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# **Management of Exclusions from Schools and Pupil Referral Units**

Guidelines on the procedures and  
protocols set out by  
Welsh Government  
and the Local Authority

## **Access and Inclusion Service**

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<b>Contents</b>	<b>Page</b>
<b>Introduction</b>	<b>3</b>
Definitions and glossary	4
Behaviour policies	5
<b>Section 1: The Decision to Exclude</b>	<b>6</b>
1.1 Reasons for exclusion	6
1.2 Drug-related exclusions	6
1.3 Permanent exclusions	7
1.4 Factors to consider	8
1.5 Alternatives to exclusion	8
1.6 Unlawful exclusions	10
1.7 Length of fixed-term exclusions	11
1.8 Important considerations	12
1.9 Pupils with additional learning needs	13
1.10 Equality	13
1.11 Appeals where discrimination is alleged	14
1.12 United Nations Convention on the Rights of the Child	14
1.13 Children and young people who are looked after	14
1.14 Removal of pupils from school in exceptional circumstances	15
1.15 Removal of pupils on medical grounds	16
1.16 Parental co-operation	16
1.17 Behaviour outside school	16
<b>Section 2: The Exclusion Process</b>	<b>17</b>
2.1 Informing the 'relevant persons' about the exclusion	17
2.2 Educational provision during exclusions	18
2.3 Recording exclusions	19
2.4 Informing the discipline committee and the Local Authority	20
2.5 Exclusion reports	20
<b>Section 3: The Pupil Discipline and Exclusions Committee</b>	<b>22</b>
3.1 Role and responsibilities of the discipline committee	22
3.2 Composition of the committee	22
3.3 Discipline committee meetings	22
3.4 Exclusions from Pupil Referral Units	26
<b>Section 4: Procedures and Reintegration Following Exclusion</b>	<b>28</b>
4.1 Full-time and appropriate provision	28
4.2 Reintegration meetings following fixed-term exclusions	28
4.3 Following permanent exclusion	29

<b>Section 5: Independent Appeal Panels</b>	<b>31</b>
5.1 Role of the Local Authority	31
5.2 Role of the Clerk	32
5.3 The attendees	32
5.4 Procedure during the Independent Appeal Panel hearing	33
5.5 After the hearing	34
5.6 Judicial review	35
<b>Section 6: Alleged criminal offences, police involvement and parallel criminal proceedings</b>	<b>36</b>
6.1 Head teacher's decision to exclude and consideration of the circumstances by the discipline committee	36
6.2 Arrangements for appeal hearing in parallel criminal proceedings cases	36
Appendix A: Model letters	38
Appendix B: Exclusion report pro forma	48
Appendix C: Pupil Discipline Committee meeting checklists	49

## Introduction

When making decisions regarding exclusions and administering the exclusion procedures and appeals process head teachers, teachers in charge of a Pupil Referral Unit (PRU), governing bodies, Local Authorities and independent appeal panels must, by law, have regard to the Welsh Government guidance set out in *Exclusions from schools and pupil referral units* (guidance document 171/2015 - April 2015). There is a strong expectation that this guidance will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgements need to take account of the circumstances of individual cases.

These procedures apply to all maintained schools, including nursery schools and PRUs, and all pupils in them, including any who are below or above compulsory school age. Although there will be times when an exclusion may be deemed to be the appropriate sanction for misbehaviour, this guidance is set out to ensure that exclusions are carried out in a fair and equitable manner and to ensure that interventions are implemented to improve behaviour without solely relying on persistent sanctioning.

This LA guidelines document provides RCT schools with an overview of the salient features of the guidance. It is designed to support schools and governing bodies in managing any exclusions appropriately with due regard both to the legal obligations set out by Welsh Government and to the expectations of the local authority.

Repeated or prolonged exclusions are likely to have negative effect on a pupil's education and attainment. Such pupils are liable to become disengaged and subsequent sanctions will likely become less not more effective. WG guidance sets out that exclusions should be for the shortest possible period as the longer a pupil is out of school the harder it will be to reintegrate them back into mainstream education. Indeed repeated and lengthy exclusions are likely to lose their impact and not deter further misbehaviour but serve to create greater disengagement.

Schools should also be particularly mindful of the effect of exclusions on more vulnerable pupils and the increased risks that they may face. Such pupils would include those with additional learning needs (ALN) including social, emotional and behavioural difficulties and those who are looked after.

Although the order of these local authority guidelines closely follows that of the WG guidance some elements have been brought together to clarify procedures in an abbreviated and simplified form. They are specifically aimed at meeting the needs of schools within RCT taking into account the protocols and procedural expectations set out by the Local Authority (LA). Further important and relevant information is set out in the LA Managed Moves Protocol and Fair Access Protocol documentation.

Additional advice regarding reducing and managing exclusions should be sought from officers within Access and Inclusion who will be able to give specific guidance and support in relation to individual cases and provide training for both schools and governors.

## Definitions and glossary

**‘Fixed-term exclusion’** (FTE) – a sanction that precludes a pupil from attending an individual school for a limited period

**‘Permanent exclusion’** (PEX) – a sanction that precludes a pupil from returning to an individual school unless reinstated by the governing body or the appeal panel

**‘Relevant persons’** - all those who must be formally notified of any exclusions and who share rights under the appeals protocols. These are:

- the parent/carer, if the pupil is of primary school age or below
- both the parent/carer and pupil, if the pupil is of compulsory secondary school age
- the pupil, if over compulsory school age (normally 16)

**‘Parent/carer’** - anyone who has parental responsibility for, or care of, a pupil, which includes guardians and corporate parents. Where a pupil is the subject of a care order, the local authority will have parental responsibility for the child.

**‘Pupil referral unit’** (PRU) - throughout these guidelines, references to a school should be read as referring equally to a PRU. In particular, where the term ‘head teacher’ is used this also refers to the teacher in charge of a PRU. Where WG guidance applies differently to PRUs then this will be indicated separately.

**‘Pupil Discipline Committee’** (PDC) - the school’s governing body’s pupil discipline and exclusions committee. In PRUs this comprises members of the management committee.

**‘Independent Appeals Panels’** (IAPs) - set up by the LA to examine cases of pupils who are permanently excluded if the relevant persons wish to dispute the decision of the discipline committee.

**‘Fair Access Protocol Panel’** (FAPP) – the body, run in co-ordination between the LA and the schools, that administers the placement of ‘hard to place’ more vulnerable pupils including those via managed moves and following permanent exclusion.

The **‘Exclusion Prevention and Intervention Teacher’** (EPIT)- the LA officer whose role is to guide schools in managing exclusions appropriately and to support schools in seeking to reduce both the number and length of exclusions. The EPIT also serves as the parental contact within the LA and should be named as such in any exclusion letters (see Appendix A).

**‘Education Other Than at School’** (EOTAS) – the agency that supports schools in providing appropriate provision for learners excluded for individual periods longer than 15 days including permanent exclusions (see Section 2.2).

## **Behaviour policies**

Schools must have policies and procedures in place that promote good behaviour and prevent poor behaviour. Policies should not merely emphasise disciplinary procedures but also the rewards systems in place to promote good behaviour. A school's behaviour and attendance policy should be seen as an integral part of its curriculum, as all schools should teach values as well as skills and knowledge. The policy should promote self-discipline, respect, fairness and inclusion, and reflect the school's overall aims and its social, moral and religious education programmes.

The policy should also tie in with the school's general approach on promoting the emotional well-being of its pupils, addressing any mental health problems of individual pupils, advancing equality of opportunity between pupils and tackling inequalities and discrimination in accordance with their specific duties under the Equality Act 2010.

They should be relevant to every member of the school community, including staff and parents/carers as promoted within RCT's Restorative Approaches and Well Being projects.

### **Important School Policies:**

- Behaviour and Attendance
- Substance Misuse
- Equalities Plan and Policy
- School Exclusion Policy

## Section 1: The Decision to Exclude

Only the head teacher or teacher in charge of a PRU to exclude a pupil. Irrespective of the severity of the sanction, even if the exclusion is for only half a day, only the head has that authority to make such a decision. If absent, then the most senior teacher may exclude, though they should make clear that they are acting in the head teacher's absence.

### 1.1 Reasons for exclusion

Pupils should only be excluded:

- in response to serious 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

Exclusion should not be used for:

- minor incidents such as failure to do homework
- poor academic performance
- lateness or truancy
- pregnancy
- breaches of school uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules and where all other avenues for resolving the uniform dispute have been exhausted
- punishing pupils for the behaviour of their parents/carers, e.g. where parents/carers refuse or are unable to attend a meeting
- protecting victims of bullying by sending them home

### 1.2 Drug-related exclusions

In making a decision on whether or not to exclude for a drug-related offence the head teacher should have regard to the school's published policy on substance misuse and should consult the appropriately trained members of the school staff. The decision, however, will also depend on the precise circumstances of the case and the evidence available. In some cases, fixed-term exclusion may be more appropriate than permanent exclusion possibly alongside supportive interventions with outside agencies such as BAROD-Cwm Taf Integrated Substance Misuse Service (Drug and Alcohol single point of access (DASPA) 0300 333 0000). In more serious cases, an assessment of the incident should be made against criteria set out in the school's policy. This should be a key factor in determining whether permanent exclusion is an appropriate course of action.

Details on developing and implementing substance misuse policies are contained in the Welsh Government *Guidance for Substance Misuse Education* (guidance document no. 107/2013).

## 1.3 Permanent exclusions

### **Accumulation of disciplinary offences**

A decision to exclude a pupil permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences, following a wide range of other interventions which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies to support the pupil and should normally be used as a last resort. The school should have been working in partnership with the Behaviour Support Service (BSS) and/or the Educational Psychology Service (EPS) to develop strategies with pupils in this situation and, as such, would be able to demonstrate to the disciplinary committee, and possibly to an Independent Appeals Panel, this robust graduated response.

### **One-off offences**

There will, however, be exceptional circumstances where a head teacher may consider it appropriate to permanently exclude a pupil for a first or one-off offence.

