


# Emersons Green Primary School



## SEVERE BEHAVIOUR POLICY

Ratified: by Full Governing Body	Date: July 2023
Signed – Chair of Governors: 	Next Review: July 2024

## **EQUALITY STATEMENT**

At Emersons Green Primary School we are committed to ensuring equality and opportunity to all members of our school community. In regard to pupil behaviour, the school always aims to ensure that no pupil is treated less favourably than anyone else. The Equality Act 2010 defines these responsibilities. In regard to this, this Behaviour Policy, including all of its procedures and systems will have due regard to:

- Eliminating discrimination and other conduct prohibited by the Equality Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Be aware of this duty to have due regard when making decisions or taking action in order to assess whether that action will have implications for people with protected characteristics
- Consider equality implications before and at the time that this policy is developed and reviewed and keep these implications under review on a regular basis

It is unlawful to discriminate in the following areas, termed protective characteristics. (all Behaviour policies, procedures, systems and actions must take this into account):

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sexual orientation

## **POLICY FOR DEALING WITH SEVERE BEHAVIOUR**

### **INTRODUCTION**

This policy sits alongside the whole school Behaviour Policy, which is intended to encourage children to make positive choices and, through appropriate rewards and sanctions as well as the involvement of parents, provide a framework for children to learn self-discipline and respect. For almost all of the children the Behaviour policy, which has its strength in its supportive nature and whole school application, is successful. However, there are some occasions when it is necessary to apply the severe clause that is indicated in the Behaviour policy. This Severe Behaviour policy explains the structure and processes of the severe clause, which, like the Behaviour policy, must be applied consistently.

### **DEFINITION OF "SEVERE BEHAVIOUR"**

The following inappropriate behaviour can be classed as "severe" and may warrant the sanctions of the Severe Clause:

- Discriminatory abuse
- Verbal abuse of an adult
- Extreme behaviour causing damage to property or person OR potential damage to property or person (e.g. violence, running away, vandalism deliberately dangerous activities etc)
- Bullying, that is the repeated physical or verbal abuse to victim(s) by person(s) – see the Anti-Bullying policy
- Persistent disobedience or destructive behaviour.
- Deliberate action that results on possible transmission of illness

### **REASONABLE ADJUSTMENT, SEND CLUSTER and HIGH RISK GROUP**

If a child is considered at risk of exclusion, all effort must be made to provide reasonable adjustments to avoid this, including, but not limited to, an individual behaviour plan, changes to daily provision, use of additional resources and support from outside agencies.

The Local South Gloucestershire SEND Cluster has a fund available so that schools can request additional provision or resources to avoid exclusion for pupils.

The South Gloucestershire High Risk group is a consultative body, led by LA staff who can provide advice and support for schools when a pupil is at risk of exclusion. The High Risk group also has access to funding that schools can request to support these pupils.

When a pupil is considered at risk of exclusion, the above resources must be utilised by the school in order to ensure exclusion remains a last resort.

### **SANCTIONS AND SEVERE BEHAVIOUR STAGES**

Incidents of the above behaviour, although rare, must be dealt with firmly and immediately. They are initially covered by the whole school behaviour policy. In addition, the child concerned must be sent to the Head of School (or, in his/her absence, the Deputy Head of School or other senior leader) and a clear account of what has occurred given. The Head of School will investigate whether or not the offence is deemed to warrant the severe clause, and if it does, then the following action will be taken:

#### Stage 1 - First Incident

- Head of School investigates by talking to all those involved in the incident including the victim(s), possible perpetrator(s) and observers.
- Head of School records the incident in the pupil's online CPOMS file
- If appropriate the Head of School informs the parents/carers of the victim(s) and perpetrator(s). This will usually be done by telephone and outcomes recorded.
- Parents are given the opportunity to discuss the incident with the Head of School and/or class teacher.
- Victims may be counselled by appropriate member of staff if necessary.
- The incident will be talked through with the perpetrators and counselling given if appropriate.
- A suitable sanction from the Behaviour policy will be imposed.

#### Stage 2 - Second Incident

Same procedures as stage 1 with the addition of:

- Parents/carers of perpetrator will be notified in writing that any repetition of the offence may result in **a Report Card**. Parents will be asked to meet the Head of School to discuss the situation and a behaviour plan will be jointly drawn up to support the child.
- The action plan will include appropriate sanctions and rewards to encourage good behaviour.
- Parents will be given a copy of this policy and the action plan.
- The class teacher and other adults, who regularly deal with the perpetrator e.g. support staff, will keep a daily behaviour log until the behaviour is deemed satisfactory.

#### Stage 3 - Third Incident

Same procedures as stage 1 with the addition of:

- Parents/carers will be informed that the child is on '**Report**', and will be issued a **Report Card**.
- The child is issued with a 'Report Card' which is to be presented to the member of staff responsible for him/her at the end of each session, for a comment and a signature.
- At the end of a given period (day/week), the card must be signed by the Head of School for comment and signature.
- Further sanctions from the Behaviour policy or from the list below may also be appropriate.

#### Stage 4 - Fourth Incident

Same procedures as Stage 1 with the following possible actions as appropriate.

Either:

- Further report card to be issued

**OR:**

- Parents/carers will be informed in writing that further behaviour of a similar nature will result in a Head of School's internal or external exclusion at lunch time or day(s) duration up to a maximum of 15 days.
- Chair of Governors and Local Authority attendance team will be informed if an external exclusion is initiated.

