

The Wren School

Exclusions procedures for governors

Purpose and Background

The purpose of this document is to clarify The Wren School's exclusion procedures for governors. It provides a complete set of guidelines and advice for governors and staff to follow.

This policy takes account of all relevant legislation.

Policy objectives

These procedures should be read in conjunction with the Department for Education guidance "Exclusion from maintained schools, academies and pupil referral units in England" 2017 which is a guide for those with legal responsibilities in relation to exclusion. All decisions about exclusion must be made with reference to the DfE guidance which outlines statutory responsibilities. In reading and interpreting the guidance, note that when the terms "shall" or "must" are used, this means that the actions are mandatory. If the term "should" is used, this means that the action is discretionary. When the guidance states that schools and academies "must have regard to..." this does not mean that the sections of the statutory guidance have to be followed in every detail but that they should be followed unless there is good reason not to in a particular case.

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Management of the policy

School	This policy is implemented and managed by the headteacher
Governing body	The Local Governing Board will review and update this policy on a regular basis in line with all relevant legislation.
Approval	Updated and approved by Local Governing Board, January 2020
Next review due	January 2022 or on release of new legislation

Associated policies

Behaviour policy

Practice and procedures

Where a reference to a 'term' is given in these procedures and the DfE guidance, it means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December.

1. Exclusion as a last resort

- 1.1 Exclusion from school should be used as a last resort in response to serious or persistent breaches of the behaviour policy and when allowing the student to remain in school would seriously harm the education or welfare of the student and others in the school. Other than in the case of a serious one-off offence (such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon) exclusion should only be used when other approaches have been unsuccessful.
- 1.2 If a student is deemed to be at risk of exclusion it is considered appropriate to have a Challenge Support Plan to enable a range of strategies and support to be implemented.
- 1.3 The Wren School will, as far as possible, avoid permanently excluding any student with a statement of Special Educational Needs or an Education and Health Care (EHC) Plan or any student who is a looked-after child.

2. Headteacher's checklist

- 2.1 Any decision to exclude a student must be:
 - lawful;
 - reasonable; and
 - fair
- 2.2 In making a decision to exclude a student, the headteacher must demonstrate that the exclusion has been carefully considered and is being used as a last resort. The checklist in Appendix 1 is designed to assist in these deliberations.

3. Notification of exclusions

- 3.1 When the headteacher has decided to exclude a student he/she must:
 - immediately inform the parent(s) by telephone and email;

- draft the appropriate letter (see model letters in appendices)
- ensure that this letter is sent by registered post to arrive the following day;
- ensure that the letter contains the following information:
 - the reasons for the exclusion;
 - the period of fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representation about the exclusion to the governing body (in line with the requirements set out in paragraphs 50 to 57 of the DfE guidance) and how the student may be involved in this;
 - how any representation should be made; and
 - when there is a legal requirement for the governing body to consider the exclusion, that the parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

3.2 The headteacher has a duty to immediately inform the governing body (via the clerk to the governors) and the local authority (LA) of certain types of exclusion:

- a permanent exclusion;
- a fixed term exclusion where the headteacher has indicated to the parent that following further investigation it may be made permanent;
- exclusions which would result in the student being excluded for more than five days (or more than ten lunchtimes) in a term; and exclusions which would result in the student missing a public examination or national curriculum test.

3.3 For all other exclusions the headteacher must notify the LA and governing body once a term.

3.4 For a permanent exclusion, if the student lives outside Reading Borough Council Local Authority, the headteacher must also advise the student's 'home authority' of the exclusion without delay.

4. Unofficial/illegal exclusions

4.1 The procedures described above and in the DfE guidance must always be applied when a student is excluded. Sending a student home informally for a "cooling-off period" or asking parents to take a student home to avoid an exclusion are illegal acts which could be subject to challenge. This also applies to lunchtimes; if a student is asked by the school to go home at lunchtimes this must also be treated as a half-day exclusion for each lunchtime.

4.2 At no time will the school encourage a parent to off-roll their child to electively home educate in order to avoid a permanent exclusion.

5. Part-time/reduced timetables

5.1 It is illegal for the school to impose a reduced or "part-time" timetable.

5.2 In some cases, if a student has been out of school, unwell or excluded, a part-time timetable may be used as a short-term measure towards achieving full reintegration, building back up to full time hours

as long as the parents are in agreement and a written agreement, signed by all parties with stated review dates where appropriate, put in place.

- 5.3 The school must undertake a risk assessment of the student's needs to assess the impact that a reduced timetable would have on the student. It is essential that the student's welfare during any absence from school is considered. Risk assessments should follow the five steps identified by the Health and Safety Executive:

Step 1: Identify possible hazards

Step 2: Decide who may be harmed and how

Step 3: Evaluate the risks and decide on precaution

Step 4: Record your findings and implement them

Step 5: Regularly review your assessment and update if necessary

- 5.4 The risk assessment should include the safety and wellbeing of the student as well as the risk of the student engaging in criminal activity or substance misuse whilst not in receipt of education during the school day.

6. Procedures following exclusion

- 6.1 The 2015 DfE guidance no longer places a requirement on schools (in certain categories of exclusion) to hold a reintegration meeting prior to readmission. However, The Wren School considers it to be good practice to have such a meeting with parents, the student, and appropriate support services to put a plan in place to support the student and avoid any future exclusions; this could include a Multi-Assessment referral form (MARF) or Pastoral Support Programme.
- 6.2 It should be noted however, that neither parents nor a student can be required to meet specific conditions, such as attending a reintegration meeting, before reinstatement.

7. SEN/D /vulnerable group considerations

- 7.1 The headteacher will, as far as possible, avoid permanently excluding any student with a statement of SEN/D or an EHC Plan. If the student being considered for exclusion has special educational needs or any disability, the considerations in Appendix 2 must be taken into account. Children with SEN/D may not necessarily have a disability. The definition of disability is not the same as the definition of special educational needs but there may be overlap between those who have SEN/D and those who have a disability. Please refer to paragraphs 22-24 of the DfE guidance.

8. The governing body's duty to consider an exclusion – key points

- 8.1 The responsibility of the governing body to consider exclusions is delegated to a panel of three governors. This panel is known as the Governors' Disciplinary Panel (GDP).
- 8.2 Where required or requested, the governing body must hold a GDM within the required timescales, outlined in section 9.
- 8.3 The GDP should consist of 3 governors who have no previous knowledge of the case, are not acquainted with the parents or the student, and are not employed by the school. Governors who are also parents at the school should recuse themselves in cases where their child shares a tutor group

with the student concerned. The chair of the governing body should not be part of the GDP if he/she has previously discussed the case with the headteacher or has had any prior involvement with the case as this could compromise his/her impartiality.

