

Fylde Coast Academy Trust



The best we can be

FCAT Pupil Exclusion Policy

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| Policy Version & Issue Date | Version 2 – November 2019 Covid Addendum – November 2020 |
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| Person responsible for Policy / review | Ciara Gregson |

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Introduction & Purpose

Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education in the academies of Fylde Coast Academy Trust. The Government and Fylde Coast Academy Trust directors support Academy Headteachers in using exclusion as a sanction where it is warranted.

However, permanent exclusion should only be used as a **sanction of last resort**, in response to:

- A serious breach, or persistent breaches, of the Academy Behaviour Policy; **and**
- Where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

In considering whether to exclude a pupil, Headteachers should weigh up the seriousness, or persistence, of the pupil's behaviour, together with the impact of not excluding the pupil from the academy as a whole and the integrity of its Behaviour Policy. Sufficient evidence of the breach or breaches of the Academy Behaviour Policy as well as alternative interventions undertaken should be summarised in a chronology and available as soon as the decision to exclude is made.

Allowing pupils an opportunity to present their case before taking the decision to exclude will help ensure that the decision is fair, although this may not always be practicable. Principals should also take into account any contributing factors that are identified after an incident of poor behaviour has occurred; for example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or other emotional stress.

The decision to exclude a pupil must be lawful, reasonable and fair. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason e.g. because the pupil has additional needs or a disability that the academy feels it is unable to meet. "Informal" or "Unofficial" exclusions such as sending pupils home to "cool off" are unlawful, regardless of whether they occur with the agreement of parents/carers.

The Department for Education provides a guide to the legislation governing the exclusion of pupils from academies (Exclusion from maintained schools, Academies and pupil referral units in England, published 2017). This policy provides a practical guide for academy staff to implement the appropriate processes where an exclusion decision is made.

Informing Parents

The Headteacher must, without delay, notify parents in person or by telephone of the period of exclusion and the reasons for it. Parents must also be notified **by post**, of the following without delay, see Appendix 1-4:

- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- That for the first 5 days of an exclusion parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty or prosecuted if they fail to do so;
- Their right to make representations about the exclusion to the Academy Council and how the pupil may be involved in this;
- How they should make representations;
- If there is a legal requirement for the Academy Council to consider the exclusion, and if so, that they have a right to attend the meeting, be represented at this meeting (at their own expense) and to bring a friend;
- The arrangements that have been made to enable the pupil to continue his/her education prior to the start of alternative provision or return to the academy i.e. work will be provided for the pupil for the first five days of the exclusion;
- Relevant sources of impartial information including:
 - A link to the DfE guidance;
 - A link to the Coram Children's Legal Centre;
 - Links to local services where relevant e.g. Traveller Education Services

If alternative provision is being arranged then the following information must also be included where it can be reasonably found in the timescale or subsequently provided no later than 48 hours before the provision is due to start:

- The start date for any provision;
- The start and finish times of any such provision;
- The address at which the provision will take place;
- Any information required by the pupil to identify the person he/she should report to on the first day.

Where the parents' first language is not English, consideration should be given, where practical, to translating the letter or taking other appropriate additional steps to ensure the information is understood.

Parents must also be informed where a fixed period exclusion has been extended or converted to a permanent exclusion in writing explaining the reasons for the change and providing any additional information required.

Informing the Local Authority

The Academy must notify the Local Authority **without delay** of:

- A permanent exclusion;
- An exclusion which would result in the pupil being excluded for more than 5 school days in a term; and
- An exclusion which would result in a pupil missing a public examination or national curriculum test.

For all other exclusions, the Academy must notify the Local Authority once per term.

The notifications must include the reasons for the exclusion and the duration of any fixed period exclusion including a copy of the letter to parents and their contact details.

Notification to be by email to ged.mcnally@blackpool.gov.uk for Blackpool Council, or to PupilAccess.NorthExclusions@lancashire.gov.uk for Lancashire County Council.

If the pupil lives outside of the academy Local Authority area, the Academy must also advise the pupil's "home authority" without delay.

