

PROMOTING POSITIVE OPPORTUNITIES FOR ALL

BRIGHSTONE C.E. **PRIMARY SCHOOL**



EXCLUSION POLICY

Date Agreed: 8th December 2015

Review Date: December 2017

Signed:

Chairman Board of Governors

BRIGHSTONE CE AIDED PRIMARY SCHOOL

Exclusion Policy (including Guidance)

Revision Record

Revision No.	Date Issued	Prepared By	Approved	Comments
1	November 2015	KH	TGB	New Policy

All the Governors and staff of Brighstone C. E. Primary School are committed to sharing a common objective to help keep the children and staff of the School community safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the School.

Exclusion Policy

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Internet access

The Department for Education (DfE) guidance can be accessed via can be accessed at:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

Appendices

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Introduction

This policy and DfE guidance replaces the 2008 guidance and came into force on 1st September 2012. This policy should be read in conjunction with the 2012 DfE guidance, as well as the procedures and protocols, School Behaviour Policy, Single Equalities Policy and Fair Access Protocol.

Head Teacher's power to exclude

Only the Head Teacher, (or, in the absence of the Head Teacher the Deputy Head Teacher) can exclude a pupil. Other exclusion-related activities do not have to be undertaken by the Head Teacher personally, but may be delegated. (DfE §1).

All exclusions must be on disciplinary grounds (DfE §1).

Exclusion can either be a fixed term exclusion, for a set number of days that are not continuous, or a permanent exclusion. Fixed term exclusions cannot exceed 45 school days in any one academic year. Lunchtime exclusions may be imposed and are counted as half a school day. The limit of 45 days applies to the pupil and not the school. (DfE §1, 2).

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to permanent. In these circumstances a new exclusion letter must be sent outlining the reasons.

Lunchtime exclusions may be imposed, and count for half a day each for statistical purposes in determining whether a meeting of the governing body is triggered. (DfE §20).

The behaviour of a pupil outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Head Teacher/Deputy Head Teacher in accordance with the school's published behaviour policy. (DfE §3).

The Head Teacher/Deputy Head Teacher has the right to withdraw an exclusion that has not been reviewed by the governing body. (DfE §4).

Head Teachers must take account of their legal duty of care when sending a pupil home following an exclusion. (DfE §6).

The threat of exclusion should not be used to influence parents to remove their child from school (DfE §14).

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, ie that it is lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair, and proportionate. (DfE §5).

Informal or unofficial exclusions, such as sending pupils home to cool off are unlawful, regardless of whether they occur with the agreement of the of parents or carers. Any exclusion of a pupil, even for a short period of time, must be formally

recorded. (DfE §13).

It is unlawful to exclude or increase the severity of an exclusion for a non-disciplinary reason. It would be unlawful for instance to exclude a pupil simply because they have additional needs or a disability the schools feels it is unable to meet, or for a reason such as academic attainment/ability; the action of a pupil's parents; or for the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly disobey their teachers' academic instructions could, however, be subject to exclusion. (DfE §12).

Under the Equality Act 2010 schools must not discriminate against ,harass, or victimise pupils because of their: sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity, or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices. (DfE §8)

The Equality Act requires schools to have due regard for the need to:

- eliminate discrimination and other conduct prohibited under the Equality Act,
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not. (DfE §9)

These duties need to be taken into account when deciding whether to exclude a pupil. Schools must ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act 2010 allow schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues. (DfE §10)

Head Teachers and governing bodies must take account of their statutory duties in relation to special educational needs when administering the exclusion process. This includes having regard to the SEN Code of Practice. (DfE §11)

This school has a right to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a managed move where this occurs with the consent of the parties involved, including the parents. (DfE §14) ***See IOW Fair Access and Managed Move Policy***

Factors a Head Teacher should take in to account before taking the decision to exclude (DfE §15-24)

A decision to exclude a pupil permanently should be taken only as a last resort: 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 the pupil or others in the school. (DfE §15)

The standard of proof is the civil standard – ‘on the balance of probabilities’ (DfE §5). The more serious the offence the more convincing the evidence should be.

Before making the decision to exclude, either permanently or for a fixed term, Head Teachers should give pupils the opportunity to present their case. (DfE §16).

Whilst an exclusion may still be deemed appropriate, Head Teachers should take account of any contributing factors that are identified following an incident of poor behaviour – for example, when it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying. (DfE §17)

Guidance stresses the importance of early, proactive intervention to analyse and alleviate any underlying causes of poor behaviour in school, particularly in relation to pupils with statements of SEN and looked after children. Guidance is that Head Teachers should as far as possible avoid permanently excluding any pupil with a statement of SEN or a looked after child. (DfE §23)

Schools should engage proactively with parents in supporting the behaviour of pupil with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children’s home workers and the local authority that looks after the child. (DfE §23)

Early intervention to address any underlying causes should include an assessment of whether appropriate provision is in place to support any SEN or disability a pupil may have. Head Teachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example by seeking to identify mental health or family problems. (DfE §18-24)

Individual fixed-period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. Ofsted inspection evidence has suggested that 1-3 days are often long enough to secure the benefits of exclusion without adverse educational consequences. Where it is clear that fixed- period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, Head Teachers and teachers in charge should consider alternative strategies for addressing that behaviour.

A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, including multi agency involvement, have been tried

without success.

When is exclusion not appropriate?

Exclusion should not be used or extended for non-disciplinary reasons such as:

- truancy or lateness
- pregnancy minor incidents such as failing to do homework
- simply because the school feels a student has additional needs or a disability it is unable to meet (DfE §12)
- poor academic performance, except where pupils repeatedly disobey academic instructions (DfE §12)
- breaches of school rules on uniform and appearance, except where such breaches are so persistent they constitute open defiance of school (see uniform policy)
- punishing pupils for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting (DfE §12)
- the failure of a pupil to meet specific conditions before they are reinstated. (DfE §12)
- Even if there is parental agreement with the exclusion, exclusion for these reasons remains unlawful.