#### Stage 5 - Fifth Incident

- Following further discussions with the parents/carers and if a written warning has been given (Stage 4 - Severe Behaviour) the child will be excluded. The exclusion can be for a maximum of 15 school days in one term, and must be in the requirements of the LA and DFCSF regulations.
- The Local Authority will be informed. We will seek the support of other outside agencies if appropriate.
- The Chair of Governors will be informed.
- Governors will be informed at the next available Governors meeting if there has been exclusion but not given details in case of appeal.
- The Head of School will discuss with the child and the parents the conditions which the child will be expected to adhere to when he/she is re-admitted to school.
- Upon return to the school a re-integration meeting will take place with child and parents. This meeting may have to be carried out remotely.

**PLEASE NOTE:** Should the behaviour exhibited be of a particularly severe nature, then the child may be excluded from school at any stage of this Severe Behaviour Policy. This is in line with DfE guidance on school exclusions. Physically assaulting a member of staff may result in an immediate suspension.

### **REPORT CARD**

While on Report, a child will miss playtimes and lunchtime play, supervised by a member of SLT. The child will be given a report card and will have to have it signed off by the class teacher and a member of SLT for each session completed with expected behaviour. There are 3 sessions in a day – 2 in the morning and 1 in the afternoon. It is likely that a child on report will not be permitted to attend after-school clubs until they are no longer on report.

The child will be removed from report when they have exhibited good behaviour for at 3-5 days in a row, as agreed by the Class Teacher and SLT.

### **SUBSEQUENT OFFENCES OF A SIMILAR NATURE:**

Subsequent offences, which are not resolved by the actions taken above and which clearly put staff and/or children at risk of constant mental or physical harm, or the buildings and equipment of destruction or damage may result in permanent exclusion. This is to be considered as a very last resort, and it may be that further short-term exclusions are first appropriate. At this stage, appropriate external agencies such as Behaviour Support, the Educational Welfare Officer and the Educational Psychologist should be consulted before any decision is taken.

Should it be necessary to permanently exclude a child, the national procedures as laid down by the DfE must be followed.

### **POSSIBLE INTERNAL SANCTIONS TO BE USED IN ADDITION TO THOSE LISTED IN THE 'BEHAVIOUR POLICY':**

- Long term loss of breaktime.
- Exclusion from class treats.
- Exclusion from extra school activities e.g. clubs, discos etc.
- Exclusion from residential trips.
- Extra supervision at break/lunchtimes (resources permitting).

### **PHYSICAL INTERVENTION**

All possible measures should be taken to avoid any form of physical restraint of children. The Education Act 2011 enables school staff to use such force as is reasonable in the circumstances when it is necessary to:

- Remove children from a class when they are disruptive and are refusing to leave the room when instructed to do so
- Prevent pupils from disrupting school events
- Prevent pupils from risking their own safety or being disruptive by leaving the classroom
- Prevent pupils from committing acts of violence
- Restrain pupils who risk harming themselves

Under no circumstance must reasonable force ever be used as a punishment.

The DFE non-statutory guidance 'Use of reasonable force' July 2013, will be used if needed. Physical restraint will be used at the very last resort and all effort will be made to diffuse any incidents.

At least one member of SLT will have completed Team Teach physical restraint training. If there is a pupil in school who is expected to require regular physical restraint, then additional members of staff will be trained as appropriate

Any incident of physical restraint will be recorded in the pupil's online secure CPOMS file and the Physical Restraint 'Bound and Numbered book' (locked in Head of School office). A scanned copy of the Physical Restraint record is saved in the child's CPOMS file. The child's parent/carer will be informed and an investigation carried out by the Head of School to ensure correct procedures were followed.

The Education Act 2011 requires the school to report all incidents of physical intervention to parents.

Any child whose behaviour is likely to involve physical intervention may have an individual behaviour plan and/or de-escalation plan.

### **VULNERABLE PUPILS AND PUPILS WITH SPECIAL EDUCATIONAL NEEDS:**

All pupils are individuals - it is expected that staff working from this policy will take into account individual pupil needs. There are some pupils who may exhibit severe behaviour more frequently than others due to an ongoing need, such as attachment disorder. These pupils should already have agreed strategies, an action plan and, if required, a de-escalation or physical restraint plan in place. If these systems are in place, all members of staff working with that child should be made appropriately aware of them.

Sanctions should always take into account the emotional and physical needs of individual children. For example, exclusion may not always be an effective sanction for improving behaviour if the pupil's emotional or cognitive level means they do not fully understand what they have done, what sanction is being imposed and what behaviour change is expected of them. In this case, other sanctions may be agreed.

Some pupils with disabilities may not have physical control over their own movements, meaning they may inadvertently cause physical harm to others. It is the responsibility

of SLT and staff who regularly work with these pupils to ascertain whether any physical harm is intentional or as a result of the child's disability.

The school will not discriminate against any individual as a result of following this behaviour plan. This in particular includes those individuals who are part of a protected group (see Equality Statement above).

## **CONCLUSION**

The occasions when it will be necessary to reach the concluding stages of this policy are very rare, since most children who find themselves facing severe clauses will respond positively to the sanctions imposed. Although the above policy is intended for the tiny minority of children who fail to respond to the positive rewards and sanctions of the whole school Behaviour Policy, the expectation is still to enable children to learn, how to behave appropriately and to encourage them to live within the rules which have been negotiated around the principles of listening, co-operating, respecting being safe and being responsible. Further, the priority at all times should be maintaining the safety, health and welfare of all members of the school, including pupils, staff, family members and visitors.