- 8.4 The GDM would normally be clerked by the clerk to the governing body. Minutes must be taken and distributed, upon request, to all parties who were present.
- 8.5 Every effort will be made to inform the parents ahead of the meeting of the names of those who will be attending, to give them the opportunity to object on the grounds of impartiality.
- 8.6 Academy trusts are not required to invite a representative of the LA. However, the parent may invite a representative of the LA to attend the meeting as an observer. That representative may only make representations with the governing body's consent.
- 8.7 As the GDP is responsible for reviewing the decision of the headteacher to exclude a student, the headteacher checklist (section 2) will be presented to the panel when reviewing the exclusion.
- 8.8 In balancing the needs of the individual against the broader interests of the other students and staff within the school, the GDP will also consider the questions posed in Appendix 3:

9. Timescale and powers of the Governors' Disciplinary Panel

Length of exclusion (in aggregate in a term)	1 to 5 days	6 to 15 days	16 to 45 days	Permanent
When the GDP should/must meet	Not statutory	The 6 th school day after exclusion if at all possible. Statutory limit is 50 school days.	The 6 th school day after exclusion if at all possible. Statutory limit is 15 school days.	The 6 th school day after exclusion if at all possible. Statutory limit is 15 school days.
Additional information	Doesn't have to meet but has to consider any parental representations	Doesn't have to meet unless parents request it	Must meet irrespective of whether parents request it	Must meet irrespective of whether parents request it
Powers of the GDP	No powers	Can reinstate or uphold decision	Can reinstate or uphold decision	Can reinstate or uphold decision
Further appeal arrangements	None ¹	None ¹	None ¹	Parents can request an Independent Appeal

¹ Unless the student has a disability and the parent feels that their child has been discriminated upon on the grounds of their disability, in which case the parent can appeal via the Special Educational Needs and Disabilities Tribunal.

- 9.1 The panel will make every attempt to meet at the earliest possible opportunity, i.e. the sixth school day after the exclusion, but in any case will abide by the statutory time limits. The GDP will only meet out of time in exceptional circumstances and, if it does, it should be in full agreement with the parents.

- 9.2 It may also be the case that the timescale of meeting means that the GDP hasn't met to review an exclusion of a student who has left the school (i.e. an exclusion in the summer term of a student's last year). The student leaving the school does not relieve the GDP of its duty to meet and therefore the exclusion will still be reviewed.
- 9.3 If exclusion would result in a student missing a public exam, the GDP will try to meet before the date of the examination. If this is not possible, the chair of governors may consider the exclusion, but should have advice from the clerk. In some cases, the GDP may exercise its discretion to allow an excluded student onto the school premises for the sole purpose of taking a public examination.

10. Fair hearings and natural justice

- 10.1 Every effort will be made to ensure that the GDP provides all parties with a fair hearing and adheres to the rules of natural justice.
- 10.2 The case should be clearly stated and evidence produced. All written material to be presented must have been seen by all parties prior to the GDM to allow for preparation, and to take legal advice if so desired.

Type of evidence	Exclusions for a 'one-off' serious incident	Exclusions for cumulative reasons
Details of the incident(s) in question	Must be provided	Must be provided
Statement from the student in question, signed and dated	Should be provided (where a student has refused to provide a statement, evidence of doing so should be provided to confirm a request was made)	Must be provided
Witness statements, signed and dated	Must be provided	Must be provided
Behaviour log and details of previous incidents	No, unless there is a specific reason to do so	Must be provided
Attendance record	Not relevant	Not relevant
Details of support provided to the student	Only if relevant	Must be provided
Reports from any professionals involved with the student	Not relevant	Must be provided
Details of any SEN the student may have (report/involvement from SENDCo)	Must be provided	Must be provided
Details of any disability the student may have	Must be provided	Must be provided
Academic reports	Not relevant	Not relevant
MARF	This must not be included in the GDM information and no area within the MARF should be	This must not be included in the GDM information and no area within the MARF should be

	shared with those present at the GDM due to confidentiality	shared with those present at the GDM due to confidentiality
Other information	Only if relevant	Only if relevant

10.3 If a student has a history of challenging behaviour and is then permanently excluded for a one-off incident (which does not follow the pattern of behaviour which the student usually presents with) then the headteacher needs to exercise care about what information is provided. If details of prior misconduct are provided in the paperwork, the parent(s) could argue that the GDP has been biased by this information, building up a negative perception of the student that may well influence their final decision.

10.4 It is unlawful to exclude or increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the actions of a student's parents such as failing to ensure regular attendance at school; or the failure of a student to meet specific conditions before they are reinstated. As this information is not relevant to the GDP and their decision making, it should not be included in the paperwork for any exclusion.

11. Format of Governor Disciplinary Meetings

11.1 The GDP should ensure that a proper agenda for its meetings is prepared. This should cover the following:

- The chair welcomes and introduces all parties
- The headteacher puts the case for exclusion
- The parents and governors may question the headteacher
- The parents make their case against exclusion
- The headteacher and governors may question the parents
- The headteacher makes his/her concluding remarks
- The parents make their concluding remarks
- The chair concludes the meeting and advises the parents/student that they will receive the decision of the governors in writing within 24 school hours.

A proforma agenda is set out in Appendix 4.

11.2 At the end of the GDM, the governing body must ensure that all other parties have withdrawn before making a decision in private.

11.3 Where a GDM has been held to consider a permanent exclusion, the school must advise the LA within 24 school hours of the decision taken by the governing body in whether to uphold or overturn the exclusion.

12. Independent Review Panels

- 12.1 Following a GDP decision to uphold a permanent exclusion, the LA must, if requested by parents, arrange for an IRP to be held within 15 school days of the parent's request.
- 12.2 The panel must consist of 3 – 5 members representing each of the categories below:
- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
 - A school governor, who has served as a governor for at least 12 consecutive months in the last five years, provided he/she has not been a teacher or headteacher during this time.
 - A headteacher or an individual who has been a headteacher within the last five years.
- 12.3 In addition, a clerk must be appointed who should not have served as clerk to the GDM. He/she should have the training required by law and an up-to-date understanding of developments in case law, legislation and guidance which are relevant to exclusion.

