



Baslow St-Anne's C of E EXCLUSION POLICY



Growing healthy minds and hearts together



"Life in all its fullness"

Version/ Issue	Date	Author	Reason for Change
1	Sept. 2015	M Clark/DCC	
2	Oct. 2018	M Clark/DCC	Additional Principles and values added
3	April 2021	M Clark/DCC	Additional DCC appendices added

Approved by:

Mrs Marie Clark (Headteacher)
PHSS Sub Committee

Chair of Governors: Tony Mottram

Principles and Values

At Baslow St. Anne's Church of England Primary School we believe that it is vitally important that everybody is safe, confident and happy in our school community. We aim to provide an environment in which our children feel safe, secure and confident, are respectful citizens in and out of school and nurture the Christian values that underpin all that we do. We believe that our children and staff should lead 'a life in all its fullness', nurturing our vision of growing healthy minds and hearts together. We strive to ensure this is in place to enable every child to achieve their full potential and be prepared for their next step in life.

Summary

This document is based on new statutory standards from the Department for Education regarding exclusions. It is closely linked to the school's Behaviour Policy, and deals with the school's use of exclusion measures.

At Baslow St. Anne's C of E Primary School we strive to create a happy, safe and caring school in which everybody can grow, learn and develop as confident and thoughtful individuals together. We know that everyone is important whatever their background and whatever their aspirations. Belonging to a safe and nurturing community, founded on strong Christian values, children will thrive and develop into well-rounded individuals who are equipped to meet the challenges of our modern world with confidence. These values are embedded in all of our policies and practice.

Exclusion legislation places obligations in relation to the "relevant person" – a parent or the pupil, where aged 18 or over. The definition of a parent for the purposes of this policy refers to the child's birth parents, or any person having parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

Statement of Policy

1. Introduction

- 1.1 Exclusions are an extreme sanction and the decision to exclude a pupil is only taken by the Head Teacher (or in their absence, a member of the Senior Leadership Team).
- 1.2 Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The government supports the decisions of Head Teachers and they should be confident in using exclusion where they consider it to be a lawful, reasonable and fair action.

2. Factors determining decisions about exclusions

- 2.1 In considering whether to exclude a pupil, the Headteacher should weigh up the seriousness, or persistence, of the pupil's behaviour. The decision to exclude a pupil will be made in response to a child causing significant harm to another pupil or staff member, or if by allowing the pupil to remain in school, the safety or educational or emotional welfare of others would be seriously put at risk. Examples of such behaviours may include:
 - Verbal abuse of others
 - Physical abuse of others (Including spitting)
 - Serious damage to school or personal property
 - Threatening behaviour

This is not an exhaustive list, and each case is judged in context.

- 2.2 In making exclusions, the school must not discriminate against pupils on the basis of protected characteristics, such as gender, sexual orientation, disability or race. All pupils must be treated fairly and lawfully.

3. Procedures for Fixed Term Exclusions

- 3.1 Most exclusions are of a fixed term nature and are graduated over time and according to the nature of the behaviour.
- 3.2 Government regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- 3.3 Following exclusion parents are contacted immediately where possible. A letter (Appendix 1) will be sent by post or hand delivered giving details of the exclusion and the date the exclusion begins and ends. Parents have a right to make representations to the Governing Board and the LA as directed in the letter.
- 3.4 The Headteacher should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English, consideration should be given, where practicable, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the governing board have been understood.
- 3.5 In some cases, usually where further evidence has come to light, a Fixed Term Exclusion may, in effect, be "extended" by issuing a further Fixed Term Exclusion or a subsequent permanent exclusion may be issued. It would, however, be unlawful to impose a Fixed Term Exclusion for an indefinite term of time.
- 3.6 During the course of a Fixed Term Exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, or in public places during school hours and that daytime supervision is their responsibility, as parents/guardians. Parents who fail to comply with this duty without reasonable justification commit an offence and may be given a fixed penalty notice or prosecuted.
- 3.7 Class teachers will take reasonable steps to set and mark work for pupils during the first five school days of a fixed term exclusion.
- 3.8 A 'return to school meeting' will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team.
- 3.9 A Fixed term exclusion does not have to be for a continuous term; for example, where pupils attend more than one school then the exclusion could relate only to the days on which they attend the school at which an incident occurred. A Fixed term exclusion can also involve a part of the school day; for example, if pupils' behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime session.