## **PART 2: Exclusion Policy**

All pupils benefit when behaviour is good. High standards of behaviour are important to help children feel safe and learn well. Parents and carers play an important part in this.

The government advises schools to focus on promoting positive behaviour, helping to build self-discipline and encouraging respect for others. Schools also need sanctions to deter pupils from misbehaving. This policy should be read in conjunction with our Behaviour Policies, SEND/Inclusion Policy and Single Equalities Policy.

The decision to exclude a pupil, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:

- In response to serious or persistent breaches of the school's/academy's Behaviour Policy;
- If allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

The Head of School is the only member of staff in a school who can decide to exclude a pupil from the premises.

This policy has been written following the 2017 guidelines outlined in the Department for Education 'Exclusions from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007

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

Please note: specific guidance for Head Teachers and Parents/Carers at the back of this document (Annex B and Annex C).

### **Decision Making:**

Before reaching a decision to exclude either permanently or for a fixed period, the Head of School will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour and Single Equalities Policies
- allow the pupil to give his or her version of events
- check whether the incident may have been provoked for example, by racial or sexual harassment
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying, suffered a bereavement or other stressful life event or has mental health issues

- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs and 'Children in Care'
- consult others (whilst not using the pupil's name), including the Local Authority Officer (if a permanent exclusion), being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Governing Body's Discipline Committee
- keep a written record of the actions taken, including any interview with the pupil. Witness statements must be dated and should be signed, wherever possible
- ensure that the decision to exclude is made in line with administrative law i.e. that it is:
  - Lawful (with respect to the legislation relating directly to exclusions and the School's wider legal duties, including the European Convention of Human Rights);
  - Rational
  - Reasonable
  - Fair and
  - Proportionate
- establish the facts in relation to the exclusion, applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'

South Gloucestershire Council and this school do not authorise the use of unlawful 'informal' or 'unofficial' exclusions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any exclusion of a pupil must be formally recorded.

The Head of School is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are if the child is ill and has been kept at home or if they are formally excluded and the responsibility goes to the parents/carers. Elective Home Education (EHE) should never be referred to or encouraged by the Head of School or member of staff at the school as an alternative to exclusion.

### **Alternatives to Exclusions**

We are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process, working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (EHAP) and person centred planning approach
- restorative justice processes
- the use of the 'alternatives to exclusion checklist' and support from the Inclusion Support Worker (via Pathways Learning Centre)
- internal isolation (where appropriate, in line with school's Behaviour Policy);
- a managed move, in line with the locally-agreed protocol (See Fair Access Protocol for more information) <http://www.southglos.gov.uk/documents/Fair-Access-Protocol-June-2018.pdf>

## **Suspension**

The Head of School may suspend a pupil for up to 45 days in any one academic year.

Generally, suspension will be for one to three days. No suspension will be given for an unspecified period of time.

A suspension does not have to be for a continuous period. In exceptional circumstances, where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion.

### **Procedures for review and appeal of suspensions.**

A suspension, which does not bring the pupil's total number of days of suspension to more than five in a term (two termlets), will not usually be reviewed by the Governing Body Disciplinary Committee unless a written request is submitted by a parent/carers, within 50 school days of receiving the notice of the suspension, to review the decision; however, it cannot direct reinstatement.

If a pupil is suspended for more than five days (but not more than 15) in a single term (two termlets), the Governing Body Disciplinary Committee will consider the reinstatement of the pupil, if requested to do so by the parent/carers in writing, within 50 school days of receiving the notice of the exclusion.

If a pupil is excluded for 15 days or more in one term (two termlets), the Governing Body Disciplinary Committee will meet to consider the reinstatement of a pupil within 15 school days of receiving notice of the exclusion.

If, as a result of a suspension, the pupil will miss a public examination or National Curriculum test, the Governing Body Discipline Committee will meet to consider the suspension before the date of the examination or test. If it is not possible for the Governing Body Disciplinary Committee to meet, the Chair of the Governing Body may consider the suspension independently and decide whether or not to reinstate the pupil.

A summary of the suspension process and the Governing Body's duties to review suspension decisions is shown in the flowchart, Appendix A.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 days the Head of School will consider whether exclusion is providing an effective sanction.

When excluding a pupil who is a 'Child in Care', the Head of School will ensure that the appropriate 'home' Local Authority Officer is informed.

### **Permanent exclusions**

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Head of School might consider it appropriate, having consulted with the CEO/DCEO or LA Officer, to permanently exclude a pupil for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another pupil or member of staff;
- Sexual misconduct;
- Supplying an illegal drug, as defined within the School's Drugs and Substance Abuse Policy;
- Carrying an offensive weapon;
- Any severe form of bullying including racist or homophobic bullying; and/or
- Any action resulting in a serious health and safety issue.

In cases where a criminal offence has taken place, the police and, where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the pupil may be informed.

A Head of School should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a 'Child in Care'. Before making the decision to permanently exclude a pupil who is a 'Child in Care' the Head of School will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Head of School decides to exclude a pupil permanently they will inform the Local Authority Exclusions Officer, at the earliest possible opportunity. If the pupil lives outside the Local Authority area in which the School is located the Head of School will also advise the pupil's 'home authority' of the exclusion without delay.

Following permanent exclusion the Governing Body is required to review the Head of School's/Principal's decision. This review is to be carried out within 15 school days for the notice of exclusion.