13. The role of the SEN/D expert on the Independent Review Panel

- 13.1 When parents apply for an IRP to be held, they may request that a SEN/D expert attend the panel.
- 13.2 Parents have a right to request the attendance of a SEN/D expert at an IRP regardless of whether the school recognises that the child has SEN/D
- 13.3 Arrangements must be made to indemnify a SEN/D expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.
- 13.4 Individuals may not serve as an SEN/D expert if they have, or at any time have had, a connection with the LA, school, student or parent or the incident leading to the exclusion which might reasonably be taken to raise doubts about their ability to act impartially. (However, an individual is not taken to have such a connection solely because he/she is an employee of the LA/school).
- 13.5 The SEN/D expert should be a professional with first-hand experience of the assessment and support of SEN/D, as well as an understanding of the legal requirements on schools in relation to SEN/D and disability.
- 13.6 Reasonable steps should be taken to ensure that the parents have confidence in the impartiality and capability of the SEN/D expert and when possible this may include offering parents a choice of SEN/D expert.
- 13.7 The SEN/D expert's role is analogous to an expert witness to provide impartial advice to the IRP about how SEN/D could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.
- 13.8 The SEN/D expert's role does not include making an assessment of the student's SEN/D.
- 13.9 The focus of the SEN/D expert's advice should be on whether the school's policies which relate to SEN/D, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN/D expert believes that this was not the case he/she should, where possible, advise the panel on the possible contribution which could have been made to the student's exclusion.

13.10 The SEN/D expert should not criticise school policies or actions simply because he/she believes a different approach should have been followed or because different schools might have taken a different approach.

14. The remit of the Independent Review Panel

14.1 An IRP does not have the power to direct a governing body to reinstate an excluded student.

14.2 An IRP can make one of three decisions. It can:

- uphold the decision to exclude;
- recommend that the GDP reconsiders its decision; or
- quash the decision and direct the GDP to reconsider its decision.

15. The governing board's duty to reconsider reinstatement following a review

15.1 Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

15.2 It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

15.3 The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, in light of the findings of the independent review panel. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented or information is considered that is irrelevant to the decision at hand.

15.4 The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

15.5 The governing board should ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

15.6 The governing board should note the outcome of its consideration on the pupil's educational record, along with copies of any papers for future reference.

15.7 The governing board should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The governing board's decision should demonstrate

how they have addressed the concerns raised by the independent review panel; this should be communicated in standard English for all parties to understand.

15.8 If following a direction from the IRP, the GDP does not subsequently offer to reinstate a student, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the LA towards the costs of providing alternative provision for the student.

15.9 If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record. The clerk must also note, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community or voluntary controlled school, the governing board may appeal against the decision of the local authority as the admission authority to admit the child.

15.10 In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the head teacher;
- the local authority; and, where relevant, the 'home authority'.

16. Governors' training

16.1 It is very important that governors who are called upon to be part of a GDP, receive training. The expectation of the governing body is that the majority of governors who sit on a GDP will have been trained appropriately. Training for clerks is also available.

16.2 The clerk to the governors keeps records of all training attended by governors, and the development governor reviews these regularly to ensure that sufficient expertise is available and developed in-house.

Associated documents

DfE: Exclusion from maintained schools, Academies and pupil referral units in England; A guide for those with legal responsibilities in relation to exclusion. 2015.

Appendices

Appendix 1: Headteacher' checklist

Appendix 2: Special Educational Needs / Disability / vulnerable group considerations

Appendix 3: The governing body's duty to consider an exclusion – key points

Appendix 4: Appendix 4: Governors' Disciplinary Panel agenda

Appendix 5: Model letters

Appendix 1: Headteacher's checklist

The circumstances of the case	Yes	No
Has there been a serious breach or breaches of the school behaviour policy?		
Does the student's presence seriously harm or threaten to harm the education / welfare of students / others?		
Is exclusion a last resort following a wide range of other strategies that have been unsuccessful? or Is this a serious 'one off' offence?		
Is exclusion the appropriate response? Factors to consider: <ul style="list-style-type: none"> has a thorough investigation been carried out? has the student's version of events been sought / encouraged / recorded? has the evidence been considered in the light of school policies and possible discrimination? are there any mitigating circumstances or any provocation which may be relevant (bullying, harassment etc.)? 		
Has a pastoral support programme been used?		
Is this student registered as School Support and if so; Has the possibility of additional support from the LA or additional agencies been explored?		
Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion)?		
Standard of proof – "on the balance of probabilities" did the student do what he/she is alleged to have done?		

Special considerations	Yes	No
Special educational needs and disability (SEN/D) Does this student have a SEN statement or an EHC Plan? Has the SEN/D LA team been contacted? Has an emergency review been arranged?		
Looked after children Is this student looked after? Has the virtual head for children in care been contacted?		
SAFEGUARDING Is this student subject to a child protection or a child in need plan?		
Is there a Multi -assessment referral form (MARF) for this student? What other agencies/services are involved?		
Have issues of SEN/D been taken into account and reasonable adjustments put in place?		

Appendix 2: SEN/D / vulnerable group considerations

Children with disabilities	Yes	No
<p>Does this student have a statement and / or disability? i.e. does he/she have a mental or physical impairment that:</p> <ul style="list-style-type: none"> • is adverse; • is long term; • is substantial; • affects his/her ability to carry out normal day to day activities? (mobility, manual dexterity, physical coordination, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand perception of risk of physical danger). 		
<p>Has the student been treated less favourably? i.e. would / has a student without a disability have been dealt with in the same way? The headteacher must consider:</p> <ul style="list-style-type: none"> • what is less favourable treatment? • what is the reason for less favourable treatment? • is the reason directly related to the student's disability? • can less favourable treatment be justified? • is the justification material and substantial? 		
<p>Have reasonable adjustments been made for the student? The headteacher must consider:</p> <ul style="list-style-type: none"> • would failure to make reasonable adjustments place the student at a substantial disadvantage? • could the need to make reasonable adjustments have been anticipated? • has the school reviewed its policies, practices and procedures (continuing responsibility)? • do reasonable adjustments involve removal / alteration of physical features? • do reasonable adjustments involve provision of auxiliary aids / services (SEN/D framework)? • have relevant factors been explored and balanced? • the need to maintain standards; • the financial resources available; • the cost of taking a particular step; • the extent to which it is practicable to take a particular step; • the extent to which auxiliary aid / services will be provided under the SEN/D framework; • health and safety requirements; • the interests of other students / prospective students; 		

Children with disabilities	Yes	No
<ul style="list-style-type: none"> <li data-bbox="228 191 1182 262">• could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)? <li data-bbox="228 268 1013 304">• can act/omission be materially and substantially justified? 		

