.

6.8 The meeting will be clerked by an independent Clerk.

6.9 Parents have a right to request the attendance of an SEN expert at a review, regardless of whether the academy recognises that their child has SEN. If requested, the Trust must appoint an SEN expert to attend the panel and must cover the associated costs of this appointment.

6.10 The meeting may be attended by:

- Principal of the academy which excluded the pupil
- Chair of the Local Academy Committee panel (this may be delegated to another member of the panel)
- Excluded pupil (they may choose not to attend)
- Parents/carers (they may choose not to attend)
- SEN Expert (where required)
- Interpreter (where required)
- Companion to parents/carers and pupils (where requested – each parent/carer and pupil in attendance may be accompanied by a friend or representative).
- Parents may request the attendance of a Local Authority or Home Local Authority representative at the meeting. Their representations are at the discretion of the IRP panel.

6.11 The possible outcomes of the Independent Appeals Panel meeting are:

6.11.1 to uphold the Local Academy Committee's decision

6.11.2 to recommend that the Local Academy Committee reconsiders reinstatement; or

6.11.3 to quash the decision and direct that the Local Academy Committee considers reinstatement.

6.12 The Clerk to the Independent Review Panel will advise the parents, the academy and the Local Authority in writing of the outcome.

7. Reconsidering the exclusion

7.1 Where the panel directs (quashes) or recommends that the Local Academy Committee reconsider whether a pupil should be reinstated, the Local Academy Committee must reconvene to do so within 10 academy days of being given notice of the panel's decision. Reconsidering reinstatement provides an opportunity for the same Local Academy Committee panel to look at its decision afresh, in light of the independent review panel's findings. There is no requirement to seek further representations for either the Academy or the parents or to invite them to the reconsideration meeting.

7.2 The Local Academy Committee should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by them.

7.3 The Local Academy Committee's decision should demonstrate how they have addressed the concerns raised by the independent review panel and this should be communicated, in writing, to parents/carers, the Principal and the local authority by letter without delay.

Model letters

All letters are to be inserted onto academy headed paper, dated and highlighted sections completed – they must be used and apart from the insertion of factual information at the highlighted points, must not be modified. Should an appeal go to an Independent Review Panel, the academy will be criticised if it does not use the model letters attached to its Exclusions Policy. The Model Letters are detailed below:

Model Letter 1 – Notification of fixed period exclusion of 5 academy days or fewer in one term and where a public examination is not missed.
Model Letter 2 – Notification of a fixed term period exclusion of more than 5 and up to an including 15 academy days in total in one term and where a public examination is not missed.
Model Letter 3 – Notification of a fixed term period exclusion of more than 15 academy days in total in one term or where the pupil is missing a public examination.
Model Letter 4 – Notification of a permanent exclusion.
Model Letter 5 – From the Clerk to the Local Academy Committee to parents informing them of the meeting of the Exclusion Panel.
Model Letter 6 – From the Clerk to the Local Academy Committee advising parents of the reinstatement of the pupil.
Model Letter 7 – From the Clerk to the Local Academy Committee to parents upholding a fixed term exclusion.
Model Letter 8 – From Clerk to Local Academy Committee to parents upholding a permanent exclusion.

Model Letter 1

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

Dear [Parent's Name],

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [he/she] will not be allowed into the academy for this period. The exclusion [begins/began] on [date] and ends on [date]. Your child should return to the academy on [date].

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

You have a duty to ensure that your child is not present in a public place during academy hours during this exclusion on [specify dates of exclusion] unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during academy hours on the above specified dates. If so, it will be for you to show reasonable justification.

We will set work for [Child's Name] to be completed on the above specified days [detail the arrangement for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Local Academy Committee. If you wish to make representations please contact [Name of Contact (Chair of the Local Academy Committee or Clerk)] [on/at] [Contact details (address, phone number, email)], as soon as possible. Whilst the Local Academy 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 academy record.

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 academy. Also, please inform [Name of Clerk] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has and you think disability discrimination has occurred; you have the right to appeal and/or make a claim, to the First Tier Tribunal. (https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability)

[**This paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary-aged pupils if the Principal chooses to hold a reintegration interview**].