The school must provide the governors (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer and a Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously.

From day six of a permanent exclusion the Local Authority becomes responsible for the pupil's education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

### **Process for notification of a suspension of more than five consecutive days**

A Head of School must, without delay, notify the Governing Body and the Local Authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent)
- fixed-term exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- fixed-term exclusions which would result in the pupil missing a public examination or national curriculum test

### **Procedures for review and appeal of permanent exclusions**

The Governing Body Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Head of School;
- CEO/DCEO; and
- a representative of the Local Authority

During the meeting, the Governing Body Discipline Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The Governing Body Disciplinary Committee, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

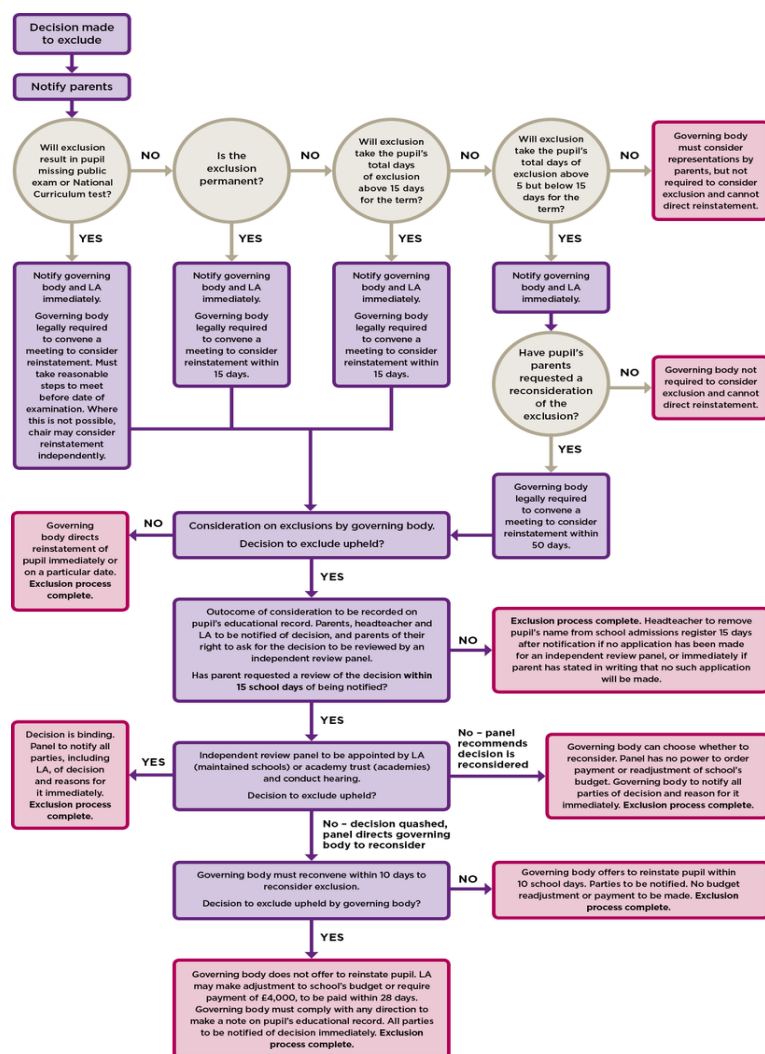
The Governing Body Disciplinary Committee are legally required to notify the parents/carers, the Head of School and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.


If parents/carers apply for an Independent Review Panel within the legal time frame, the Governing Body/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

## Appendix A – Exclusions

NB: Term refers to 2 small 'termlets'



## Appendix B – Alternatives to Exclusion Checklist Primary

<u>STUDENT FOCUSED INTERVENTIONS</u> Managing anger/emotions/conflict resolution Social Skills/peer relationships Mental Health Classroom behaviour skills Time out card	<u>RELATIONSHIP BUILDING INTERVENTIONS</u> Restorative mediation with key staff Micro-management daily check in/debrief Key adult support/mentoring Peer mentor schemes
<u>LEARNING INTERVENTIONS</u> Personalised learning/timetable change SMART targets/daily positive report card Literacy assessment Tutor change/house change/class swap Classroom observations (frequency/ABC charts)	<u>ALTERNATIVE PROVISION</u> In school inclusion facility Off-site provision (CLIC, Engage) Specialist mentoring (Breakthrough, Impact) Early intervention strategies (school swap/intervention moves)
<u>ASSESSMENT AND PLANNING</u> SAF eh ISS/PSP/BSP with regular reviews Planning reviewed internally through 360* or similar Change Tracker Academic assessment review to check progress and access to learning EP assessment PASS/attitudinal assessment Speech and language assessment Medical needs assessment	<u>SEN STATUS</u> EHCP SEN K <u>SAFEGUARDING CONCERNS</u> ART referral SERAF My concern <u>PARENTAL ENGAGEMENT</u> Regular contact/engagement with behaviour plan
<u>RESPONSE TO ESCALATING BEHAVIOUR</u> Different day intervention Fixed period exclusions Internal exclusion/seclusion	<u>SPECIALIST INTERVENTION</u> Referral to EPS YOT FYPS CAMHS ISS School nurse Social Care GP/Paed/Medical
<u>BEHAVIOUR DATA INTERVENTION</u> Patterns of negative incidents from Teachers have been addressed The data is analysed regularly	

