

PERMANENT EXCLUSION OF A PUPIL POLICY

Whenever a headteacher permanently excludes a pupil, they must without delay inform the parents of the exclusion and the reasons for it in person or by telephone.

The headteacher must also, without delay after their decision, provide parents with confirmation in writing. This notification can be delivered direct to parents, leaving it at their usual or last known home address or posting it to that address. It can also be delivered electronically if the parents have already given permission for this kind of notice to be sent in this way.

If a pupil has a social worker or if the pupil is looked after, the headteacher must without delay after their decision also notify the local authority, social worker and/or virtual headteacher.

The first model letter is suitable for all maintained schools, academies, free schools or pupil referral units in England. It informs parents of the circumstances of the permanent exclusion and gives them details of their right to attend the meeting of the governing board committee convened to consider the permanent exclusion. The letter is issued according to: The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and statutory guidance from the DfE *School suspensions and permanent exclusions 2022* which can be downloaded at www.gov.uk/government/publications/school-exclusion.

The second model letter must be sent if, at their meeting, the governing board decides that the exclusion is permanent and they will not reinstate the pupil. It informs parents of their right to ask for the decision to be reviewed by an Independent Review Panel.

The following CEFM documents may also be helpful: Suspension and exclusion policy and Pupil behaviour policy. The CEFM governors' guidance documents on exclusions and on good behaviour and discipline will also be helpful references.

Note. The government consulted (February/March 2022) on whether to retain the use of remote access to meetings concerning suspensions and exclusions (as happened under temporary COVID 19 arrangements) as a permanent option. The consultation elicited a mixed response with a majority of respondents saying that meetings in person were preferable and also raising concerns about potential unintended consequences of virtual meetings, especially for disadvantaged families. The government has not yet finalised its decision whether or not to allow the option of virtual meetings, (July 2022).

PERMANENT EXCLUSION – PUPIL DISCIPLINE

COMMITTEE MEETING

Date

Address

Dear Addressee

I regret to have to tell you that I have had to exclude pupil name permanently from school this afternoon.

- The reason is

Statements were taken by after the incident and from other staff (? and pupils?). The incident happened at time on date. I have seen pupil name and told him/her of the consequences of his/her behaviour.

I am sorry I have had to take this action, but I have to have regard for the safety of other pupils and staff and ensure that they can work in an environment which is conducive to good teaching and effective learning.

Pupil discipline committee meeting

I have the authority to permanently exclude any pupil who, in my view, has broken the code of conduct for pupils to such an extent that permanent exclusion is warranted. However, the pupil discipline committee established by the governing board, consisting of three governors (of which I am not one), has to meet within 15 school days from the day after you receive this letter to consider my action. You have the right to make representation to that committee accompanied by a friend or representative such as the educational welfare officer.

If you wish to do so, please inform the clerk to the governors, Mr(s) [.....]. You can do this by letter or telephone tel number. It would help with the arrangements if you could let her (him) know of any school-day evenings when you are not available to attend. The hearing will be in the school location and will start at time.

I shall be making a statement to the pupil discipline committee that will itemise pupil name's previous record and any previous meetings which may have taken place. Pupil name has already had number suspensions of a total of number days this school year. I will also give a complete record of the incident. You may also wish to make a written statement and should ensure that the clerk to the governors has this as soon as possible. Any written statement, or evidence, that is given to the pupil discipline committee will be shared with you and me. The clerk will let you have an outline of the procedure for a pupil discipline committee hearing when s/he gives you the date, time and place of the hearing, if you wish to be present.

If the pupil discipline committee upholds my decision, the local authority (LA) will be informed straight away and will take on the responsibility of making alternative arrangements for pupil name to complete his/her education.

Yours sincerely

Headteacher

PERMANENT EXCLUSION – INDEPENDENT

REVIEW PANEL MEETING

Date

Address

Dear Addressee,

The pupil discipline committee has upheld my decision to make a permanent exclusion against pupil name.

Reason for the decision

You have the right, however, to ask for the matter to go before an independent review panel (IRP). The IRP can quash the governors' decision and they can require governors to revisit their decision, but if the governors still come to the same conclusion, the IRP cannot force the school to take back your child.

Before you choose whether to lodge an appeal, however, may I draw your attention to the following websites of impartial information which may help you to make an informed decision:

- Statutory guidance on permanent exclusions:
www.gov.uk/government/publications/school-exclusion.
- Guidance on making a claim of discrimination to the First-tier Tribunal:
www.gov.uk/special-educational-needs-disability-tribunal
- Coram Child Law Advice service:
www.childlawadvice.org.uk/information-pages/school-exclusion.
- ACE education www.ace-ed.org.uk/
- Independent Provider of Special Education Advice(IPSEA) www.ipsea.org.uk
- SEN Information & Support Services network

If you write to the school to let us know that you do not wish to make an appeal or if you fail to reply to this letter within 15 school days then pupil's name will be removed from the admissions register and the local authority will be informed.

However, if you wish to appeal, please follow the procedure below.

Appeal to an independent review panel (IRP)

against the decision of the pupil discipline

committee

You may lodge an appeal with **name of clerk of the IRP** at the following address:

.....]

Your appeal must be made within 15 school days of receipt of this letter, judged to be two days after the date on the letter.

Your appeal should set out the grounds on which it is being made and, if you think it appropriate, this should include a reference to how **pupil's** special educational needs are considered to be relevant to the exclusion.

You may, at your own expense, also appoint someone to make written and/or oral representations to the panel and be accompanied by a friend at the review.

You may, at no cost to yourselves, ask the local authority/academy trust to appoint a SEN expert to attend the review and offer their opinion on whether special educational needs are relevant to the exclusion. Please advise the **clerk of the IRP** if you require this service and an appointment will be made on your behalf.

If as parents you believe that the permanent exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or to the County Court, in the case of other forms of discrimination. Any claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, eg the day on which the pupil was excluded.

The appeal hearing will take place within 15 school days from the day after the appeal is lodged, unless you request a longer period because of any difficulty in attending the appeal.

Yours sincerely,

Headteacher