



Langley Park  
**Learning Trust**

## Policy and Guidance relating to Exclusion Panels

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## Section 1 – Context

### Statutory Guidance and Underlying Principles

The statutory guidance for exclusions can be found at <https://www.gov.uk/government/publications/school-exclusion> and is called “*Exclusion from maintained schools, academies and pupil referral units in England: statutory guidance for those with legal responsibilities in relation to exclusion*”. The current version of this statutory guidance is dated September 2017 although it is anticipated that this guidance will be updated, ready for implementation in September 2020.

### Exclusions are also covered by the following legislation:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996; and
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

Pupil exclusion hearings may be referred to in a number of different forms such as Exclusion Review Meeting, Governor Disciplinary Panel, Pupil Discipline Committee, though the purpose remains the same.

### The Head Teacher’s Role in Excluding

Only the Head Teacher of a school (or the acting Head Teacher in the event of the Head Teacher’s absence, such as through ill-health or attendance at a training course) or the teacher in charge at a PRU can exclude a pupil, either for a fixed term or permanently.

Whenever a Head Teacher excludes a pupil, either for a fixed term or permanently, they must:

- Notify the parents of the period of the exclusion and the reason(s) for it, without delay (taken as on the day the incident was alleged to have taken place);
- Notify the School Governing Body and the Local Authority, without delay, of:
  - All permanent exclusions (including those that follow an initial decision to issue a fixed term sanction);
  - Any exclusion which would result in the pupil being excluded for a total of more than five school days (or ten lunchtimes) in one academic term; and
  - Any exclusion which would result in the pupil missing a public examination or national curriculum test.
- If a permanently excluded pupil lives outside of the Local Authority area in which the school is located, the Head Teacher must also inform the pupil’s ‘home authority’ of the exclusion, and the reason(s) for this, without delay.

### Exclusion Categories

There are defined categories of exclusions and specific obligations upon the school and School Governing Body apply to each category:

- Cumulative fixed term exclusions for *between 1-5 school days*;
- Cumulative fixed term exclusions for *between 5-15 school days (in one academic term)*;
- Cumulative fixed term exclusions for *16 or more days (in one academic term)*; and
- Permanent exclusions.

### Governor Review Hearing and time limits applicable

A Governor Review Panel *must* be held within *15 school days* of receiving notification of:

- *A permanent exclusion* – the Panel to determine whether to uphold the exclusion decision or reinstate the pupil;
- *A fixed term exclusion* that would bring the pupil’s *cumulative* number of excluded school days to *16 or more in one academic term* – the Panel to only consider the final fixed term exclusion that tipped the cumulative number of days over 16; or
- *The pupil missing a public examination or national curriculum test as a result of an exclusion*
  - Public exam would include GCSEs or A Level examinations.
  - National Curriculum test would include Year 2 and Year 6 SATs at primary school.
  - A formal Governor Review Panel convened for this specific purpose is very rare.

- If requested, then the exclusion should be reviewed by a Governor Review Panel, where possible, before the examination or test date.

**Note:**

- School days can be defined as the days in which pupils are in school being taught. School days do not include INSET days, school holidays or weekends.
- The Head Teacher is allowed to withdraw the pupil's exclusion before it is considered by the Governor Review Panel. A reason why the exclusion may be withdrawn could be because a managed move for the pupil has been agreed by both the school and the parents.
- A Governor Review Panel Hearing must still proceed even if the parents have clearly stated that they do not wish to attend the formal hearing/their child is now attending another school.
  - Even if the pupil is at another school, it does not mean the exclusion does not stand and thus there is a legal obligation for the GB Panel to consider it.
  - If it has not been withdrawn by the Head before the review, then it will go on the child's formal record.
  - The full Governor Review Panel process must be adhered to with a formal Hearing at which the school makes representations to the Panel and a Panel outcome reached.
  - Part of the Panel's considerations will be focused on the process followed by the school as well as the actual altercation by the pupil.

**A Governor Review Panel may also be held in the following circumstances:**

- *Fixed term exclusion for between 5-15 school days (cumulative) within one academic term*
  - If parents request a review hearing, then the School Governing Body has 50 school days to convene a review meeting;
  - If no meeting is requested by the parents, no panel hearing is required.
- *Fixed term exclusion for up to 5 school days*
  - Where the parents make representations to the School Governing Body, these must be considered  
**BUT**
    - The School Governing Body does not need to meet with the parents; and
    - The School Governing Body does not have the power to direct reinstatement of the pupil.

**The role of SEN in exclusions**

- It is unlawful to exclude a pupil for a non-disciplinary reason.
- This includes behaviour which could be attributed to unmet or undiagnosed special educational needs.
- It is important that if SEND is a factor for the excluded child, either recognised by the school or implied by the parents, the school is able to present evidence that:
  - It implemented all reasonable adjustments (as may be identified in a SENCO action plan or Education, Health and Care Plan); and
  - The decision to exclude was supported by a thorough and robust investigation by the school.
- When considering who presents the school's case at a Governor Review Panel Hearing, thought should be given to including the school's SENCO so the Panel is able to ask questions about the SEND provision for the pupil in question.

**If parents wish to appeal against the Panel's decision**

If parents are unhappy with the Governor Review Panel's decision to uphold the Head Teacher's decision to exclude their child, an appeal can be made to an Independent Review Panel which is entirely external to the school process.

In addition to the right to apply for an Independent Review Panel (IRP), if parents believe that the exclusion has occurred as a result of discrimination, they may also make a claim under the Equality Act 2010 to the:

- First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination; or
- County Court in the case of other forms of discrimination.

Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred.

## Section 2 – The Role of the School Governing Body & Panel

### Responsibilities of the School Governing Body

The School Governing Body is responsible for convening any Governor Review Panel required and selecting appropriate Governors to form the Panel.

- A minimum of three Governors are required for the formal Panel.
- The number of Panel members must be odd – the Panel’s decision can be a majority rather than unanimous one.

### Selection of Panel Members

When determining the composition of the Review Panel, the Chair of Governors and the Clerk will need to ensure that Panel members:

- Are impartial and unprejudiced.
  - They have taken no previous part in the process. For example, Governors have not been involved in reviewing a fixed term exclusion previously of the pupil that is now before them facing a permanent exclusion; Governors have not been members of a pre-disciplinary Governor hearing where children at risk of exclusion are told by Governors that if their behavior does not improve they may be excluded.
- Have been appropriately trained to sit on an Exclusion Governor Review Panel (preferably, all of the Panel members, rather than just one.)
- Have previous experience of sitting on an Exclusion Governor Review Panel.
  - Often useful to have a mix of panel-experienced Governors and those that have not sat on an exclusion panel before to provide “on the job” training.
- Have no personal or school interest in the outcome of the panel process.
  - Staff Governor? Not recommended good practice, perception of conflict of interest, even if s/he has not directly taught the pupil in question.
  - Parent Governor? Will depend on whether they or their child knows the pupil in question and/or their parents and how strong this link is.
  - If in doubt, Governors should not be included on the Governor Review Panel.