Vulnerable learners – students for whom guidance gives particular protection (DfE §20-24)

Statutory guidance identifies a number of groups of pupils for whom the exclusion rate is consistently higher than average. This includes: pupils with SEN, pupils eligible for Free School Meals, looked after children, and pupils from certain ethnic groups. The groups with the highest national rates of exclusion are: Gypsy/Roma, Travellers of Irish Heritage, and Black Caribbean communities.

Statutory guidance stresses the importance of early intervention in addressing underlying causes of all disruptive behaviour. For students with SEN or a disability the intervention should include an assessment of whether appropriate provision is in place. Head Teachers are advised to also consider the use of a multi agency approach for all students who demonstrate persistent disruptive behaviour.

For pupils in the groups identified above, in addition to early intervention, Head Teachers should consider what extra support might be needed to identify and address their needs in order to reduce their risk of exclusion.

The stipulations of the Equality Act 2010, covered above, detail the factors, and duties, for which schools should have due regard. As stated, schools must ensure their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting on group, where this can be shown to be a proportionate way of dealing with such issues. (DfE §10) Such guidance clearly has particular relevance for the following:

Pupils with special educational needs or disabilities. Guidance is that schools should as far as possible avoid permanently excluding statemented students. Where

a school has concerns about a pupil with additional needs or a statement of SEND, it should engage proactively with parents in supporting behaviour. A school should also consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEND. Schools should consider requesting an early annual review or interim/emergency review.

Looked after children. As far as possible, schools should avoid permanently excluding looked after children. Where a school does have concerns about the behaviour of a looked after child, it should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. It should also consider what additional support or alternative placement may be required. (DfE §22-24)

Disabled pupils. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability. For disabled children this includes a duty to make reasonable adjustments to policies and practices.

Students from racial minorities. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as race. Provisions within the Equality Act 2010 allow schools to take. Schools should monitor and analyse exclusions by ethnicity to ensure they do not treat some groups of pupils more harshly than others. Schools are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If an adverse impact is identified that cannot be justified, then the policy and practice should be reviewed.

Apart from exclusion, in what circumstances can a pupil be required to leave the school site?

In the vast majority of cases a pupil will only be asked to leave the school when excluded. There are however three special sets of circumstances when a school can legally ask a pupil to leave the school site without imposing an exclusion:

A pupil is accused of a serious criminal offence, but the offence took place outside the school's jurisdiction. In these circumstances the Head Teacher or Deputy Head Teacher may decide that it is in the interests both of the pupil and the school for the pupil to be educated off site for a certain period, subject to review at regular intervals. This would not constitute an exclusion. It would be the school's responsibility to ensure the pupil's full time education continues while off site, and arrangements would have to be in place before the absence began. The arrangements should be kept under periodic review involving the parents.

For medical reasons a pupil's presence on the school site represents a serious risk to the health or safety of other pupils or school staff. Head Teachers and teachers in charge may send a pupil home, after consultation with that pupil's parents and a health professional (for example, a school nurse) as

appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other pupils and staff. This is not an exclusion, but it is an authorised absence and should be recorded as such in the attendance register. It should be for the shortest possible time. If difficulties persist, the Head Teacher should seek medical advice. Health and safety considerations, including a risk assessment, can contribute to a school's case for exclusion, but cannot in themselves be grounds for exclusion, which can only lawfully be for disciplinary reasons. Similarly, pupils cannot be sent home on health and safety grounds for their own protection because they are being bullied. It is not appropriate to send home children with special educational needs (SEN), with conditions such as attention deficit hyperactivity disorder (ADHD) and autism, purely for that reason and schools should arrange a statutory annual or interim/emergency review if they feel they are no longer able to meet a child's needs. The child should not be sent home in anticipation of such a review. (DfE §34)

The pupil is given permission to leave the school premises briefly to remedy breaches of the school's rules on behaviour or uniform. This is not an exclusion but an authorized absence. If the pupil continues to breach uniform rules as a way to be sent home to avoid school, the pupil's absence can be recorded as an unauthorised absence.

Who is responsible for an excluded pupil's continued education?

Exclusions of five days or under where a public examination is not missed.

It is the responsibility of the school to set and mark work for exclusions of five days or under. The work should be accessible and achievable by pupils outside of school. It is the responsibility of the parent to ensure work sent home is completed and returned to school. The parent has particular responsibility to ensure that the student is not present in a public place during school hours without justification, and may be prosecuted or given a fixed penalty notice if they fail to do so.

Exclusions of six days or over.

When a school imposes a fixed term exclusion of over six days it is the responsibility of the school to ensure that the appropriate full time provision is made off site for the excluded student. While this provision must be made from day six onwards statutory guidance stresses the obvious benefit in starting it as soon as possible. In particular, in the case of a looked after child, schools and local authorities should work together to arrange alternative provision from the first day following the exclusion. (DfE §48)

Permanent exclusion.

When a student is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onward it is the responsibility of the local authority to make a full time provision. Where a pupil has a statement of SEN, an appropriate full time placement should be identified in consultation between the local authority and the parents, who retain their rights to express a preference for a school they wish their child to attend, or make representations for a placement in any other school. (DfE §45)

Internet access

The Department for Education (DfE) guidance can be accessed at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

Appendix 2 - Exclusion Letters

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Letter from Head Teacher notifying parent of a fixed period exclusion of five days or fewer in one term, and where a public examination is not missed.

Note: The Head Teacher or Deputy Head should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day.

Dear **(Name of parent)**,

(Name of pupil)

Fixed Term Exclusion

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means he/she will not be allowed in school for this period. The exclusion begins on **(date)** and ends on **(date)**. Your child should return to school on **(date)**.

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **(child's name)** has not been taken lightly. **(Name of pupil)** has been excluded for the fixed period because **(reason for exclusion)**.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion **(specify dates)** unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **(name of pupil)** to be completed on the days specified in the previous paragraph. **(Detail the arrangements for this.)** Please ensure that work set by the school is completed and returned to us promptly for marking.

(School) You have the right to make a written statement to the governing body/. If you wish to do so please contact **(Clerk to GDC)** on/at **(contact details - address, phone number, email)** as soon as possible. Whilst the governing body/management committee 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 this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You also have the right to see a copy of **(name of pupil)**'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 **(name of pupil)**'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 Local Authority**.