4. Procedures for Permanent Exclusion

- 4.1 The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:
1. The final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been

used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying.

2. When a serious criminal act has been committed. The school will involve the police in any such offence.

- 4.2 Where parents dispute the decision not to reinstate a permanently excluded pupil, they can ask for it to be reviewed by an independent review panel.
- 4.3 Schools have powers to direct pupils off-site for education to improve their behaviour (for example to attend a Pupil Referral Unit (PRU) or similar). A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents.

5. General Conduct throughout the Exclusion Process:

- 5.1 The lead up to and the process of exclusion is a difficult time, the school will endeavour to be open and honest with parents, and engage in two-way dialogue.
- 5.2 Exclusions may not always be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Head Teacher will;
- Ensure appropriate investigations have been carried out
 - Consider all the evidence available to support the allegations taking into account the school policies
 - Allow the student to give her/his version of events.
 - Check whether the incident may have been provoked.
- 5.3. Where a school has concerns about the behaviour or risk of exclusion of a child with additional needs, including a pupil with a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's Special Educational Needs or Disabilities (SEND). Where a pupil has an Education & Health Care Plan (EHCP), schools should consider requesting an early annual review or interim / emergency review.

6. The governing board's and local authority's duties to arrange education for excluded pupils

- 6.1 For a fixed term exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion.
- 6.2. For permanent exclusion, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's "home authority" in cases where the school is maintained by (or located within) a different local authority.
- 6.3. Where a pupil has an EHCP, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend or make representations for a placement in any other school.

7. The governing board’s duty to consider exclusion

7.1 The governing board has a duty to consider parents’ representations about an exclusion. The case will be considered by a panel of no less than 3 governors from a committee with these delegated functions.

7.2 Within 15 school days of receiving notice of the exclusion, the governing board must consider whether an excluded pupil should be reinstated in the case of:

- All permanent exclusions;
- All fixed term exclusions of pupils who have been excluded for more than 15 school days in the term, or who will have been as a result of the exclusion; and
- All fixed term exclusions that would result in a pupil missing a national curriculum test.

Whilst there is no legal imperative to allow an excluded pupil to return to school in order to take a public examination or test, the governing board should consider whether it would be appropriate to exercise discretion and allow the excluded pupil back on school premises for this purpose.

7.3 Where the governing board is legally required to consider the reinstatement of a pupil the following parties must be invited to a meeting of the governing board and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the Headteacher; and
- a representative of the local authority (in the case of a maintained school or PRU).

8. Monitoring

8.1 The Governors will review promptly all permanent exclusion from the school and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a national curriculum test.

8.2 The Governors will review fixed term exclusions which would lead to a student being excluded for over five days in a school term where a parent has expressed a wish to make representations.

8.3 The Headteacher will must notify the local authority of all exclusions.

8.4 The Headteacher will notify the governing board once a term of any exclusions.

Signed  ...

Head Teacher

Date: Oct.2018
April 2021

Signed

Chair of Governors Date:

Appendix 1: Standard exclusion letter template

Fixed period exclusions of 5 school days or fewer (cumulative 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 he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. I realise that this exclusion may well be upsetting for [Child's Name], 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 [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]

Since your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during school hours for the duration of this exclusion [specify dates] unless there is reasonable justification for this. I must inform you that you may be prosecuted or receive a fixed penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for [Child's Name] to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion [detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to express your views and make representations about this decision to the governing board. Please note, the governing board must consider any representations you wish to make, however there is no duty on them to arrange a meeting with parents.

If you wish to make representations please contact the clerk to governors [Name of Contact] on/at [contact details — address, phone number, email], as soon as possible, so that your views can be addressed. It is important to note that whilst the governing board 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 school record.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can 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. If you wish to make a claim of discrimination, please be aware that such a claim must

be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the HM Courts and Tribunal Service website at:

<http://www.justice.gov.uk/tribunals/send>

Making a claim would not affect your right to make representations to the governing board.