### Responsibilities of Governor Review Panel Members

- Panel members must observe strict confidentiality in their conduct as soon as they are confirmed as a Panel member:
  - Requests for additional information and further clarity should only be made to the Clerk.
  - There must be no communication with either the school (i.e. the Head Teacher) or the parents by any of the Panel members.
  - The case should only be discussed by the Panel members at the pre-meeting before the formal Panel Hearing.
  - Panel members should observe the Nolan Principles in their conduct at all times.
- Panel members should be prepared to commit the time necessary for the Governor Review Panel Hearing, including:
  - Reading the evidence pack thoroughly before the Governor Review Panel Hearing, identifying questions and further channels of investigation that they would like to pursue at the Hearing.
  - Attending a pre-meeting before the Governor Review Panel Hearing (this will normally take place half an hour before the actual Hearing itself).
  - Being available to deliberate straight after the formal Hearing has finished.
  - Be prepared to attend a reconvened Hearing in the event of an adjournment (see Section 3 for further detail on this).

### The decision-making process

For all exclusion reviews, the Governor Review Panel should determine whether the written evidence pack and the oral presentations at the Hearing support that the Head Teacher’s decision to exclude was *lawful, rational, reasonable, procedurally fair and proportionate*.

For a permanent exclusion, the Panel must also consider whether the Head Teacher has demonstrated, again through the evidence pack and through the oral presentation that:

- The decision to exclude the pupil is in response to a serious breach, or persistent breaches, of the school's behaviour policy; *and*
- Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Governor Review Panel's decision should be underpinned on the principle of 'balance of probability' i.e. that it is more likely than not, that the pupil did what they are accused of, given the information that is available, rather than 'beyond reasonable doubt'.

*The Governor Review Panel can make either one of two decisions:*

- To uphold the Head Teacher's decision to exclude and not reinstate the pupil; *or*
- To overturn the Head Teacher's decision and reinstate the pupil, either with immediate effect or from a specific date.

No conditions can be attached to the Governor Review Panel decision i.e. that the exclusion will be overturned if a managed move is agreed to.

### **Record Keeping**

Minutes of the Hearing, once agreed by the Governing Review Panel Chair, are distributed to the Head Teacher and the parents. Deliberation notes are confidential to the Governor Review Panel only. After the meeting, all packs are returned to the Clerk for shredding, other than the Chair's, as this may be needed to attend an external hearing like an IRP.

## Section 3 – The Role of the Panel Chair

### Appointing a Chair

- This is a key role and those appointed to this role should be aware of the potential time commitment involved; there is the risk that after the Governor Review Panel Hearing and the agreement of the outcome, if the parents appeal the Panel's decision, the Chair may need to attend an Independent Review Panel Hearing.
- The role of the Chair should be appointed at the outset and not on the day of the Hearing itself. It is good practice for the Chair to have:
  - Experience of exclusion panels; and/or
  - Experience chairing meetings/panels.

### Pre-Panel Meeting

- Led by the Chair, the Governor Review Panel will determine if any evidence submitted *after* the evidence packs were distributed, but before the commencement of the formal Governor Review Panel Hearing, should be accepted.
- If such evidence is to be accepted, the Clerk will need to make copies for all parties and the Governor Review Panel will need to determine whether extra time will be granted before the Panel Hearing for all to consider the additional evidence.
- It must be decided who will write the decision letter.
  - The Clerk, based on the Governor Review Panel's post hearing deliberations, and then reviewed by the Chair and/or the whole Governor Review Panel before final approval;
  - The Chair, with input from the Clerk, particularly with respect to the statutory elements of the outcome letter.
- If the Chair is to write the decision letter:
  - S/he must be made aware that the decision letter must be sent *without delay* (although 'without delay' is not defined within the statutory guidance, in practice, this is taken as close of play on the school day following the Governor Review Panel Hearing. Thus, if the Hearing takes place on a Friday, the approved decision letter must be sent by close of play on the Monday);
  - It must be agreed whether this will be circulated to the two other Governor Review Panel members before finalisation. If this is to be circulated, email addresses must be confirmed and Governor Review Panel members reminded that they must check their email inboxes regularly and respond, with comments, as soon as possible.
- Who will sign the letter, the Chair or the Clerk? There is no specific rule regarding signature and should be agreed at the Pre-Meeting.

### Panel Process

- The Chair will ensure the meeting is as time efficient as possible but allow all parties the opportunity to speak, including asking the parents whether they believe they have had the chance to say all that they wanted.
- The Chair will:
  - Set the tone of the hearing, which is professional at all times;
  - Ensure that a set agenda is followed (see Appendix 6);
  - Identify who will be presenting the parent's case if there are a number of attendees on the parents' side;
  - Clarify what the powers of the Hearing Panel are;
  - Explain how the decision will be made, communicated and timescales involved; and
  - Remind all in the room that hearing proceedings are confidential and are to remain as such.

### Adjournments

Adjournments, or breaks during the Governor Review Panel Hearing for a short amount of time, can be proposed by any party but will be decided upon by the Chair. Reasons for an adjournment could include:

- Emotions are running high and a small adjournment will help lower the tempo in the room;
- New information which must be read and considered by all parties before proceedings can continue;
- A comfort break for one or all participants, including a refreshment break in a particularly long meeting;
- To seek additional information, or advice from an outside expert (such as the Panel's legal advisor); or

- Non-attendance of a key person – if this is due to lateness, the meeting could be adjourned for a short period until they arrive, or potentially rescheduled for a day when the person can attend.

During adjournments, both parties are escorted together to their allocated rooms and are kept separate from the Governor Review Panel members. They are both returned to the Hearing room together. It is important that Governor Review Panel members and members from either party do not accidentally meet during these adjournments e.g. in the toilet.

## Section 4 – The Role of the Local Authority

### Local Authority Inclusion Representative

Most Local Authorities will have a representative/team that is responsible for inclusion and is tasked with the welfare and continued education of children who are at risk of exclusion. This team can, where appropriate, advise the school and the School Governing Body on the exclusion process.

### Statutory Reporting

The Head Teacher must notify the appropriate Local Authority of:

- Any permanent exclusion;
- Any exclusion which would result in the pupil being excluded for a total of five school days (or more than ten lunchtimes) in a term; and
- Any exclusion which would result in the pupil missing a public examination or national curriculum test.

This is in addition to the termly returns submitted by the Head Teacher to the Local Authority.

Appendix 10 highlights the details of Inclusion Teams/Officers for some of the surrounding Local Authorities.

As an academy, the parent will be notified of their right to invite the Local Authority representative to the exclusion hearing by both the school and through the invitation letter that is sent by the Clerk. The school does not have to extend an invitation to the Local Authority directly.

The Governor Review Panel will decide whether the LA representative is able to participate during the Panel Hearing.

- It is strongly recommended that the Panel agrees to active participation from the LA representative as s/he will provide an objective view of whether they believe the school did as much as they could/were able to in order to support the pupil in question before permanently excluding.

### Providing alternative education

The Local Authority and the school have an obligation to provide alternative education for pupils excluded from school from the sixth day of their exclusion. Up to this point the school is responsible for setting work to be completed at home.

### The Virtual School

Provision for looked after pupils who are excluded from school is provided by the Virtual School Service. Schools are required to notify the Head of the Virtual School if any Looked After Child in their school is subject to an exclusion.

As well as the Head Teacher from the physical school that the Looked After Child attends, representatives from the Virtual School should also be invited to the Panel Hearing.