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

(Name of pupil)'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**

Yours sincerely,

(Name)

Head Teacher

cc. The Local Authority

Letter from Head Teacher notifying parent(s) of a fixed period exclusion of more than five and up to and including 15 school days in total in one term.

Note:- The Head Teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day. Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day exclusion is imposed.

Dear (Name of parent),

(Name of pupil)

Fixed Term Exclusion

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means **(name of pupil)** will not be allowed in school for this period. The exclusion start date is **(date)** and the end date is **(date)**. Your child should return to school on **(date)**.

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

You have a duty to ensure that your child is not present in a public place in school hours during the first five **(amend if the off site provision is to start earlier)** days of this exclusion **(specify dates)** unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **(name of pupil)** during the first five **(amend if the off site provision is to start earlier)** school days of his/her exclusion **(detail the arrangements for this)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the sixth **(or earlier if so arranged)** school day of the pupil's exclusion **(specify date)** until the end of his exclusion we will provide suitable full time education. On **(date)** he should attend at **(give name and address of the alternative provision if not the home school)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(If applicable say something about transport arrangements from home to the alternative provision. If not known, say that the arrangements for suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)**

(School) You have the right to request a meeting of the school's discipline committee to whom you may make representations, and my decision to exclude can be reviewed. As the length of this exclusion is more than five school days in one term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee can meet, if you request a meeting, is **(specify date - no later than 50th school day after the date on which discipline committee were notified of this exclusion)**. If you do wish to make representations to the discipline committee/management committee and wish to be accompanied by a friend or representative please contact **(name of contact)** on/at **(contact details - address, phone number, email)** as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also please inform **(name of contact)** if it would be helpful for you to have an interpreter present at the meeting.

If you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You have the right to see and have a copy of your child'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 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.

The school will set work for **(name of pupil)** during the period of his/her exclusion **(give details of the arrangements)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You may wish to contact **the Local Authority**

You may also 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 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to 1st January. Statutory guidance can be accessed at: <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

(Name of pupil)'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely,

(Name)

Head Teacher

cc. The Local Authority

Letter from Head Teacher or Deputy Head notifying parent of a single fixed period exclusion of more than 15 school days in one term, or any exclusion that takes the total of excluded days to over 15 days for one term.

Note:- The Head Teacher should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day. Statutory guidance is that the information concerning off site provision should be provided by the end of the afternoon session on the day exclusion is imposed.

Dear (Name of parent),

(Name of pupil)

Fixed period exclusion

I am writing to inform you of my decision to exclude **(name of pupil)** for a fixed period of **(specify period)**. This means that **(name of pupil)** will not be allowed in school for this period. The exclusion begins on **(date)** and ends on **(date)**.

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **(child's name)** has not been taken lightly. **(Name of pupil)** has been excluded for the fixed period because **(specify reason for exclusion)**. Your child should return to school on **(date)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five **(amend if the off site provision is to start earlier)** days of this exclusion **(specify dates)** unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **(name of pupil)** during the first five **(amend if the off site provision is to start earlier)** school days of his/her exclusion **(detail the arrangements for this)**. Please ensure that work set by the school is completed and returned to us promptly for marking.

(If the individual exclusion is for more than five days.)

From the sixth **(or earlier if so arranged)** school day of the pupil's exclusion **(specify date)** until the end of his exclusion we will provide suitable full time education. On **(date)** he should attend at **(give name and address of the alternative provision if not the home school)** at **(specify time as start times vary between schools)** and report to **(staff member)**. **(If applicable say something about transport arrangements from home to the alternative provision. If not known, say that the arrangements for**

suitable full time education will be notified by a further letter, not later than 48 hours before the provision is to begin.)

From the sixth school day of the pupil's exclusion (**specify date**) until the end of his exclusion we (**for Short Stay Schools the local authority - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter**) will provide suitable full time education. (**Set out the arrangements if known at the time of writing, eg**) On (**date**) he should attend at (**give name and address of the alternative provider**) at (**specify time as start times vary between schools**) and report to (**staff member**). (**If applicable say something about transport arrangements from home to the alternative provider. If not known say that the arrangements for suitable full time education will be notified by a further letter.**)

(School) As the length of the exclusion is more than 15 school days or brings the total of excluded days to over 15 in one term the discipline committee must meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish. The latest date on which the committee can meet is (**date here - no later than 15 school days from the date the discipline committee is notified**). If you do wish to make representations to the discipline committee/management committee and wish to be accompanied by a friend or representative please contact (**name of contact**) on/at (**contact details - address, phone number, email**) as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the discipline committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also please inform (**name of 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 this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You also have the right to see a copy of (**name of pupil**)'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 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 Local Authority**.

You may also 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 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The

advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to 1st January. Statutory guidance can be accessed at:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

(Name of pupil)'s exclusion ends on **(date)** and we expect **(name of pupil)** to be back in school on **(date)** at **(time)**.

Yours sincerely,

(Name)
Head Teacher

cc. The Local Authority

From the Head Teacher or Deputy Head the school notifying the parent(s) of a pupil of compulsory school age of that pupil's permanent exclusion.

Note:- The Head Teacher or Deputy Head should notify the parents immediately of the decision to exclude, ideally by telephone. The telephone call should be followed by a letter within one school day.

Dear **(Name of parent)**,

(Name of pupil)

Permanent exclusion

I regret to inform you of my decision to permanently exclude **(name of pupil)** with effect from **(date)**. This means that **(name of pupil)** will not be allowed in this school/Short Stay School unless he/she is reinstated by the discipline committee/management committee **(SSS)** or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but my decision to permanently exclude **(name of pupil)** has not been taken lightly. **(Name of pupil)** has been excluded because **(reasons for exclusion - include any other relevant previous history here)**.