You and [Child or Pupil'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 academy by [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 return to the academy can be managed. Failure to attend a reintegration interview will 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 academy record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of

[Child's Name]'s academy record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact number] who will be able to provide guidance and advice. You may also contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com/

The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December – 1 January. Statutory guidance on exclusions can be found of the Department for Education (DfE) website at http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to return to the academy on [date] and [time].

Yours sincerely,

[Name]

Principal

[Academy]

[**Only need to cc if this exclusion would result in the pupil being excluded for more than 5 academy days (or more than 10 lunchtimes) in a term**].

Cc [Name] Chair of the Local Academy Committee

[Name] Clerk to LAC

[Name] Regional Education Director

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

Model Letter 2

Notification of a fixed period exclusion of more than 5 and up to and including 15 academy days in total in one term and where a public examination is not missed.

Dear [Parent's Name],

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed in the academy for this period. The exclusion start date is [date] and the end date is [date]. Your child should return to the academy on [date].

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period of [specify period] due to [specify reasons for exclusion].

You have a duty to ensure that your child is not present in a public place during academy hours during the first 5 academy days [or specify dates if exclusion is for fewer than 5 days] of this exclusion, that is on [specify dates]. I must advise you that you may be prosecuted or receive a penalty notice from the Local Authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for [Child's Name] during the [first 5 or specify other number as appropriate] academy days of [his/her] exclusion [specify the arrangements for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

From the [specify date of the 6th academy day of the pupil's exclusion] until the expiry of his exclusion we [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter] will provide suitable full-time education. On [date] [Child's Name] should attend at [give name and address of the alternative provider if not the home academy] at [specify the time — this may not be identical to the start time of the home academy] and report to [staff member's Name]. [If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].

You have the right to request a meeting of the academy's Local Academy Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 academy days in a term, the Local Academy Committee must meet if you request it to do so. The latest date by which the Local Academy Committee must meet, if you request a meeting, is [specify date — no later than the 50th academy day after the date on which the Local Academy Committee were notified of this exclusion]. If you do wish to make representations to the Local Academy Committee, and wish to be accompanied by a friend or representative, please contact [Name of Clerk] [on/at] [contact details — address, phone number, email], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy.

Also, please inform [Name of Clerk] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm). Making a claim would not affect your right to make representations to the discipline committee.

You and [Child'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 academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed. Failure to attend a reintegration interview will 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 have the right to see and have a copy of, your child's academy record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's academy record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact details] who will be able to provide guidance and advice. You may also wish to contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December - 1 January. Statutory guidance on exclusions can be found on the Department for Education website at: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to return to the academy on [date] at [time].

Yours sincerely,

[Name]

Principal

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Clerk to LAC

[Name] Regional Education Director

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

Model Letter 3

Notification of a fixed period exclusion of more than 15 academy days in total in one term or where the pupil is missing a public examination.

Dear [Parent's Name],

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed in the academy for this period. The exclusion [begins/began] on [date] and ends on [date]. Your child should return to the academy on [date].

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

You have a duty to ensure that your child is not present in a public place in academy hours during [the first five academy days of exclusion or specify dates], unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for [Child's Name] during the [first five academy days or specify dates] of [his/her] exclusion [specify the arrangements for this]. Please ensure that work set by the academy is completed and returned to us promptly for marking.

[if the individual exclusion is for more than 5 days]
From the [6th academy day of the pupil's exclusion] [specify date] until the expiry of his exclusion we [set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter] will provide suitable full-time education. [Set out the arrangements if known at the time of writing, e.g.] On [date] [he/she] should attend [give name and address of the alternative provider] at [specify the time — this may not be identical to the start time of the home academy] and report to [staff member's Name]. [If applicable — say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]

Either As the length of the exclusion is more than 15 academy days in total in one term the Local Academy Committee must meet to consider the exclusion**. Or** As your child will miss a [public examination or national curriculum test] as a result of this exclusion, the Local Academy Committee must meet to consider the exclusion. At the review meeting you may make representations to the Local Academy Committee if you wish. The latest date on which the Local Academy Committee can meet is [date here — no later than 15 academy days from the date the governing body is notified]. If you wish to make representations to the Local Academy Committee and wish to be accompanied by a friend or representative please contact [Name of Clerk] [on/at] [contact details — address, phone number, email], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Academy Committee 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 academy. Also, please inform [Name of Clerk] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-

tribunals/tribunals/send/index.htm). Making a claim would not affect your right to make representations to the Local Academy Committee.

