



## Exclusion policy

<b>Approved by:</b>	James Yellop	<b>Date:</b> March 2021
<b>Last reviewed on:</b>	March 2021	
<b>Next review due by:</b>	March 2022	



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## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012



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In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association.

## 3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

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

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

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

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



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## 4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## 5. Roles and responsibilities

### 5.1 The headteacher

#### Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day



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Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

## **Informing the governing board and local authority**

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will notify the governing board and LA once a term.

## **5.2 The governing board**

Responsibilities regarding exclusions are delegated to exclusion panel consisting of at least 3 governors.

The exclusion panel has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the Local Authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

## **5.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.



## 6. Considering the reinstatement of a pupil

The exclusion panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the exclusion panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the exclusion panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The exclusion panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the exclusion panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The exclusion panel will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the exclusion panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:



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- The date by which an application for an independent review must be made
- The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

➤ That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## 7. An independent review

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the exclusion panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- 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
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years



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A person may not serve as a member of a review panel if they:

- Are a member of the Local Authority or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Local Authority or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the Local Authority school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.



## 9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Update any risk assessments and plans to help re-integrate child back into school
- Headteacher and/or Behaviour Lead (RT) to meet with the parents / child to discuss expected behavior and support offered to the child and the family.
- Agreeing a behaviour contract if age / child appropriate

## 10. Monitoring arrangements

Rachel Tittershill monitors the number of exclusions every term and reports back to the Headteacher / Governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Rachel Tittershill every year. At every review, the policy will be approved by the Curriculum Teaching and Learning Committee.

## 11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

## 12. Exclusion notification

### 12.1. Permanent exclusion

There are two key aspects to notifying the local authority of a permanent exclusion. On the first day of the permanent exclusion, all schools (regardless of which school management information system is used) will need to:

- Telephone the Inclusion Team tel: 01629 535802 to inform the local authority of the start date of the exclusion, reason for exclusion, confirm parental contact details, and confirm deadlines/timescales for governing board meetings.
- Add the exclusion details on your school management information system (MIS) and complete the Permanent exclusion notification spreadsheet and send to the Inclusion Team.

By contacting the Inclusion Team on the first day it has the additional benefit of ensuring that schools are clear of the DfE exclusion guidance and processes from the outset and



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facilitates the Inclusion Pathways Team (IPT) being able to provide fulltime education by the sixth day of the head teacher's decision to exclude.

Please note that it is important to contact the Inclusion Team direct if a permanent exclusion is either withdrawn (retracted) by the head teacher or the governing board has reinstated the pupil. The Inclusion Team can advise school both on exclusion processes and recording on your school MIS.

## 12.2. Fixed term exclusion

All fixed term exclusions need inputting into the school management information system (MIS) on a weekly basis, to fulfil DfE requirements (exclusions over five days) and to enable key agencies to be alerted. Schools will need to refer to their specific MIS handbooks/service provider for advice on recording exclusions on their school systems.

## 12.3. RM Integris schools

Schools who use the RM Integris MIS should record exclusion details via the behaviour module. Guidance to input Exclusion data on RM Integris is [available on S4S](#). Please note you must be logged into access the documents. If information is entered correctly and as soon as the exclusion occurs, the data is automatically collected by the LA. RM Integris schools do not need to send a separate report for fixed term exclusions, and only advise the Inclusion Team for a permanent exclusion (as above). Please be aware that new RM Integris schools will need to have an agreed data sharing agreement between school and the local authority in order for the data to import.

## 12.4. Exclusion recording and attendance codes

Full exclusion data (including start/end date (where relevant), reasons, and length of exclusion) need to be entered regularly into school MIS. The attendance details will also need to reflect the pupil's exclusion status i.e. attendance code 'E'. Please note it is not sufficient to only enter the attendance code 'E' as it does not provide the local authority with enough specific exclusion details to meet DfE requirements.

### Contacts:

General exclusion guidance/policy queries:  
Sharon Neak Inclusion Team, Access & Inclusion  
email: [cs.inclusionteam@derbyshire.gov.uk](mailto:cs.inclusionteam@derbyshire.gov.uk)  
Tel: 01629 535802.