## Section 5 – The Role of the School

### Attendance, venue and administrative support of the Governor Review Panel Hearing

- The Head Teacher, as the school officer with ultimate accountability for exclusions, should attend any permanent exclusion review, in order to answer questions about why the decision to exclude was reached.
- Other staff members who may be able to answer questions about the support provided to the excluded pupil should also be in attendance. This could include: the pupil's Head of Year; the pupil's form tutor; the SENCO.
- However, the balance of representation should also be considered and be fair, where appropriate (i.e. school representatives should not overwhelmingly outnumber the parents' representatives). Those attending should only be in the room if they have a clear purpose in being there (giving evidence/answering questions).
- The school should work with the Clerk to provide both a suitable venue for the Governor Review Panel Hearing onsite as well as separate rooms for both parties and their representatives, which is available to them for the whole duration of the Governor Review Panel Hearing. This is where parents and school representatives will wait following any Hearing adjournments.
- The Clerk will need to communicate with the school to ensure that the Governor Review Panel Hearing venue is set up appropriately (see Appendix 11 for a picture of the recommended room layout).
- The school will provide administrative support to the Panel and the Clerk. This will include photocopying the evidence packs for all parties, couriers packs to panel members and parents, last minute photocopying of evidence packs for school/parent representatives who are in attendance without providing prior notice and photocopying of additional evidence that has been submitted on the day of the Governor Review Panel Hearing (and agreed by the Panel).

## Section 6 - The Role of the Clerk

### Receiving Notification of the need for a Governor Panel Hearing

- Notification will come from either:
  - The school.
  - The parents directly.
- If notification has come from the parents:
  - Inform the Head and the Chair of Governors of the request. Confirm that it is the exclusion process, and the type of exclusion it is.
  - Acknowledge receipt of the request for a Governor Review Panel Hearing to the parent via email.
- If it is the exclusion process:
  - Start a Panel Set up Checklist (Appendix 1).
  - Establish the last date by which the Governor Panel must be held by.
  - Count back at least 6 school days to establish the last date for posting evidence packs.
  - Count back a further 2 school days which is the deadline by which evidence must be submitted to you for inclusion in the final evidence pack.
- Add these deadlines to your Panel Checklist.

### Establish introductions and contact information

#### *With parents*

- Contact the parents (via phone, followed up with a confirmation email), introducing yourself as the Clerk and:
  - Establish yourself as the main contact for the Governor Review Panel Hearing going forward;
  - Establish their availability to attend a Governor Review Panel Hearing within the statutory timescales;
  - Ask for their contact details including email address, full postal address and telephone number;
  - Draw their attention to the fact that they can be accompanied to the Hearing and ask if they will be bringing someone;
    - This person can be anyone the parent wishes to bring, and includes an advocate or legal representative.
  - Ask whether the excluded pupil will be attending;
  - Share the deadlines that must be worked to, including the submission of any evidence by them for the evidence pack;
  - Ask if any special adjustments need to be made for them during the Panel Hearing (i.e. wheelchair access, hearing loops, interpreter); and
  - Explain what will happen during the Governor Review Panel Hearing.
- As soon as the date, time and venue of the Hearing, along with the Panel members, has been agreed, confirm this in writing.
  - Send the invitation letter (Appendix 5) PDF'ed in an email.
  - Follow this up by posting a hard copy of the invitation letter by recorded delivery.

#### *With the school*

- Establish with the Head Teacher, the school's availability to attend a Governor Review Panel Hearing within the statutory timescales.
- Inform the Head Teacher of the final date by which the school must submit their evidence for inclusion in the evidence pack.
- Clarify who will be in attendance on behalf of the school.
- Establish who will provide any administrative support on behalf of the school and add their contact information to the Panel Set Up Checklist (Appendix 1).
- Confirm rooms for all parties, parking facilities, accessibility and the provision of refreshments and add this information to the Panel Set Up Checklist.

### Panel Members

- After liaising with the Chair on the suitability of panel members, send an email to either the identified Governors (by the Chair) or all Governors on the School Governing Body, requesting three Governors for a pupil exclusion panel: only the name of the pupil in question should be disclosed so that Governors are able to determine if there may be a conflict of interest in putting themselves forward (Appendix 3).

- If 3 Governors are not available, email relevant clerks to ascertain if there is a Governor from another School Governing Body who could participate or email Octavo Governance to arrange an external Governor.
- Seek the advice of the Chair of Governors regarding the experience level of the Governors if more than 3 are available.
- Establish with the Governors, their availability to attend a Governor Review Panel Hearing within the statutory timescales.
- Availability may be reduced once the date of the panel has been set.
- Once a Panel has been determined, the Clerk must send an email (Appendix 4) to the Panel Members to clarify the procedure for communicating and sharing documents going forward.

***Panel Members, School and Parents all must be able to commit to the same date and time for the Governor Review Panel Hearing.***

**Who can attend a Governor Review Panel Hearing?**

This is not an exhaustive list but:

- Governors on the Panel;
- Clerk to the Panel;
- School representatives;
- Parents, nominated representative and/or friend;
- Local Authority representative; and
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand. If not physically present during the Panel Hearing, excluded pupils may contribute via a written statement to the Hearing.

**Evidence Packs**

*Make Up of Evidence Pack*

- Both the school and parents must have the opportunity to contribute to the evidence pack.
- Whilst this is not an exhaustive list, the evidence provided by the school may include:
  - The exclusion letter (or all letters if the pupil has been subject to more than one exclusion);
  - Relevant, up to date school / statutory policies including the current behavior policy;
  - A comprehensive outline of the issue at hand, including a timeline;
  - Supporting school logs / SIMS records / behaviour logs (depending on the volume of these records, not all need be provided but a sufficient volume which provides the Panel with a good understanding of the level of behavior issues);
  - Evidence of support / interventions including SENCo and external reports; and
  - Witness statements which are redacted.
- The school needs to consider GDPR and must ensure that the privacy and safety of other pupils' information and/or any ongoing safeguarding investigation is not jeopardised when providing information for the Governor Review Panel Hearing.
- It is not for the Clerk or the school to determine what the parent is able to submit for inclusion in the evidence pack – its relevance to the case at hand will be determined by the Panel during the Panel Hearing. Evidence submitted by the parents could include:
  - Medical reports;
  - Independently commissioned reports from SEND experts;
  - Independently commissioned reports from Educational Psychologists.
- Upon receipt of the evidence the Clerk will need to collate the pack:
  - Divide the evidence pack up into key sections i.e. evidence from the school, evidence from the parents, school policies;
  - Prepare a contents page to pull the evidence pack together;
  - Prepare agenda (see Appendix 6);
  - Add a map to the venue along with any parking instructions;
  - Covering letter to Governors, School and Parents (see Appendix 7).

*Timescales and Distribution*

- Evidence packs must be received by all parties at least five school days before the Governor Review Panel Hearing. Whilst not an exhaustive list, packs should be sent to:
  - The school representatives that will be in attendance;
  - The parents and their representatives (within reason. For example, if a parent was bringing a legal representative, her mum and her sister, it would be reasonable for the Clerk to provide evidence packs for the parent and her lawyer only);
  - Each panel member;
  - The LA representative (if one will be in attendance); and
  - A copy for the Clerk.
- It is recommended that paper copies of the evidence pack are sent to all parties unless they are requested in electronic form.
  - Electronic copies should only be sent to secure email addresses such as school email accounts rather than hotmail/google/yahoo accounts; and
  - Documents should be collated in order, together in one pack, in PDF format.
  - It is not recommended that documents are read from a mobile phone device at the hearing, as this can be perceived as unprofessional and may lead to allegations of panel member distraction.
- The school must make available its printing/photocopying facilities to the Clerk to ensure that packs can be printed and collated within the timescales.
- On instructions from the Clerk, the school will post, via recorded delivery, the evidence packs to all parties, unless other arrangements have been requested eg collection directly from school. Evidence of postage and receipt should be retained:
  - Recorded delivery of packs where posted;
  - A signed collection receipt if collected by hand from school; and/or
  - Delivered and read receipts where packs are sent electronically.