Informing the Academy Council

The Academy must notify **by email** the Academy Council and Fylde Coast Academy Trust Governor Services **without delay** of:

- A permanent exclusion;
- An exclusion which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term; and
- An exclusion which would result in a pupil missing a public examination or national curriculum test.

For all other exclusions, the Academy Headteacher must notify the Academy Council once per term within the Headteacher's Report.

The notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

Academy Council Consideration of an Exclusion

The Academy Council is required to consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion in the following circumstances:

- The exclusion is permanent;
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- It would result in a pupil missing a public examination or national curriculum test. (In this case there is a further requirement for the Academy Council to consider the exclusion before the date of the examination so far as is reasonably practicable and in exceptional circumstances the Chair of the Academy Council may consider the exclusion independently and decide whether or not to reinstate the pupil.)

The Academy Council is also required to consider an exclusion, if requested by the parents / carers, within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than 5 school days but less than 15 school days in a single term.

The meeting to consider an exclusion must consist of at least 3 governors from any of the Academy Councils established by Fylde Coast Academy Trust. The Academy must contact the Academy Council (of the Academy involved in the first instance followed by other FCAT Academy Councils if sufficient members cannot be found) by email without delay to arrange a meeting within the appropriate time scale with regard to the availability of the Academy Headteacher and a Clerk. The parents of the pupil and the excluded pupil must also be invited.

When arranging a meeting to consider an exclusion, the Academy Council should not discuss the exclusion with any party outside the meeting.

Written evidence and information **must** be circulated to all parties including a list of those who will be present at least 5 school days prior to the meeting by the Academy, by email to the governors attending the meeting and by post to the parents, see Appendix 5. The information provided should include a summary of the incident/circumstances leading to the exclusion and how this breaches the Academy Behaviour Policy as well as any interventions undertaken, but should not be excessive i.e. no more than 10 A4 pages in total. The written evidence should not name individual pupils except for the excluded pupil i.e. use Pupil A, Pupil B etc.

Clear minutes must be taken of the meeting as a record of the evidence that was considered by the governors, see Appendix 6. The governors should ask all parties to withdraw before making a decision; however, the minute-taker may stay to assist by reference to his/her notes of the meeting. Governors will invite the Headteacher back into the meeting to inform of the outcome.

Guidance for Governors in Considering an Exclusion

Where the Academy Council is legally required to consider the decision of a Headteacher to exclude a pupil, they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the academy.

In reaching a decision on whether or not to reinstate a pupil, the Academy Council should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account the Headteacher's legal duties. The Academy Council must also consider any representations made by parents and the Headteacher.

When establishing the facts in relation to an exclusion decision, the Academy Council must apply the civil standard of proof i.e. "on the balance of probabilities" it is more likely than not that a fact is true, rather than the criminal standard of "beyond reasonable doubt".

In the light of their consideration, the governing body can either:

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

Where reinstatement is not practical because, for example, the pupil has already returned to the academy following the expiry of a fixed term exclusion or the parents make clear they do not want their child reinstated, the Academy Council must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

Academy Council Notification of Consideration

The Academy Council must notify the Academy Headteacher of their decision and the reasons for it at the end of the meeting and this should be recorded in the minutes.

The Academy must also notify the parents **by post** and the Local Authority **by email** of the decision and reasons in sufficient detail without delay, (see Appendix 7 in the case of a fixed term exclusion).

In the case of a permanent exclusion, the notification must also include (see Appendix 8):

- The fact that it is permanent;
- The reasons for the Academy Council's decision in sufficient detail to enable all parties to understand why the decision was made;
- Notice of the parents right to ask for the decision to be reviewed by an independent review panel and the following information:
 - The date by which an application for a review must be made i.e. 15 school days from the date of which notice of the Academy Council decision was given;
 - The name and address of the Clerk to whom applications should be submitted;
 - That any application should set out the grounds on which it is being made including a reference to how the pupil's SEN are considered relevant , where appropriate;
 - That parents have a right to require a SEN expert to attend the review (regardless of whether SEN has been recognised);
 - Details of the role of the SEN expert and that there is no cost to parents;
 - That parents must make clear if they wish for a SEN expert in their application for a review;
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel;
 - That parents may bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination then 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;
- That a claim of discrimination under these routes should be lodged within 6 months of the day of exclusion.
- Relevant sources of impartial information including:
 - A link to the DfE guidance;
 - A link to guidance on making a claim of discrimination to the First-tier Tribunal
 - A link to the Coram Children's Legal Centre;
 - Links to local services where relevant e.g. Traveller Education Services

If the pupil lives outside of the academy Local Authority area, the Academy must also advise the pupil's "home authority" without delay.