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 [Child's Name]'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 for the Inclusion Team for advice and information:

- Sharon Neak, Inclusion Manager, John Hadfield House, Dale Road, Matlock, Derbyshire, DE4 3RD on 01629 535802, Sharon.Neak@derbyshire.gov.uk

The Department for Education (DfE) have developed exclusion guidance for parents which can be accessed via the following web links:

<http://www.gov.uk/school-discipline-exclusions/exclusions>
<http://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Derbyshire Information, Advice and Support Service for SEND (formerly Parent Partnership), a local organisation that can offer exclusion support. They can be contacted at ias.service@derbyshire.gov.uk or 01629 533668. Alternatively, other useful contacts that provide impartial advice and information to parents on education matters include:

- The Coram Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education – <http://www.ace-ed.org.uk> or 0300 011 5142
- Independent Parental Special Education Advice – <http://www.ipsea.org.uk/>
- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk](http://www.nas.org.uk/schoolexclusions) or 0808 800 4002

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time].

Yours sincerely

Mrs M Clark

Headteacher

Appendix 2

Fixed period exclusions of more than 5 school days up to and including 15 school days (cumulative total in a term).

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 school for this period. The exclusion start date is [date] and the end date is [date]. Your child should return to school on [date]. I realise that this exclusion may well be upsetting for [Child's Name], 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 because [specify reasons for exclusion - as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclude the pupil].

[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of the first 5 school days [or specify dates if exclusion is for fewer than 5 days] of this exclusion, that is on [specify dates]. I must inform 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] school days of his [or her] exclusion [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

[NB – Only include the subsequent paragraph for fixed period exclusions of over five consecutive school days regardless of whether this is a result of one or more than one fixed period exclusion]

From the [6th school day of the pupil's exclusion until the expiry of the exclusion, we will provide suitable full-time education. On [date] s/he should attend [give name and address of provision] at [specify the time] and report to [staff member's name]. The start and finish times are as follows [state times]. **[NB If not known at this time, it may be provided by subsequent notice, but it must be provided without delay, and no later than 48 hours before the provision is due to start].**

You have the right to request a meeting of the governing board to whom you may present your views and make representations. At this meeting of the governing board the decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days but less than 15 school days in a term the governing board will meet **only** if you request it to do so.

If you request a meeting the governing board must take all reasonable steps to meet to discuss reinstatement within 50 school days of receiving the notice of exclusion **[specify the date — the 50th school day after the exclusion decision date].**

Please note If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

If you do wish to make representations to the governing board, and wish to be accompanied by a friend or representative (at your own expense), please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [contact as above] 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 occurred as a result of discrimination, you can 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. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the HM Courts and Tribunal Service website at:

<http://www.justice.gov.uk/tribunals/send>

Making a claim would not affect your right to make representations to the governing board.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your 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 the Inclusion Team for advice and information:

- Sharon Neak, Inclusion Manager, John Hadfield House, Dale Road, Matlock, Derbyshire, DE4 3RD, on 01629 535802 or Sharon.Neak@derbyshire.gov.uk

The Department for Education (DfE) have developed exclusion guidance for parents which can be accessed via the following web links:

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<http://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Derbyshire Information, Advice and Support Service for SEND (formerly Parent Partnership), a local organisation that can offer

exclusion support. They can be contacted at ias.service@derbyshire.gov.uk or 01629 533668. Alternatively, other useful contacts that provide impartial advice and information to parents on education matters include:

- The Coram Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education – <http://www.ace-ed.org.uk> or 0300 011 5142
- Independent Parental Special Education Advice – <http://www.ipsea.org.uk/>
- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk or 0808 800 4002](http://www.nas.org.uk/schoolexclusions)

[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time].

Yours sincerely

Marie Clark

Headteacher

Fixed period exclusions of more than 15 school days (cumulative total in one term).

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 school for this period. The exclusion begins/began on [date] and ends on [date]. I realise that this exclusion may well be upsetting for [Child's Name], 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 [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]

Since your child is of compulsory school age you have a duty to ensure that your child is not present in a public place during school hours for the duration of [the first five school days of exclusion or specify dates], unless there is reasonable justification for this. I must inform 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 school days or specify dates] of his/her exclusion [specify the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

[NB – Only include the subsequent paragraph for fixed period exclusions of over five consecutive school days regardless of whether this is a result of one or more than one fixed period exclusion]

From the [6th school day of the pupil's exclusion until the expiry of the exclusion, we will provide suitable full-time education. On [date] s/he should attend [give name and address of provision] at [specify the time] and report to [staff member's name]. The start and finish times are as follows [state times]. **[NB If not known at this time, it may be provided by subsequent notice, but it must be provided without delay, and no later than 48 hours before the provision is due to start].**

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. As the length of the exclusion is more than 15 school days in total in one term the governing board **must** meet to consider the exclusion. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion **[specify the date — the 15th school day after the exclusion decision date]. Please note If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative (at your own expense) please contact clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at 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 the exclusion occurred as a result of discrimination, you can 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. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the HM Courts and Tribunal Service website at:

<http://www.justice.gov.uk/tribunals/send>

Making a claim would not affect your right to make representations to the governing board.