Appendix 3: The governing body's duty to consider an exclusion – key points

Considerations for the Governors' Disciplinary Panel	Comments
<p>What is the quality of the evidence?</p> <ul style="list-style-type: none"> • have the facts been established? • was a full investigation, involving appropriate witnesses, carried out? • to what extent are the facts agreed between the relevant parties? • how did the incident relate to the school's behaviour policy? • was the student responsible for the behaviour that led to the exclusion? (Governors should consider matters on the 'balance of probability' and if there is serious doubt, a reinstatement should be directed). 	
<p>Was the exclusion a proportionate response?</p> <ul style="list-style-type: none"> • was exclusion a reasonable and proportionate response to the behaviour? • was it fair in respect of sanctions imposed on any other students involved in an incident? 	
<p>Were alternative strategies tried?</p> <ul style="list-style-type: none"> • If the exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a 'last resort' after other strategies, including the involvement of outside agencies and support services, had failed? (A PSP should be in place, clearly identifying school strategies, internal and external support). 	
<p>Were there any mitigating circumstances?</p> <ul style="list-style-type: none"> • Are there any factors arising from parental representation? e.g. special / medical needs, domestic circumstances, genuine remorse, loss of external examination opportunity. 	

Appendix 4: Governors' Disciplinary Panel agenda

Meeting of the Governors' Disciplinary Panel

Day Date Month Year at Time in the Room

In attendance	Documentation presented																
Chair of the Governors' Disciplinary Panel Mr/Mrs A, Surname Clerk Mr/Mrs A Surname Mr/Mrs B Surname - headteacher Governor Mr/Mrs C Surname - SENDCO Governor Mr/Mrs D Surname - Name, Surname - for student Headteacher Name, Surname - Student Mr/Mrs E Surname - Parent/Carer Mr/Mrs F Surname - Parent/Carer	<table border="1"> <tr> <td>Witness statements</td> <td></td> </tr> <tr> <td>Behaviour report</td> <td></td> </tr> <tr> <td>Achievement report</td> <td></td> </tr> <tr> <td>Challenge Support Plan</td> <td></td> </tr> <tr> <td>Latest academic report</td> <td></td> </tr> <tr> <td>Attendance</td> <td></td> </tr> <tr> <td>Additional professional reports</td> <td></td> </tr> <tr> <td>Other</td> <td></td> </tr> </table>	Witness statements		Behaviour report		Achievement report		Challenge Support Plan		Latest academic report		Attendance		Additional professional reports		Other	
Witness statements																	
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Additional professional reports																	
Other																	

	Item	Order of proceedings
1	Start of meeting	The headteacher, the parent(s) / carer(s), the excluded student (if present) and /or their advocates (if present) are invited into the meeting room by the clerk and enter the room together. The chair verifies whether there are any objections to the headteacher's advocate(s) remaining in the room whilst the headteacher gives his/her evidence. If so, the headteacher's advocate(s) leaves the room and is called after the headteacher has presented his/her reasons for exclusion.
2	Start of hearing and introduction	Parties are introduced to each other and chair outlines procedures as detailed in this agenda. If the excluded student is under 18 years of age, he / she may not be questioned at any stage.
3	The school's case	The headteacher presents his / her reasons for the exclusion and calls upon any advocates if they were asked to withdraw at the start of the meeting.
4	Questions	The headteacher and his/her advocates are questioned by the parent(s) / carer(s) or their advocates, the excluded student and the panel.
5	The student's case	The parent(s) / carer(s) may make representations to the GDP. Unless there are strong reasons to refuse, the chair should allow the student to make a statement if he / she wishes. Any advocates who are students at the school may only

		appear voluntarily, with their parents'/carers' consent and may not be questioned if under 18 years of age.
6	Questions	The parent(s) / carer(s) or their advocates and the excluded student and their advocates (if over 18 years of age) may be questioned by the panel and the headteacher.
7	Summary	Summary of school's case is put forward by the headteacher.
8	Summary	Summary of student's case is put forward by the parent(s) / carer(s).
9	Close of hearing	All parties except the panel members and the clerk leave the meeting room.
10	Deliberation	The panel considers its decision.
11	Close of meeting	The letter to the parent(s) / carer(s) is drafted and the meeting is declared closed. The letter will be dispatched within 1 school day by registered post, and copied to the headteacher and LA.

Appendix 5 – Model letters

MODEL LETTER 1 – aggregate exclusion is 1 – 5 days in this ‘term’

Dear [parent’s name]

I am writing to inform you of my decision to exclude [child’s name] for a fixed period between the dates [specify period] inclusive. This means that [child’s name] will not be allowed in school during this period. The exclusion begins/began on [date] and ends on [date]. [child’s name] should return to school on [first school day following the end of the fixed period exclusion].

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

[The following two paragraphs apply only to students of compulsory school age]

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

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

You have the right to make representations about this exclusion to the Governors’ Disciplinary Panel. If you wish to make representations please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org), as soon as possible. Whilst the Governors’ Disciplinary Panel has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on [child’s name]’s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Such a claim should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the date on which your child was excluded. Making a claim would not affect your right to make representations to the Governors’ Disciplinary Panel.

You are requested to attend a reintegration interview with [child’s name] at the school on [date] at [time]. If that is not convenient, please contact [enter name of person to be contacted] as soon

as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by [enter "me" or the name and position of the person who will conduct the reintegration interview]. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also advise you of the following sources of advice.

- The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Student Referral Units in England" September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- ACE Education (<http://www.ace-ed.org.uk>) operate an advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time.
- National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>
- The Information, Advice and Support Service (RBC) on 0118 937 3421

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

Yours sincerely,

Mrs Jo Broadhead

Headteacher

MODEL LETTER 2 – aggregate exclusion is 6 – 15 days in this ‘term’

Dear [parent’s name]

I am writing to inform you of my decision to exclude [child’s name] for a fixed period between the dates [specify period] inclusive. This means that [child’s name] will not be allowed in school during this period. The exclusion begins/began on [date] and ends on [date]. [child’s name] should return to school on [first school day following the end of the fixed period exclusion].