[mandatory for all exclusions of primary-aged pupils and those of more than 5 days of secondary-aged pupils]
You and [Child's Name] are invited 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 academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed. Failure to attend a reintegration interview will 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 and have a copy of [Child's Name]'s academy record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [Child's Name]'s academy record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact details] who will be able to provide guidance and advice. You may also wish to contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December - 1 January. Statutory guidance on exclusions can be found on the Department for Education website at: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to return to the academy on [date] at [time].

Yours sincerely,

[Name]

Principal

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Clerk to LAC

[Name] Regional Governance Manager

[Name] Regional Education Director

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

Model Letter 4

Notification of a permanent exclusion.

Dear [Parent's Name],

I regret to inform you of my decision to permanently exclude [Child's Name] with effect from [date]. This means that [Child's Name] will not be allowed in this academy unless [he/she] is reinstated by the Local Academy Committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly.

[Child's Name] has been excluded in response to a serious breach [or persistent breaches] of academy's behaviour policy and allowing [Child's Name] to remain in the academy would seriously harm the education or welfare of [Child's Name] or others in the academy.

The reasons for the permanent exclusion are outlined below:

[reasons for the exclusion — bullet points].

You have a duty to ensure that your child is not present in a public place during academy hours during the first 5 academy days of this exclusion, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during academy hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five academy days of the exclusion, we will set work for [Child's Name] and would ask you to ensure this work is completed and returned promptly to the academy for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth academy day of the exclusion onwards — i.e. from [specify the date] the Local Authority [give the Name of the authority] will provide suitable full-time education. [Set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter].

[Where pupil lives in a local authority other than the excluding academy local authority]

I have also today informed [Name of Officer] at [Name of Local Authority] of your child's exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth academy day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the Local Academy Committee must meet to consider it. At the review meeting you may make representations to the Local Academy Committee if you wish and ask them to reinstate your child into the academy. The Local Academy Committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Review Panel. The latest date by which the Local Academy Committee must meet is [specify the date — the 15th academy day after the date on which the Local Academy Committee was notified of the exclusion]. If you wish to make representations to the Local Academy Committee and wish to be accompanied by a friend or representative please contact [Name of Clerk] [on/at] [contact details — address, phone number, email], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Local Academy Committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [Name of Clerk] if it would be helpful for you to have an interpreter present at the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the Local Academy Committee.

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

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact details] who will be able to provide guidance and advice. You may also wish to contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December - 1 January. Statutory guidance on exclusions can be found on the Department for Education website at: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[where considered relevant by the Principal, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].

Yours sincerely,

[Name]
Principal

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Clerk to LAC

[Name] Regional Governance Manager

[Name] Regional Education Director

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

Model Letter 5

From the Clerk to the Local Academy Committee to parents informing them of the meeting of the Exclusion Panel.

Dear [Parent's Name],

The meeting of the Local Academy Committee Exclusion Panel at [Name of academy] will take place at [time] on [date] at the academy to consider the permanent exclusion of your [son/daughter], [Child's Name].

The panel will consist of three Governors [insert Names]. The Principal, [insert anyone else present], and [insert Name of person clerking the meeting] (the Clerk) will also be present.

You may make representations to the Local Academy Committee Exclusion Panel if you wish and ask them to reinstate your child into the academy. The Local Academy Committee Exclusion Panel have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion, in which case you may request a review of the decision by an Independent Review Panel.

Please let me know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform me if it would be helpful for you to have an interpreter present at the meeting.

Please find enclosed the following written evidence and information:

[List enclosures including:

- Agenda
- Policy that has been breached
- Evidence of the breach of policy
- Support provided prior to exclusion]

Please let me know on [contact details] if you will not be attending the meeting.