**Please also refer to additional guidance for schools on dealing with behaviour that challenges document**

## Appendix C – Alternatives to Exclusion Checklist (2)

Secondary Partnership Inclusion Network	
ALTERNATIVES TO EXCLUSION STRATEGY CHECKLIST	
<b>Student focused interventions</b>	✓/✓/✗
Managing anger / emotions	
Social skills / peer relationships	
Mental Health	
Classroom behaviour skills	
Use of time out card	
<b>Relationship building interventions</b>	
Restorative mediation with key staff	
Micro-management daily check-in / debrief	
Key adult support / mentoring	
Peer mentor schemes	
Student support / guild support services	
Head of Year / Asst Head of Year support	
Circle of Adults with teaching staff	
Counselling provision	
<b>Learning interventions</b>	
Personalised learning / timetable change	
SMART targets / daily positive report card	
Literacy assessment	
Tutor change / house change	
Classroom observations (frequency / ABC charts)	
IEP / student passport to share strategies of support	
Additional support in-class (not related to SEN)	
Academic mentoring	
Referral to EPS	
Wave 2 SEN assessment	
<b>Alternative Provision</b>	
In-school Inclusion facility	
Off-site provision (CLIC, Engage)	
Work experience	
Specialist mentoring (Breakthrough / Impact)	
Early intervention strategies (school swap / intervention moves)	
College course	
Work to Learn programme	
Managed move	
<b>Specialist Intervention</b>	
YOT	
FYPS	
CAMHS	
Other	
<b>Assessment and planning</b>	✓/✓/✗
ISSP / PSP / BSP with regular reviews	
SAFeh	
Planning reviewed internally through 360° or similar	
Change tracker	
Academic assessment review to check progress and access to learning	
PASS / attitudinal assessment	
EHCP application	
Social / emotional/behavioural assessment	
School Health Nurse	
Medical needs assessment	
<b>Behaviour data intervention</b>	
Patterns of negative incidents from teachers / subjects / departments have been addressed	
The types of behaviour e.g. leaving class, refusal to follow instructions are understood and have received intervention	
The data is analysed regularly and is showing escalation	
Behaviour contract to focus on target behaviours	
<b>Response to escalating behaviour</b>	
Different day intervention	
Fixed period exclusions	
Internal exclusion	
<b>SEN Status</b>	
EHCP	
SEN Support	
<b>Safeguarding concerns</b>	
ART referral	
SERAF	
<b>Parental Engagement</b>	
Weekly contact	
Parent engagement with behaviour plan	



## Appendix D – Head of School's/Principal's Exclusion Checklist

	Yes	No
On the balance of probabilities, did the pupil do it?		
Does the incident represent a serious breach of the school behaviour policy / the final straw incident in a series of persistent breaches of the behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of the pupil or others in the school community?		
Is exclusion the appropriate response? Factors to Consider <ul style="list-style-type: none"> <li>• Decision to exclude not taken in the heat of the moment</li> <li>• A thorough investigation has been carried out</li> <li>• Evidence has been considered in the light of policies and discrimination</li> <li>• The pupil's views have been encouraged, heard and recorded</li> <li>• Mitigating circumstances and provocation (bullying etc.) have been considered</li> <li>• Appropriate wider consultation has been considered</li> </ul>		
Has there been involvement from specialist teachers (SEND) or Behaviour/Inclusion Service or an Educational Psychologist?		
Has a pastoral support programme been tried?		
Is there an Early Help strategy/EHAP in place?		
Have alternatives to exclusion been considered? <b>See Appendix B – Alternatives to Exclusion Checklist</b> (e.g. restorative justice, mediation, internal exclusion, school to school managed move)?		
<b>Special Considerations</b>		
Does this pupil have an Education Health Care Plan [EHCP] (statement of special educational needs)? If so: <ul style="list-style-type: none"> <li>➤ Have you contacted the special needs officer?</li> <li>➤ Has an emergency annual review been called?</li> </ul>		
Is this pupil currently a child in the care of the Local Authority? If so: <ul style="list-style-type: none"> <li>➤ Have you contacted the Head of the Virtual School and Social Worker?</li> </ul>		
Is this pupil subject to Child Protection procedures or a Child In Need? If so: <ul style="list-style-type: none"> <li>➤ Have you spoken to the Social Worker?</li> </ul>		
Have issues of SEN, disability, race and care been fully considered? <i>See separate check list for considerations around the exclusion of children with SEN/disability</i>		