These might include:

- serious actual or threatened violence against another learner or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- use or threatened use of an offensive weapon

In most cases it would be appropriate for schools to inform the police if they believe such a criminal offence has taken place. There may be cases where this approach is appropriate for pupils excluded for a fixed-term. Schools should also consider whether or not to inform other agencies, e.g. Youth Offending Service, Children's Services, etc.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available to the head teacher may be very limited. However, it should be possible for the head teacher to make a judgement on whether to exclude the pupil. The head teacher should not postpone a decision because of the possibility that criminal proceedings might be brought in respect of the same incident (see Section 6).

Even in cases of one off serious offences, there is an expectation that schools liaise closely with the LA in order to explore alternative avenues and solutions.

In more serious cases, an assessment of the incident should be made against criteria set out in the school's policy. This should be a key factor in determining whether permanent exclusion is an appropriate course of action.

A permanent exclusion does not normally preclude a pupil from attending another mainstream school of their choice unless it is the second such exclusion within two years.



## 1.4 Factors to consider

Before deciding to exclude head teachers should:

- maintain a written record of the incident and actions taken
- ensure that an appropriate investigation has been carried out
- allow the pupil to give his or her version of events
- consider all the evidence available to support the allegations (the more serious the allegation and thus the potential sanction, the more convincing the evidence substantiating the allegation needs to be)
- the standard of proof when making decisions regarding exclusions is based on the principal of 'the balance of probabilities' not 'beyond reasonable doubt'
- check whether the incident may have been provoked, e.g. by bullying or by racial or sexual harassment
- take account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010 (see Section 1.9)
- consider the possible impact regarding safeguarding an exclusion may have on more vulnerable pupils especially those under Child Protection orders
- if necessary consult others, but not anyone who may later have a role in reviewing the head teacher's decision, e.g. a member of the discipline committee
- consider whether they have adopted a sufficiently effective school strategy to support any pupils with behavioural and emotional needs
- ensure that they have adopted a robust graduated response, liaised with relevant external agencies and considered a range of options to address ongoing behaviour concerns (see 1.4)
- liaise with the EPIT regarding exclusions which would necessitate consideration by the governors' pupil discipline committee (see Section 3)

## 1.5 Alternatives to exclusion

Exclusion should not be used if alternative solutions are available. Examples include the following:

- **Removal of pupils from specific lessons**  
Following challenging behaviour in specific lessons it might be deemed necessary as a planned response to withdraw pupils for a set period. However, this should be temporary and should not occur on a regular basis without making suitable alternative arrangements for their education. Although not classified as an exclusion the situation should be discussed with parent/carer and pupil and arrangements regularly reviewed. The aim should be to return the pupil to the lesson, possibly following a restorative meeting with the member of staff. Alternatively, it may be deemed more appropriate to arrange a change of class or set.

- **Lunchtime behaviour**  
 Some pupils' behaviour can be particularly difficult at lunchtime. Where this is the case, it may be possible, through discussion and agreement with the parent/carer, to arrange for the pupil to go home for lunch. If this is not feasible, provision exists to exclude the pupil for the duration of the lunchtime, placing the legal responsibility for the pupil back with the parent/carer.
- **Restorative approaches**  
 This intervention gives pupils who have caused significant harm to others the opportunity to appreciate the impact of their behaviour and redress the harm that has been done to others. It enables all parties with a stake in the outcome to participate fully in the process. A multi-agency approach should be adopted with all relevant professionals involved in the process. All parties must consent to participate.
- **Internal exclusion**  
 This is sometimes referred to by schools as 'inclusion' and may be used to diffuse situations that require a pupil to be removed from class but may not require exclusion from the school premises. The pupil may be placed in a designated area within the school, with appropriate support, or to another class on a temporary and time limited basis, and may continue during break periods. If segregated from other pupils during lunchtimes, arrangements should be made for pupils who are entitled to free school meals. This may mean providing a packed lunch.  
 The use of internal exclusion should be monitored to ensure that it is effective and does not inadvertently disadvantage individual pupils from accessing mainstream education in the longer term.
- **Pastoral Support Programmes (PSPs)**  
 These are plans for pupils to better manage their behaviour and should be drawn up, with the pupil and parents/carers, using a multi-agency approach and should be reviewed on a regular basis. For more details regarding setting up such plans see Welsh Government *Inclusion and pupil support* (guidance document no. 203/2016) section 4.18. These may include a modified or reduced timetable as described as 'Flexi- learning' in section 5.2.25. Any such arrangement should be short-term and drawn up both in agreement with parents and in liaison with the LA.
- **Risk assessments/positive handling plans**  
 For those pupils presenting dangerous behaviour, plans should be drawn up to manage risk and to ensure that crises are avoided or deescalated safely.
- **Managed moves**  
 If a school feels that it can no longer manage the behaviour of a particular pupil, a move to another school, initially for a trial period, may be arranged. In the first instance, it is recommended that the school discuss the matter with the EPIT before suggesting this solution to parents so that

correct procedures are followed (see RCT's *Managed Moves Protocols* for detailed information regarding this process). Parents/carers should never be pressurised into removing their child from school under threat of a permanent exclusion, nor should learners be deleted from the school roll to encourage them to find another school place.

- **Additional provision/alternative placements**

Schools should consult with officers of the appropriate LA agencies such as the Education Psychology Service (EPS) and the Behaviour Support Service (BSS) to establish whether the criteria for securing a specialist placement are met and to clarify the relevant processes for making an application.

- **Further education (FE) colleges**

This may be an appropriate option for particular pupils in Years 10 or 11 and the EPIT would be available to discuss this option with schools. Schools remain responsible for the costs of making provision in the FE sector for excluded pupils, and remain accountable for the outcomes achieved.

- **Work placements**

Older pupils are likely to benefit from spending one day a week on a work placement, perhaps studying for a vocational qualification. This can help to equip them with broader life skills. Such provision should always be carefully planned and closely monitored. Special courses to develop work-related skills run by agencies such as the Careers Service, Youth Service and voluntary organisations might also be included in the timetable.

Further guidance on the range of other agencies working within RCT who are able to provide additional support for individual pupils may be sought through the BSS.

## **1.6 Unlawful exclusions**

A head teacher who considers a pupils behaviour sufficiently difficult to warrant exclusion, either for a fixed-term or permanently, should follow the procedures described in WG guidance. Informal or unofficial exclusions, are unlawful regardless of whether they are done with the agreement of parents or carers.

This would include:

- sending pupils home for disciplinary reasons but not following the procedures required for formal exclusion
- pupils being sent home for either short periods of time or for longer indefinite periods which can sometimes result in the pupil not returning to school at all

- influencing or encouraging parents/carers to ‘voluntarily’ withdraw their child from school either for short periods or permanently as a way of dealing with difficult or challenging behaviour

Parents/carers should never be pressured into removing their child from school under threat of a permanent exclusion, nor should pupils be deleted from the school roll to encourage them to find another school place.

A pupil may not be sent home for a cooling off period or for ‘health and safety’ reasons without carrying out a formal exclusion. Schools may feel that avoiding an exclusion benefits the learner but the lack of proper process may prevent appropriate monitoring and support or hinder legal recourse for parents and pupils.

In every instance where a pupil is sent home for disciplinary reasons, head teachers must formally record and specify the length of the exclusion.

If in extreme circumstances it is considered necessary to send a child home during the school day they should ensure that:

- they are meeting their legal duty of care towards learners and that parents/carers are formally notified of the exclusion especially if a learner is excluded during the school day without being collected by a parent
- child protection issues are taken into account and that the learner is not placed at risk by being left to wander the streets or to be unsupervised at home

(See section 2.3 regarding the calculation of the length of exclusion in these circumstances.)

## **1.7 Length of fixed-term exclusions**

Although the length is likely to be determined by the severity of the offence, having taken into account the age of the pupil, individual exclusions should be for the shortest time necessary. Exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school.

### **Part-time exclusions**

An exclusion does not have to be for a continuous period. So, for example, if a pupil is dually registered in a PRU a three day exclusion from the school could be for one day in one week and two days in the following week (see 2.3 Recording exclusions para. 2). However, for part time pupils, if such an exclusion is put in place there will be an increased likelihood of a detrimental impact on the prospects of successful reintegration. For pupils attending a school only one day a week even a short exclusion may result in lack of contact over a prolonged period and the head teacher should consider adjusting the length accordingly.

An exclusion from school would not preclude the pupil from attending the PRU or vice versa.

### **Lunchtime exclusions**

If lunchtimes are a particular issue schools may come to an agreement with parents to arrange for the pupil to go home at this time placing the legal responsibility for the pupil back with the parent/carer. Arrangements should be put in place to ensure a pupil does not lose any entitlement to Free School Meals. If no agreement is possible an exclusion may be put in place but this should be a short-term measure only, with regular review of whether it continues to be an appropriate approach. Lunchtime exclusion must be treated as equivalent to one quarter of a school day.

### **Converting exclusions**

In exceptional cases, usually where further evidence has come to light, an exclusion may be extended or converted to a permanent exclusion. In such cases the head teacher must write again to the parents/carers and/or pupil explaining the reasons for the change.

Conversely, if the head teacher feels it appropriate, a fixed-term exclusion may be shortened or a permanent exclusion retracted ahead of the PDC hearing. The latter may follow specific advice as to the appropriateness of the decision or the securing of additional support or alternative provision.

## **1.8 Important Considerations**

To ensure that repeated and lengthy exclusions do not have a detrimental impact on the education of pupils, particularly the most vulnerable, certain procedural processes and protocols should be followed:

- All exclusions are to be recorded on SIMS, both on the attendance register and under exclusions (see 2.3).
- Exclusions may not be given for an unspecified period, e.g. until a meeting can be arranged.
- For even the shortest exclusion a parent/carer or pupil may make representations to the governing body who may decide to hold a meeting to consider the matter. Unless the exclusion is not spent they cannot reinstate the pupil but may place a record of their consideration on the pupils educational record.
- Specific requirements are in place to ensure that provision for a pupils education is in place during exclusions of more than one day (see 2.2).
- The LA provides support and guidance for parents/carers and pupils who raise concerns regarding exclusions and are advised as to their legal rights and, particularly in cases subject to PDC meetings and possible IAP hearings, encouraged to consider securing advocacy support through agencies such as SNAP Cymru.
- The school must also inform the LA and PDC of exclusions totalling more than 5 days in one term or where a public examination is to be missed (see 2.4). In these cases the relevant persons are entitled to request a formal meeting with the committee which must be held within 50 school days (see 3.3).
- The committee must also meet to discuss fixed-term exclusions totalling more than 15 days in any one term irrespective of any representation

made by the parent/carer or pupil. Each subsequent exclusion of the same pupil, in the same term, would require another meeting.