Removing a Permanently Excluded Pupil's Name from the Register

Whilst an excluded pupil's name remains on the admissions register the pupil should be marked using the appropriate attendance code:

- Code B (education off-site) or code D (dual registration) where the pupil is attending alternative provision organised by the Academy;
- Code E where the pupil is not attending alternative provision organised by the Academy.

The Academy Headteacher must remove a pupil's name from the admissions register if:

- 15 school days have passed since the parents were notified of the Exclusion Committee decision to uphold a permanent exclusion 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.

Arranging an Independent Review Panel

If parents apply for an independent review panel within the legal time frame, the Academy must arrange this within 15 school days of the date on which the Academy received the parent's application for a review.

The panel must constitute three members representing each of the categories:

- 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;
- Academy governor who has served as a governor for at least 12 consecutive months in the last five years, provided they have not been a teacher or headteacher during this time;
- Headteacher or individual who has been a headteacher within the last five years.

Individuals may not serve as a member of the review panel if they:

- Are a Director or Governor of the excluding academy;
- Are the Headteacher of the excluding school or anyone who has held this position in the last five years;
- Are an employee of the Academy Trust;

- Have, or at any time have had, any connection with the Academy Trust that might reasonably be taken to cast doubts on their ability to act with impartiality;
- Have not had the required training within the last two years.

Where an independent review panel is required, FCAT Governor Services should be notified without delay. FCAT Governor Services will contact the Strategic Partners of the Fylde Coast Teaching School Alliance to obtain sufficient members to hold the panel constituted as above. FCAT Governor Services will also arrange appropriate training for members of the independent review panel if required.

Written evidence and information must be circulated to all parties including a list of those who will be present at least 5 school days prior to the meeting by the Academy, by email/post to those attending the meeting. The information provided should include:

- The Academy Council decision;
- The parent's application for a review;
- Any policies/documents that the Academy Council was required to have regard to in making its decision e.g. the Academy Behaviour Policy.

Clear minutes must be taken of the meeting as a record of the evidence that was considered by the panel. The clerk should not have served as clerk to the Academy Council meeting.

If the panel upholds the permanent exclusion, the clerk should immediately report this to Academy Council, the parents and the Local Authority by email/post.

Where the panel directs or recommends that the Academy Council reconsiders its decision, the Academy Council must reconvene within 10 school days of being given notice of the panel's decision. The Academy Council must then inform the parents, the Principal and the Local Authority of its reconsidered decision in writing and without delay.

Monitoring

Governor Services will monitor the number of exclusions at each Academy and will report to the Chief Executive Officer on a half-termly basis.

Where the number of permanent exclusions at any one Academy reaches three in one term, the Chief Executive Officer will be notified immediately.



Where the number of permanent exclusion at any one Academy reaches five in one academic year, the Academy will be charged £250 for each additional permanent exclusion to cover the administrative costs involved.

Appendix 1 – Academy Headteacher to Parents for fixed term exclusion less than 5 days in a term

Dear PARENT NAME

I am writing to inform you of my decision to exclude PUPIL NAME for a fixed period of NUMBER days. This means that PUPIL NAME will not be allowed in ACADEMY NAME for this period. The exclusion begins on DATE and ends on DATE.

I do realise that this exclusion may well be upsetting for you and your family, but the decision to exclude PUPIL NAME has not been taken lightly. PUPIL NAME has been excluded for this fixed period because of:

- REASONS

I have tried to avoid exclusion by:

- SPECIFIC ACTIONS TAKEN
- Repeated reference to safe and sensible behaviour during assemblies and form time;
- Repeated reference to consideration and respect during assemblies and form time.

Parents / carers are now legally required to ensure that excluded students are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents / carers may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a student is found in a public place during this period.