<b>Has the appropriate length of exclusion been considered?</b>		

### Appendix E – Suspension and Permanent Exclusion Guidelines lined to letters

<b>Suspension</b> up to and including 5 days in one term (can be cumulative) <b>Model Letter 1</b>	<b>Suspension</b> adding up to more than 5 days and up to 15 days in one term (can be cumulative) <b>Model Letter 2</b>	<b>Suspension</b> adding up to <b><u>MORE THAN</u></b> 15 days in one term and no more than 45 days in school year (can be cumulative) <b>Model Letter 3</b>	<b>PERMANENT EXCLUSION (PEX)</b>  <b>Model Letter 4</b>
<ol style="list-style-type: none"> <li>1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion.</li> <li>2. Inform parents/carers of right to make representations to Gov. Body (model letter 1).</li> <li>3. Inform LA and record on Arbor.</li> <li>4. Make arrangements for setting and marking work.</li> <li>5. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not</li> </ol>	<ol style="list-style-type: none"> <li>1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion.</li> <li>2. Inform parents/carers of right to make representations to Gov. Body (model letter 2).</li> <li>3. Inform Gov. Body to arrange meetings between 6th and 50th schools days following exclusion, if parent has requested a meeting.</li> <li>4. Inform LA and record exclusion on ARBOR within one school day.</li> <li>5. Make arrangements for setting and marking work for the first 5 days.</li> <li>6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not compulsory but good practice).</li> <li>7. Ensure all required documentation is made available to Gov. Body, Parent and LA when required.</li> <li>8. Comply with Gov. Body's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve.</li> </ol>	<ol style="list-style-type: none"> <li>1. Immediately inform parents/carers of type and length of exclusion, and reasons for exclusion.</li> <li>2. Inform parents/carers of right to make representations to Gov. Body (Model letter 3).</li> <li>3. Inform Gov. Body to arrange meeting on or before 15th school day – statutory meeting.</li> <li>4. Inform LA (and Home LA if not S. Glos) responsible officer for exclusions via email.</li> <li>5. Make arrangements for setting and marking work for the first 5 days.</li> <li>6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (not compulsory but good practice).</li> <li>7. Ensure all required documentation is made available to Gov. Body, parent/carer and LA.</li> <li>8. Comply with Gov. Body's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve.</li> </ol>	<ol style="list-style-type: none"> <li>1. Immediately inform parents/carers of type of exclusion and reasons for exclusion.</li> <li>2. Inform parents/carers of right to make representations to Governing Body (<b>Model letter 4</b>).</li> <li>3. Inform Governing Body to <b>arrange meeting</b> on or before 15th school days.</li> <li>4. Inform LA (and "Home" LA if not S Glos) responsible officer for exclusions via email and phone to inform LA of the PEX and that information has been uploaded via SOFIE.</li> <li>5. Complete a referral to Pathways Learning Centre (if pupil lives in South Glos) without delay to make the appropriate provision from the 6<sup>th</sup> day. Information to be sent secure (e.g using SOFIE) and a copy to be sent to Exclusions and Licencing team (SOFIE/Local Authority/Ad Hoc/Exclusions and licensing) When notifying PLC, please check with them that the</li> </ol>

<p>compulsory but good practice).</p> <p>6. Maintain school exclusions database in order to monitor an aggregate of suspensions.</p> <p>7. Report exclusions termly to Gov Body.</p> <p>8. Contact Inclusion Support Worker (via Pathways Learning Centre) for advice and support (not compulsory but good practice).</p>	<p>9. Start/Continue a EHAP and engage with external agencies and parents/carers as a preventative approach to develop an action plan. Ensure parents/carers &amp; pupil's views are included in action plans and reviews (not compulsory but good practice).</p> <p>10. Continue working with Inclusion Support Worker (via Pathways Learning Centre) and possible referral to High Risk Group (HRG).</p> <p><b>For all suspension over 5 days</b></p> <ul style="list-style-type: none"> <li>• Arrange suitable full time education from the 6<sup>th</sup> day</li> <li>• Inform parents/carers of arrangements for education during the exclusion</li> </ul>	<p>9. Start/Continue a EHAP and engage with external agencies as a preventative approach and parents/carers as a preventative approach to develop an action plan. Ensure parents/carers &amp; pupil's views are included in action plans and reviews (not compulsory but good practice).</p> <p>10. Continue working with Inclusion Support Worker (via Pathways Learning Centre) and ENSURE there is a referral to High Risk Group (HRG).</p> <p><b>For all suspension over 5 days</b></p> <ul style="list-style-type: none"> <li>• Arrange suitable full time education from the 6<sup>th</sup> day</li> <li>• Inform parents/carers of arrangements for education during the exclusion</li> </ul>	<p>information has been received by telephone.</p> <p>6. Make arrangements for setting and marking work for the first 5 days (If fixed term made permanent start counting again from the date the exclusion is made permanent).</p> <p>7. Ensure all required documentation made available (5 school days before the hearing) to Governing Body, parent/carer and LA, using secure communication.</p> <p>8. Comply with Gov. Body's resolution to either decline to reinstate or to reinstate either immediately or by a specific, if Governors so resolve.</p> <p>9. Maintain the pupil on the school roll until the parental right to ask for the decision to be reviewed (para. 79 - 82) is exhausted.</p>
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Notes: Any reference to page numbers or paragraphs refers to [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

- Letters may need to be translated into other languages where the parents/carers first language is not English.
- For all suspensions – if the child loses the opportunity to take a public examination or National Curriculum Test the Governing Body MUST be informed.(Para's 40, 49, 55, 57 and 62 and **Annex A** Flowchart of DfE Exclusion Guidance Sept 2017 and **Annex B A non-statutory guide for head teachers.**)
- Lunchtime exclusion counts as half day.
- A child in the care of the LA (or in voluntary care) should not be excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full –time provision from Day 1. (summary and Para's 21, 23-25, 48, 50 and **Annex B A non-statutory guide for head teachers** DfE Exclusion Guidance Sept 2017).

- At all stages of the process, schools should consider the range of interventions available to meet the behavioural needs of the pupil e.g. EHAP. Inclusion/Behaviour Support, EP.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.
- Pupils aged 18 or over have the right to represent themselves instead of parent/carer.
- Any decision to exclude must be made in line with the principals of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate.
- Governors should not interpret a parent's acceptance of full-time education off-site as signalling agreement with the Head of School's decision to exclude.