- It is also considered best practice for the governing body to convene to discuss individual pupils where there has been 25–30 days of fixed-term exclusions within a school year.
- A pupil may not be excluded for a total of more than 45 school days in any one school year, irrespective if they change placement during that period.
- Reaching this limit does not automatically proceed to a permanent exclusion.
- If a pupil receives a permanent exclusion the PDC must meet within 15 school days to consider the head teacher's decision.
- If a permanent exclusion is upheld the relevant persons, within 15 school days of being informed of the decision, may request a review of the case to be heard by an IAP hearing arranged by the LA. This must be arranged and held within the following 15 school days.
- The Welsh Government can consider complaints about a discipline committee's operation of the exclusion procedure but has no power to overturn the exclusion or to consider complaints about the decision of an independent appeal panel.
- Exclusions are routinely monitored by the LA to ensure that schools receive appropriate support and advice regarding the management of exclusions to ensure that procedures are followed.
- The LA will review fixed-term and permanent exclusions from PRUs in the event of concerning trends. Exclusion data will be routinely scrutinised in PRU management committee meetings.
- Schools and PRUs are required to provide exclusion data to the LA which is collated and presented in half termly and annual reports. Those schools whose levels of exclusion are cause for concern may receive support and challenge visits to address the issue.

## **1.9 Pupils with additional learning needs (ALN)**

Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements of ALN which may include SEBD. They should also make every effort to avoid excluding pupils who are being supported at School Action or School Action Plus or who are being assessed for a statement of Special Educational Needs. Schools should try every practicable means to maintain the pupil in school and should ensure that a robust graduated response to meeting SEN has been adopted. This should include seeking LA and other professional advice including referrals to the EPS and Behavioural Support Team, or, where appropriate, asking the LA to consider carrying out a statutory assessment. For a learner with a statement the school should liaise with their LA about initiating a formal review of the pupils' statement. Where a pupil is permanently excluded, the head teacher should use the period between their initial decision and the meeting of the discipline committee to work with the LA to see whether more support or an amendment to the provision outlined in the statement can be arranged through an emergency annual review. If this is possible, the exclusion should normally be withdrawn.

## **1.10 Equality**

The Equality Act 2010 consolidates and replaces the previous discrimination legislation for Wales, England and Scotland. The 2010 Act does not prohibit schools from excluding learners with a protected characteristic but does prohibit schools from excluding learners *because* of their protected characteristic (e.g. their disability or their racial group) or discriminating unlawfully during the exclusions process. This applies to all exclusions whether permanent or fixed-term.

It is unlawful to exclude a pupil with a protected characteristic for behaviour that a pupil without a protected characteristic would not be excluded for. For example, if a disabled pupil is excluded for behaviour connected to their disability this could be considered unlawful discrimination unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim.

The Welsh Government guidance strongly recommends that schools and those involved in exclusion decisions and appeals read the guidance and the code of practice, which is available on the Equality and Human Rights Commission website ([www.equalityhumanrights.com](http://www.equalityhumanrights.com)).

## **1.11 Appeals where discrimination is alleged**

Where disability discrimination is alleged to have taken place appeals against permanent exclusion will be heard by the independent appeal panel. Claims alleging disability discrimination in respect of fixed-term exclusions will be heard by the Special Educational Needs Tribunal for Wales (SENTW). The Equality and Human Rights Commission has a number of guidance documents and a code of practice to assist schools in understanding and complying with their duties under the Equality Act 2010, including in relation to exclusions. Schools must have a sound understanding of this guidance to ensure their compliance.

## **1.12 United Nations Convention on the Rights of the Child (UNCRC)**

The best interest of the child, in line with the United Nations Convention on the Rights of the Child, needs to be at the core of any decision to exclude and any subsequent exclusions procedures.

## **1.13 Children and young people who are looked after (CLA)**

As stated in the introduction, children or young people looked after by LAs are especially at risk of low attainment in school. Schools should try every practicable means to maintain the learner in school and should seek LA and other professional advice as appropriate. Children's Services departments should in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the pupil. Referrals to the CLA Education

Team within Access and Inclusion should be undertaken in the event of concerning exclusion trends involving such pupils.

If learners are excluded, anyone who is acting as a parent/carer will have the right to make representations and to appeal. The definition of a parent in the Education Act 1996 is broadly drawn and includes those who have parental responsibility or has care of the child. This will include the LA where there is a care order in respect of the child and any person (e.g. a foster parent) with whom the child lives. These are in addition to the child's birth parent/s. This means that there could be more than two parents/carers whom the school has to notify about exclusions and who will have the right to make representations and possibly appeal.

Social workers should always be informed about such exclusions relating to children and young people who are looked after. Schools should also ensure that such pupils have access to advocacy services to ensure that their voices are heard. In Rhondda Cynon Taf, this can be accessed through Children's Services who commission a provider to deliver advocacy services for looked-after children or pupils with SEN. Further information can also be provided from the Access and Inclusion Service.

#### **1.14 Removal of pupils from school in exceptional circumstances**

In certain situations formal exclusions may be inappropriate. An example is where a pupil is accused of committing a serious criminal offence which took place outside the head teacher's jurisdiction or where there may be insufficient evidence to warrant exclusion. In agreement with parents/carers a head teacher can authorise a leave of absence for a fixed term.

Alternatively, more rarely, exercising powers delegated to the governing body (or management committee for PRUs) a pupil may be directed to attend educational provision elsewhere without parental approval, although the parents/carers should be notified (see section 29(3) of the Education Act 2002). This power should not be used to direct pupils off-site for educational provision/training to improve their behaviour.

In either case, the school must ensure that the pupils full-time education continues while off-site. This may require an application to EOTAS to arrange home tuition. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be kept under periodic review involving the parents/carers and will be closely monitored by the EOTAS service and regularly reviewed by the EOTAS panel. It is important that the actions and arrangements are documented to remove any possibility of this being construed as an unlawful exclusion.

#### **1.15 Removal of pupils on medical grounds**

Head teachers may send a pupil home, after consultation with the pupils parents/carers and a health professional (such as a school nurse) where because of a diagnosed illness such as a notifiable disease the pupil poses



an immediate and serious risk to the health and safety of other pupils and staff. This does not constitute an exclusion but should be recorded as an authorised absence.

### **1.16 Parental co-operation**

If a parent/carer refuses to co-operate with a formal exclusion by sending the excluded pupil to school, or refusing to collect or arrange collection of the pupil at lunchtime, the school must have due regard for the pupils safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents/carers are unsuccessful, the school should consider whether to contact the Attendance and Wellbeing Service and seek the advice of the LA about available legal remedies.

### **1.17 Behaviour outside school**

Pupils' behaviour outside school on school business, e.g. on school trips, away school sports fixtures or work experience placements is subject to the school's behaviour policy. Inappropriate behaviour in these circumstances should be dealt with as if it had taken place in school. For poor behaviour outside school, but not on school business, a head teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the learner body as a whole. Such objectives might be to:

- maintain good order on transport, educational visits or other placements such as work experience or college courses
- secure behaviour which does not threaten the health or safety of pupils, staff or members of the public
- provide reassurance to pupils who may feel threatened or intimidated by the behaviour of a small minority of their peers
- provide reassurance to members of the public about school care and control over pupils and thus protect the reputation of the school
- provide protection to individual staff from harmful conduct by pupils of the school when not on the school site

## Section 2: The Exclusion Process

Schools should carefully follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions. Procedural requirements set out by Welsh Government depend on the length of the exclusion. Schools may find the flowcharts provided on the back pages of the WG guidance useful in helping ensure that these procedures are followed appropriately. To assist schools in planning for PDC meetings checklists are provided in Appendix B of these guidelines. If further guidance or advice is required schools should discuss the matter with a Behaviour Support Teacher or contact the EPIT. When considering permanent exclusions it is strongly recommended that the matter be discussed with the EPIT before any final decision is made.

### 2.1 Informing the 'relevant persons' about the exclusion

Whenever a head teacher or a teacher in charge of a PRU excludes a pupil, notification must be given immediately to the relevant person (see Introduction: Definitions and glossary) closely followed by an official letter.

When the notification by letter is given depends on when the pupil is excluded:

- where the pupil is excluded during the morning session, written notice must be sent before the start of the afternoon session
- where the pupil is excluded during the afternoon session, notice must be sent by the end of that afternoon session

The notification should include:

- the reasons for the head teacher's decision
- whether the exclusion is for a fixed term or permanent
- if fixed term, the length of the exclusion (see 1.6)
- arrangements for the pupils return to school including the date and time and plans for any parental meeting
- if for a lunchtime, the precise arrangements particularly regarding possible entitlement to free school meals
- if permanent, the date it takes effect and any relevant behaviour history
- arrangements for continuing education (see below)
- the rights and procedures regarding making representations to the PDC
- the latest date for any obligatory PDC hearing
- the right to see the learner's educational record
- contact details of the LA officer who can provide advice and guidance

The greater the impact of both single and cumulative exclusions the greater the rights of the relevant persons to have their case heard by the discipline committee. The model letters set out in Appendix A take this into account and should be chosen accordingly.

In exceptional cases when it is decided to extend the exclusion or convert it to a permanent exclusion, the head teacher must write again to the parents/carers and/or pupil explaining the reasons for the change and the

appropriate model letter employed. If converted to a permanent exclusion the timescales regarding the arrangements for the PDC start from the date of the conversion (see 2.3).

The details of all exclusion cases should be treated in the strictest confidence by all those involved in the process.