You have a duty to ensure that your child is not present in a public place in school hours during the first five days of this, ie on **(specify the precise dates)** unless there is reasonable justification. You could be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during normal school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **(name of pupil)**'s education to continue will be made. For the first five school days of the exclusion we will set work for **(name of pupil)** and would ask you to ensure this work is completed and returned promptly to school for marking **(this may be different if supervised education is being provided earlier than the sixth day)**. From the sixth day of the exclusion onwards - ie from **(specify the date)** Surrey County Council will provide suitable full time education. **(Set out the arrangements if known at the time of writing. If not known say that the arrangements will be notified shortly by a further letter.)**

(Where pupil lives in a local authority other than the excluding school's local authority.)

I have also today informed **(name of officer)** at **(name of local authority)** of your child's exclusion and they will be in touch with you about arrangements for his/her education from the sixth day of exclusion. You can contact them at **(give contact details)**.

As this is a permanent exclusion the discipline committee/management committee (**SSS**) must meet to consider it. At the review meeting you may make representations to the discipline committee/management committee if you wish and ask it to reinstate your child in school. The discipline committee has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion in which case you may appeal against its decision to an independent **review** appeal panel. The latest date by which the discipline committee/management committee must meet is (**specify the date - the 15th school day after the date on which the discipline committee/management committee was notified of the exclusion**). If you do wish to make representations to the discipline committee/management committee and wish to be accompanied by a friend or representative please contact (**name of contact**) on/at (**contact details - address, phone number, email**) as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the discipline committee/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also please inform (**name of contact**) if it would be helpful for you to have an interpreter present at the meeting.

You also have the right to see a copy of (**name of pupil**)'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 (**name of pupil**)'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 Local Authority**

You may also 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 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to 1st January. Statutory guidance can be accessed at: <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

If you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

Yours sincerely,

(Name)

Head Teacher

cc. The Local Authority

Letter to parents from Clerk to the Governors' Discipline Committee advising them of the meeting.

Dear (Name of parent),

(Name of pupil)
(Fixed term/Permanent) Exclusion

I am writing to inform you that following (name of pupil)'s (fixed term/permanent) exclusion, the Governors Discipline committee will meet to consider this decision at the (school/college) on (date) at (time).

You are invited to this meeting in order to () the exclusion.
('make representations about' in the case of fixed term exclusions of between five and 15 school days where the pupil has returned to school.

'appeal against' in the case of fixed term exclusions over five days where the pupil has not returned, fixed term exclusions over 15 days either in a block or in total in one term and permanent exclusions.)

(Name of pupil) is encouraged to attend if he/she wishes.

You may, if you wish, be accompanied by a friend or representative to this meeting. Should you wish any written representations to be considered these should be forwarded to me as soon as possible so that they can be circulated to all parties prior to the meeting. Please advise us of any adjustments that can reasonably be made to support your attendance at the meeting (for example if you suffer from a disability in relation to mobility or communication that make it difficult for you to attend).

A decision will then be taken will then be taken either to reinstate (name of pupil) to the school or confirm the exclusion. The Discipline Committee may decide to amend (name of pupil)'s record in light of any representations you may make.

Please would you let me know as soon as possible whether or not you will be able to attend.

Yours sincerely,

(Name)

Clerk to the Governors Discipline Committee

Letter from the clerk to the discipline committee to parent upholding a permanent exclusion.

This letter should be sent within one school day of the meeting of the discipline committee/management committee.

Dear **(Name of parent)**

(Name of pupil)

Permanent exclusion

The meeting of the discipline committee at **(school)** on **(date)** considered the decision made by **(Head Teacher or Deputy Head)** to permanently exclude your son/daughter **(name of pupil)**. The discipline committee, after carefully considering the representations made and all the available evidence, has decided to uphold **(name of pupil)**'s exclusion.

The reasons for the discipline committee's decision are as follows: **(give in as much detail as possible, explaining how they were arrived at and making reference where appropriate a reference to how the pupil's special educational needs are relevant to the exclusion)**.

You have the right to have this decision reviewed. During the next few days you will receive an appeal form from the Schools Appeal Service, with details of how to fill the form in and where to send it. You will have 15 school days to return the (appeal) form, after which you lose your right to review.

Your appeal will be heard by an Independent Review Panel. A three-member panel will comprise one serving, or recently retired (within the last five years) Head Teacher, one governor who has served at least 12 consecutive months in the previous five years and one lay member who will be the chairman.

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

You have the right to request the presence of a special educational need expert at the meeting of the Review Panel, regardless of whether any special need has been recognised to date. The role of the SEN expert will be to provide impartial advice on how special educational need may be relevant to the exclusion, and he/she should advise the panel on whether he/she believes the school acted in legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion.

In determining your appeal the panel can make one of three decisions: it may uphold your child's exclusion; it may recommend that the Discipline Committee reconsider the exclusion; or direct that the Discipline Committee reconsiders its decision. If the review panel either recommends or directs that the discipline committee reconsider its decision, a further meeting must be convened at the school within 10 school days of the committee receiving the panel decision.

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination relating to a disability, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) <http://www.justice.gov.uk/tribunals/send>. In the case of other forms of discrimination, a claim may be made to the County Court.

You may wish to contact **the Local Authority**.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to 1st January.

Yours sincerely,

(Name)

Clerk to the Governing Body/Management Committee

Letter from the clerk to the discipline committee/management committee to parent upholding a fixed term exclusion.

This letter should be sent within one school day of the meeting of the discipline committee/management committee.

Dear **(Name of parent)**

(Name of pupil)

Fixed term exclusion

Further to the meeting of the governors' discipline committee to review **(name of pupil)**'s fixed term exclusion from school, I am now writing to confirm the decision of the Committee.

(The case made by the Head Teacher/Deputy Head and the representations made by the parents which had a bearing on the decision should be noted here.)

After careful consideration of all the representations put to the meeting, the discipline committee/management committee decided that **(name of pupil)** was responsible for the behaviour complained of, and that the Head Teacher's/head of centre's decision to impose a fixed term exclusion of **(insert number)** days was justified. The Committee therefore upheld the head teacher's/head of centre's decision.

Yours sincerely,

(Name)

Clerk to the Governors discipline committee

Letter from the Clerk to the discipline committee parents confirming the decision of the Discipline Committee to reinstate.

This letter should be sent within one school day of the meeting of the discipline committee/management committee.