## **Appendix F Model letter 1 – Suspension (up to 5 days/lunchtime exclusion)**

From the Head of School of a school notifying a parent of:

- a single suspension of 5 school days or fewer and where a public examination is not missed
- a suspension which does not take the total of fixed period exclusions to more than 5 in one term;
- a lunchtime suspension. (Parts 4 - 6 DfE guidance 2022)

(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)

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 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 **[reason for exclusion]**.

You have the right to make representations about this decision to the governing body. **[Child's Name]** may also be involved in making representations **[Explain how this may happen]**. If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

Whilst the governing body has no power to direct reinstatement and is not required to arrange a meeting with you, they must consider any representations you make and may place a note of their findings on your child's educational record.

### **[For pupils of compulsory school age only]**

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

### **[For pupils of compulsory school age only]**

We will set work for **[Child's Name]** to be completed 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. **[If alternative provision is being arranged during an exclusion of 5 days]**

**or less the letter should provide details – when/where it will take place and who to report to on the first day.]**

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).**

**[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time]. [There is no requirement to hold a reintegration meeting but it would be good practice to do so – 'Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.'; detail the arrangements for the pupil's return to school].**

Yours sincerely

**[Name]**  
Head of School

## **Appendix G – Model Letter 2 – Suspension (6-15 days in one term)**

**From Head of School notifying parent of a single fixed period exclusion of between 6 and 15 days in length or one which would take the total of exclusions in one term to more than 5 and up to and including 15 school days (Parts 4 - 6 DfE guidance 2022)**

*(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)*

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/number of days]**. 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 you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

If requested to do so by parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

**[insert date here — no later than 15 school days from the date the governing body is notified]**.

### **[Maintained schools only]**

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]**

If you wish to request the governing body meet to consider this exclusion please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The governing body will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 50 school days from receiving notice of the exclusion. The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting



or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

**[For pupils of compulsory school age only]**

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

**[For pupils of compulsory school age only]**

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days 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. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

**[If the individual exclusion is for more than 5 days - for pupils of compulsory school age only]** *but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.*

*If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.*

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion South Gloucestershire Pupil Referral Unit will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter** *(without delay and no later than 48 hours before the provision is due to start)* - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.] I have forwarded your details to the Pupil referral Unit and they will be in touch shortly. They can be contacted on 01454 868600.

You should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).**

**[Child's Name]**'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. *[There is no requirement to hold a reintegration meeting but it would be good practice to do so – 'Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.'; detail the arrangements for the pupil's return to school].*

Yours

sincerely

**[Name]**

Head of School

**Appendix H – Model Letter 3 – Suspension (15 days or more in one term)**  
**From Head of School notifying parent of a suspension of more than 15 school days in total in one term (or which brings the pupil's total number of days of suspension to more than 15 in one term). (Parts 4 - 6 DfE guidance 2022)**

*(Where a school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.)*

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/number of days]**. This means that **[Child's Name]** will not be allowed in school for this period. The suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

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

The governing body must consider the reinstatement of an suspended pupil within 15 school days of receiving notice of the suspension if it is suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term. The latest date on which the governing body can meet is **[insert date here — no later than 15 school days from the date the governing body is notified]**.

**[Maintained schools only]**

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]**

If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The governing body will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limit of 15 school days from receiving notice of the suspension. The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

**[For pupils of compulsory school age only]**

You are legally required to ensure that your child is not present in a public place in school hours during this suspension on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

**[For pupils of compulsory school age only]**

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his/her suspension **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

**[If the individual suspension is for more than 5 days - for pupils of compulsory school age only]** *but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.*

*If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale; if this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start.*

For a suspension of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. From the sixth school day of the suspension onwards — i.e. from **[specify the date]** until the expiry of the suspension South Gloucestershire Pupil Referral Unit (Pathways Learning Centre ) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known say that the arrangements will be notified shortly by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. including the start date for any provision of full-time education that has been arranged for the pupil during the suspension; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.]** I have forwarded your details to the Pupil Referral Unit (Pathways Learning Centre) and they will be in touch shortly. They can be contacted on 01454 862630

You should also be aware that if you think the suspension relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals>) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on suspension: <https://www.gov.uk/topic/schools-colleges-childrens-services/school-behaviour-attendance>

- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.
- **Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).**

**[Child's Name]**'s suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. *[There is no requirement to hold a reintegration meeting but it would be good practice to do so – 'Schools should have a strategy for reintegrating pupils that return to school following a suspension, and for managing their future behaviour.'; detail the arrangements for the pupil's return to school].*

Yours

sincerely

**[Name]**  
Head of School

## **Appendix ii– Model Letter 4 – Permanent Exclusion**

**From the Head of School of a school notifying the parent(s) of a pupil's permanent exclusion. (Parts 4 - 6 DfE guidance 2022)**

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 body.

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 because **[reasons for the exclusion — include any other relevant previous history]**.

As this is a permanent exclusion the governing body has a legal requirement to consider the exclusion.

### **[Maintained schools only]**

You have the right to attend the meeting, be represented (at your own expense) and also to bring a friend. The head teacher and a representative of the local authority will also be invited to attend and to make representations. **[Child's Name]** may also be involved in making representations. **[Explain how this may happen]**

If you wish to make representations please contact **[Detail how parent needs to make representations – where and to whom e.g. letter, email or telephone contact to governors/clerk, giving number, email or postal address?]**.

The governing body will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting or to make representations. Also, please inform **[Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

### **[For pupils of compulsory school age only]**

You are legally required to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be given a penalty notice or prosecuted if your child is present in a public place during school hours on the specified dates and you fail to provide reasonable justification for this.