## **2.2 Educational provision during exclusions**

There are specific expectations that schools must meet to ensure that educational support is in place during an exclusion to ensure that learning does not suffer and to allow for successful reintegration.

### **Setting and marking work**

In all cases of exclusions longer than one day, arrangements for work to be provided should be set up immediately. These will be set out in the official exclusion letter. Parents/carers should arrange for the work to be collected and returned and the school must ensure that it is marked and that further work is set until the pupil returns to school.

The governing body is responsible for ensuring that the school complies with these requirements. Head teachers should have a written policy on arrangements for receiving learners back into school after a fixed-term exclusion, which should include receipt of work completed during the exclusion. However, failure to complete work does not constitute a reason for refusing to allow the pupil to return to school.

### **Lengthy and permanent exclusions**

If a head teacher excludes a pupil for a single period of more than 15 school days plans should be put in place to address the pupils' difficulties and secure their continuing education. It is not considered sufficient just to provide work to be carried out independently after this period and schools are required to make prompt referrals to the Education Other Than at School (EOTAS) panel to allow home tuition to be arranged accordingly. The cost of providing education for the pupil will be met by the schools in accordance with local policy.

The Welsh Government expects LAs and schools to work toward ensuring all pupils excluded for more than 15 school days receive full-time and appropriate education. Where, in exceptional cases, this is not possible owing to the circumstances of an individual pupil, there should be in place plans for full-time, appropriate provision with regular reviews of progress.

The school therefore must initiate early contact with the LA, ideally before the pupil is excluded, to discuss how to provide an appropriate package of full-time education for the pupil that will facilitate reintegration into the school at the end of the exclusion. The school needs to involve other relevant agencies such as educational psychology services or health professionals in this process.

Pupils who are permanently excluded remain on the school's roll until the arbitration and appeals process has run its course. This could take up to 6 weeks and the school is obliged to continue to provide educational support during this period. Therefore there is the same expectation regarding the prompt application for home tuition.

Irrespective of any pending appeal, the EPIT will discuss with parents/carers alternative choices regarding alternative mainstream schools to ensure that the application process is not delayed.

If, through parental choice or following the IAP process, it is necessary to arrange an alternative placement the school is required to complete an Intention to Transfer form to provide the appropriate evidence to the FAPP to facilitate this process.

### **2.3 Recording Exclusions**

Excluded pupils should be marked as an authorised absence in the attendance register using code E. Where alternative provision is made they should be marked using the appropriate code, such as Code B (educated off-site) or Code D (dual registered).

Should a dual registered pupil be excluded from one of their bases, the exclusion must be recorded in the attendance coding of both schools as with all registration marks, i.e. an E code must be used on the session(s) the pupil has been excluded from either provision. However, the exclusion should only be recorded in the exclusion module of SIMS of the school or PRU where the incident took place and thus the exclusion would only be counted against the setting that issued the exclusion. If any exclusion is split by attendance in another provision it must be entered as a part time exclusion and the length entered manually in the exclusion module.

Those pupils who are on a trial as part of a managed move are registered as a 'Guest'. As such any behaviour that suggests an exclusion might be an appropriate sanction must be referred to the home school and any exclusion implemented and managed by the head teacher of that school.

Caring for excluded pupils will be the focus of regular auditing for compliance by the Attendance and Wellbeing Service so schools should liaise with EOTAS to ensure non-attendance of provision such as home tuition is accurately recorded.

For the purposes of calculating the length of the exclusion if the pupil is excluded during the morning it will count as half a day. If this occurs during the afternoon session the day of the exclusion should be disregarded unless the pupil is allowed to return the following day. In these circumstances the

school should follow the same process as if the exclusion took place in the morning session.

Lunchtime exclusions will be recorded as quarter days. As with other non-continual exclusions these will need to be manually entered.

In the case of a permanent exclusion, the pupil remains on the roll of the school until:

- the parent/carer has informed the LA that no appeal is to be brought
- the time limit for an appeal has expired without an appeal being brought (15 school days after the relevant persons were notified of the outcome of the PDC meeting- allow 17 days if the notification is posted)
- the IAP ratifies the head teacher's decision

During this period the pupil will be recorded as E unless they are receiving alternative provision such as home tuition whereby it would be recorded as Ds. These E marks will not count towards the total of days of exclusion reported to and by the LA.

If a Fixed Term Exclusion (FTE) is converted into a permanent exclusion it may be deleted and replaced but the dates regarding the holding of the PDC will in normal circumstances run from the date of the conversion.

## **2.4 Informing the PDC and the Local Authority**

The school is required to record all exclusions as they occur and inform the LA via SIMS. Exclusions are to be reported to the governing body once a term.

In addition, within one school day, the head teacher must send a report (see below) to both the PDC and the EPIT in regard to:

- exclusions which will result in a pupil being excluded for a cumulative total of more than five school days in any one term
- any subsequent exclusions for the same pupil within the same term
- exclusions which would result in the pupil missing a public examination
- permanent exclusions

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher must also advise the home LA of the exclusion, so that they can make arrangements for the pupils continuing education.

## **2.5 Exclusion Reports**

Exclusion reports must include:

- the pupils name, age, date of birth, gender and ethnicity

- whether the pupil has a statement of SEN, is being assessed for such a statement, or is at School Action or School Action Plus
- whether the pupil is in LA care
- the length of the exclusion
- the reason for the exclusion

A pro forma for exclusion reports is set out in Appendix B for this purpose. It includes the codes to be used when recording exclusions on SIMS. To allow for accurate collation of data schools are encouraged to avoid '*other*' wherever possible.

## **Section 3: The Pupil Discipline Committee**

### **3.1 Role and responsibilities of the discipline committee**

The role of the committee includes reviewing the use of exclusion within the school. However the decision to exclude is that of the head teacher and the committee solely meets to decide whether or not to ratify that decision in accordance with WG guidance. Therefore it is important that PDC members are fully aware of the expectations laid out within that guidance regarding the responsibilities of both the head teacher and themselves.

They should receive training to enable them to discharge their duties properly otherwise exclusions may be successfully appealed or representation might be made directly to Welsh Government. The LA organises training sessions for both school staff and governors on exclusions issues and members of the discipline committee should be encouraged to attend. These are arranged and promoted by Governor Support. Alternatively, on request, bespoke training can be provided by the Behaviour Support Team.

### **3.2 Composition of the committee**

The committee has to consist of three or five members, drawn from the governing body not including the head teacher (for PRUs see 3.4). The governing body should aim to include a range of different types of governor. They should also take account of the need for members of the discipline committee to meet quickly when a pupil has been excluded.

Where a governor has a connection with the pupil or the incident which might reasonably raise doubts about their ability to act impartially they should not serve at that particular hearing.

The governing body should also appoint a clerk to the discipline committee who has the experience to provide advice on the exclusion procedures, handle the administrative process, advise the committee and run meetings. In RCT clerking services are provided for primary schools by Governor Support.

### **3.3 Discipline committee meetings**

In the case of any pupil being excluded in any one term for a total of five school days or fewer:

- The discipline committee must consider any representations from the parent/carer and pupil.
- The chair of the discipline committee may agree to convene a meeting if the parent/carer requests a meeting to discuss the exclusion.

While no statutory time limits apply to the consideration of such exclusions, the chair should consider responding promptly to any request from the parent/carer.

In the case of any pupil being excluded in any one term for a total of more than five school days or more (including lunchtimes) but not more than 15 school days:

- if the parent/carer and/or pupil requests a meeting the PDC must meet to consider the exclusion between the sixth and the fiftieth school day after receiving the notice of exclusion from the head teacher

In the case of a permanent exclusion or a pupil being excluded in any one term for a total of more than fifteen school days (including lunchtimes):

- The PDC must meet between the sixth and fifteenth school day after the date of receipt of the exclusion notification to consider the exclusion.
- The PDC must to consider each subsequent exclusion for the same pupil given within the same term.

In the case where a learner is to miss a public examination and alternative arrangements cannot be agreed the PDC should meet, if practical, before the date on which the pupil is due to take the examination.

If not the chair alone may consider the exclusion and decide whether or not to reinstate the pupil.

If the committee do not uphold the head teacher's decision and if the exclusion has not expired it may direct reinstatement otherwise they are limited to putting a record of their considerations on the pupils' educational record. In some cases. Depending on the nature and seriousness of the exclusion, the discipline committee may exercise its discretion to allow an excluded pupil on the premises for the sole purpose of taking a public examination.

### **Planning and preparation**

The clerk or chair must:

- invite the parent/carer and/or pupil, head teacher and the EPIT to the meeting at a time and place convenient to all parties, including possible advocates, to be held within 15 school days
- ask for any written statements (including witness statements) well in advance of the meeting
- circulate to all parties, including the pupil if appropriate, at least five school days before the meeting, any written reports (including witness statements), relevant information and a list of attendees (see Appendix C)
- must offer the opportunity for the views of the excluded pupil to be considered at the meeting, irrespective of their age which may be in person, in writing or in any other practical format

It is important, if they so wish, for the parent/carer and/or pupil to attend but this not obligatory. Although any meeting should, within reason, be postponed to facilitate attendance they may be held without their presence.

The discipline committee should allow the parent/carer and/or pupil to be accompanied by a friend or legal representative at their request. Where pupils of compulsory school age are not accompanied by their parents/carers the LA should endeavour to obtain the services of an advocate to speak on behalf of



the pupil. This is particularly important where learners may be considered not to have sufficient maturity or capacity to represent themselves effectively. Further details relating to advocacy services can be provided by the Behaviour Support Team.

The LA is not required to send a representative to all discipline committee hearings in the area. However the LA should send a representative to all permanent exclusion meetings and to longer fixed-term exclusion meetings if possible.

The committee must comply with the statutory time limits and are not relieved of their legal obligation to carry out the relevant duty if they fail to comply. Accordingly their decision will not be invalid simply on the grounds that it was made out of time.

PDC meetings may consider more than one exclusion as long as they comply with the statutory time limits within the regulations relating to each one.