RM Integris Software queries:  
School Training and Support Team  
email: [cs.schoolsupport@derbyshire.gov.uk](mailto:cs.schoolsupport@derbyshire.gov.uk)  
Tel: 01629 536789.



## Appendix 1: Independent review panel training

The Local Authority must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act



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## **Letter 1 - Fixed period exclusions of 5 school days or fewer (cumulative total in one term) and where a public examination is not missed.**

Dear [Parent's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

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

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

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

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

If you wish to make representations please contact the clerk to governors [Name of Contact] on/at [contact details — address, phone number, email], as soon as possible, so that your views can be addressed. It is important to note that whilst the governing board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.



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

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

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

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

You may wish to contact for the Inclusion Team for advice and information:

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

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

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

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

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

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

Yours sincerely

[Name] Head teacher



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## Letter 2 - Fixed period exclusions of more than 5 school days up to and including 15 school days (cumulative total in a term).

Dear [Parent's name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed in school for this period. The exclusion start date is [date] and the end date is [date]. Your child should return to school on [date]. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but my decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [specify reasons for exclusion - as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

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

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

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

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

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

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

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



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**the 50th school day after the exclusion decision date]. Please note If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

If you do wish to make representations to the governing board, and wish to be accompanied by a friend or representative (at your own expense), please contact the clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [contact as above] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

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

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

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

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

You may wish to contact the Inclusion Team for advice and information:

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

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

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

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



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

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

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

Yours sincerely

[Name] Head teacher



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## Letter 3 - Fixed period exclusions of more than 15 school days (cumulative total in one term).

Dear [Parent's Name]

I am writing to inform you of my decision to exclude [Child's Name] for a fixed period of [specify period]. This means that [Child's Name] will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date]. I realise that this exclusion may well be upsetting for [Child's Name], you and your family, but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded for this fixed period because [reasons for the exclusion — as a *minimum* should include a summary of the incident and behaviour which led to taking the decision to exclusion the pupil].

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

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

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

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

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

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



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**be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).**

If you wish to make representations to the governing board and wish to be accompanied by a friend or representative (at your own expense) please contact clerk to governors [name of contact] on/at [contact details — address, phone number, email], as soon as possible. Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please advise if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

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

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

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

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

You may wish to contact the Inclusion Team for advice and information:

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

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

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

You may also find it useful to contact Derbyshire Information, Advice and Support Service for SEND (formerly Parent Partnership), a local organisation that can offer exclusion support. They can be contacted at [ias.service@derbyshire.gov.uk](mailto:ias.service@derbyshire.gov.uk) or 01629



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533668. Alternatively, other useful contacts that provide impartial advice and information to parents on education matters include:

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

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

Yours sincerely

[Name] Head teacher



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## Letter 4 - Permanent exclusion notification letter (Derbyshire residents).

Dear [Parent's Name]

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

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

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

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

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

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

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

You have the right to attend a meeting of the governing board to whom you may present your views and make representations. As this is a permanent exclusion the governing board **must** meet to consider the decision to exclude. At the meeting you may make representations to the governing board if you wish and ask them to reinstate your child in school. The governing board has the power to reinstate your child immediately or from a specified date, or,



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

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

Your child may also be involved in this meeting to speak on his/her own behalf if it is appropriate, taking into account his/her age and level of understanding. You will, whether you choose to make representations or not, be notified by the clerk to the governing board of the time, date and location of the meeting. Please let us know if you have a disability or special needs so that suitable arrangements may be made for you to attend the meeting at school. Also, please inform [above contact] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion occurred as a result of discrimination, you can make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court in the case of other forms of discrimination. If you wish to make a claim of discrimination, please be aware that such a claim must be lodged within six months of the date in which the discrimination is alleged to have taken place.

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

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

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

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

You may wish to contact the Inclusion Team for advice and information:

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



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

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

Yours sincerely

[Name] Head teacher



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## DfE Changes to Reasons for Exclusion Academic Year 2020/2021

The DfE expects schools from the beginning of academic year 2020/21 to **cease** the use of “**Other**” as a reason for an exclusion. September 2020 also sees the introduction of 5 new exclusion reasons. The expansion of exclusion reasons aims to give schools more scope for accurately coding the reasons for exclusion as outlined below.