Work will continue to be provided for PUPIL NAME to complete at home during the period of exclusion and can be collected by you in arrangement with STAFF NAME. Please ensure that work set by the academy is completed and returned for marking.

PUPIL NAME exclusion expires on DATE and PUPIL NAME should return to ACADEMY NAME on DATE. An appointment has been reserved for you at ACADEMY NAME on DATE at TIME with STAFF NAME for PUPIL NAME reintegration interview. The purpose of this meeting is to discuss ways of successfully managing PUPIL NAME return to the academy. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the academy. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

You have the right to make representations to the Academy Council. If you wish to make representations please contact Ms. C Gregson, FCAT Governance Lead at ciara.gregson@fcats.org.uk as soon as possible. The Academy Council has no power to direct a re-instatement and cannot overturn the Headteacher's decision. They can however consider your representations and make a note of their findings on PUPIL NAME academy record. If you wish, PUPIL NAME may also make representations to the Academy Council.

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>
- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

I would be grateful if you would acknowledge receipt of this letter by signing the acknowledgement slip and returning it to me.

Yours sincerely

HEADTEACHER NAME,
Headteacher
ACADEMY NAME



.....
ACADEMY LOGO

I acknowledge receipt of PUPIL NAME exclusion letter dated DATE.

Signed (parent/carer)

Date

Appendix 2 – Academy Headteacher to Parents for fixed term exclusion more than 5 but less than 15 days in a term

Dear PARENT NAME

I am writing to inform you of my decision to exclude PUPIL NAME for a fixed period of NUMBER days. This means that PUPIL NAME will not be allowed in ACADEMY NAME for this period. The exclusion begins on DATE and ends on DATE.

I do realise that this exclusion may well be upsetting for you and your family, but the decision to exclude PUPIL NAME has not been taken lightly. PUPIL NAME has been excluded for this fixed period because of:

- REASONS

I have tried to avoid exclusion by:

- SPECIFIC ACTIONS TAKEN
- Repeated reference to safe and sensible behaviour during assemblies and form time;
- Repeated reference to consideration and respect during assemblies and form time.

Parents / carers are now legally required to ensure that excluded students are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents / carers may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a student is found in a public place during this period.

Work will continue to be provided for PUPIL NAME to complete at home during the first 5 days of exclusion and can be collected by you in arrangement with STAFF NAME. Please ensure that work set by the academy is completed and returned for marking.

PUPIL NAME exclusion expires on DATE and PUPIL NAME should return to ACADEMY NAME on DATE. An appointment has been reserved for you at ACADEMY NAME on DATE at TIME with STAFF NAME for PUPIL NAME reintegration interview. The purpose of this meeting is to discuss ways of successfully managing PUPIL NAME return to the academy. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the academy. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

You have the right to request that the Academy Council consider the reinstatement of PUPIL NAME. If you wish to request this please contact Ms. C Gregson, FCAT Governance Lead, at ciara.gregson@fcats.org.uk as soon as possible. If you wish, PUPIL NAME may also make representations to the Academy Council.

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>
- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

I would be grateful if you would acknowledge receipt of this letter by signing the acknowledgement slip and returning it to me.

Yours sincerely

HEADTEACHER NAME,
Headteacher
ACADEMY NAME



.....
ACADEMY LOGO

I acknowledge receipt of PUPIL NAME exclusion letter dated DATE.

Signed (parent/carer)

Date

Appendix 3 – Academy Headteacher to Parents for fixed term exclusion more than 15 days in a term

Dear PARENT NAME

I am writing to inform you of my decision to permanently exclude PUPIL NAME for a fixed period of NUMBER days. This means that PUPIL NAME will not be allowed in ACADEMY NAME for this period. The exclusion begins on DATE and ends on DATE.

I do realise that this exclusion may well be upsetting for you and your family, but the decision to exclude PUPIL NAME has not been taken lightly. PUPIL NAME has been excluded for this fixed period because of:

- REASONS

I have tried to avoid exclusion by:

- SPECIFIC ACTIONS TAKEN
- Repeated reference to safe and sensible behaviour during assemblies and form time;
- Repeated reference to consideration and respect during assemblies and form time.