### **Procedure during the meeting**

The hearing should be informal to ensure that all attendees, especially pupils and parents, do not feel intimidated and are able to share their points of view effectively. The Clerk should take minutes of the proceedings; recording the attendance, the main points raised, the voting and the decision.

At the beginning of the hearing the Chair should outline the procedure to be followed and clarify the limited role of the Clerk.

The Clerk, having introduced all the attendees, should set out the order in which attendees will state their case.

The head teacher would normally set out the reasons for the exclusion and any interventions that had been put in place to support the pupil and help manage their behaviour.

The pupil and/or parent/carer will then be asked to state their case which may include disputing points of fact or suggesting mitigating circumstances.

The discipline committee may ask any LA officer present to make a statement or ask for specific technical or procedural advice.

After each presentation all parties will be allowed to ask questions to ascertain facts or clarify matters. Sufficient time must be allowed to allow all parties to put forward their case.

### **Reaching a decision**

Only the head teacher has the power to exclude. The discipline committee's role is only to review exclusions. The PDC cannot increase the severity of an exclusion, e.g. by extending the period of a fixed-term exclusion or by imposing a permanent exclusion in substitution for a fixed-term exclusion.

The PDC can only uphold an exclusion, or direct the pupils' reinstatement, either immediately or by a certain date. If the discipline committee cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they can place a copy of their findings on the pupils' school record.

The discipline committee should bear in mind that, in the case of a permanent exclusion, if an appeal is lodged against the committee's decision the independent appeal panel will not just review the committee's decision, it will rehear all the facts of the case including any fresh evidence provided by the appellant or by the school.

The discipline committee should make its decision in private having asked the other parties to withdraw. The Clerk may stay with the committee to help them with reference to the notes of evidence and in wording their decision report.

In reaching their decision the committee should consider:

- any representations made by the parent/carer, the pupil and the LA officer
- issues where there is a lack of clarity or where more information may be needed
- whether the head teacher's decision to exclude the pupil was justified based on the evidence according to the balance of probabilities
- whether the head teacher has complied with the exclusion procedure and has given due regard to the Welsh Government's guidance before deciding to exclude the pupil
- appropriate school policies, including the school's published behaviour policy, equal opportunities policy, anti-bullying policy, ALN policy and race equality policy
- whether the length of exclusion is appropriate in relation to these policies or in comparison to other similar offences in this or other schools in the authority
- whether the school can demonstrate that sufficient measures have been put in place to support the learner in improving their behaviour and to manage risk- particular consideration should be given to the use of PSPs in setting out this provision
- whether any mitigating circumstances such as bullying or provocation should be taken into account
- whether the school has sought support from LA and has explored all appropriate alternatives to exclusion

If the discipline committee decides not to uphold the head teacher's decision the learner should, if practical, be reinstated immediately or by a specific date. Normally this would be no more than five school days after the decision date. If the discipline committee decides to direct reinstatement, the school should consider whether extra short-term support would help to ensure successful reintegration.

Where reinstatement is not practical the outcome of their review should be added to the learner's educational record for future reference.

If the discipline committee decides to confirm a head teacher's decision to implement an ongoing exclusion longer than 15 school days, it should be satisfied that there are suitable arrangements for the pupil to continue their education while away from school. It will not be sufficient for the pupil simply to continue to do work at home with no supervision, and the discipline committee should ensure that extra support (e.g. home tuition) or, if appropriate, specialist services (e.g. counselling) are being arranged.

### **Procedure after the meeting**

The discipline committee should inform the parent/carer and/or pupil, the head teacher and the LA of their decision in writing within one school day of the hearing, stating its reasons. The committee may not attach conditions to any direction it may give to the school to reinstate the pupil; however, this does not prevent a school from following good practice in reintegrating the pupil.

If the PDC ratifies a decision to permanent exclude a pupil, its letter to the parent/carer and/or pupil should also include:

- the reason for the decision
- their right to appeal to an independent appeal panel
- the contact details of the Clerk to the Independent Appeal Panel based in the Access and Inclusion Service to whom any notice of appeal should be sent
- the date by which any notice of appeal should be lodged i.e. 15 school days after the day on which notice in writing was given of the discipline committee's decision (where the notice is sent by first class post it is treated as having been given on the second working day after it was posted)
- that any notice of appeal must set out the grounds on which the appeal is made
- that any claim of discrimination should also be set out in the notice of appeal  
(see Appendix A: Model letter 5)

Schools must ensure that the social workers of children and young people who are looked after are also informed and that they are aware of available advocacy services.

A note of the PDC's views on the exclusion should be placed on the pupils' school record, along with a copy of the head teacher's exclusion letter and other relevant papers. However, if the pupil is reinstated the school is under no obligation to comply with any request from parents/carers to delete details of the exclusion from the pupils' record. Indeed, where the exclusion is a matter of fact, i.e. it has been served or partly served, it would not be lawful to delete details of it from the pupils' educational record (see Section 5).

## **3.4 Exclusions from Pupil Referral Units**

The LA must review all fixed-term and permanent exclusions from PRUs and consider any representations made by parents/carers and/or learners.

In such settings the PDC is made up of members of the management committee clerked by Governor Support. The panel is not obliged to meet unless a decision is made to exclude a pupil that results in the cumulative total exceeding 15 school days in one term. In these circumstances the committee should convene within 15 school days of the decision to exclude to consider whether to reinstate the learner if this is considered appropriate and practical. They must allow oral representations to be made by the parent/carer and/or pupil and teacher in charge.

In the case of permanent exclusions from PRUs the committee should decide promptly whether or not to uphold the decision but oral representation from the parent/carer and/or pupil may only be made at the appeal panel stage.

## Section 4: Procedures and Reintegration Following Exclusion

### 4.1 Full-time and appropriate provision

Whilst the Welsh Government believes that full-time education should remain the aim for all pupils it recognises that in some cases learners may need a phased return into such provision. Some pupils may have become so disengaged from education or their current circumstances may be such that a rapid reintroduction to full-time education is unlikely to prove successful. For these pupils, the plans for their future education should cover specifically how the move to full-time education is to be achieved.

Normally, pupils excluded for longer periods, including permanently excluded pupils, should receive an education appropriate to their needs, including access to a full, broad and balanced curriculum within 15 days of the PDC meeting. In most circumstances the school will have sought support from EOTAS during this period (please refer to Section 1). Irrespective of any pending appeal parents will be advised by the EPIT as to their options and, if appropriate, asked to complete the appropriate section of the Intention to Transfer form (see section 2.2) so that arrangements may be made to arrange a place in an alternative mainstream school without delay.

### 4.2 Reintegration meetings following fixed-term exclusions

The Education (Reintegration Interview) (Wales) Regulations 2010 require head teachers of schools to request parents/carers of pupils excluded for a fixed-term to attend a reintegration interview at the school (with notice in writing giving the date, time, duration and the purpose of the interview) in regard to:

- all fixed-term exclusions for primary-aged pupils
- fixed-term exclusions of six or more days for secondary-aged pupils

However, it should be considered best practice for schools to set up meetings following all exclusions. It should be noted that a request for interview is not required if the first day of exclusion is within the last 10 days of the term of the school year or the head teacher expects the pupil to leave school for a reason unconnected with their behaviour before the end of the required 15-day period for the interview.

The reintegration meetings provide the opportunity to:

- emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the pupils behaviour
- discuss any concerns that the parent/carer or learner may have
- reach agreement on how the pupils education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour

The head teacher must try to arrange the interview for a date and time that is convenient to the parent/carer. The interview date suggested by the head teacher should be a school day, but the interview can be held on a non-school day if the head teacher and parent/carer agree.

Schools will have to offer reintegration interviews and parents/carers will be expected, though not required, to attend them. If a parent/carer does not attend this should not affect the pupils return to school. An exclusion cannot be extended because a parent/carer did not attend a reintegration interview or if a meeting is not able to be held before the end of the exclusion.

NB: The timescales for reintegration meetings set out in the WG guidance are designed to ensure that parents are given every opportunity to attend, particularly if they may be subject to current or future parenting orders, i.e. within 15 school days of the last day of the exclusion period and with at least 6 days notice.

However this would mean that a pupil could be back in school for over a week, and possibly for up to three weeks, before a meeting was held to agree appropriate support or provision to avoid further exclusions. Therefore head teachers may choose to amend the model letters in the WG guidance (reproduced in Appendix A), removing the reference to the dates for the reintegration meeting, and make an informal request for a meeting at the earliest opportunity.

The reference to parenting orders in the model letter may easily be misconstrued or received badly by supportive parents and further supports the case for not including this paragraph in the first instance. Schools may feel that it would be better to only take the formal approach if it appears that parents/carers are unwilling to engage with the reintegration process. If this proves necessary then specific reference to dates for a proposed appointment and notice regarding the possible consequence of non attendance would have to be made in writing.

### **4.3 Following permanent exclusion**

#### **Removing pupils from roll**

Irrespective of the discipline committee's decision a pupil will stay on school roll until any appeal process is exhausted. Once the decision is made not to appeal, the period allowed for that decision or the IAP has met and ratified the head teacher's decision the pupil may be removed from roll from that date.

#### **Funding to follow learners**

The school remains responsible for the pupils education until the point at which a pupil is allowed to be taken off roll and the money is removed from the excluding school's budget from this date. Funding for the remainder of the school year will be transferred to any receiving school or may be used by the LA to offset the cost of any ongoing EOTAS provision. Full details regarding funding is set out in Section 7 of the WG guidance.

### **School transfers**

Admission authorities should not normally refuse to admit pupils because of their past disciplinary record, including any previous exclusions. It is unacceptable for a school to refuse to admit a learner thought to be potentially disruptive or to exhibit challenging behaviour unless:

- it already has a particularly high concentration of pupils with challenging behaviour
- it is trying to improve its standards from a low base as a result of inspection which has categorised the school as in need of special measures or as having serious weaknesses

LAs and the governing body of a maintained school have a statutory duty to comply with parental preferences on school admissions. However this duty does not apply when a pupil has been permanently excluded from two or more schools for two years following the second exclusion.