#### Panel Hearing Minutes

- It is the Clerk's role to formally minute the proceedings during the Governor Review Panel Hearing.
  - Whilst the proceedings do not need to be verbatim, all questions and answers must be captured.
  - The minutes must be impartial and not scribed from the perspective of the school or the parent.
- The Chair, when closing the formal Governor Review Panel Hearing, must highlight that the minutes, once approved by the Panel, will be available to both parties, upon their request.
  - If it is a highly contentious case or the parent has accused the school of a lack of transparency, the Governor Review Panel may decide that the minutes will be sent out to both parties, without any formal request, as soon as they have been approved.
- Minutes are to be drafted, reviewed and approved by the Governor Review Panel within 7 school days of the Governor Review Panel Hearing.
  - Where challenges are made on the factual accuracy of the minutes, and these challenges are accepted by the Governor Review Panel and the Clerk, then the minutes can be amended. Otherwise, the minutes should not be subject to amendment after Governor Review Panel approval.

#### Panel Deliberations

- Once the Governor Review Panel Hearing has formally closed, the Clerk will be alone with the Governor Review Panel Members and will:
  - Refer to the Hearing minutes to address any questions raised by the Panel in order to aid their decision making;
  - Note key deliberation discussions; and
  - Draft the decision letter, if agreed at the pre-meet.
- Governor Review Panel deliberations must **only** be shared with the three Governor Review Panel members; neither the school nor the parents are entitled to receive these deliberations.

#### Decision Letter

The Governor Review Panel deliberations will form the basis for the decision letter. The decision letter must provide a sound rationale for the reason behind the Governor Review Panel's decision (see Appendices 8 and 9).

The decision letter must be:

- Sent to both the parents and the Head Teacher at the same time;
- The letter (pdf'ed) can be sent electronically (in separate emails to the parents and the school) but should always be followed up by a hard copy; and
- The letter should be sent to the parents via recorded delivery so that there is evidence of this letter having been sent and received.

## Section 7 – Troubleshooting and Frequently Asked Questions

Too many Governors are conflicted and a panel of 3 cannot be convened (i.e. without prior knowledge or involvement in the case)

- Governors from another School Governing Body can be used as long as there is no conflict of interest.
  - Email relevant clerks to ascertain if there is a Governor from another School Governing Body who could participate.
- External Governors may be used – speak to Octavo Governance to arrange an external Governor, who will:
  - Find Governors with experience of panels, school phase and type.
  - Ensure that external Governors have no connection to the school, child or family.

### Parent repeatedly cannot make the date

- The Governor Review Panel Hearing must take place within the statutory 15 school day timescales allowed.
- A Governor Review Panel Hearing, one or two days outside of the 15 school day time frame, will not be deemed illegal and the Governor Review Panel decision overturned, as long as there is a clear audit trail showing that all effort has been expended in trying to agree a mutually convenient Governor Review Panel date.
- If the parents continue to avoid agreeing a date, the Clerk will need to write to them, warning them that the Governor Review Panel Hearing will go ahead without them.

### Attendees notify on the day that they haven't received papers

- The Chair will determine whether this requires the Governor Review Panel Hearing to be adjourned to another date or to adjourn for a short period of time to allow reading time before the Governor Review Panel Hearing.
- The length of the adjournment will be driven by the size of the evidence pack, as well as the complexity of the exclusion.

### Attendees challenge the inclusion of certain panel members

- The reason for the challenge must be clearly presented and minuted.
- If it is agreed that there is a conflict of interest, the Governor Review Panel Hearing will need to be adjourned to a new date.
- Only the Governor Review Panel member that has been objected to need be replaced for the adjourned Governor Review Panel Hearing. An entirely new Governor Review Panel is not required (unless it has been agreed that all three Panel members have a conflict of interest).
- Whilst the Chair may determine that there is no conflict of interest, perceived or actual, the Governor Review Panel and Clerk must be mindful that an unhappy parent may use this as grounds for appealing the Governor Review Panel's decision.

### Late evidence is presented on the day of the Governor Review Panel Hearing

- The Governor Review Panel will review the additional information that has been presented and:
  - Adjourn the Governor Review Panel Hearing to another date if the volume of additional evidence presented is too vast to be effectively considered before the Governor Review Panel Hearing. In this case, the Clerk will need to ensure that all parties receive the additional information submitted before the date of the next Governor Review Panel Hearing.
  - If the additional information consists of just a few sheets of paper, the Governor Review Panel may consider and dismiss the evidence as not being material to the case at hand. In this case, this must be made clear to all parties at the start of the Governor Review Panel Hearing and the parents stopped from referring to this inadmissible evidence during the Hearing.
  - If the Governor Review Panel decide that this evidence is admissible, the Clerk will need to provide photocopies of this evidence to all parties and additional time allowed for all to consider.

### The statutory timescales have already been exceeded before the Clerk was informed

- The Clerk should immediately contact the Head Teacher and Chair of Governors to advise them of this.
- It is recommended that the Chair write to the parents, apologising for the oversight and stating that the Governor Review Panel Hearing will be convened as soon as possible.
- The school must be made aware that this may be grounds for the parents to appeal to an Independent Review Panel.

### **Parent doesn't turn up for the Governor Review Panel Hearing (and their attendance was expected)**

- The Clerk should contact the parents using the mobile number that has been provided.
- If the Clerk is unable to get through to the parents, the Governor Review Panel should wait at least half an hour before a decision is reached on how to proceed.
- It is recommended that the Governor Review Panel adjourn the Hearing to another date (the same Governor Review Panel members can still be used). Whilst incredibly frustrating for all concerned who did attend, this will mitigate any accusation from the parents that they were not provided with the opportunity to participate in the Governor Review Panel Hearing.
- A new invitation letter will need to be sent out by the Clerk, with the new date and time made clear. The Clerk should also make clear that in the event the parents do not attend, the Governor Review Panel Hearing will proceed without them.
- If the parents still do not attend the revised Governor Review Panel Hearing, after waiting half an hour, the Governor Review Panel Hearing should proceed.
- The minutes should clearly capture this process.

### **Electronic recording of the Panel Hearing**

- In theory, as long as all parties are in agreement, the Hearing can be recorded.
- BUT in practice, the knowledge that the Governor Review Panel Hearing is going to be recorded may well have an impact on the manner in which the Governor Review Panel proceeds and how comfortable participants feel when presenting/answering questions.
- Thus, it is recommended that the Chair denies permission for the Governor Review Panel Hearing to be electronically recorded, instead pointing to the Clerk as the conduit for recording the Governor Review Panel Hearing.
- In this instance, it is also recommended, for transparency, that the Hearing minutes are issued to both parties as soon as they have been finalised by the Governor Review Panel.

### **Record keeping**

An evidence pack, minutes of the meeting and deliberation notes should be kept by the Clerk. They should be retained, safely, securely and confidentially stored (via SharePoint), for at least one year in case they are required as evidence in an external review of the case (speak to LPLT Governance lead for help if needed.)