### **[For pupils of compulsory school age only]**

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]** to be completed 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. *[If alternative provision is being arranged before day six the letter should provide details of this including when/where it will take place and who to report to on the first day.]*

**[Where pupil lives in South Gloucestershire - for pupils of compulsory school age only]** *but provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.*

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. South Gloucestershire Pupil Referral Unit (Pathways Learning Centre) will provide suitable full-time education. **[Detail the arrangements for this if known at the time of writing; if not known state that the arrangements will be notified by a further letter (without delay and no later than 48 hours before the provision is due to start) - e.g. the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.]** I have forwarded your details to the Pupil Referral Unit (Pathways Learning Centre) and they will be in touch shortly. They can be contacted on 01454 862630.

**[Where pupil lives in a local authority other than the excluding school's local authority - For pupils of compulsory school age only]**

For a permanent exclusion, the Local Authority must arrange suitable full-time education for any pupil of compulsory school age from the sixth school day of the exclusion onwards — i.e. from **[specify the date]** until the expiry of the exclusion. I have also today informed **[name of officer]** at **[name of local authority]** (e.g. Clare Dudley, Bristol LA) 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 should also be aware that if you think the exclusion relates to discrimination you can make a claim, to the First Tier Tribunal for disability discrimination (<http://www.justice.gov.uk/tribunals/send/appeals> ) or to a County Court for other forms of discrimination.

The following information may be helpful:

- Statutory guidance on exclusion:  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>
- The Children's Legal Centre: they aim to provide free legal advice and information to parents on state education matters. They can be

Policy Approved by S&I Committee 13.09.21

contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>.  
The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24<sup>th</sup> December to the 1<sup>st</sup> January.

- **[Include other relevant links for example social care, Ethnic Minority & Traveller Achievement Service or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)).]**

Yours

sincerely

**[Name]**

Head of School



**Appendix J – Model Letter 5 - From the Governing Body of a school notifying a parent of its decision not to reinstate a pupil**  
**From the Governing Body of a school notifying a parent of its decision not to reinstate a pupil (i.e. to uphold the head's decision to permanently exclude the pupil). (Part 6 DfE guidance 2022)**

*(Please forward a copy of this letter to the LA; and also to Neil Young (Democratic Services) for information)*

Dear **[Parent's Name]**

The meeting of the Governing Body at **[Name of school]** on **[date]** considered the decision by **[Head's Name]** to permanently exclude your **[son/daughter Name]**. The governing body, after carefully considering the representations made and all the available evidence, has decided to uphold the permanent exclusion of **[Name of Pupil]**.

The reasons for the governing body's decision are **[Insert reasons in sufficient detail to enable all parties to understand why the decision was made]**.

.....

You have the right to ask for this decision to be reviewed by an independent review panel. If you wish to make an application for a review of the Governing Body's decision you will need to do so no later than **[day and date – i.e. 15 school days plus 2 school days from the date of the letter when posted by 1<sup>st</sup> class post; 'Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail'.]** If you make an application for a review after this date it will be rejected by the local authority.

The application should be made to  
Neil Young, Principal Democratic Service Officer  
South Gloucestershire Council  
Chief Executive & Corporate Resources Department  
PO Box 1953  
Bristol  
BS37 0DB

Please inform Neil Young if you have a disability or special needs which would affect your ability to attend the hearing or if it would be helpful for you to have an interpreter present at the hearing. ***[For an Academy that does not trade with Legal Services, details and address of own provider which the parent should contact if they wish to request an independent review, should be inserted in place of Neil Young.]***

The role of the independent review panel is to review the Governing Body's decision not to reinstate a permanently excluded pupil. The panel can decide to:

- Uphold the exclusion decision
- Recommend that the Governing Body reconsiders their decision; or

Policy Approved by S&I Committee 13.09.21

- Quash the decision and direct that the Governing Body considers the exclusion again

Any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion. You have the right to require the Local Authority to appoint a SEN expert to attend the review regardless of whether your child has recognised special education needs; there would be no cost to you for this. The role of the SEN expert is to provide impartial advice to the independent review panel on how special educational needs might be relevant to the exclusion. You must make it clear in your application for a review whether you wish for a SEN expert to be appointed.

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

In addition to your right to apply for an independent review panel, if you believe that the exclusion has occurred as result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. A claim of discrimination should be lodged within six months of the date on which the alleged discrimination took place e.g. the day on which **[Name of Pupil]** was excluded.

The following sources of free and impartial information will allow you to make an informed decision on whether and how to seek a review of the Governing Body's decision:

- Department for Education guidance - Exclusion from maintained schools, academies and pupil referral units in England [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630073/Exclusion\\_from\\_maintained\\_schools\\_academies\\_and\\_pupil\\_referral\\_units\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools_academies_and_pupil_referral_units_guidance.pdf)
- Guidance on making a claim of discrimination to the First-tier tribunal – <http://www.justice.gov.uk/tribunals/send/appeals>
- the Coram Children's Legal Centre – [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) , they can be contacted on 0808 802 0008
- [Also include where considered relevant by governing body – contact details for Traveller Education Services (EMTAS) or Supportive Parents for SEN pupils]

If you do not intend to make an application for a review of this decision you may confirm this in writing to me, but please note, once the Governing Body has received your decision **not** to apply for a review the head teacher will remove your child's name from the school register.

Yours sincerely

**[Name]**

Chair/Clerk to the Governing Body