Parents / carers are now legally required to ensure that excluded students are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion. Parents / carers may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a student is found in a public place during this period.

Work will continue to be provided for PUPIL NAME to complete at home during the first 5 days of exclusion and can be collected by you in arrangement with STAFF NAME. Please ensure that work set by the academy is completed and returned for marking.

PUPIL NAME exclusion expires on DATE and PUPIL NAME should return to ACADEMY NAME on DATE. An appointment has been reserved for you at ACADEMY NAME on DATE at TIME with STAFF NAME for PUPIL NAME reintegration interview. The purpose of this meeting is to discuss ways of successfully managing PUPIL NAME return to the academy. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the academy. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

As the length of the exclusion is more than 15 school days in total in one term the Academy Council must meet to review the Headteacher's decision. You have the right to make representations to the Academy Council either in writing and/or in person. A further letter will be issued to confirm the date and time of the meeting as soon as possible.

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>
- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

I would be grateful if you would acknowledge receipt of this letter by signing the acknowledgement slip and returning it to me.

Yours sincerely

HEADTEACHER NAME,
Headteacher
ACADEMY NAME



.....
ACADEMY LOGO

I acknowledge receipt of PUPIL NAME exclusion letter dated DATE.

Signed (parent/carer)

Date

Appendix 4 – Academy Headteacher to Parents for permanent exclusion

Dear PARENT NAME

I am writing to inform you of my decision to permanently exclude PUPIL NAME. This means that PUPIL NAME will no longer be allowed to attend ACADEMY NAME (unless PUPIL NAME is subsequently re-instated by governors).

I do realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude PUPIL NAME has not been taken lightly. PUPIL NAME has been excluded because of:

- REASONS

I have tried to avoid exclusion by:

- SPECIFIC ACTIONS TAKEN
- Repeated reference to safe and sensible behaviour during assemblies and form time;
- Repeated reference to consideration and respect during assemblies and form time.

Parents / carers are now legally required to ensure that excluded students are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any exclusion.

Parents / carers may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a student is found in a public place during this period.

Work will continue to be provided for PUPIL NAME to complete at home for the first 5 days of exclusion and can be collected by you in arrangement with STAFF NAME. Please ensure that work set by the academy is completed and returned for marking.

As this is a permanent exclusion the Academy Council must meet to review the Headteacher's decision. You have the right to make representations to the Academy Council either in writing and/or in person. A further letter will be issued to confirm the date and time of the meeting as soon as possible.

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>

- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

I would be grateful if you would acknowledge receipt of this letter by signing the acknowledgement slip and returning it to me.

Yours sincerely

HEADTEACHER NAME,
Headteacher
ACADEMY NAME



.....

ACADEMY LOGO

I acknowledge receipt of PUPIL NAME exclusion letter dated DATE.

Signed (parent/carer)

Date

Appendix 5 – Initial meeting letter to parents

Dear PARENT NAME,

PUPIL NAME – FIXED TERM/PERMANENT exclusion from ACADEMY NAME

Further to the letter from the Principal of XXX Academy dated XXX, I can confirm that the Academy Council will meet to consider the decision to exclude on:

DATE at TIME at XXX Academy

As XXX's parent(s), you are invited to attend the meeting to put forward your views about the exclusion and any evidence to challenge the decision. You are entitled to bring a friend or representative with you. NAME OF PUPIL is also entitled to attend the meeting.

If you would like to attend, please contact me at EMAIL ADDRESS or 01253 207709.

Please also let me know if you have a disability or special needs which would affect your ability to attend the meeting.

A report from the Headteacher which will be presented as evidence at the meeting will be forwarded to you a week before the meeting.

Yours sincerely

STAFF NAME

Governance Administrator

FCAT

Appendix 6 – Meeting letter with report to parents

Dear PARENT NAME,

PUPIL NAME – FIXED TERM/PERMANENT exclusion from ACADEMY NAME

Further to my letter dated XXX, please find enclosed the following documentation for the meeting to review the exclusion.