Dear (Name of parent)

(Name of pupil)

Fixed term/permanent exclusion

Further to the meeting of the governors' discipline committee/management committee to review **(name of pupil)**'s **(fixed term/permanent)** exclusion from school, I am now writing to confirm the decision of the Committee to reinstate **(name of pupil)** to the school.

In reaching its decision the committee considered the case for exclusion presented by the school along with your representations, as well as the view given by the local authority **(if represented)**. On balance the committee felt that **(name of pupil)** should be reinstated **(provide summary of reasons for decision)**.

In the circumstances it was agreed that **(name of pupil)** should return to school on **(specify date)**.

Members of the Discipline Committee hope that **(name of pupil)** will establish a successful return to school. Finally you should be aware that a copy of this letter will be placed on **(name of pupil)**'s school record along with a copy of the Head teacher's/Head of centre's exclusion letter.

Yours sincerely,

(Name)

Clerk to the Governors' Discipline Committee

Appendix 3 – IOW Fair Access Protocol

1.0 Introduction

The importance of a good education for the individual and for society has been understood for a long time. This is underpinned by the need to safeguard the well-being of children and young people. As part of that requirement, all schools must publish a discipline/behaviour policy, setting out their requirements. The policy must be reviewed and publicised to parents/carers on an annual basis.

The Isle of Wight Local Authority and the Island schools are committed to enabling every child and young person to access their entitlement to suitable provision in mainstream or special school wherever possible. Where this is not possible for some part of their educational journey, appropriate alternative provision should be made that supports their needs and enables them to re-engage with and enjoy learning and gain the skills and confidence to achieve economic well-being as adults. This policy explains how the Local Authority and schools will work together to discharge their duty to secure a school place for all children and young people living on the Isle of Wight in the shortest possible time.

This protocol applies to arrangements for school admissions of children outside the annual admissions process covered by the Isle of Wight Council Coordinated Scheme for School Admissions. The end date for completion of the annual admissions round should be no later than September in any year and this protocol comes into practice once that round has been completed.

The protocol sets out the management arrangements which apply to in-year admissions and mid-year transfers, including criteria and protocols for specific elements such as managed moves and re-integration into mainstream of permanently excluded or hard-to-place students.

The aims are to ensure that:

- a) suitable places are allocated as quickly as possible to children whose parents have failed to secure a school place within the annual transfer round;
- b) suitable places are allocated as quickly as possible to children moving to the Island;
- c) the most vulnerable children and young people are admitted as quickly as possible into suitable educational provision;
- d) no school has to take a disproportionate number of pupils who have been excluded from other schools or have challenging behaviour and
- e) to ensure an objective and transparent process.

Hard to Place Pupils

The Local Authority is required to have a protocol for the admission of children under the Fair Access arrangements, which acknowledges the additional needs of some of its most vulnerable youngsters.

All admission authorities must participate in the Fair Access admission arrangements, in order to ensure that unplaced children are allocated a place quickly.

Whilst the position of Aided Schools, Foundation Schools, Academies and Trusts with regard to admissions is acknowledged, this protocol overrides such considerations.

Within the scope of this protocol the following children are considered as vulnerable:

- children in care who are looked after by the Local Authority;
- young carers;
- children attending Pupil Referral Units, including permanently excluded pupils, who need to be re-integrated back into mainstream education;
- children previously withdrawn from school by their family returning to mainstream education;
- young offenders returning from secure accommodation needing a mainstream place;
- children moving from mainland placements needing a mainstream place;
- children from Gypsy, Roma or Traveller backgrounds;
- refugee and asylum-seeker children;
- homeless children.
- any child found to be missing a suitable education;
- children out of school for more than two months;
- children from unsupportive family backgrounds for whom a school place has not been sought.
- children with special educational needs and/or disability without a statement.
- children of serving armed forces personnel.

Children with SEN Statements are not included on the above list given that, under legislation, the school named in the statement is required to admit the pupil.

Pupils admitted to schools via this protocol will receive priority above other young people seeking admission to schools that are at or above their admission number.

This protocol will be reviewed in partnership with the Local Authority on an annual basis through the Primary Heads' and Secondary Heads' Forums.

2.0 In Year Admissions

This section applies to pupils who:

- (a) move to the island after the start of the school year; OR
- (b) are resident on the island, attending an island school but wanting to move schools.

The policies for admissions to schools on the Isle of Wight can be found in the 'Educating your child' booklets and also on www.iwight.com/schooladmissions. These booklets also give details of Isle of Wight schools together with contact details and admission numbers. Any queries regarding admissions should be directed to:

School Admissions
Schools and Learning Division
Chief Executive's Department
County Hall
Newport
Isle of Wight
PO30 1UD
Telephone: 01983 823455
Fax: 01983 826099
Email: school.admissions@iow.gov.uk

2.1 The Annual Process

- Places are allocated across all primary and secondary schools for children registered for admission to primary and/or transfer to secondary schools.
- Waiting lists are compiled for oversubscribed schools.
- Any places which become available at schools as a result of families moving out are allocated immediately.
- At that point there is normally overall Local Authority (LA) capacity for families moving to the Isle of Wight after the beginning of the school year in most year groups. This is because the LA assesses the position of each year group in the context of the whole school and estimates the likely demand during the next school year and in partnership with schools, agrees their capacity.

2.2 Arrangements for In Year Admissions - Non-Island Residents

- Families planning to move to the Isle of Wight contact their current Local Authority Admissions Team (LAAT) for a transfer form.
- Their current LAAT applies for admission in to an Island school on their behalf.
- Island schools should ensure that parents/guardians arriving at a school without having made an application are directed to the LAAT.
- Parents/guardians advised if there are vacancies at their local school, (based on the parents'/guardians' home address), and at any other school they parent/guardian requests information about.
- Once the application form for the parents'/guardians' preferred school and any evidence required is received, if places are available, the LAAT will offer the parent/guardian a place and an admissions date will be set. A copy of the offer letter to the parent/guardian will be sent to the admitting school.
- The admissions date will be within 10 school days from the offer of a place being made. This allows for liaison with the school, other local authority services and

mainland local authorities to ensure that information on the needs of the pupil is known and any safeguarding issues identified.