<b>New Exclusion Codes</b>	<b>New Pupil Exclusion Reason</b>
OW	Use or threat of use of an offensive weapon or prohibited item
LG	Abuse against sexual orientation and gender identity
DS	Abuse relating to disability
MT	Inappropriate use of social media or online technology
PH	Wilful and repeated transgression of protective measures in place to protect public health

The table below provides a full set of the descriptors of reasons for exclusions. This is to be used as a guide and is not intended to be used as a tick list for exclusions.

<b>Exclusion Code</b>	<b>Pupil Exclusion Reason</b>	<b>Includes</b>
<b>OW</b>	<b>Use or threat of use of an offensive weapon or prohibited item</b>	Carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns,  Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property  Use of an offensive weapon
<b>LG</b>	<b>Abuse against sexual orientation and gender identity</b>	Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender)



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		<p>Homophobic, biphobic and transphobic bullying</p> <p>LGBT+ graffiti</p> <p>LGBT+ taunting and harassment</p> <p>Swearing that can be attributed to LGBT+ characteristics</p>
<b>DS</b>	<b>Abuse relating to disability</b>	<p>Derogatory statements or swearing about a disability</p> <p>Bullying related to disability</p> <p>Disability related graffiti, Disability related taunting and harassment</p>
<b>MT</b>	<b>Inappropriate use of social media or online technology</b>	<p>Sharing of inappropriate images (of adult or pupil)</p> <p>Cyber bullying or threatening behaviour online</p> <p>Organising or facilitating criminal behaviour using social media</p>
<b>PH</b>	<b>Wilful and repeated transgression of protective measures in place to protect public health</b>	<p>Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other pupils or adults, or any other deliberate breach of public health protective measures which the school has adopted.</p>



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<b>PP</b>	<b>Physical assault against pupil</b>	Fighting Violent behaviour Wounding Obstruction and jostling
<b>PA</b>	<b>Physical assault against adult</b>	Violent behaviour Wounding Obstruction and jostling
<b>VP</b>	<b>Verbal abuse / threatening behaviour against pupil</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>VA</b>	<b>Verbal abuse / threatening behaviour against adult</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>BU</b>	<b>Bullying</b>	Verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying, homophobic, biphobic and transphobic bullying, bullying related to disability
<b>RA</b>	<b>Racist abuse</b>	Racist taunting and harassment  Derogatory racist statements



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		Swearing that can be attributed to racist characteristics  Racist bullying  Racist graffiti
<b>SM</b>	<b>Sexual misconduct</b>	Sexual abuse  Sexual assault  Sexual harassment  Lewd behaviour  Sexual bullying  Sexual graffiti
<b>DA</b>	<b>Drug and alcohol related</b>	Possession of illegal drugs  Inappropriate use of prescribed drugs  Drug dealing  Smoking  Alcohol abuse  Substance abuse
<b>DM</b>	<b>Damage to property</b>	Damage includes damage to school or personal property belonging to any member of the school community  Vandalism  Arson  Graffiti



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<b>TH</b>	<b>Theft</b>	Stealing school property  Stealing personal property (pupil or adult)  Stealing from local shops on a school outing  Selling and dealing in stolen property
<b>DB</b>	<b>Persistent or general disruptive behaviour</b>	Challenging behaviour  Disobedience  Persistent violation of school rules  Raising of fire alarms falsely

From September 2020 the DfE gives schools the opportunity to utilise up to three reasons for any exclusion. Schools will be able to record a main reason and, if required, a second and third. However, within Derbyshire we are awaiting an upgrade from our service provider Synergy which will occur in November 2020, which will then enable the recording of 3 reasons to be recorded at Local Authority level. ***In the interim*** it is proposed that schools continue to provide the local authority with 1 main reason for exclusion, as is current practice. Schools may wish to contact direct their specific management information system provider to ensure that changes have also been incorporated into school systems.