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

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

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

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

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the [6th school day of the student’s exclusion - specify date] until the expiry of this exclusion we will arrange suitable alternative full-time education for [child’s name]. Between the dates of [dates between which suitable alternative full-time education has been arranged] [child’s name] should attend [name and address of the alternative provider] between the hours of [specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)] and report to [staff member’s name]. [If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

You have the right to make representations about this exclusion to the Governors’ Disciplinary Panel. If you wish, you have the right to request a meeting of the Governors’ Disciplinary Panel to review my decision to exclude [child’s name] and make representations at that meeting as the period of this exclusion brings [child’s name]’s total number of days of fixed period exclusion to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting, the latest date by which the Governors’ Disciplinary Panel must meet is [specify date, which must be no later than the 50th school day after the date on which the decision to exclude was taken] however

governors prefer to meet as early as possible, to minimise the disruption to [child's name]'s education should my decision to exclude be overturned. The earliest possible date is [specify date, which must be the 6th school day after the date on which the decision to exclude was taken]. If you wish to make representations to the Governors' Disciplinary Panel please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org) immediately, so that we can arrange a date which gives you adequate time to prepare. You may be accompanied by a friend/advocate, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs Jo Hackett if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Making a claim would not affect your right to make representations to the Governors' Disciplinary Panel. Such a claim should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the date on which your child was excluded. Making a claim would not affect your right to make representations to the Governors' Disciplinary Panel.

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

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

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also advise you of the following sources of advice.

- The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Student Referral Units in England" September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice

line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

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- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>
- The Information, Advice and Support Service (RBC) on 0118 937 3421

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

Yours sincerely,

Mrs Jo Broadhead

Headteacher

MODEL LETTER 3 – aggregate exclusion is 16 – 45 days in this ‘term’

Dear [parent’s name]

I am writing to inform you of my decision to exclude [child’s name] for a fixed period between the dates [specify period] inclusive. This means that [child’s name] will not be allowed in school during this period. The exclusion begins/began on [date] and ends on [date]. [child’s name] should return to school on [first school day following the end of the fixed period exclusion].

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

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

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

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

[If the individual exclusion to which this letter applies is for more than 5 days include the following paragraph]

From the [6th school day of the student’s exclusion - specify date] until the expiry of this exclusion we will arrange suitable alternative full-time education for [child’s name]. Between the dates of [dates between which suitable alternative full-time education has been arranged] [child’s name] should attend [name and address of the alternative provider if not the home school] between the hours of [specify the start and finish times of the alternative provision, including the times for morning and afternoon sessions where relevant (this may not be identical to the start time of the home school)] and report to [staff member’s name]. [If applicable, include information about transport arrangements from home to the alternative provider. If arrangements for provision from the sixth school day cannot not finalised by the time this letter is sent then say that the arrangements for suitable full time education will be notified shortly in a further letter.]

As this exclusion brings [child’s name]’s total number of days of fixed period exclusion to more than 15 days in total in one term the Governors’ Disciplinary Panel must meet to review my decision to exclude [child’s name]. You may attend the review meeting and make representations to the Governors’ Disciplinary Panel if you wish. The latest date by which the Governors’ Disciplinary Panel must meet is [specify date, which must be no later than 15 school days after the date on which the decision to exclude was taken] however governors prefer to meet as early as possible, to minimise the disruption to [child’s name]’s education should my decision to exclude

be overturned. The earliest possible date is [specify date, which must be the 6th school day after the date on which the decision to exclude was taken]. You will be notified by the clerk to the governors of the time, date and location of the meeting, together with an agenda, whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Panel please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org) immediately, so that we can arrange a date which gives you adequate time to prepare. You may be accompanied by a friend/advocate, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs Jo Hackett if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Such a claim should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the date on which your child was excluded. Making a claim would not affect your right to make representations to the Governors' Disciplinary Panel.

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

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

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also advise you of the following sources of advice.

- The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Student Referral Units in England" September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice

line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

- ACE Education (<http://www.ace-ed.org.uk>) operate an advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time.
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- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>
- The Information, Advice and Support Service (RBC) on 0118 937 3421

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

Yours sincerely,

Mrs Jo Broadhead

Headteacher

MODEL LETTER 4 – from Clerk to the GDP (except permanent exclusions)

Dear [parent's name]

I am writing to advise you that the meeting of the Governors' Disciplinary Panel to review the headteacher's decision to exclude [child's name] from school during the period [start date and end date of the period of exclusion] will take place at [place] on [date] at [time].

If you would like to attend the meeting of the Governors' Disciplinary Panel, please contact me at the school (0118 959 1868 jo.hackett@gov.excalibur.org.uk) as soon as possible. You will have the opportunity to make representations to the panel. [Child's name] may attend the hearing with you accompanied by a friend/advocate. You may also be accompanied by a friend/advocate, including a legal representative, if you wish. If you intend to be accompanied, please let me know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform me if it would be helpful for you to have an interpreter present.

At the meeting the chair will explain the order of proceedings and an agenda is enclosed with this letter for your information. Shown on the agenda are the names of the governors who will be present at the meeting. No governor who is either a school employee, a parent of a student in [child's name]'s tutor group, or who is knowingly acquainted with your family should be on the panel. If you do have any objection to the panel members on the grounds of impartiality, please contact me immediately.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by [insert date] so that it may be circulated in advance to the members of the panel and to all parties including the headteacher.

The panel will consider the representations made by all parties and decide whether to decline to reinstate [child's name] or to direct [child's name]'s reinstatement, either immediately or by a particular date. If the Governors' Disciplinary Panel cannot direct reinstatement due to the period of exclusion having expired and your child having already returned to school they will place a copy of their findings on your child's school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

Mrs Jo Hackett

Clerk to the Governors' Disciplinary Panel

Enc.

Formal exclusion hearing – order of proceedings
GDM agenda

Exclusion hearings follow a formal procedure as follows:

1. The headteacher, the parent(s) / carer(s) and/or their advocates (if present), the excluded student (if present) and /or their advocates (if present) are invited into the meeting room by the clerk and enter the room together. The chair verifies whether there are any objections to the headteacher's advocate(s) remaining in the room whilst the headteacher gives their evidence. If so, the headteacher's advocate(s) leaves the room and is called after the headteacher has presented his/her reasons for exclusion.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Panel.
3. The headteacher presents his / her reasons for the exclusion and calls upon any advocates if they were asked to withdraw at the start of the meeting.
4. The headteacher and his/her advocates are questioned by the parent(s)/carer(s), the excluded student if over 18 years of age, or their advocates, and also by the panel.
5. The parent(s)/carer(s), or the excluded student if 18 years of age or over, and/or their advocates, may make representations to the Governors' Disciplinary Panel. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Panel should allow the excluded student to make a statement if he/she wishes. The excluded student must not be questioned unless he/she is over 18 years of age. Any advocates who are students at the school may only appear voluntarily and with their parents' consent but must not be questioned unless over 18 years of age.
6. The parent(s)/carer(s), the excluded student if 18 years of age or over, and/or any advocates if 18 years of age or over may be questioned by the panel and the headteacher.
7. Summing up by the headteacher.
8. Summing up by the parent(s)/carer(s), or the excluded student if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Panel and the clerk leave the meeting before the panel considers its decision.