- 1) Report by the Academy Headteacher, HEADTEACHER NAME
- 2) SPECIFIC ACTIONS EG BEHAVIOUR LOG, ATTENDANCE RECORDS ETC
- 3) Meeting Procedures and Attendees

As mentioned, the meeting will take place on:

DATE at TIME at ACADEMY NAME

If you will be attending the meeting, please contact me at EMAIL ADDRESS or 01253 207709. Please also let me know if you have a disability or special needs which would affect your ability to attend the meeting.

Yours sincerely

STAFF NAME

Governance Administrator

FCAT

Appendix 7 – Example minutes

MEETING OF THE GOVERNORS OF ACADEMY NAME ACADEMY COUNCIL TO CONSIDER THE PERMANENT EXCLUSION OF PUPIL NAME (Date of Birth)

Date:
Venue:
Time:

Present:

Governors: XXXX (Chair)
XXXX
XXXX

Together with: XXXX (Headteacher)
XXXX (Parent)
XXXX (Local Authority)
XXXX (Minute taker)

| | <u>Action</u> |
|---|---------------|
| <p>1. Election of Chair XXXX was elected as Chair for the meeting.</p> | |
| <p>2. Academy Presentation of the Case</p> <p>SUMMARY OF CASE AS PRESENTED BY THE HEADTEACHER</p> <p>SUMMARY OF CASE AS PRESENTED BY THE PUPIL/PARENTS</p> | |
| <p>3. Challenges to the Principal’s decision from Governors</p> <p>SUMMARY OF GOVERNOR QUERIES AND RESPONSES</p> <p><i>XXXX and XXXX left the meeting.</i></p> | |
| <p>4. Governors’ decision Following a detailed discussion on the case, including scrutiny of the intervention actions put in place by the Academy, governors declined to / directed the Headteacher to reinstate PUPIL NAME from ACADEMY NAME.</p> <p>CLEAR REASONS FOR THE DECISION</p> <p>Or</p> | |

Following a detailed discussion on the case, including scrutiny of the intervention actions put in place by the Academy, governors directed reinstatement of PUPIL NAME from ACADEMY NAME with immediate effect / Date and Time.

XXXX and XXXX rejoined the meeting.

5. Conclusion

The Chair informed the Headteacher and Vice Headteacher of their decision to uphold the permanent exclusion / direct reinstatement. The Clerk agreed to inform the parents and the Local Authority of the decision.

Clerk

Appendix 8 – Outcome letter to parents of fixed term exclusion

Dear PARENT NAME

PUPIL NAME – exclusion from ACADEMY NAME

Further to my letter dated XXXX, I can confirm that the XXX Academy Council met on XXX, after consideration, governors declined to direct / directed the Headteacher to reinstate XXX from the Academy for a fixed period which brings the total number of days excluded to more than 15 days in this academic year. The reasons for the decision are that Governors agree that:

CLEAR REASONS FOR THE DECISION

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>
- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

Yours sincerely

STAFF NAME

Governance Administrator

Appendix 9 – Confirmation letter to parents of permanent exclusion

Dear PARENT NAME

PUPIL NAME – exclusion from ACADEMY NAME

Further to my letter dated DATE, I can confirm that the Academy Council of ACADEMY NAME met on DATE and after consideration, governors declined to direct / directed the Headteacher to reinstate PUPIL NAME from the Academy. The reasons for upholding the decision are:

- CLEAR REASONS IN SUFFICIENT DETAIL TO ENABLE ALL PARTIES TO UNDERSTAND WHY THE DECISION WAS MADE

As the parents of PUPIL NAME, you have the right to ask for the decision to be reviewed by an independent review panel. If you wish to make an application for an independent review, this must be made by DATE (15 school days from date of letter) to EMAIL ADDRESS. The application should set out the grounds on which it is being made and, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion.

You have a right to require the Academy Council to appoint a special educational needs (SEN) expert to attend the review regardless of whether the pupil has recognised special educational needs. The SEN expert's role is similar to an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert's role does not include making an assessment of the pupil's special educational needs. There will be no cost to you for the appointment of the SEN expert; however you must make it clear if you require the appointment of the SEN expert in your application. You may also, at your own expense, appoint someone to make written and/or oral representations to the panel and you may also bring a friend.

In addition to the above, if you believe that the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or 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 from the date of exclusion.