In line with WG guidance the LA has set up a Fair Access Protocol Panel to co-ordinate and monitor the placement of vulnerable pupils including those who have been permanently excluded. Thus seeking to recognise the needs of individual schools whilst but also the right of the pupil to attend a mainstream school of their choice.

Under the auspices of the panel the EPIT works closely with the In Year Transfer Co-ordinator and in liaison with agencies such as EOTAS, to ensure that 'hard to place' pupils receive appropriate provision and that permanently excluded pupils receive full time education as soon as possible.

## Section 5: Independent Appeal Panels

Permanent exclusions upheld by a PDC may be challenged and cases heard by an Independent Appeal set up by the LA. Thus it is imperative that head teachers and members of the PDC refer to section 4 of the WG guidance for a more detailed explanation of the important procedures in this regard.

### 5.1 Role of the LA

#### **Supporting the right to appeal**

Ahead of the PDC meeting the EPIT will ensure that the parent/carers and pupils are fully aware of their options, including their right to appeal and the process that this would entail. All relevant persons have a right to an independent appeal panel hearing even if they did not make a case to, or attend, the discipline committee meeting.

Therefore the LA should also write to the relevant persons within three working days of the PDC meeting, to confirm that right and the protocols they should follow including:

- the latest date by which an appeal may be lodged (15 days after notification of the PDC decision)
- the name and contact details for the Clerk to the appeal panel
- that the notice of appeal must be in writing
- that it must stipulate the grounds on which it is made
- the opportunity to present new evidence
- the option and availability of advocacy to provide support both in making the decision and throughout the appeals process
- that any claim of discrimination should be included
- that any appeal made after the latest date for lodging an appeal will be out of time and should be rejected by the LA

A notice in writing given by a relevant person to the LA which states that they do not intend to appeal will be treated as final. For pupils of compulsory school age and aged 11 and over, such a notice from the parents/carers will be treated as final whether or not the pupil has given such notice in writing. The right to appeal for pupils above compulsory school age rests solely with the learner.

#### **Setting a date**

An appeal panel must meet to consider an appeal no later than the fifteenth school day after the day on which the appeal was lodged. However, if necessary, the panel may then decide to adjourn the hearing if, having regard to the particular circumstances of the case, they consider that it would not be appropriate for them to proceed to determine the appeal. This might include circumstances where more information is awaited. The panel may adjourn on more than one occasion if necessary.



Additionally, in exceptional circumstances, the LA have discretion to extend the date of the appeal hearing to a date later than the fifteenth school day, e.g. where the parent/carer and/or pupil requires further time to prepare for the appeal hearing. However, any agreement to an extension is at the discretion of the LA, and each request should be considered on its merits. If a later hearing date is set the panel will be deemed to have adjourned the hearing.

### **Composition of the Independent Appeal Panel**

The LA must constitute the IAP and appoint a Clerk. All panels will constitute three or five members and include a:

- lay person (Chair)
- education practitioner\*
- school governor\*  
(\*two for 5 member panels)

Whenever possible, to maintain a wider education view, at least one of the members of the panel should be working outside the area covered by the LA which manages the school of the excluded pupil.

### **5.2 Role of the Clerk**

The Clerk provides an independent source of advice on procedure for all parties. The Clerk should not have served as Clerk to the discipline committee hearing.

Following training, clerks should be allowed to develop experience in the conduct of appeals. If the Clerk has not received legal training and no member of the panel is legally qualified, the LA will consider whether the panel might benefit from an independent source of legal advice, especially if the appellant and/or the school is legally represented.

### **5.3 The attendees**

The following are entitled to attend a hearing and present their case, either in writing or orally, and to have representation:

- the parent/carer and pupil
- the head teacher
- a nominated governor
- a nominated LA officer

All the above parties, as well as the governing body, may be represented by a legal or other representative.

Where an excluding head teacher has left the school the appeal panel may use its discretion in deciding whether to invite them to make representations.

The Clerk should circulate all written evidence to all parties five working days before the hearing. This must include the statement of decision by the

discipline committee and the notice of appeal from the parent/carer and/or pupil which gives the grounds for the appeal and any discrimination claim.

An appeal cannot continue if the number of panel members drops below three at any stage. In this event the panel may need to adjourn until its quorum is restored. Once an appeal has begun, no panel member may be substituted by a new member for any reason.

#### **5.4 Procedure during the IAP hearing**

The format should closely follow that of the PDC meeting. The Clerk should take minutes of the proceedings, the attendance, the voting and the decision in a format approved by the LA.

##### **Evidence**

All parties may submit new evidence relevant to the case but to allow opportunity to respond to that evidence it should be made available to the panel and all attendees at least five days prior to the meeting.

The school may not introduce new reasons for the exclusion.

##### **Reaching a decision**

In considering an appeal, the panel should decide, on a balance of probabilities, whether the pupil did what they are alleged to have done. The panel should consider the basis of the head teacher's decision and the procedures followed, having satisfying themselves as to whether:

- the head teacher and discipline committee complied with the law
- due regard was given to the Welsh Government guidance in deciding, respectively, to exclude the learner and not to direct that they should be reinstated
- if appropriate, a PSP had been put in place
- the educational provision specified in a statement of SEN had been provided
- the decision complied with the school's published behaviour policy, equal opportunities policy, anti-bullying policy, SEN policy, and race equality policy, or any other relevant policy
- the exclusion was fair in relation to the treatment of any other pupils involved in the same incident

(For incidents involving an ongoing police investigation see Section 6)

##### **The decision**

The panel is independent. Its decision is binding on the parent/carer and/or pupil, the governing body, the head teacher and the LA. The panel cannot revisit its decision once made. The appeal panel's decision should be based on a majority agreement. If a panel is reduced to four members and is deadlocked, the Chair has the casting vote.

An appeal panel may:

- uphold the decision to exclude
- overturn the decision to exclude and direct reinstatement
- overturn the decision to exclude but, due to exceptional circumstances or reasons of practicality, not direct reinstatement.

In making that decision the panel must balance the interests of the excluded learner against the interests of all the other members of the school community.

If the panel directs reinstatement, the date specified must be reasonable in the circumstances. Unless there is a compelling reason, the date of reinstatement should be no more than five school days from the decision date. The panel may not attach conditions to the reinstatement of a pupil.

Where a parent/carer appeals against permanent exclusion and makes a claim alleging discrimination, the appeal panel must consider whether there has been discrimination under the Equality Act 2010.

#### **Record of the proceedings of an appeal panel**

The Clerk should aim to finalise the minutes within five working days of the meeting and for these to be approved by as many of the panel members as possible. The minutes are not public documents but should be retained by the LA for a period of at least five years, as they may need to be considered by a court or by the Public Services Ombudsman for Wales.

### **5.5 After the hearing**

The panel must let all parties know its decision by the end of the second working day after the hearing. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

If the appeal panel upholds a permanent exclusion, the Clerk should immediately formally notify the LA and the processes will be followed as set out in Section 4.3. If the learner lives outside the area of the LA arranging the appeal, the Clerk should make sure that the home LA is also immediately informed of the situation.

Where the panel directs reinstatement it should immediately inform the head teacher of the decision and specify the date on which the pupil must be readmitted. Where an appeal panel is regularly directing that a school reinstate permanently excluded pupils it should draw this to the attention of the LA. The LA should discuss the underlying issues with the head teacher about the way in which exclusion is being used within the school.

## **5.6 Judicial review**

If the parent/carer or learner, the governing body or LA consider that the panel's decision is perverse, they may apply to the High Court for a judicial review. This must be done promptly and usually no later than three months from the date of the decision. If it found the panel's decision to be unlawful or unreasonable (in the narrow legal sense of 'unreasonable', i.e. irrational or perverse) it could quash the decision and direct the LA to hold a fresh appeal hearing before a newly constituted panel.

## **Section 6: Alleged Criminal Offences, Police Involvement and Parallel Criminal Proceedings**

A school-related incident may also be the subject of a police investigation, which may subsequently result in criminal proceedings. This can mean that the evidence available to head teachers, teachers in charge of PRUs, discipline committees and independent appeal panels is very limited. They may not, for example, be able to hear relevant witnesses or to consider relevant material. It may not be known whether a criminal charge is to be or has been brought and the eventual outcome of any court proceedings may be uncertain.

### **6.1 Head teacher's decision to exclude and consideration of the circumstances by the discipline committee**

A head teacher should not postpone their decision to exclude a pupil simply because of the possibility that criminal proceedings might be brought in respect of the same incident. In these circumstances, a judgement must be made on the basis of the evidence available.

It should be remembered that while the police and courts apply the criminal standard of proof (*'beyond reasonable doubt'*), the head teacher, discipline committee and the independent appeal panel must, when making a decision to exclude or uphold an exclusion, apply the civil standard of proof (*'the balance of probabilities'*).

Relevant considerations include the fact that:

- a serious allegation has been made against the learner by another pupil or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings being brought
- pending the conclusion of any such criminal proceedings, the pupils' continued presence in the school may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the school generally

Where a head teacher excludes a pupil in such circumstances the school's discipline committee also has no power to postpone their meeting to consider the pupil's exclusion. In deciding whether to direct the head teacher to reinstate the pupil, the discipline committee may therefore be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis.

### **6.2 Arrangements for appeal hearings in parallel criminal proceedings cases**

Where a PDC decides not to direct a head teacher to reinstate a permanently excluded learner the parent/carer and/or pupil should be notified of their decision and of their right to appeal.

Upon first meeting, the appeal panel must consider, taking into account any representations made by the parties and on the advice of their Clerk, whether they can proceed to determine the appeal or adjourn the hearing pending the outcome of any police investigation and/or any criminal proceedings that may

be brought. The mere fact that parallel criminal proceedings are in progress will not of itself determine whether the hearing should be adjourned.

Relevant factors for the panel to consider will include:

- whether it would be helpful to know what charge, if any, is to be brought against the pupil (bearing in mind that if there is to be no charge it may help the pupil's case or, if a charge is brought, the pupil may be inhibited in presenting their case)
- whether relevant witnesses and documents are available
- the likelihood of delay if the hearing were adjourned and the effect it may have on any complainant, the excluded pupil or the school itself
- whether an adjournment or, as the case may be, declining to adjourn, might result in injustice

If the panel do decide to adjourn, the LA should take steps to ensure the learner's continuing education pending the hearing.