The clerk will notify the parent(s)/carer(s), or the excluded student if 18 years of age or over, of the panel's decision in writing within one school day and send copies to the headteacher.

MODEL LETTER 5 – From Clerk of the GDP re decision (excludes permanent exclusions)

Dear [parent's name]

I am writing to confirm the decision reached by the Governors' Disciplinary Panel at their meeting on [date of Governors' Disciplinary Panel meeting] to review the headteacher's decision to exclude [child's name] from school during the period [start date and end date of the period of exclusion].

In reaching this decision, the panel considered whether the decision to exclude was lawful, reasonable, and procedurally fair, taking account of the headteacher's legal duties and the evidence that was presented to the panel at the meeting. The panel applied the civil standard of proof i.e. 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Panel, the panel has decided to

EITHER

decline to reinstate [child's name] for the following reason(s). [inset reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement of [child's name] immediately/from [specify date] for the following reason(s), [inset reasons in as much detail as possible explaining how they were arrived at]

[Where reinstatement cannot be directed because the period of exclusion has expired, add the following sentence]

As the period of [child's name]'s exclusion has expired, the Governors' Disciplinary Panel's findings will be placed on your child's school record.

Yours sincerely

Mrs Jo Hackett

Clerk to the Governors' Disciplinary Panel

MODEL LETTER 6 – lunchtime exclusions

Dear [parent's name]

I am writing to inform you of my decision to exclude [child's name] during lunchtimes for a fixed period of [specify period]. This means that [child's name] will not be allowed in school at lunchtimes for this period. The exclusion begins on [date] and ends on [date]. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a Governors' Disciplinary Meeting is triggered.

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 because [specify full reason(s) for exclusion].

This exclusion covers the lunchtime period only from [time] to [time], and you should ensure that arrangements are in place for [child's name]'s supervision away from school during this period. You should also ensure [child's name] returns to school in time for the start of the afternoon session at [time].

[The following paragraph should be inserted if applicable]

As [child's name] is eligible to receive a free school meal, I have made arrangements for a packed lunch to be provided for the period of the lunchtime exclusion.

[The following paragraph apply only to students of compulsory school age]

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

EITHER

You have the right to make representations about this exclusion to the Governors' Disciplinary Panel. If you wish to make representations please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org), as soon as possible. Whilst the Governors' Disciplinary Panel has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on [child's name]'s school record.

OR

You have the right to make representations about this exclusion to the Governors' Disciplinary Panel. If you wish, you have the right to request a meeting of the Governors' Disciplinary Panel to review my decision to exclude [child's name] and make representations at that meeting as the period of this exclusion brings [child's name]'s total number of days of fixed period exclusion to more than 5 but fewer than or equal to 15 days in a term. If you request a meeting, the latest

date by which the Governors' Disciplinary Panel must meet is [specify date, which must be no later than the 50th school day after the date on which the decision to exclude was taken] however governors prefer to meet as early as possible, to minimise the disruption to [child's name]'s education should my decision to exclude be overturned. The earliest possible date is [specify date, which must be the 6th school day after the date on which the decision to exclude was taken]. If you wish to make representations to the Governors' Disciplinary Panel please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org) immediately, so that we can arrange a date which gives you adequate time to prepare. You may be accompanied by a friend/advocate, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs Jo Hackett if it would be helpful for you to have an interpreter present at the meeting.

OR

As this exclusion brings [child's name]'s total number of days of fixed period exclusion to more than 15 days in total in one term the Governors' Disciplinary Panel must meet to review my decision to exclude [child's name]. You may attend the review meeting and make representations to the Governors' Disciplinary Panel if you wish. The latest date by which the Governors' Disciplinary Panel must meet is [specify date, which must be no later than 15 school days after the date on which the decision to exclude was taken] however governors prefer to meet as early as possible, to minimise the disruption to [child's name]'s education should my decision to exclude be overturned. The earliest possible date is [specify date, which must be the 6th school day after the date on which the decision to exclude was taken]. You will be notified by the clerk to the governors of the time, date and location of the meeting, together with an agenda, whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Panel please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 clerktogovernors@wrenschool.org) immediately, so that we can arrange a date which gives you adequate time to prepare. You may be accompanied by a friend/advocate, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs Jo Hackett if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Such a claim should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the date on which your child was excluded. Making a claim would not affect your right to make representations to the Governors' Disciplinary Panel.

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

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also advise you of the following sources of advice.

- The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Student Referral Units in England" September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- ACE Education (<http://www.ace-ed.org.uk>) operate an advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time.
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- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>
- The Information, Advice and Support Service (RBC) on 0118 937 3421

[Child's name]'s lunchtime exclusion expires on [date of last day of lunchtime exclusion] and [child's name] can return for lunchtime in school as from [date of first school day following the last day of lunchtime exclusion].

Yours sincerely

Mrs Jo Broadhead

Headteacher

MODEL LETTER 7 – permanent exclusion

Dear [name(s) of parent(s)]

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

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

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

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

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

From the sixth school day of the exclusion onwards, i.e. from [specify the date] your Local Authority, Reading Borough Council, will provide suitable full-time education. The Local Authority will shortly contact you to let you know the arrangements for [child's name]'s education from the sixth school day of exclusion.

As this is a permanent exclusion the Governors' Disciplinary Panel must meet to review my decision to exclude [child's name]. You may attend the review meeting and make representations to the Governors' Disciplinary Panel and ask the panel to reinstate your child if you wish. The Governors' Disciplinary Panel has the power to reinstate [child's name] immediately or from a specified date, or, alternatively, they may decline to reinstate [child's name], in which case you may ask for the Governors' Disciplinary Panel's decision to be reviewed by an Independent Review Panel (IRP). The latest date by which the Governors' Disciplinary Panel must meet is [specify date, which must be no later than 15 school days after the date on which the decision to exclude was taken] however governors prefer to meet as early as possible, to minimise the disruption to [child's name]'s education should my decision to exclude be overturned. The earliest possible date is [specify date, which must be the 6th school day after the date on which the decision to exclude was taken]. You will be notified by the clerk to the governors of the time, date and location of the meeting, together with an agenda, whether you choose to make representations or not. If you wish to make representations to the Governors' Disciplinary Panel please contact Mrs Jo Hackett, Clerk to the Governors at the school (0118 959 1868 jo.hackett@gov.excalibur.org.uk) immediately, so that we can arrange a date which gives you

adequate time to prepare. You may be accompanied by a friend/advocate, including a legal representative, if you wish. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs Jo Hackett if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Such a claim should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the date on which your child was excluded. Making a claim would not affect your right to make representations to the Governors' Disciplinary Panel.