I would like to draw your attention to the following sources of free and impartial information on whether and, if so, how to seek a review of the decision:

- Blackpool Council, Ged McNally, Education Inclusion Officer, 01253 476443, ged.mcnally@blackpool.gov.uk
- Pupil Access North, Lancashire County Council, 01254 581213 / 581267, pupilaccess.north@lancashire.gov.uk

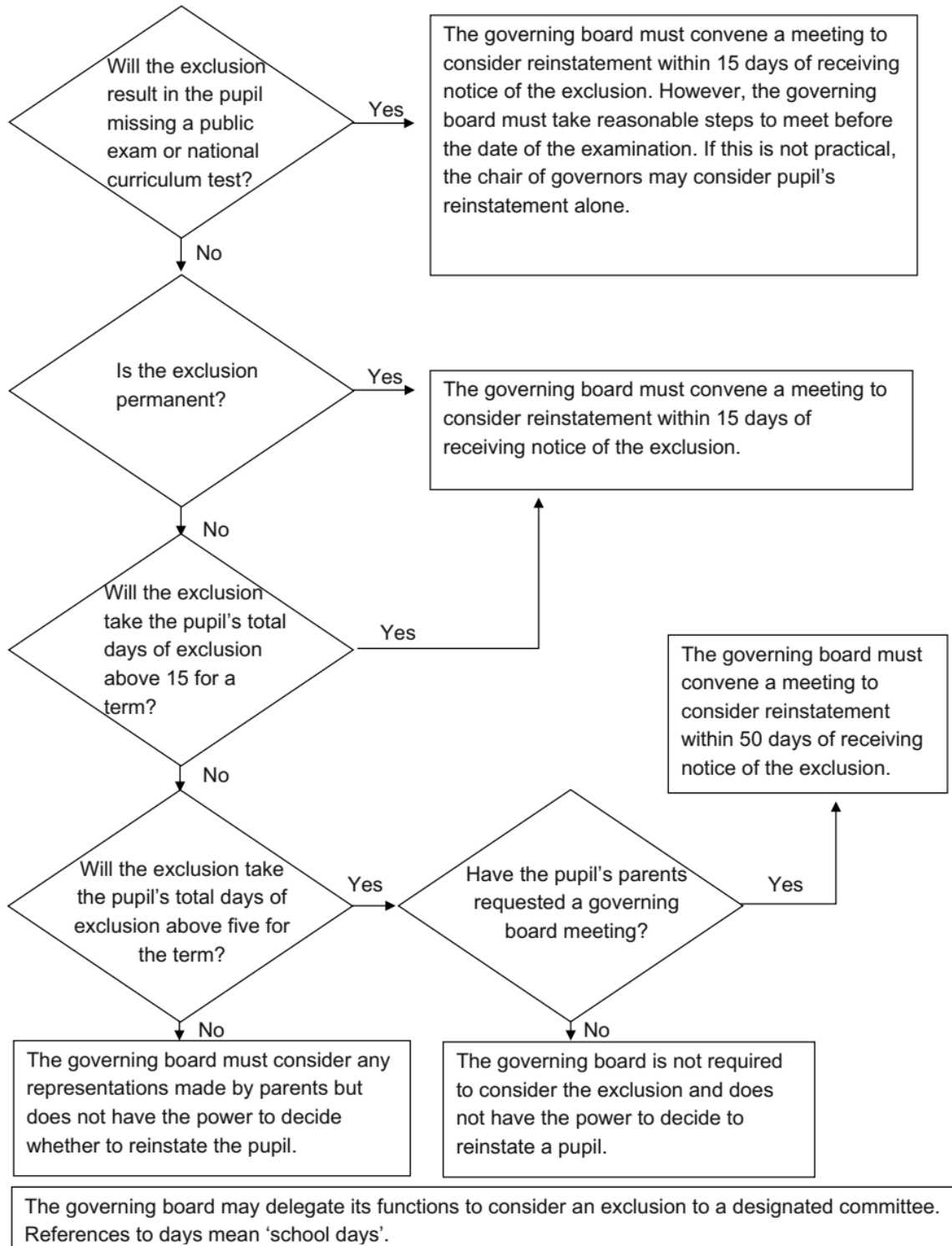
- Department for Education, Exclusion from maintained schools, Academies and pupil referral units in England, at <https://www.gov.uk/schools-colleges/behaviour-attendance>
- Justice Department, Special Educational Needs and Disability, at <http://www.justice.gov.uk/tribunals/send/appeals>
- Coram Children’s Legal Centre, 08088 020 008, www.childrenslegalcentre.com