Yours sincerely,

[Name]

Clerk to LAC

[Academy]

Cc [Name] Panel Member (1)

[Name] Panel Member (2)

[Name] Panel Member (3)

[Name] Regional Governance Manager

If the LA are attending the meeting then they should be included in the cc list, otherwise please just advise them of the date of the meeting.

Model Letter 6

From the Clerk to the Local Academy Committee advising parents of the reinstatement of the pupil.

Dear [Parent's Name],

The meeting of the Local Academy Committee Exclusion Panel at [Name of academy] on [date] considered the decision by [Name of Principal] to permanently exclude your [son/daughter], [Child's Name]. The Exclusion Panel, after carefully considering the representations made and all the available evidence, has decided to direct re-instatement of [Child's Name] to [Name of academy] on [specify date].

THE REASONS FOR RE-INSTATEMENT are:

You and [Child Name] are requested to attend a reintegration interview with [specify the Name of staff member] at [place] on [date] at [time]. If that is not convenient, please contact the academy by [date within the next ten days] to arrange a suitable alternative date and time.

Yours sincerely,

[Name]

Clerk to the Local Academy Committee

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Regional Governance Manager

[Name] Principal

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

Model Letter 7

From the Clerk to the Local Academy Committee to parents upholding a fixed term exclusion

Dear [Parent's Name],

The meeting of the Local Academy Committee Exclusion Panel at [Name of academy] on [date] considered the decision by [Name of Principal] to exclude your [son/daughter], [Child's Name] for [insert number of days] days. The Exclusion Panel, after carefully considering the representations made and all the available evidence, has decided to uphold [Child's Name]'s exclusion.

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

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact details] who will be able to provide guidance and advice. You may also wish to contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December - 1 January. Statutory guidance on exclusions can be found on the Department for Education website at: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[where considered relevant by the Principal, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].

Yours sincerely,

[Name]

Clerk to the Local Academy Committee

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Regional Governance Manager

[Name] Principal

[Name] [Name of LA] Local Authority

Model Letter 8

From the Clerk to the Local Academy Committee to parents upholding a permanent exclusion

Dear [Parent's Name],

The meeting of the Local Academy Committee Exclusion Panel at [Name of academy] on [date] considered the decision by [Name of Principal] to permanently exclude your [son/daughter], [Child's Name]. The Exclusion Panel, after carefully considering the representations made and all the available evidence, has declined to reinstate [Child's Name]

The Panel put its mind to the following:

[Clerks should take the Exclusion Panel through the following headings during their deliberations following the meeting, record what is said and agree the text before leaving. This forms the main body of the decision letter and if detailed well will stand up under the scrutiny of an IRP]

Illegality: Did the Principal act outside the scope of his legal powers in taking the decision to exclude?

The Committee considered this question in relation to the 'Statutory guidance for those with legal responsibilities in relation to exclusion, September 2017' and found no evidence that the Principal had acted outside his legal powers.

Irrationality: Was the decision of the Principal to permanently exclude [name of pupil] so unreasonable that it was not one a sensible person could have made?

The Exclusion Panel heard evidence from the academy that.....

The Exclusion Panel took the view that this evidence showed that.....

The Exclusion Panel considered the support the Academy had provided for....

The Exclusion Panel was persuaded by the evidence provided by.....

Procedural impropriety: Was the process of exclusion so unfair or flawed that justice was not clearly done?

Has the Principal followed the Academy's own guidance and policies?

The Exclusion Panel was satisfied that the Principal had followed the Academy's own guidance and policies.

Was [name of pupil] responsible for what has been alleged?

The Exclusion Panel agreed that given the evidence before them that 'on the balance of probability', [name of pupil] was responsible for what had been alleged by the Academy.

Was the Exclusion Panel unanimous?

The Exclusion Panel was unanimous in the view that allowing [name of pupil] "to remain in school would seriously harm the education or welfare of the pupil and others in the school" and this duty of care outweighed their duty to reinstate him.

Has the Exclusion Panel considered any equalities issues in this review?

The Exclusion Panel are well aware that under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment.