The Clerk will be responsible for monitoring the progress of any police investigation and/or criminal proceedings and for reconvening the panel at the earliest opportunity when the hearing can proceed to final determination.

If necessary the panel may adjourn more than once. The same panel members should reconvene on each occasion. Where the panel reconvenes following the disposal of any criminal proceedings it should have regard to any information about them relevant to the issues the panel has to determine. In doing so it needs to bear in mind that even if the pupil has been acquitted of any charge relating to the conduct for which they were excluded, such acquittal might be attributable, for example, to a legal technicality and does not necessarily mean that the exclusion should be automatically overturned.

## **Appendix A : Model Letters**

*These are the model letters as set out in the WG guidance document. Both parents/carers, LAs with parental responsibility **and** pupils of secondary age should be sent letters. Social workers should also be informed. **See Section 4.2 in regard to the reference to potential parenting orders in case of non engagement with re-integration meetings.***

### **Model letter 1: Fixed term exclusions which will result in the pupil being excluded for a total of no more than five school days in any one term**

*From the head teacher (or teacher in charge of a PRU) notifying parent/carer and/or pupil of a fixed term exclusion of no more than five days or where cumulative exclusions in the same term fall within this range and where a public examination is not missed.*

Dear **[parent/carer/learner's name]**

I am writing to inform you of my decision to exclude **[pupil's name/you]** for a fixed term of **[period of exclusion]**. This means that **[pupil's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name/you]** has not been taken lightly. **[pupil's name/you]** has/have been excluded for this fixed term because **[reason for exclusion]**.

**[For exclusions longer than one day]** The school will continue to set work for **[pupil's name/you]** during the period of his/her/your exclusion **[insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking. **[For pupils over compulsory school age insert the following]**. As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

**[School other than PRU]** You have the right to make representations to the school governors' pupil discipline committee. If you wish to make representations please contact:

**[Primary schools]** Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: governor.support@rctcbc.gov.uk)

**[Secondary/Through Schools]** **[name of contact]** on/at **[contact details: address, phone number, e-mail]**.

**[PRU only]** You have the right to make representations to Rhondda Cynon Taf County Borough Council. These representations will be considered by the management committee of **[name of PRU]**. If you wish to make representations please contact School Organisation & Governance Team Leader at Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: [governor.support@rctcbc.gov.uk](mailto:governor.support@rctcbc.gov.uk))

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

**[Primary school only]** You and **[pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date within the next 10 days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that your failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on you. **[see p.25]**.

You may wish to contact Exclusion Prevention and Intervention Teacher at Rhondda Cynon Taf County Borough Council, Access and Inclusion Service, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744333 email: [A&Iservice@rctcbc.gov.uk](mailto:A&Iservice@rctcbc.gov.uk) who can provide advice.

**[pupil's name/your]** exclusion expires on **[date]** and we expect **[pupil's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely,

**[name]**

**[Head teacher/teacher in charge of PRU]**



## **Model letter 2: Fixed term exclusions which will result in the pupil being excluded for a total of more than five school days and no more than 15 days in any one term**

*From the head teacher (or teacher in charge of a PRU) notifying parent/carer and/or pupil of a fixed-term exclusion of more than 5 days and no more than 15 days, or where cumulative exclusions in the same term fall within this range, or where a public examination is missed.*

Dear **[parent/carer/pupil's name]**

I am writing to inform you of my decision to exclude **[pupil's name/you]** for a fixed term of **[period of exclusion]**. This means that **[pupil's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name/you]** has not been taken lightly. **[Pupil's name/you]** has/have been excluded for this fixed term because **[reason for exclusion]**. **[For exclusions longer than one day]** The school will continue to set work for **[pupil's name/you]** during the period of his/her/your exclusion. **[Insert details of arrangements that are in place for this.]** Please ensure that any work set by the school is completed and returned to us for marking.

**[School other than PRU]** As **[pupil's name/you]** has/have been excluded for more than 5 school days (or equivalent) in a single term you have the right to request a meeting of the school governors' pupil discipline committee at which you may make representations and the decision to exclude can be reviewed. The committee must meet if you request it to do so. The latest date the committee can meet is **[date – no later than 50 school days from the date the committee is notified]**. **[Note: this wording is not suitable where the pupil would lose the opportunity to take a public examination.]** If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact:

**[Primary schools]** Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: governor.support@rctcbc.gov.uk)

**[Secondary/Through Schools]** **[name of contact]** on/at **[contact details: address, phone number, e-mail]**.

**[PRU only]** You have the right to make representations to Rhondda Cynon Taf County Borough Council. These representations will be considered by the management committee. If you wish to make representations please contact School Organisation & Governance Team Leader at Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: governor.support@rctcbc.gov.uk) **[Note: this wording is not suitable where the learner would lose the opportunity to take a public examination.]**

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

**[Applies to children of compulsory school age only]** You **[and pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date - within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that **your/your parent's/your carer's** failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on **you/your parent/your carer [see p.25.] [NB: for secondary schools reintegration meetings are considered good practice but are only obligatory for single exclusions of six days or longer.]**

You may wish to contact Exclusion Prevention & Intervention Teacher at Rhondda Cynon Taf County Borough Council, Access and Inclusion Service, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744333 email: [A&Iservice@rctcbc.gov.uk](mailto:A&Iservice@rctcbc.gov.uk) ) who can provide advice.

Other sources of advice and assistance available are:

SNAP Cymru (Helpline:0808 801 0608 website: <http://www.snapcymru.org/>)

or

The Advisory Centre for Education at United House, London N7 9DP (Helpline: 0300 0115142 email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk) website: <http://www.ace-ed.org.uk/>)

**[pupil's name/your]** exclusion expires on **[date]** and we expect **[pupil's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely,

**[name]**

**[Head teacher/teacher in charge of PRU]**

### **Model letter 3: Fixed term exclusions which will result in the pupil being excluded for a total of more than fifteen school days in any one term**

*From the head teacher (or teacher in charge of a PRU) notifying parent/carer and/or pupil of a fixed-term exclusion or cumulative exclusions in the same term of 15 days or more.*

Dear **[parent/carer/pupil's name]**

I am writing to inform you of my decision to exclude **[pupil's name/you]** for a fixed term of **[period of exclusion]**. This means that **[pupil's name/you]** will not be allowed in school for the period of the exclusion which began **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name/you]** has not been taken lightly. **[Pupil's name/you]** has been excluded for this fixed term because **[reason for exclusion]**.

**[If for a single exclusion longer than 15 days]** Alternative education other than setting work will be provided for **[pupil's name/you]** if the exclusion has not been overturned within 15 days. A Rhondda Cynon Taf County Borough Council LA representative will contact you to discuss this.

**[If for an accumulation of exclusions totalling more than 15 days and longer than one day in this instance]** The school will continue to set work for **[pupil's name/you]** during the period of his/her/your exclusion **[insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking.

**[School other than PRU]** As **[pupil's name/you]** has/have been excluded for more than 15 school days (or equivalent) in a single term the school governors' pupil discipline committee must automatically meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so. The latest date the committee can meet is **[date – no later than 15 school days from the date the discipline committee receives notification]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact:

**[Primary schools]** Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: [governor.support@rctcbc.gov.uk](mailto:governor.support@rctcbc.gov.uk))

**[Secondary/Through Schools]** **[name of contact]** on/at **[contact details: address, phone number, e-mail]**

You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

**[PRU only]** As **[learner's name/you]** has/have been excluded for more than 15 school days (or equivalent) in a single term Rhondda Cynon Taf County Borough Council must consider the exclusion. A review meeting by the LA management committee of **[name of PRU]** will be held. At that meeting you may make representations if you wish. The latest date for a review meeting is **[date – no later than 15 school days from the date the LA is notified]**. If you wish to make representations and wish to be accompanied by a representative please contact: School Organisation & Governance Team Leader at Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: [governor.support@rctcbc.gov.uk](mailto:governor.support@rctcbc.gov.uk))

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

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys, LD1 6DF.

**[Applies to children of compulsory school age only]** You **[and pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[date - within the next 10 days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best **your child's/your** return to school can be managed. You should be aware that **your/your parent's/your carer's** failure to attend a reintegration interview will be a factor taken into account by a court when deciding, on any future application, whether to impose a parenting order on **you/your parent/your carer**. *[see p.25]*

You may wish to contact Exclusion Prevention and Intervention Teacher at Rhondda Cynon Taf County Borough Council, Access and Inclusion Service, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744333 email: [A&Iservice@rctcbc.gov.uk](mailto:A&Iservice@rctcbc.gov.uk)) who can provide advice.

**[pupil's name/your]** exclusion expires on **[date]** and we expect **[pupil's name/you]** to be back in school on **[date]** at **[time]**.

Other sources of advice and assistance available are:

SNAP Cymru (Helpline:0808 801 0608 website: <http://www.snapcymru.org/>)

or

The Advisory Centre for Education at United House, London N7 9DP (Helpline: 0300 0115142 email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk) website: <http://www.ace-ed.org.uk/>)

Yours sincerely,

**[name]**

**[Head teacher/teacher in charge of PRU]**

## Model letter 4: Permanent exclusion

From the head teacher (or teacher in charge of a PRU) notifying parent/carer and/or pupil of a permanent exclusion.

Dear **[parent's/carer's/pupil's name]**

I regret to inform you of my decision to exclude **[pupil's name/you]** permanently from **[date]**. This means that **[pupil's name/you]** will not be allowed back to this **[school/pupil referral unit]** unless reinstated by the **[school governors' discipline committee/LA pupil referral unit management committee]** or by an appeal panel. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name/you]** has not been taken lightly. **[pupil's name has/you have]** been excluded permanently because **[reason for exclusion – also include any other relevant history here]**. Alternative education other than setting work will be provided for **[pupil's name/you]** if the exclusion has not been overturned within 15 days. A LA representative will contact you to arrange this.