- If the 'preferred' school cannot provide a place, then the LAAT will direct parents/guardians to the nearest school with available places who will then admit. This includes admissions to Y11.
- Parents/guardians will be advised of any eligibility for free home to school transport when they receive the letter offering a school place.

2.3 Arrangements for In Year Admissions - Island Residents

- In all cases, parents/guardians must notify the Local Authority's Admissions Team (LAAT) if they wish to move their child from his/her current school to another Island school.
- Parents/guardians are asked to complete an admissions form.
- On receiving a completed request for a in-year transfer from a family, the Local Authority Admissions Team will notify the child or young person's current school and the proposed receiving school.
- Telephone consultation should take place between both schools, to ensure the issues and the needs of the child are shared and understood.
- The LAAT will set an admissions date for the requested school, assuming it has places available in the correct year group and advise the parents/carers.
- If the requested school does not have places available, the LAAT will advise of the nearest school with available places. The LAAT will copy the letter to the parent/guardian offering a place to both the receiving school and the school the pupil is leaving.
- The specified admission date, when the pupil will be entered on the new school roll and removed from the previous school roll, will be within a maximum of ten school days from the day after the date on the letter.

Admission Meetings

- It is not permitted under DfE Admissions Guidance to interview children or parents/carers regarding admission to school.
- Neither is it appropriate for proposed receiving schools to offer taster days before the formal request for a transfer has been made. Whilst this is not a breach of the Admissions Code it is not part of the Isle of Wight admissions policy for community and voluntary controlled schools, to which academies have also agreed. This practice should not therefore be used until we have held a consultation amongst schools on its use and its practice. This consultation will take place during the summer term so we have clear guidance on their use (or not) from September 2012.

However it is good practice for the receiving school to hold an admission meeting with the parent/guardian and pupil during the ten-day period before the specified admission date. Based on previous telephone consultation, with the pupil's previous school, the admitting school may invite other relevant parties to the admission meeting, including:

If pupil is a Looked-After Child (Child in Care):

- Social Worker / LAC Unit representative
- LAC Virtual Head Teacher / Learning Development Adviser (LDA)
- Representative of Private Fostering agency (if applicable).

If there are attendance issues (including current court orders):

- Team Leader, Education Welfare Service.

If Youth Offending Team (YOT) is involved:

- YOT representative.

If there are exclusion / behaviour issues:

- Behaviour Support Team Manager.

a representative from the previous school.

The leaving school and receiving school must openly share information with each other and the parent/guardian at the admissions meeting.

Issues around matching curriculum choices (especially in secondary schools) should also be discussed at the admissions meeting before the move takes place. The admission meeting provides the family with one last opportunity to resolve any perceived problems or difficulties with the leaving school. It may be that as a result of this meeting the parent/guardian and pupil decide not to proceed with the transfer

3.0 Supporting hard to place pupils

3.1 Protocols for Managed Moves

A managed move is a move initiated by a pupil's current school. It is an agreed arrangement between the pupil, parent/guardian, school and Local Authority.

The main reason for a managed move is that the current school believes that the pupil will benefit from a fresh start at a new school.

On the Isle of Wight, managed moves are intended to be permanent and usually occur to avoid a pupil being permanently excluded, where it is clear that the current school has exhausted all the support mechanisms to improve behaviour that it would be expected

to have at its disposal. It is regarded as a last opportunity for the young person to remain in mainstream education.

To support a request for a managed move, the current school is expected to provide, on the managed move application form, evidence of:

- multiple exclusions of increasing length;
- records of the range of strategies employed and external support sought to improve a pupil's behaviour;
- a common assessment (CAF) and/or a comprehensive multi-agency assessment and
- multi-agency meetings.

A managed move will be arranged through the Commissioner for Special Educational Needs and Alternative Provision, supported as appropriate by the Behaviour Support Team, using a rota system that ensures the equitable allocation of pupils between schools.

In identifying an appropriate alternative school in the secondary phase, account will be taken of any supported trials have been arranged through the Secondary Behaviour Partnership.

Principle of Proportionality

The DfE is clear that there should be a proper balance in pupil movements, with no school being requested to admit a disproportionate number of managed move pupils.

However, schools that have managed moved pupils out of the school will be expected to admit at least a similar number of managed move pupils from other schools on the island. This will prevent schools that never/rarely move pupils on from having to admit large numbers of pupils who have been excluded or have very challenging behaviour.

Managed moves will be either directly to another mainstream school or more usually involve an initial assessment at the Pupil Referral Unit followed by a move to a mainstream school.

Managed moves will be monitored and evaluated to inform future Local Authority policy and procedures. They are a key part of the Local Authority strategy to reduce permanent exclusions. The statistics regarding Managed Moves will be published annually for all schools in the autumn term.

Procedure for Managed Moves

When a Head Teacher wishes to initiate a managed move to avoid permanent exclusion, s/he must first discuss this with the Executive Head of Alternative Provision and the

pupils' parents/guardians. The Executive Head of Alternative Provision will review the strategies and actions employed by the school to improve the pupils' behaviour.

In the case of child with a SEN Statement, no managed move should take place without the school convening an emergency / Interim Review of the Statement.

In the case of a pupil with a known disability, no managed move should take place unless the behaviour(s) involved can be clearly demonstrated to be unrelated to the disability or the school can clearly demonstrate that they have made all reasonable adjustments to include the pupil and prevent the exclusion.

Where there is agreement that a managed move is the way forward, and no immediate receiving school is identified, the pupil will be dual registered at the Pupil Referral Unit within 5 days of the agreement. The pupil will attend the PRU full time as part of the initial assessment and re-integration process and complete a period of up to six weeks at the Pupil Referral Unit. The managed move to another school will be completed within twelve weeks from the agreement to the move.

The pupil will remain on the roll and register of the school he/she is leaving until a start date at an alternative school has been set. The Pupil Referral Unit will coordinate the programme and support, including supplying the pupil's school with weekly attendance data.