Yours sincerely

STAFF NAME

Governance Administrator

Appendix 10 – A summary of the academy council’s duties to review the Headteacher’s exclusions decision



Covid-19 Addendum

In accordance with the statutory guidance 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak', updated 5th October 2020, the following addendum details statutory requirements for consideration of pupil exclusions.

There will be no changes to the statutory timescales and the Academy Council will meet within 15 days of a permanent exclusion occurring.

Meetings will be held by remote access if:

- It is not reasonably practicable for the meeting to take place in person within the usual timescales, due to coronavirus (COVID-19)
- The Academy Council is satisfied that:
 - All the participants agree to the use of remote access
 - All the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
 - All the participants will be able to put across their point of view or fulfil their function
 - The meeting can be held fairly and transparently via remote access.

The Clerk will ensure these conditions are met before a meeting takes place, those who do not intend to take part in the meeting will not be treated as 'participants' for the purposes of the conditions.

When determining if it's practicable to meet in person, FCAT Governors Services, in consultation with the Academy, will assess:

- The facts of the case
- The circumstances in which a meeting in person could be expected to take place
- The needs of the intended participants, as far as this is possible
- The latest public health guidance, including the guidance for full opening of schools

Participants, in particular the pupil and their family, will be made aware that they are not obligated to consent to a meeting via remote access. In this event, the meeting may be delayed until practicable to take place in person.

Remote Access Meetings

Where a parent or pupil has given their agreement for a meeting to be held by remote access, the Academy Council shall accommodate that preference. It is recognised that some participants may have barriers to remote meetings due to disability or language barriers

therefore reasonable steps shall be taken to provide support to access or use remote technology.

Fairness and Transparency

If deemed that a meeting cannot be held fairly and transparently via remote access, reasonable adjustments will be considered to surmount this, consulting with parents and pupils to take account of their wishes.

It will only be in rare cases that it is concluded a remote meeting would not be fair and transparent if participants have understood the implications of a remote access meeting and given their consent. In such cases the Academy Council will provide an explanation to the parent and pupil as to why the decision has been made.

Meeting Procedures

The Chair of the meeting will confirm the participant understands the proceedings and can engage with them, to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, the meeting will be adjourned.

Procedural requirements will not be altered due to remote access meetings. SEN experts can be requested and appointed to advise the review panel and parents can request a representative or supporter.

Written representations can be submitted for consideration by the Academy Council, however, paper-based 'meetings', conducted in writing are not acceptable.

All participants shall receive, no less than seven days prior to the meeting, instructions to join the meeting remotely; relevant papers and; a named person who can be contacted with any questions beforehand.

The Chair will explain the agenda and provide clear guidance on how the meeting will be run. If required, a pre-meeting can be arranged to check available technology is suitable, and all participants understand how to access the meeting.

Independent Review Panels

Applications for an independent review in relation to exclusions occurring between 1st June 2020 and 24th March 2021 will be 25 days from the date on which notice in writing of the Academy Council's decision is given to parents.

In accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended, schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their register.

Remote Access Exclusions Panel Meeting Agenda

- 1. Election of Chair**
- 2. Welcome and Arrangements**

Guidance to be provided on how the meeting will be run including:

 - How participants should indicate they wish to speak
 - Any planned breaks in proceedings
 - How participants can access advocacy services during the meeting
- 3. Presentation of the Case**
 - Summary of case as presented by the Headteacher
 - Summary of case as presented by the pupil/parents
- 4. Opportunity for challenges to the Headteacher's decision from Governors**
- 5. Headteacher, Advocates, Pupil and family to leave the meeting.**
- 6. Governors' decision**
- 7. Headteacher to re-join the meeting.**
- 8. Conclusion**