The exclusion rates for certain groups of pupils are consistently higher than average. This includes pupils with SEN; pupils eligible for free school meals; looked after children and pupils from certain ethnic groups.

The Committee took into consideration.....but found that [name of pupil] had not been discriminated against.

The Committee must balance the interests of the excluded pupil against the interests of all the other members of the academy community.

The Committee agreed with the Principal in his view that allowing pupil "to remain in school would seriously harm the education or welfare of the pupil and others in the school" and this duty of care, outweighed their duty to reinstate him.

Your right to review by an Independent Review Panel

You have the right to request a review of this decision. Regardless of whether your child has recognised special educational needs, you have a right to ask the academy trust to appoint an SEN expert to attend the review at no cost to you. The SEN expert is there to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. Your request for an SEN expert must be included in your application for a review.

If you wish to request a review, please notify [Academy Clerk] Email:[insert address] Tel: [insert number] You must set out the reasons for your request in writing, and if appropriate may also include your request for an SEN expert and/or reference to any disability discrimination claim you may wish to make.

Please send this request for a review by no later than **[specify the latest date — the 15th academy day after receipt of this letter]**. If you have not requested a review by **[repeat latest date]**, you will lose your right to do so.

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

The review will be heard by an Independent Review Panel. The Independent Review Panel is not precluded from considering issues of discrimination in reaching its decision. A three-member panel will comprise of one serving, or recently retired (within the last five years), Principal, one serving, or recently serving, experienced Governing Body member and one lay member who will be the Chairman. The review 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 15th academy day after the date on which you request a review. In exceptional circumstances panels may adjourn the hearing until a later date.

Following the review, the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the Local Academy Committee's Exclusion Panel reconsiders their decision, or they may quash the decision and direct that the Local Academy Committee considers the exclusion again.

The Independent Review Panel can make one of three decisions: they can uphold the exclusion committee's decision; recommend that the exclusion committee reconsiders reinstatement; or quash the decision and direct that the exclusion committee reconsiders reinstatement.

You may find it useful to contact [Name of LA Rep] at the Local Authority on [contact details] who will be able to provide guidance and advice.

You may also wish to contact the Children's Legal Centre who aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December - 1 January. Statutory guidance on exclusions can be found on the Department for Education website at: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

[where considered relevant by the Principal, links to local services such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk) may also be included].

The arrangements currently being made for [Child's Name]'s education will continue. [specify details here].

Yours sincerely,

[Name]

Clerk to the Local Academy Committee

[Academy]

Cc [Name] Chair of the Local Academy Committee

[Name] Regional Governance Manager

[Name] Principal

[Name] Regional Education Director

[Name] [Name of LA] Local Authority

If 'home' LA different [Name] [Name of LA] Local Authority

2 – Model Agenda

Agenda

[Academy]

[Child's Name] – Exclusion Meeting

Date: [date]

Time: [time]

Location: [location of meeting]

Present:			**Apologies:**	
Name	(xx)	Chair	Parents/pupil	If applicable
Name	(xx)	Governor		
Name	(xx)	Governor		
Name	(xx)	Clerk		
Name	(xx)	Pupil		
Name	(xx)	Parent		
Name	(xx)	Parent		
Name	(xx)	Principal		
Name	(xx)	Representative for x		
Name	(xx)	Witness		
Name	(xx)	Teacher		

No	Item	Who
1	Introductions and Meeting Procedure	The Chair
2	Summary of events from the Principal/academy representative	Principal
3	Questions from the parents and/or pupil or representative	Parents
4	Questions from the Exclusion Panel	Exclusion Panel
5	Representations from parents and/or pupil or representative	Parents/pupil
6	Questions from the academy	Principal
7	Questions from the Exclusion Panel	Exclusion Panel
8	Summing up from the academy	Principal
9	Summing up from the parents and/or pupil or representative	Parents/pupil
10	Representations from Local Authority (if invited)	LA
11	Close. The Exclusions Panel remain to make a decision, which is communicated by email/telephone within 24 hours and within 48 hours in writing.	

	Supporting documentation provided with agenda
1	
2	
3	
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