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

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also advise you of the following sources of advice.

- The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Student Referral Units in England" September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- ACE Education (<http://www.ace-ed.org.uk>) operate an advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time.
- National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>
- The Information, Advice and Support Service (RBC) on 0118 937 3421

Yours sincerely,

Mrs Jo Broadhead

Headteacher

MODEL LETTER 8 – from Clerk to the GDP (permanent exclusions only)

Dear [Name(s) of parent(s)]

I am writing to advise you that the meeting of the Governors' Disciplinary Panel to review the headteacher's decision to permanently exclude [child's name] will take place at [place] on [date] at [time].

If you would like to attend the meeting of the Governors' Disciplinary Panel, please contact me at the school (0118 959 1868 clerktogovernors@wrenschool.org) as soon as possible. You will have the opportunity to make representations to the panel. [Child's name] may attend the hearing with you accompanied by a friend/advocate. You may also be accompanied by a friend/advocate, including a legal representative, if you wish. If you intend to be accompanied please let me know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform me if it would be helpful for you to have an interpreter present.

At the meeting the chair will explain the order of proceedings and an agenda is enclosed with this letter for your information. Shown on the agenda are the names of the governors who will be present at the meeting. No governor who is either a school employee, a parent of a student in [child's name]'s tutor group, or who is knowingly acquainted with your family should be on the panel. If you do have any objection to the panel members on the grounds of impartiality, please contact me immediately.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by [insert date] so that it may be circulated in advance to the members of the panel and to all parties including the headteacher.

The panel will consider the representations made by all parties and decide whether to decline to reinstate [child's name] or to direct [child's name]'s reinstatement, either immediately or by a particular date.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

Mrs Jo Hackett

Clerk to the Governors' Disciplinary Panel

Enc.

Formal exclusion hearing – order of proceedings
GDM agenda

Exclusion hearings follow a formal procedure as follows:

1. The headteacher, the parent(s)/carer(s) and/or their advocates (if present), the excluded student (if present) and or/their advocates (if present) are invited into the meeting room by the clerk and enter the room together. The chair verifies whether there are any objections to the headteacher's advocate(s) remaining in the room whilst the headteacher gives their evidence. If so, the headteacher's advocate(s) leaves the room and is called after the headteacher has presented his/her reasons for exclusion.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Panel.
3. The headteacher presents his/her reasons for the exclusion and calls upon any advocates if they were asked to withdraw at the start of the meeting.
4. The headteacher and his/her advocates are questioned by the parent(s)/carer(s), the excluded student if over 18 years of age, or their advocates and also by the panel.
5. The parent(s)/carer(s), or the excluded student if 18 years of age or over, and/or their advocates, may make representations to the Governors' Disciplinary Panel. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Panel should allow the excluded student to make a statement if he/she wishes. The excluded student must not be questioned unless he/she is over 18 years of age. Any advocates who are students at the school may only appear voluntarily and with their parents' consent but must not be questioned unless over 18 years of age.
6. The parent(s)/carer(s), the excluded student if 18 years of age or over, and/or any advocates if 18 years of age or over may be questioned by the panel and the headteacher.
7. Summing up by the headteacher.
8. Summing up by the parent(s)/carer(s), or the excluded student if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Panel and the clerk leave the meeting before the panel considers its decision.

The clerk will notify the parent(s)/carer(s), or the excluded student if 18 years of age or over, of the panel's decision in writing within one school day and send copies to the headteacher.

MODEL LETTER 9 – from Clerk to the GDP re decision (permanent exclusions only)

Dear [parent's name]

I am writing to confirm the decision reached by the Governors' Disciplinary Panel at their meeting on [date of Governors' Disciplinary Panel meeting] to review the headteacher's decision to permanently exclude [child's name] from The Wren School.

In reaching this decision, the panel considered whether the decision to exclude was lawful, reasonable, and procedurally fair, taking account of the headteacher's legal duties and the evidence that was presented to the panel at the meeting. The panel applied the civil standard of proof i.e. 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'.

After careful consideration of all the evidence available and the representations made to the Governors' Disciplinary Panel, the panel has decided to

EITHER

decline to reinstate [child's name] for the following reason(s). [inset reasons in as much detail as possible explaining how they were arrived at]

OR

direct reinstatement of [child's name] immediately/from [specify date] for the following reason(s), [inset reasons in as much detail as possible explaining how they were arrived at]

[Where a permanent exclusion has been overturned and reinstatement has been directed insert the next paragraph, omit the subsequent paragraphs and go to "Yours sincerely,"]

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

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

You have the right to ask for this decision to be reviewed by an Independent Review Panel (IRP). If you wish the decision to be reviewed by an IRP please set out the reasons for requesting a review in writing, and address them to the Clerk to the Directors, Excalibur Academies Trust, Granham Hill, Marlborough, Wiltshire SN8 4AX by [specify the latest date by which a review may be requested, i.e. 15 school days from the date on which notice in writing of the Governing Body's decision to uphold the permanent exclusion was sent to the parents (notice is deemed to have been given on the same day if it is delivered directly, or the second working day after posting if it is sent by first class mail)]. If you feel that your child has special educational needs relevant to this exclusion you should refer to this in your written statement. If you have not requested that a review is held by [repeat latest date] you will lose your right to have the decision of the Governors' Disciplinary Panel reviewed.

An IRP comprises of one serving, or recently retired (within the last 5 years) headteacher, one serving, or recently serving, experienced governor and one lay member (someone who has not worked in any school in a paid capacity, but who may be a school governor or school volunteer)

who will chair the panel. All of these panel members will be independent from the academy trust and will have undertaken required training within the last two years. The trust will approach the Local Authority's legal service to form the IRP, to avoid bias. Prospective panel members must declare any conflict of interest at the earliest opportunity. The review panel will re-hear all the facts of the case. If any party has fresh evidence to present to the panel they may do so. You may request an IRP even if you did not make representations to, or attend the Governors' Disciplinary Meeting at which this exclusion was considered. The IRP review must begin within 15 school days of your request, and the trust will take reasonable steps to identify a date within this timescale that all parties are able to attend. If this is not possible, the panel has the power to adjourn the hearing if required.