### **Witness Input and Expert Advice**

#### **Q: Should witnesses be invited to the Hearing?**

- It is not normally considered necessary to have witnesses attend a Hearing in person.
- If the school has carried out its exclusion investigation robustly, the evidence packs should include (redacted) statements from all the key witnesses.
- Practically, the attendance of witnesses, who can be subject to questioning from the parents, the school and the Governor Review Panel, does not happen frequently.

#### **Q: What about other advisers such as the LA Inclusion Officer?**

- See Section 4 for further detail on the role the Local Authority can play in a Panel Hearing.
- See Appendix 10 for the contact details of the Inclusion Officers for nearby Local Authorities.

#### **Q: Should the Governor Review Panel seek legal advice?**

If upon reviewing the written evidence pack, the Governor Review Panel feel that they may need access to legal advice, the Clerk should make this request known to the school in order for the school to arrange the provision of such advice. This may necessitate an evidence pack being distributed to the legal adviser.

Appendix 1: Exclusion Panel Set-up & Post Panel Checklist

<b>School:</b>	Name, phone number and email
<b>Head Teacher:</b>	Name, phone number and email
<b>School Admin Contact (if not Head):</b>	Name, contact number and email
<b>Parents:</b>	Name(s), phone number and email
<b>Chair of Governors:</b>	Name, phone number and email
Date informed of the need for a Panel:	
Type of Governor Review Panel:	FTE (cumulative) Hearing Permanent Exclusion Hearing
Panel deadline date:	Last date for Panel (15 schools days from date GB informed)
Date for distributing Evidence Packs:	7 working days before Panel Hearing date
Receipt of documents from all parties:	2 working days before Evidence Packs to be distributed School: Date of receipt Parents: Date of receipt

<p>Potential Panel Dates:</p> <p>Between:</p> <p>And:</p>	<p>Dates excluded by the school:</p> <p>Dates excluded by the Governors:</p> <p>Dates excluded by the parents:</p> <p>Dates excluded by SEN Expert (if attending):</p>
<p><b>Panel Date and Time Agreed:</b></p>	<p>Date notification sent to:</p> <p style="padding-left: 40px;">Parents:</p> <p style="padding-left: 40px;">School:</p> <p style="padding-left: 40px;">Panel Members:</p>

Governor Panel Members	Contact Details	Address for posting papers	Date papers posted	Evidence of receipt of papers?
Chair	Name, email, phone number			
Member 2				
Member 3:				



Rooms Booked:	Type of Room	Purpose
1	Large room, panel style (Appendix 11 for layout)	Panel Hearing
2	Small room	Room for Parents, available for whole duration
3	Small room (Head Teacher's office?)	Room for School representatives, available for whole duration
Refreshments/Water Jugs and Tissues available in all three rooms?		
Any identified special requirements? (Large font documents, hearing loop, breaks needed regularly)		

### Post Panel Checklist

Outcome letter agreed	Date:
Outcome letter sent	Parent - date emailed:                      date sent registered post: Head Teacher - date emailed:                      date sent registered post:
Draft deliberation notes and minutes sent to Chair	Date deliberation notes emailed: Date draft minutes emailed:
Deliberations notes agreed (not for dissemination)	Date:
Minutes agreed	Date:
Minutes sent to parents and Head Teacher (if applicable)	Requested: Yes / No Parent – date emailed: Head Teacher – date emailed:

One-off Fixed period exclusion of 5 days or less

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[period of exclusion]**. This means that **[he/she]** will not be allowed in school for this period. The exclusion begins on **[date]** and ends on **[date]**. I expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[Reason for Exclusion, sufficient detail to be included with reference to how the school's behaviour policy has been breached]**.

**[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of this incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently. I will communicate with you in a separate letter if such a decision is reached.

**[Use this paragraph for pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]**, unless there is reasonable justification for this, which you will need to demonstrate. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates.

We will set work for **[Name of child]** during the **[..... days]** of the exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to present your case about this decision to exclude **[Name of child]** to the school's Governing Body. If you wish to do so please contact **[Name of Clerk]** on/at **[Clerk Contact Details]** as soon as possible. Whilst the Governing Body is not required, by statutory legislation, to meet with yourselves nor does it have the power to direct reinstatement, they will consider any existing evidence presented by yourself and may place a copy of their findings on your child's school record.

**Where a public examination will be missed, please insert the following text into the letter**

***As a public examination will be missed, the Governing Body will try to consider the exclusion before that date.***

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability).

The address to which appeals should be sent is:

First-tier Tribunal (Special Educational Needs and Disability)

1st Floor, Darlington Magistrates Court,

Parkgate,

Darlington, DL1 1RU

Email [send@justice.gov.uk](mailto:send@justice.gov.uk) Telephone 01325 289 350

Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Where you believe other forms of discrimination have occurred, please make a claim to the County Court. Making a claim would not affect your right to present your case to the Governing Body. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

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

You may wish to contact the Local Authority's Inclusion Officer **[insert LA details – see appendix 10 for relevant details]** who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state schools. It offers information and support on state education in England and Wales, including exclusion from school. It can be contacted on 0300 0115 142 (Monday-Wednesday, 10am to 1pm, during term time only) or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services **[insert information]**, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The statutory exclusions guidance '*Exclusion from maintained schools, academies and pupil referral units in England, 2017*' can be found at:

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

Yours sincerely

**[Name]**  
**Head Teacher**

Fixed term exclusion of between 6-15 days, where cumulative number of exclusion days in one academic term totals 15 days or less

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[period of exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins on **[date]** and ends on **[date]**. Your child should return to school on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[Reason for Exclusion, sufficient detail to be included with reference to how the school's behaviour policy has been breached]**.

**[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of this incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently. I will communicate with you in a separate letter if such a decision is reached.

**[Use this paragraph for pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on **[specify dates]**, unless there is reasonable justification for this, which you will need to demonstrate. I must advise you that you may be prosecuted or receive a penalty notice from the Local Authority if your child is present in a public place on the specified dates without reasonable justification.

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

**[Delete the following paragraph if this exclusion is 5 days or less]**

From the 6<sup>th</sup> school day of **[Child's Name]** exclusion, **[specify date]** until the expiry of his/her exclusion we will provide suitable full-time education. On **[date]** s/he should attend **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **(If applicable – say something about transport arrangements from home to the alternative provider)**.

**[Use if education arrangements are not available by the date of this letter]**

The arrangements for **[Child's Name's]** education will be set out in writing shortly in a further letter.

You have the right to request a meeting of the School Governing Body to whom representations and my decision to exclude can be reviewed. The latest date by which the must meet, if you request a meeting, is **[insert date – no later than 50 school days after the date on which the School Governing Body were notified of this exclusion]**. If you do wish to challenge the decision to exclude before the Governing Body and wish to be accompanied by a friend or representative please contact **[Name of Contact/Clerk]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible. Please advise if you have a disability or any specific needs which would affect your ability to attend

or take part in a meeting at the school. Also, please inform [**Contact/Clerk**] if it would be helpful for you to have an interpreter present at the meeting.