In order to fund the placement at the PRU, the referring school will contribute the AWPU plus an element of educational support funding, which will be calculated by dividing the total phase budget (secondary / primary) allocation for SEN and Personalised Learning by the total number of pupils reported on PLASC as being at School action and School action Plus. This amounts to £1,414 per secondary pupil and £1,6421 per primary pupil in 2012 - 2013. The amount will be pro-rata'd from the date of referral to the end of the financial year. The Local Authority will provide any necessary top-up funding for the placement from the SEN contingency. When the pupil is re-integrated into a mainstream school, the remaining proportion of the funding will be transferred from the PRU to the receiving school. These arrangements are in line with those that will be in place from 2013 when the education funding reforms recently published by DfE have been implemented, although the rate will be considerably higher at that point.

The decision about which alternative school to name will be determined through the Commissioner for Special Educational Needs and Alternative Provision. Managed moves will be considered alongside the rota for the placement of permanently excluded pupils. For a child in care, the pupil's social worker /LAC Unit and LAC Virtual Head Teacher will also be consulted.

Once the receiving school has been agreed, this will be confirmed in writing by the Local Authority. A meeting will be arranged between the receiving and leaving schools, the

parents/carers, the pupil, a Local Authority Officer and other agencies as appropriate to the individual case.

A Managed Move Application Form will be signed by all parties during the meeting to confirm agreement to the proposed move and specify a start date at the receiving school. The start date will be within 4 school weeks of the agreement to the managed move. Parents/guardians will be asked to enter into a parenting contract to support their child's integration into the receiving school. The completed form should be sent to local authority within 2 working days, for consideration by the Commissioner for SEN and Alternative Provision.

Where it is considered that assessment or support at the Pupil Referral Unit is not needed, particularly where supported trials have been arranged within the secondary behaviour partnership, the Commissioner for Special Educational Needs and Alternative Provision will identify an alternative school using the rota of receiving schools. The procedure outlined above will be carried out by the receiving school on confirmation that a managed move will take place.

If following a managed move a pupil's behaviour does not improve, another managed move is unlikely to be appropriate. In these circumstances, schools are required to contact the Commissioner for Special Educational Needs and Alternative Provision at the Local Authority and request alternative provision.

3.2 Re-integration of Permanently Excluded Pupils.

The Isle of Wight Local Authority is committed to reducing the number of permanently excluded pupils from its schools. The managed move protocol, described above, by providing a positive opportunity for pupils at risk of permanent exclusion is, key to securing the reduction.

Since 1 September 2002 the Local Authority has had a statutory responsibility to provide 25 hours of education for permanently excluded pupils. With effect from 3 September 2007 provision must be in place from the 6th school day following exclusion. The Local Authority also has a responsibility to monitor exclusions and secure re-admission to school as soon as possible.

Pupils currently attending Pupil Referral Units as a result of permanent exclusion will be considered as part of the re-integration protocol outlined below.

In order to fund the placement at the PRU, the referring school will contribute the AWPU plus an element of educational support funding, which will be calculated by dividing the total phase budget (secondary / primary) allocation for SEN and Personalised Learning by the total number of pupils reported on PLASC as being at School action and School action Plus. This amounts to £1,414 per secondary pupil and

£1,642 per primary pupil in 2012 - 2013. The amount will be pro-rata'd from the date of referral to the end of the financial year. The Local Authority will provide any necessary top-up funding for the placement from the SEN contingency. When the pupil is re-integrated into a mainstream school, the remaining proportion of the funding will be transferred from the PRU to the receiving school. These arrangements are in line with those that will be in place from 2013 when the education funding reforms recently published by DfE have been implemented, although the rate will be considerably higher at that point.

It is in the interests of all parties that the re-admission of pupils into an alternative school is managed in partnership with 'receiving schools' and the process, as set out below will enable this to proceed in a structured and supportive manner.

Schools and the Local Authority should be mindful of their particular responsibilities as 'corporate parents' for children in public care.

In the case of child with a SEN Statement, no permanent exclusion should take place without the school convening an emergency / Interim Review of the Statement.

In the case of a pupil with a known disability, no permanent exclusion should take place unless the behaviour(s) involved can be clearly demonstrated to be unrelated to the disability or the school can clearly demonstrate that they have made all reasonable adjustments to include the pupil and prevent the exclusion.

The maximum time for a pupil being outside of mainstream education should not exceed 12 weeks; and should normally be no more than 6 weeks.

It is necessary to ensure there is a proper balance in the distribution of young people with no school being requested to admit a disproportionate number of permanently excluded pupils. In order to ensure such balance, the statistics regarding permanent exclusion and re-integration placements will be published annually for all schools in the autumn term.

Procedure

On the day of a permanent exclusion the school must telephone AND email the LA via SandLBusinessSupport@iow.gov.uk to advise of the permanent exclusion. A completed exclusion form must be emailed to this same email address within 3 days of the exclusion (do not send to individual officers).

Additionally, the Head Teacher or Deputy Head must immediately take reasonable steps, by 'phone and then in writing, to inform the parent/carer about the exclusion.

Within 6 school days (or one school day if the child is in care), subject to notification by the school, a place will be agreed at one of the tuition centres in order for the pupil to re-engage with education. An assessment, including the Common

Assessment Framework if this has not previously been undertaken, will be completed to identify the young person's needs.

An admission meeting will be held at the Tuition Centre, convened by the Executive Head of Alternative Provision, within 6 days of the decision to permanently exclude. Parents/guardians and a member of staff from the excluding school will be invited. If the child is in public care, the social worker for the child and the Virtual Head Teacher for LAC/LDA will also be invited.

School records must be transferred at this point. Parents'/guardians' views of alternative schools will be noted. The date of the first review meeting, which acts also as the re-integration panel meeting for admission to the new school, will be set at the admission meeting and will take place within six weeks of the admission meeting.

The Commissioner for Special Educational Needs and Alternative Provision will identify the school which will be the receiving school before the review meeting is held, using a rota system. Schools that have permanently excluded pupils will be expected to take a similar number of excluded pupils. Permanent exclusion from one school within a Federation or Trust does not preclude the pupil from being admitted to another site within the Federation or Trust. If necessary, the local authority will apply to the Secretary of State for Education for permission to use statutory powers of direction.