If you ask for the Governors' Disciplinary Panel's decision to be reviewed by the IRP you have the right to require that an expert in Special Educational Needs and Disability (SEN/D) attends the review at no cost to you. You may require that an SEN expert attends the hearing irrespective of whether the school believes your child has special educational needs or not. The SEN/D expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs may have been relevant to the exclusion. Should you request a review of the Governors' Disciplinary Panel's decision and you wish an SEN/D expert to be appointed please let the Clerk to Governors know immediately, as their availability will influence the date for review.

I should also inform you that if you request a review of the Governors' Disciplinary Panel's decision you may, at your own expense, appoint a representative, including a legal representative, to make written and / or oral representations to the IRP and that you may also bring a friend or supporter to the review. If you intend to be accompanied please let the Clerk to Governors know as soon as possible. Attending parties must be identified and their details circulated ahead of the meeting, to avoid conflicts of interest. Please also advise if you have a disability or any special needs which would affect your ability to attend the meeting and if it would be helpful for you to have an interpreter present.

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

The IRP's decision is binding on you, your child, the academy trust, the headteacher and the Local Authority.

If you request an IRP review, a clerk to the review panel will be appointed and will contact you as soon as is reasonably possible. Thenceforth, all your communications should be with that clerk, not to me, as I represent the academy trust.

You may wish to contact Gill Dunlop at Reading LA on 0118 937 4148 / 07713 322778 or email gill.dunlop@reading.gov.uk, who can provide advice.

I would also again advise you of the following sources of advice.

- The guidance from the Department for Education, entitled “Exclusion from Maintained Schools, Academies and Student Referral Units in England” September 2017 is available at <https://www.gov.uk/government/publications/school-exclusion>
- You may find it useful to contact The Coram Children’s Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 08088 020 008 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.
- ACE Education (<http://www.ace-ed.org.uk>) operate an advice line service on 03000 115 142 on Monday to Wednesday from 10am to 1pm during term time.
- National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice at <http://www.ipsea.org.uk>

The Information, Advice and Support Service (RBC) on 0118 937 3421

Yours sincerely,

Mrs Jo Hackett

Clerk to the Governors’ Disciplinary Panel

MODEL LETTER 10 – from the headteacher notifying the withdrawal of a fixed period or permanent exclusion

Dear [parent's name]

Further to my letter of [date of letter giving notification of exclusion] I am writing to advise you that I am, on this occasion, withdrawing my earlier decision to

EITHER

exclude [child's name] for a fixed period between [insert dates of start and end of exclusion].

OR

permanently exclude [child's name] from the school.

I have decided to withdraw the exclusion on this occasion for the following reasons. [insert reasons]

Yours sincerely,

Mrs Jo Broadhead

Headteacher

MODEL LETTER 11 – from Clerk to the GDP, where headteacher has requested a GDP

Dear [parent's name]

I am writing to advise you that the meeting of the Governors' Disciplinary Panel (GDP) to review the headteacher's decision to exclude [child's name] from school during the period [start date and end date of the period of exclusion] will take place at [place] on [date] at [time]. Although it is not a statutory requirement to hold a Governors' Disciplinary Meeting at this time, and [child's name] has been excluded for a total of less than 15 days in a term, this meeting is being held at the headteacher's request.

If you would like to attend the meeting of the Governors' Disciplinary Panel, please contact me at the school (0118 959 1868 jo.hackett@gov.excalibur.org.uk) as soon as possible. You will have the opportunity to make representations to the panel. [Child's name] may attend the hearing with you accompanied by a friend/advocate. You may also be accompanied by a friend/advocate, including a legal representative, if you wish. If you intend to be accompanied, please let me know. Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at the school. Also, please inform me if it would be helpful for you to have an interpreter present.

At the meeting the chair will explain the order of proceedings and an agenda is enclosed with this letter for your information. Shown on the agenda are the names of the governors who will be present at the meeting. No governor who is either a school employee, a parent of a student in [child's name]'s tutor group, or who is knowingly acquainted with your family should be on the panel. If you do have any objection to the panel members on the grounds of impartiality, please contact me immediately.

If you wish to make a written representation this should be forwarded to me at the above address at least five school days before the meeting, i.e. by [insert date] so that it may be circulated in advance to the members of the panel and to all parties including the headteacher.

The panel will consider the representations made by all parties and decide whether to decline to reinstate [child's name], or to direct [child's name]'s reinstatement, either immediately or by a particular date. If the Governors' Disciplinary Panel cannot direct reinstatement due to the period of exclusion having expired and your child having already returned to school they will place a copy of their findings on your child's school record.

As stated above, I would be grateful if you would let me know if you will be attending the meeting and if so, whether you will be accompanied.

Yours sincerely,

Mrs Jo Hackett

Clerk to the Governors' Disciplinary Panel

Enc.

Formal exclusion hearing – order of proceedings
GDM agenda

Exclusion hearings follow a formal procedure as follows:

1. The headteacher, the parent(s)/carer(s) and/or their advocates (if present), the excluded student (if present) and or/their advocates (if present) are invited into the meeting room by the clerk and enter the room together. The chair verifies whether there are any objections to the headteacher's advocate(s) remaining in the room whilst the headteacher gives their evidence. If so, the headteacher's advocate(s) leaves the room and is called after the headteacher has presented his/her reasons for exclusion.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Panel.
3. The headteacher presents his/her reasons for the exclusion and calls upon any advocates if they were asked to withdraw at the start of the meeting.
4. The headteacher and his/her advocates are questioned by the parent(s)/carer(s), the excluded student if over 18 years of age, or their advocates and also by the panel.
5. The parent(s)/carer(s), or the excluded student if 18 years of age or over, and/or their advocates, may make representations to the Governors' Disciplinary Panel. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Panel should allow the excluded student to make a statement if he/she wishes. The excluded student must not be questioned unless he/she is over 18 years of age. Any advocates who are students at the school may only appear voluntarily and with their parents' consent but must not be questioned unless over 18 years of age.
6. The parent(s)/carer(s), the excluded student if 18 years of age or over, and/or any advocates if 18 years of age or over may be questioned by the panel and the headteacher.
7. Summing up by the headteacher.
8. Summing up by the parent(s)/carer(s), or the excluded student if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Panel and the clerk leave the meeting before the panel considers its decision.

The clerk will notify the parent(s)/carer(s), or the excluded student if 18 years of age or over, of the panel's decision in writing within one school day and send copies to the headteacher.