**Where a public examination will be missed, please insert the following text into the letter**

**As a public examination will be missed, the Governing Body will try to consider the exclusion before that date.**

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is:

First-tier Tribunal (Special Educational Needs and Disability),

1st Floor, Darlington Magistrates Court,

Parkgate,

Darlington, DL1 1RU

Email [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350

Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Where you believe other forms of discrimination have occurred, please make a claim to the County Court. Making a claim would not affect your right to present your case to the governing body. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

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

You may wish to contact the Local Authority's Inclusion Officer, [**insert LA details – see appendix 10 for relevant details**], who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state schools. It offers information and support on state education in England and Wales, including exclusion from school. It can be contacted on 0300 0115 142 (Monday-Wednesday, 10am to 1pm, during term time only) or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**Where considered relevant by the head teacher include the following**

Traveller Education Services [**insert information**], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The statutory exclusions guidance 'Exclusion from maintained schools, academies and pupil referral units in England, 2017' can be found at:

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

Yours sincerely

[**Name**]

**Head teacher**

## Appendix 2iii: Model Exclusion Letter from Headteacher

Fixed term exclusion of 16 days or more, or where cumulative exclusion days in one academic term total 16 days or more

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period of exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**. I expect **[Name of Child]** to be back in school on **[Date]** at **[Time]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[Reason for Exclusion, sufficient detail to be included with reference to how the school's behaviour policy has been breached]**.

### **[Use this paragraph only where there is consideration of permanent exclusion]**

In view of the nature of this incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently. I will communicate with you in a separate letter if such a decision is reached.

### **[Use this paragraph for pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on **[specify dates]** unless there is reasonable justification for this, which you will need to demonstrate. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates.

We will set work for **[Name of Child]** during the first 5 school days of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the **[6<sup>th</sup> school day of the pupil's exclusion - specify date]** until the expiry of this exclusion we will provide suitable full-time education.

### **[The following information must be included with this notice where it can reasonably be found out within the timescale]**

The arrangements for [pupil name]'s education are as follows:

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

### **[Use if education arrangements are not available by the date of this letter]**

The arrangements for **[Child's Name's]** education will be set out in writing shortly in a further letter.

As **[Child's Name]** has now been excluded for a total of **[specify number of days]** in this academic term, the Governing Body must meet to consider the exclusion and review my decision to exclude. The latest date by which the Governing

Body must meet, if you request a meeting, is **[insert date – no later than 15 school days after the date on which the Governing Body were notified of this exclusion]**. You have the right to attend this review meeting.

If you do wish to challenge the decision to exclude before the Governing Body and wish to be accompanied by a friend or representative please contact **[Name of Contact/Clerk]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible. Please advise if you have a disability or any specific needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[Contact/Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

***Where a public examination would be missed, please insert the following text into the letter***  
***As a public examination will be missed, the Governing Body will try to consider the exclusion before that date.***

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is:

First-tier Tribunal (Special Educational Needs and Disability),

1st Floor, Darlington Magistrates Court,

Parkgate,

Darlington, DL1 1RU

Email [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350

Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Where you believe other forms of discrimination have occurred, please make a claim to the County Court. Making a claim would not affect your right to present your case to the governing body. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

You may wish to contact the Local Authority's Inclusion Officer, **[insert LA details – see appendix 10 for relevant details]**, who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state schools. It offers information and support on state education in England and Wales, including exclusion from school. It can be contacted on 0300 0115 142 (Monday-Wednesday, 10am to 1pm, during term time only) or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

***[Where considered relevant by the head teacher include the following]***

Traveller Education Services **[insert information]**, the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The statutory exclusions guidance 'Exclusion from maintained schools, academies and pupil referral units in England, 2017' can be found at:

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

Yours sincerely

**[Name]**  
**Headteacher**

Appendix 2iv: Model Exclusion Letter from Headteacher  
For a Permanent Exclusion

Dear **[Parent's Name]**

I regret to inform you of my decision to exclude **[Child's Name]** permanently, with effect from **[Date]**/with immediate effect. This means that **[he/she]** will no longer be allowed on the school's premises unless **[he/she]** is reinstated by the school's Governing Body.

I realise that this exclusion may well be upsetting for you and your family but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded permanently because **[Reason for Exclusion, sufficient detail to be included with reference to how the school's behaviour policy has been breached and any relevant previous history]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on **[specify precise dates]** unless there is reasonable justification for this, which you will need to demonstrate. I must advise you that you may be prosecuted or receive a penalty notice from the Local Authority if your child is present in a public place on the specified dates.

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards, from **[specify the date]**, the Local Authority **[give the name of the authority]** will provide suitable full-time education. **[Set out the arrangements if known at time of writing, if not known, say that arrangements will be notified shortly by a further letter or by phone]**.

**[Add this paragraph where a pupil lives in a local authority other than the excluding school's local authority]**

I have also today informed **[Name of Officer – see appendix 10 for relevant details]** at **[Name of Local Authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the Governing Body must meet to consider it and you are able to attend this meeting. The meeting must consist of at least 3 Governors. At the meeting, you may make representations to the Governing Body and challenge my decision to exclude **[Child's Name]**. The Governing Body is able to reach one of two decisions: to reinstate **[Child's Name]** immediately or from a specified date; or, alternatively, they have the power to decline to reinstate your child, in which case you may request an independent review of their decision by requesting an Independent Review Panel.

The latest date on which the Governing Body must meet is **[date .....no later than 15 school days after the date on which the Governing Body were notified of this exclusion]**. We will endeavour to arrange the meeting at a date and time that is convenient for you to attend within this timeframe. If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative please contact **[Name of Contact/Clerk]** on/at **[Contact Details – Address, Phone Number, email]**, as soon as possible. Please let us know if you have a disability or specific needs which would affect your ability to attend or take part in the meeting. Also, please inform **[Contact/Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

**Where a public examination would be missed, please insert the following text into the letter**

**As a public examination will be missed, the Governing Body will try to consider the exclusion before that date.**

The Governing Body will ask for written evidence from the school in advance of the meeting (including witness statements and other relevant information held by the school) and will endeavour to circulate this information to you and all those who will be present at the meeting at least five school days in advance of the meeting. You will also have the opportunity to submit written evidence for all parties to review; the [Contact/Clerk] will be in touch separately to clarify how this evidence can be submitted and by when.

You may like to request that **the Local Authority and/or the home Local Authority** attend the meeting of the school's Governing Body as an observer; that representative may only make representations with the Governing Board's consent. Where possible, the representative will prepare a statement based on the evidence pack circulated by [Contact/Clerk]. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DfE Exclusion Guidance has been ignored.

You may wish to contact the Local Authority's Inclusion Officer, [insert LA details – see appendix 10 for relevant details], who can provide advice.

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is:

First-tier Tribunal (Special Educational Needs and Disability),

1st Floor, Darlington Magistrates Court,

Parkgate,

Darlington, DL1 1RU

Email [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) Telephone 01325 289 350

Website <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Where you believe other forms of discrimination have occurred, please make a claim to the County Court. Making a claim would not affect your right to present your case to the Governing Body. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state schools. It offers information and support on state education in England and Wales, including exclusion from school. It can be contacted on 0300 0115 142 (Monday-Wednesday, 10am to 1pm, during term time only) or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

**[Where considered relevant by the head teacher include the following]**

Traveller Education Services [insert information], the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The statutory exclusions guidance '*Exclusion from maintained schools, academies and pupil referral units in England, 2017*' can be found at:

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

Yours sincerely

[Name]

Headteacher

Appendix 3: Email to Governing Board requesting availability to form an Exclusion Panel

Dear Governors,

**Name of Pupil**

The above-named pupil has been permanently excluded from **name of school** and therefore it is a statutory requirement that a Governor Exclusion Panel must be convened within 15 school days. The Panel Hearing must take place by **date (15 school days from the GB receiving notification of the permanent exclusion)**.