You also have the right to see and have 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 [Child's Name]'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 the Inclusion Team for advice and information:

- Sharon Neak, Inclusion Manager, John Hadfield House, Dale Road, Matlock, Derbyshire, DE4 3RD, on 01629 535802 or Sharon.Neak@derbyshire.gov.uk

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<http://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Derbyshire Information, Advice and Support Service for SEND (formerly Parent Partnership), a local organisation that can offer exclusion support. They can be contacted at ias.service@derbyshire.gov.uk or 01629 533668. Alternatively, other useful contacts that provide impartial advice and information to parents on education matters include:

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- ACE Education – <http://www.ace-ed.org.uk> or 0300 011 5142
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- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk or 0808 800 4002](http://www.nas.org.uk/schoolexclusions)

[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

Marie Clark

Headteacher

Permanent exclusion – governing board uphold decision letter.

Dear [Parent's name]

The meeting of the governing board at [school's name] on [date] considered the decision by [head teacher] to permanently exclude your son/daughter [name of pupil]. The governing board, after carefully considering both the oral and written representations made by you and the head teacher, and all the available evidence, has decided to uphold [Child's Name]'s exclusion.

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

You have the right to have the decision of the governing board reviewed by an independent review panel. You must set out the reasons for wanting the review in your application and include any written evidence you wish to submit. If appropriate, you may also include reference to any special educational needs that your child has that is relevant to this exclusion.

If you would like to request a review, please apply in writing to **[choose one of the following options]:**

- **Maintained schools only-** Ivan Walters, Democratic Services, County Hall, Matlock, Derbyshire, DE4 3AG Email:- Ivan.Walters@derbyshire.gov.uk or democratic.services@derbyshire.gov.uk
- **Academies** - provide alternative contact details for the substitute contact deemed appropriate by your academy trust

The request for review must be received by [Democratic Services/Academies' contact], no later than 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.

If you have not lodged an application by [repeat latest date], you will lose your right to have the decision to exclude your child reviewed by an independent review panel. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the review hearing. Also, please inform [name of the contact listed above] if it would be helpful for you to have an interpreter present at the review hearing. You can have someone to make written and/or oral representations to the Independent Review Panel on your behalf and at your own expense. You may also wish to bring a friend with you to the review hearing.

Irrespective of whether the school regards your child as having special educational needs, you are entitled to have a Special Educational Needs (SEN) expert at the review hearing. The role of the SEN expert is to provide impartial specialist advice to the panel on how special educational needs might be relevant to the exclusion, but does not include making an assessment of your child's special educational needs. The SEN expert's advice will focus on whether the school's policies which relate to SEN, or the application of these policies in relation to this case, were lawful,

reasonable and procedurally fair. If you wish to have a SEN expert at the review hearing, please clearly indicate this on your application and be aware that the cost of appointment of the SEN expert will be met by the local authority (if maintained school) or Academy Trust (if academy) [amend as appropriate].

Your review hearing will be heard by an independent review panel. A three-member panel will comprise:- one serving, or recently retired (within the last five years), head teacher; one serving, or recently serving, experienced governor/ management committee member; and one lay member who will be the Chairman.

[Use the following paragraph only if there is a possibility that a five-member panel may sit]

[A five-member panel will comprise:- two serving, or recently retired (within the last 5 years), head teachers; two serving, or recently serving, experienced governors / management committee members 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 should meet no later than the 15th school day after the date on which your application for a review is lodged. **Please note If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

In reviewing the governing board's decision to exclude, the panel can make one of three decisions:

- i. they may uphold your child's exclusion;
- ii. they may recommend that the governing board reconsiders their decision; or
- iii. quash the decision and direct that the governing board considers the exclusion again.