**[School other than PRU]** As this is a permanent exclusion the school governors' pupil discipline committee will meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so. The discipline committee has the power to reinstate **[pupil's name/you]** immediately or from a specified date, or alternatively, has the power to uphold the exclusion in which case you may appeal to an independent appeals panel. The latest date the committee can meet is **[date – no later than 15 school days from the date the committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please representative please contact:

**[Primary schools]** Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: governor.support@rctcbc.gov.uk)

**[Secondary/Through Schools]** **[name of contact]** on/at **[contact details: address, phone number, e-mail]**

as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

**[PRU only]** As this is a permanent exclusion the **[name of PRU]** LA management committee will meet to consider the exclusion. You have the right to contact the committee to make representations prior to the meeting. If you wish to do so please notify School Organisation & Governance Team Leader at Governor Support, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744086/281162 email: governor.support@rctcbc.gov.uk). If the decision is upheld you also have the right to appeal to an independent appeal panel against this judgement. If you wish to appeal, please notify The Clerk of the Appeals Panel, of your wish to appeal. (Contact details: Clerk to the Independent Appeals Panel, Ty Trevithick, Abercynon CF45

4UQ Tel: 01443 744333/281137 [A&IService@rctcbc.gov.uk](mailto:A&IService@rctcbc.gov.uk)). You must set out the reasons for your appeal in writing and if appropriate, you may also include any disability discrimination claim you may wish to make and send them to [address] by no later than **[date – the seventeenth school day after the date of this letter]**. If you have not lodged an appeal by that date your right to appeal will lapse.

A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

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

You may also want to contact Exclusion Prevention and Intervention Teacher at Rhondda Cynon Taf County Borough Council, Access and Inclusion Service, Ty Trevithick, Abercynon, Mountain Ash, CF45 4UQ (Tel: 01443 744333 email: [A&IService@rctcbc.gov.uk](mailto:A&IService@rctcbc.gov.uk) ) who can provide advice regarding what options are available to you.

Other sources of advice and assistance available are:

SNAP Cymru (Helpline:0808 801 0608 website: <http://www.snapcymru.org/>)

or

The Advisory Centre for Education at United House, London N7 9DP (Helpline: 0300 0115142 email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk) website: <http://www.ace-ed.org.uk/>)

Yours sincerely,

**[name]**

**[Head teacher/teacher in charge of PRU]**

## Model letter 5: Permanent exclusion – committee decision

*From the Clerk of the PDC/PRU management committee notifying the parent/carer/learner of the decision regarding a permanent exclusion.*

Dear **[parent's/carer's/pupil's name]**

The meeting of the **[school governors' pupil discipline committee/LA pupil referral unit management committee]** at **[school/pupil referral unit]** on **[date]** considered the decision by **[name of head teacher/teacher in charge]** to permanently exclude **[you/your son/daughter] [name of pupil]**.

The committee, after carefully considering the representations made and all the available evidence, have decided:

**[Either]** to overturn the exclusion and direct that **[you/name of pupil]** are/is reinstated in the school by **[date]**. We therefore expect **[you/name of pupil]** to be back in school on **[date]** at **[time]**. If you wish to discuss **[pupil's name/your]** return to school before reinstatement, please contact **[name of head teacher]** to arrange a convenient time and date. A copy of this letter will be added to **[pupil's name/your]** **school** record for future reference.

**[Or]** to uphold **[your/name of pupil's]** exclusion. The reasons for the committee's decision are as follows: **[give the reasons in as much detail as possible, explaining how the committee arrived at its decision]**.

You have the right to appeal against this decision. If you wish to appeal, please notify the Local Authority of your wish to appeal. (Contact details: Clerk to the Independent Appeals Panel, Rhondda Cynon Taf County Borough Council, Ty Trevithick, Abercynon CF45 4UQ Tel : 01443 744333/281137 Email: [A&IService@rctcbc.gov.uk](mailto:A&IService@rctcbc.gov.uk)).

You must set out the reasons for your appeal in writing and if appropriate, you may also include any disability discrimination claim you may wish to make and send them to the Local Authority by no later than **[date – the seventeenth school day after the PDC]**. If you have not lodged an appeal by that date your right to appeal will lapse.

Your appeal would be heard by an independent appeal panel. A three or five person panel comprising serving education practitioners including a head teacher or a serving or recently serving experienced governor and one lay member who will be the chair will rehear all the facts of the case. If you have fresh evidence to present to the panel you may do so. The panel must meet no later than the fifteenth school day after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

I would like to remind you of the following sources of assistance:

Exclusion Prevention and Intervention Teacher at Rhondda Cynon Taf County Borough Council, Access and Inclusion Service, Ty Trevithick, Abercynon, Mountain

Ash, CF45 4UQ (Tel: 01443 744333 email: [A&Iservice@rctcbc.gov.uk](mailto:A&Iservice@rctcbc.gov.uk)) who can provide advice regarding what options are available to you.

Other sources of advice and assistance available are:

SNAP Cymru (Helpline:0808 801 0608 website: <http://www.snapcymru.org/>)

or

The Advisory Centre for Education at United House, London N7 9DP (Helpline: 0300 0115142 email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk) website: <http://www.ace-ed.org.uk/>)

The arrangements currently in place for **[pupil's name/your]** education will continue for the time being. However, if required, new arrangements to set up future provision for **[pupil's name/you]** will be arranged in liaison with the local authority. If you have any questions about this please contact Exclusion Prevention and Intervention Teacher (contact details above).

Yours sincerely,

**[name]**

Clerk to the **[pupil discipline/management]** committee



## Appendix B: Exclusion Report

To be submitted to the PDC and LA in respect of:

- exclusions which will result in the learner being excluded for a total of more than five school days any one term
- any subsequent exclusions for the same pupil within the same term
- exclusions which would result in the pupil missing a public examination
- permanent exclusions

### Exclusion Report for PDC & LA

Pupil's First Name:		Pupil's Surname:	
School:		Year:	
Start Date of Exclusion:		Fixed Term totalling > 5 days:	Days: Total for term:
Permanent:		Missing public exam:	Yes/No (Delete as appropriate)
Reason:		Code:*	

Age/DOB:		Gender:	
Parent(s)/Carer(s) Name:		Relationship to child:	
School Action/EYA School Action+/EYA+ Statement		Mainstream/ Learning Support Class:	
Ethnic Group:		Child who is Looked After:	Yes/No (Delete as appropriate)
Free school meals:	Yes/No (Delete as appropriate)	First language	English/Welsh/ Other:

\*The following codes should be used when informing the LA of an exclusion:

PA - <i>physical assault against an adult</i>	PP – <i>physical assault against a pupil</i>
DB - <i>persistent disruptive behaviour</i>	BU - <i>bullying</i>
RA - <i>racial abuse</i>	SM - <i>sexual misconduct</i>
VP - <i>verbal abuse/threatening behaviour against a pupil</i>	VA - <i>verbal abuse/threatening behaviour against an adult</i>
TH - <i>theft</i>	DM - <i>damage to property</i>
DA- <i>drug and alcohol related</i>	OT - <i>other</i>

(To allow for accurate collation of data please avoid 'other' wherever possible.)

## Appendix C: Pupil Discipline Committee (PDC) meeting checklists

Schools must arrange PDC meetings following all permanent exclusions, fixed term exclusions beyond a total of than 15 school days in a single term or if it would result in the learner missing a public examination.

Parents may request a PDC hearing if a learner is excluded for a total of more than five days within a single term.

Exclusion procedure checklist		
Action	Deadline	Date actioned/outcome
Letter to parent/pupil	Exclusion date +1 school day:	
Exclusion Reports to PDC & LA	Exclusion date +1 school day:	
Arrangements for setting/marking work	Exclusion date +1 school day:	
Arrangements for reintegration interview <sup>1</sup>	Post exclusion +6-15 school days:	
Application for home tuition (SPR) <sup>2</sup>	Exclusion date +5 school days:	
Completion of Intention to Transfer form <sup>3</sup>	Exclusion date +5 school days:	
Discussion with LA to explore alternatives	At least 5 days prior to PDC meeting:	
Arrangements for PDC meeting	At least 5 days prior to PDC meeting:	
Notification of PDC meeting to attendees	At least 5 days prior to PDC meeting:	
Statements/reports/attendees list etc to attendees	At least 5 days prior to PDC meeting:	
PDC meeting	Exclusion date +6 to15 school days <sup>4</sup> :	
Letter to all parties of outcome of meeting	PDC meeting date +1 school day:	
Decision to appeal permanent exclusion	Outcome notification +15 school days:	

<sup>1</sup>Interviews must be offered for all primary pupils and all fixed term exclusions of 6 or more days for secondary pupils.

<sup>2</sup> If permanent exclusion or single fixed term exclusion of >15 days.

<sup>3</sup> If permanent exclusion

<sup>4</sup>If a public exam is to be missed the PDC should meet before the exam  
If PDC called at parental request +6 to 50 days.

**List of Attendees**

To be sent with any reports (inc. written statements) and all supporting information to all attendees with at least 5 school days before the PDC meeting.

Role	Name	Confirmed
Head		
Governor		
Governor		
Governor		
Clerk		
Learner		
Parent/Carer		
Parent/Carer		
Advocate		
LA Representative		
Other:		

Information*	Please tick if evidence/reports attached
Parental correspondence	
Attendance data	
IEPs/IBPs and reviews	
Pastoral Support Plans and reviews	
Behaviour Log (reports & exclusion data)	
Analysis of Behaviour (Behaviour Checklist/SDQ etc)	
Serious Incident/RPI Reports	
Positive Handling Plans/Risk Assessments	
Academic Assessments/Progress Reports	
Outside Agencies Intervention (EPS, BSS, LSS, AWS, YOS etc)	
Intervention log	
Wellbeing (CP/Resilient Families/Vulnerability Profile)	
Witness statements (Redact: pupil A, pupil B etc)	
Plans for continuing education	
Other	

(\*if a PDC is to be held for a Permanent Exclusion for a one-off serious offence be mindful that presenting any information that does not relate purely to the specific incident, such as a pupil's previous behaviour history, may risk being deemed as prejudicing the outcome.)

# Permanent Exclusion Process