Re-Integration and Review Panel

A letter will be sent to the Head Teacher of the receiving school notifying them of the new pupil and informing of the date of the re-integration/review panel meeting. A synopsis of the background of the pupil will also be forwarded to the receiving school, before the re-integration/review panel meeting takes place.

In the circumstances where a pupil is permanently excluded for a second time, the LA will consider parental views carefully and will assess the available evidence to determine whether or not a mainstream school place is likely to be appropriate. The timescales in these exceptional circumstances may vary from those set out above. However the statutory admissions rights of the parents/guardians are unaffected and the changed procedures and timescales are subject to their agreement.

The re-integration/review panel meeting will begin with the re-integration panel, (consisting of the Head Teacher of the receiving school, the Teacher-in-charge of the Tuition Centre and the Executive Head of Alternative Provision) meeting to consider the needs of the pupil and to set out the circumstances for admission to the receiving school.

The parent/guardian and pupil will then be invited to join the remainder of the meeting, where the plans agreed by the re-integration panel will be shared.

In order to ensure a successful return to mainstream school other professionals may be invited to the second part of the meeting, for example:

Educational Psychologist,
The Education Welfare Service,
Behaviour manager / SENCO from receiving school,
Social Worker,
Virtual Head LAC
YOT Worker
Police representative
CAMHS worker.

The principle of admission to the receiving school will be established; even if it is felt that the pupil is not yet ready to successfully be admitted. In these circumstances the pupil will remain at the tuition centre for a further six weeks.

Admission Meeting

If the pupil is ready to be re-integrated then a date for the parent/carer and pupil to attend an Admission Meeting at the receiving school will be agreed. That admissions meeting should take place within 5 school days of the re-integration/review panel meeting. The actual admission date that the pupil will go on the receiving school's roll will be 10 school days from the date of re-integration/review panel meeting.

This admission meeting will take place at the receiving school, where parents/guardians, pupil, the Head of the tuition centre, educational psychologist and relevant personnel from the school will attend. If the pupil is in public care, the social worker will also be invited. The Head Teacher or his /her representative should convene this meeting.

The purpose of this meeting is to set out short and long-term objectives; identify any support available from the Tuition Centre in the short term; identify any learning or other support needs.

It may be that the pupil will be dual registered for a period of time, whilst the Tuition Centre supports their re-integration into school.

These objectives should be set out in a Pastoral Support Plan, which is subject to review. In the case of a child in public care, this may take the form of a Personal Education Plan.

Parents/guardians are entitled to make an application for admission to any school regardless of the above protocol. In these circumstances, the normal admission procedures would apply.

In order to ensure transparency in the use of The Fair Access Protocol and the equitable allocation of pupils within it the statistics regarding permanent exclusions and managed moves for all schools will be published annually in the autumn term.

Bibliography

Improving Behaviour and Attendance : Guidance on exclusion from schools and pupil referral units (September 2008 -DCSF).

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations (2012) **(No. 1033)**

Schools Admissions Code (2012)

Back on Track - A Strategy for Modernising Alternative Provision

Guidance on Hard to Place Protocols (2004)

Discrimination Act (2005)

Pupil Exclusion Form

BASIC INFORMATION

Name of pupil:		D.O.B.	
Home address:		School:	
Postcode:		Year Group:	

Details of carers with parental responsibility

Name:	
Address:	
Relationship to child:	
Phone Home:	
Work:	

Is the pupil "looked after" by Social Services?

Yes No

If yes, please give the name and district office of Social Worker:

Does the pupil have a pastoral support programme?

Yes No

EDUCATIONAL INFORMATION

Current SEN Status: None S - Statemented K - SEN Support E - EHC Plan Q - Undergoing Assessment

Type of exclusion: Lunch Fixed Permanent (please enter date of permanent exclusion & telephone 821000 ext 6260/6328 to notify LA promptly) / /

Length of fixed term exclusion: No of days From: / / To: / /

Has work been set during this period? Yes No

REASON FOR EXCLUSION:

- ALC - Alcohol
- BUL- Bullying
- DP – Damage to property
- DRG – Drugs related: Influence of
- DRGS – Drugs related: Intend to Supply
- DRGP – Drugs related: Possession
- PDB – Persistent disruptive behaviour
- PHAP – Physical Assault Pupils
- PHAS – Physical Assault Staff
- RAC – Racist abuse
- SEXP – Sexual misconduct to Pupil/s

- SEXS – Sexual misconduct to Staff/Adults
- SUB – Substance related
- TP – Theft of property
- TBP – Threatening Behaviour Pupils
- TBS – Threatening Behaviour Staff
- VAP – Verbal Abuse Pupils
- VAS – Verbal Abuse Staff
- WTP – Weapon threat Pupils
- WTS – Weapon threat Staff
- OTH – Other (please specify below)

ACTION TAKEN BY SCHOOL TO MONITOR, MANAGE AND SUPPORT THE PUPIL IN ORDER TO AVOID PERMANENT EXCLUSION (SECTION 5.6 SIPS)

	Yes	No
School based Intervention	<input type="checkbox"/>	<input type="checkbox"/>
Individual Staff Support and Guidance	<input type="checkbox"/>	<input type="checkbox"/>
A Pastoral Support Programme	<input type="checkbox"/>	<input type="checkbox"/>
Special Needs Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Active Parental Involvement	<input type="checkbox"/>	<input type="checkbox"/>
External Agency Support	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>

If other please specify:

Other agencies involved to avoid permanent exclusion:

- Behaviour Support
- Educational Psychology Service
- Education Welfare Service
- Social Services
- Health
- Other (please specify in box below)

Nature of involvement:

Headteacher comments:

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Signed:

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Date:

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Please email* this completed form to the:

Schools & Learning Team

SandLBusinessSupport@iow.gov.uk

For queries please telephone 821000 ext 6260 or 6328

***Due to data protection and sensitive information contained within the exclusion forms, ALL emails must be password protected using WinZip or another secure method. Please telephone with the password.**