It is essential that 3 Governors who have **no** prior knowledge or connections to the excluded pupil and/or their family make up the Exclusion Panel. If you are in doubt as to whether a conflict of interest may or may not exist, please let me know and advice can be provided.

Please could you notify me, **without delay**, of your availability to participate in a Panel Hearing to be held at the school's premises on the dates highlighted in the table below.

It is essential, given the statutory timescales that the Governing Board must adhere to, that you respond to this request **without delay**.

Thank you for your co-operation in this matter.

Date	AM/PM	Available Yes/No

Yours sincerely,

Clerk to the Governors,

**Name of school**

Appendix 4: Clerk email to confirm Panel Members

Dear Panel Members,

Thank you for confirming that you will participate as a panel member for the Exclusion Review Panel to be held on **date** at **time** for **name of child**.

A pre-meeting will take place at **time** on the day of the Panel Hearing (**half an hour before the start of the Panel Hearing**). If you have any specific requirements to enable you to access both the pre-meeting and the Panel Hearing, please tell me now so that I can make those arrangements.

**As part of the Exclusion Panel it is vital that you do not communicate at all with either the child concerned, the family concerned, the school or any member of the Governing Board who is not a Panel Member, regarding any aspect of this case. All information in relation to this Exclusion Panel is confidential and should not be discussed with anyone apart from your fellow Panel Members at the pre-meeting and myself as the Clerk.**

**All communication and questions regarding the Panel Hearing and evidence etc, should only come via myself.**

Your fellow panel members are

\_\_\_\_\_ and whose email address is \_\_\_\_\_

\_\_\_\_\_ and whose email address is \_\_\_\_\_

\_\_\_\_\_ has been appointed as the Chair for this Panel.

The evidence pack for this meeting is expected to be despatched on **date** by special delivery and will require a signature. To this end, **please confirm as soon as possible the postal address you wish to receive your papers at.**

**If I do not receive an address from you, your papers will be sent to the School where you will be required to sign for and collect them from there.**

I can be contacted on **email address**. For further advice on any aspect of the Panel Hearing, please do not hesitate to contact me.

Yours sincerely

Clerk to the Governors,

**Name of school**

**Parent Address**

**Date**

Dear **parent's name**,

**Name of pupil, date of birth**

I understand from **name of headteacher** that your **son/daughter** has been excluded from the school permanently with effect from **date of exclusion**.

The Exclusion Panel of the school's Governing Board has, by law, to meet to consider the exclusion. It has the power to either overturn the exclusion and direct that **name of pupil** be reinstated in the school, or to uphold the Headteacher's decision to permanently exclude.

The GDC will meet to consider the exclusion on **date at time and place**. I hope that you will be able to attend; please let me know as soon as possible if you are unable to attend on this date and time. You may also be accompanied to the Hearing by a family member/friend and/or a legal representative; please could you let me know as soon as possible, who will be attending the Hearing with you and in what capacity. You are also able to bring **name of pupil** with you to the Hearing.

You have the right to ask the Local Authority inclusion representative to attend the Hearing; **insert contact details here – see appendix 10**).

The following people will also be in attendance at the Hearing:

- **Names of school representatives and their roles;**

The following Governors will constitute the Hearing Panel:

- **Governor name, name of school (Chair of the Hearing Panel);**
- **Governor name, name of school; and**
- **Governor name, name of school.**

The Panel will be supported by myself, **Clerk's name**, during the Hearing.

The Panel Hearing will adopt the following format:

- Welcome by the Panel Chair, with all parties asked to introduce themselves;
- Statement from the Head/School, outlining the reasons why **pupil name** was excluded;
- The opportunity for both you and the Panel members to ask questions of the School representatives;
- Statement from yourself on why you believe **pupil name's** exclusion should be overturned and **pupil name** be allowed to continue at the school;
- The opportunity for the School and the Panel members to ask you questions;
- An opportunity for the Local Authority inclusion representative (if present) to provide their opinion on the exclusion and answer questions from yourselves, the School and the Panel members;

- Summing up by the School; and
- Summing up by yourselves.

To reach its decision the Hearing Panel will consider both the oral proceedings on the day along with a written evidence pack which will be distributed to all parties at least five school days before the Panel Hearing. As well as evidence provided by the School, you also have the opportunity to contribute to the evidence pack that is distributed. This can include a written statement about the exclusion. If you have any difficulty in writing a statement, but would still like to do so, please contact the Education Welfare Officer attached to the school, **add details of EWO's name and telephone number**.

If you wish to contribute to this evidence pack, please send me the relevant documentation (**email address and/or postal address**) by **date** (two school days before the dissemination of the evidence pack). Please note that there is a risk that evidence submitted on the day of the Hearing itself may not be considered in the Panel proceedings.

If the Exclusion Panel does not overturn **pupil name's** exclusion, you will have the right to ask for an Independent Review Panel. Details of this Panel will be provided in the letter that is sent to you once the Exclusion Panel has reached its decision.

If you have any questions about the Panel Hearing, please contact me at [**give details of contact arrangements**], or [**name**], the Inclusion Support Officer on [**contact details**].

Yours sincerely,

**Name**, Clerk to the Exclusion Panel

**Name of School**

c.c. **Name**, Head Teacher

**Name**, EWO

## Appendix 6: Governor Review Panel Hearing Agenda Template

Date and Time

No:	Item
1.	<b>Introduction</b> <ul style="list-style-type: none"> <li>- Welcome by the Chair of the Panel.</li> <li>- Chair to explain purpose of the meeting and order of business.</li> <li>- Chair to clarify who will be presenting the case on behalf of the School and the parents.</li> <li>- Introductions (all present to introduce themselves).</li> </ul>
2.	<b>Presentation from the School</b> <ul style="list-style-type: none"> <li>- Head Teacher and School representatives.</li> </ul>
3.	<b>Questions</b> <ul style="list-style-type: none"> <li>- Parents.</li> <li>- Panel Members.</li> </ul>
4.	<b>Presentation from the Parents or their Representative</b>
5.	<b>Questions</b> <ul style="list-style-type: none"> <li>- School.</li> <li>- Panel Members.</li> </ul>
6.	<b>Questions for the Local Authority representative (if in attendance)</b> <ul style="list-style-type: none"> <li>- From the parents.</li> <li>- From the school.</li> <li>- From the Panel Members.</li> </ul>
7.	<b>Summary</b> <ul style="list-style-type: none"> <li>- The School to sum up their case.</li> <li>- The Parents (or their representative) to sum up their case.</li> </ul>
8.	<b>Closure of Meeting</b> <ul style="list-style-type: none"> <li>- Chair to inform those present of the next steps with respect to when the decision will be made, how it will be communicated and when it will be communicated by.</li> <li>- Chair to clarify the next steps that can be taken by the parents if they disagree with the Panel's outcome and that this will be included in the outcome letter.</li> <li>- Clerk to confirm email and postal address of parents.</li> <li>- Clerk to escort both parties from the room prior to Panel Members deliberating.</li> </ul>
9.	<b>Deliberation by the Panel, supported by the clerk</b> <ul style="list-style-type: none"> <li>- Decision to be made.</li> <li>- Outcome letter to be drafted, agreed and sent to both parties within 1 school day.</li> </ul>

Appendix 7: Covering Letter to accompany the Evidence Packs

i. To the Panel Members

Date

Dear **name**,

**Permanent Exclusion: Name of Child**

Please find enclosed the written evidence pack that both the School and Parents have had the opportunity to contribute to (**you can state if the parent has made a contribution or not**); this has been distributed to both the School and the parents.