In addition to your right to apply for an independent review hearing, if you believe that the exclusion occurred as a result of discrimination, you can 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. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the HM Courts and Tribunal Service website at:

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You may wish to contact for advice and information, Sharon Neak at Derbyshire LA at John Hadfield House, Dale Road, Matlock, Derbyshire, DE4 3RD, 01629 535802, Sharon.Neak@derbyshire.gov.uk.

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- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk) or 0808 800 4002

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

Yours sincerely

[name] Clerk to the Governing Board

Appendix 5

Permanent exclusion notification letter (Derbyshire residents).

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 school unless he/she is reinstated by the governing board. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclude the pupil].

Both of the following two thresholds of permanent exclusion have been met:

- a serious breach or persistent breach of the school's behaviour policy has occurred; **and**
- where allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school

[Include a summary of how the threshold has been met].

[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]

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

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school 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 school for marking. From the sixth school day of the exclusion onwards — i.e. from [specify the date] the local authority [give the name of the authority in which the family reside] will provide a full time, interim blended programme, comprising face to face and online learning, leading to a permanent placement in an appropriate setting. Arrangements for full-time education will be organised by the Inclusion Pathways Team, who can be contacted on 01629 531651.

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. As this is a permanent exclusion the governing board **must** meet to consider the decision to exclude. At the meeting you

may make representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has 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 have the decision reviewed by an Independent Review Panel. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion [**specify the date — the 15th school day after the exclusion decision date**]. **Please note if it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative, at your own expense, please contact clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible.

Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [above 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 the exclusion occurred as a result of discrimination, you can 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. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

Information on disability discrimination and other forms of discrimination claims are available on the HM Courts and Tribunal Service website at:

<http://www.justice.gov.uk/tribunals/send>

Making a claim would not affect your right to make representations to the governing board.

You have the right to see a copy of [Name of Child]'s school 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 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 the Inclusion Team for advice and information:

- Sharon Neak, Inclusion Manager, John Hadfield House, Dale Road, Matlock, Derbyshire, DE4 3RD, on 01629 535802 or Sharon.Neak@derbyshire.gov.uk

The Department for Education (DfE) have developed exclusion guidance for parents which can be accessed via the following web links:

<http://www.gov.uk/school-discipline-exclusions/exclusions>
<http://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact Derbyshire Information, Advice and Support Service for SEND (formerly Parent Partnership), a local organisation that can offer exclusion support. They can be contacted at ias.service@derbyshire.gov.uk or 01629 533668. Alternatively, other useful contacts that provide impartial advice and information to parents on education matters include:

- The Coram Children's Legal Centre – www.childrenslegalcentre.com
- ACE Education – <http://www.ace-ed.org.uk> or 0300 011 5142
- Independent Parental Special Education Advice – <http://www.ipsea.org.uk/>
- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk](http://www.nas.org.uk/schoolexclusions) or 0808 800 4002

Yours sincerely

Marie Clark

Head teacher

Appendix 6

Permanent exclusion notification letter (Non Derbyshire residents).

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 school unless he/she is reinstated by the governing board. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to permanently exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

Both of the following two thresholds of permanent exclusion have been met:

- a serious breach or persistent breach of the schools behaviour policy has occurred; **and**
- where allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school

[Include a summary of how the threshold has been met].

[NB The subsequent paragraph can be removed for reception pupils who are not yet of compulsory school age]

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

Alternative arrangements for [Child's Name]'s education to continue will be made. For the first five school 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 school for marking. From the sixth school day of the exclusion onwards — i.e. from [specify the date] the local authority [give the name of the authority in which the family reside] will provide a full time education.

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 school day of exclusion. You can contact them at [give contact details].

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. As this is a permanent exclusion the governing board **must** meet to consider it. At the meeting you may make

representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has 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 have the decision reviewed by an Independent Review Panel. The governing board must take all reasonable steps to meet to consider the decision within 15 school days of receiving the notice of exclusion **[specify the date — the 15th school day after the exclusion decision date]**. **Please note If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

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- [The National Autistic Society \(NAS\) School Exclusion Service \(England\) – schoolexclusions@nas.org.uk](http://www.nas.org.uk/schoolexclusions) or 0808 800 4002

Yours sincerely

Marie Clark

Head teacher