The following people are known to be attending the Panel Hearing:

**Names and roles of those who will be attending**

If you have any questions on the evidence pack, please contact me (**contact details**) and not the school and/or parent.

I look forward to meeting you at the Panel pre-meet at **time**, on **date**.

Yours sincerely,

**Clerk's Name**

---

ii. To the Parents

Date

Dear **name**,

**Permanent Exclusion: Name of Child**

Please find enclosed the written evidence pack that both you and the School have had the opportunity to contribute to (**you can state if the parent has made a contribution or not**); this has been distributed to both yourselves and the School along with the Panel Members.

Please bring this evidence pack with you on the day of the Panel Hearing.

If you have any questions on the evidence pack, please contact me (**contact details**) and not the school.

I look forward to meeting you at the Panel Hearing on **time**, on **date**.

Yours sincerely,

**Clerk's Name**

---

iii. To the School

Date

Dear **name**,

**Permanent Exclusion: Name of Child**

Please find enclosed the written evidence pack that both you and the parents have had the opportunity to contribute to (**you can state if the parent has made a contribution or not**); this has been distributed to both yourselves and the parents along with the Panel Members.

The following people are known to be attending the Panel Hearing:

**Names and roles of those who will be attending**

If you have any questions on the evidence pack, please contact me (**contact details**) and not the parents and/or the Panel Members.

I look forward to meeting you at the Panel Hearing at **time**, on **date**.

Yours sincerely,

**Clerk's Name**

---

**Parent Address**

**Date**

Dear **Parent Name**,

**Fixed Period Exclusion for X days – Name of Pupil**

I am writing in connection with the meeting of a panel of Governors from **name of school** which met on **date** to consider the decision by the Headteacher, **name**, to exclude **pupil name** from the school for a fixed period of **x** days.

The Panel, after carefully considering the representations made and all the available evidence, have decided that the Headteacher was justified in excluding **pupil name**. Whilst it is acknowledged that this is not the outcome that you might have hoped for, the reasons for the Panel's decision are based on the fact that all parties present agreed with the findings that: ((this section needs to be specific for each case, and provide the rationale for the panel's decision clearly and logically.)

- **Pupil name** had xxxxxxxxxxxxxx; and
- xxxxxxxxxxxxxx.

The Panel found that the **x** exclusion was imposed as a direct result of the consequences of **pupil name's** actions. The decision to exclude **pupil name** for **x** days is deemed to be lawful, reasonable and fair. They also decided that the exclusion was proportionate and noted that, acting in **pupil name's** best interests, the Headteacher had decided not to apply a permanent exclusion due to xxxxxxxxxxxxxx.

In summary, therefore, whilst deciding that the Head Teacher was justified in excluding **pupil name**, the Panel recommends the following actions:

1. xxxxxxxxxxxxxx; and
2. xxxxxxxxxxxxxx.

Finally, the Panel would like to thank yourselves for your attendance at the Panel meeting. The family's support for **pupil name** is clear and it was particularly helpful to hear **pupil name's** views; we truly wish **him/her** the best in **his/her** studies.

Governors direct that their views should be noted on **pupil name's** school record.

Yours sincerely,

**Clerk's name**, Clerk to the Appeal Panel

Copy to:

Panel members: **Names**

Head Teacher: **Name**

## Appendix 9: Permanent Exclusion Decision Outcome Letter template

Parent Name

Parent Address

Date

Dear **Parent**

**Permanent Exclusion: Full Name of Child (X) D.O.B Day/Month/Year**

The meeting of the Governing Board at **school name** on **date** considered the decision by **the Headteacher, name**, to permanently exclude **X** from the school.

The Governing Board, after carefully considering the representations made and all the available evidence, have decided to uphold the Head's decision to exclude **X**.

The reasons for the Governing Board's decision are as follows: (this section needs to be specific for each case, and provide the rationale for the panel's decision clearly and logically.)

- **The panel were satisfied that there was evidence of xxxxxxx that constituted serious and persistent breaches of the school's behaviour policy;**
- **On balance, as a result of X's behaviour, his continuing presence in the school could seriously harm the education and welfare of other students in the school;**
- **The Head had taken these mitigating circumstances into account: xxxxxx and had implemented these strategies xxxxxxxx to support X prior to the incident to address his identified special educational needs but these have not been successful; and**
- **The Head's decision to exclude was lawful, reasonable and procedurally fair and took account of his legal duties and the available evidence.**

You have the right to have this decision reviewed by an Independent Review Panel. If you wish to have the Governing Board's decision reviewed by an Independent Review Panel you must set out the grounds for the review in writing, including if applicable, details of how the pupil's special educational needs (SEN) may be considered relevant to the exclusion. This should be sent to, Clerk to Independent Review Panel, Octavo Partnership, Croydon Clocktower, 8 Mint Walk, Croydon CR9 1ET, or via email on [clerking@octavopartnership.org](mailto:clerking@octavopartnership.org) by no later than **date (15 school days from the date of this letter)**. If you have not lodged a review by **date**, your right to a review will lapse.

You have a right to request that an SEN expert also attend the independent review panel. This will be at no cost to you. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion and whether the school's policies or the application of those policies were lawful, reasonable and procedurally fair. It is not the SEN expert's role to make an assessment of your child's special educational needs. If you would like a SEN expert to be appointed please make this clear when you lodge your application for an independent review.

Please also advise if you have a disability or special needs which would affect your ability to attend the hearing and/or if it would be helpful for you to have an interpreter present at the hearing.

The Independent Review Panel will consist of three members; one a serving (or recently retired) head teacher; one serving (or recently serving) experienced Governor; and one lay member who will chair the panel. The review panel is independent of the school and will rehear all the facts of the case. If you have fresh evidence to present you may do so. The panel must meet no later than the 15<sup>th</sup> school day after the date on which your review application is lodged. In exceptional circumstances panels may adjourn a hearing until a later date.

You can make representations to the review panel and may, at your own expense, appoint someone to make written and/or oral representations on your behalf. If you wish to you may also bring a friend to the review. **Child X** is also able to attend and participate in the review if you feel it is appropriate for **him/her** to do so.

In reviewing the decision the panel can make one of three decisions: they may uphold your child's exclusion; they may recommend that the Governing Board reconsiders their decision; or they may quash the decision and direct the Governing Board to reconsider the exclusion again.

If you think this exclusion has occurred as a result of discrimination then you may also make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Education Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Claims for discrimination must be lodged within six months of the date on which discrimination is alleged to have taken place.

The address to which appeals should be sent is:

SENDIST, 1<sup>st</sup> Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU

Guidance on making a claim of discrimination to the First Tier Tribunal can found at [www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals).

You may wish to contact **name, Inclusions Officer, [insert LA details – see appendix 10 for relevant details]** at who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (ACE), an independent national advice centre for parents of children in state schools. It offers information and support on state education in England and Wales, including exclusion from school. It can be contacted on 0300 0115 142 (Monday-Wednesday, 10am to 1pm, during term time only) or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

A copy of the Government's guidance, '*Exclusion from maintained schools, Academies and Pupil Referral Units in England*', can be downloaded from the Department for Education's website at [www.education.gov.uk](http://www.education.gov.uk).

If your child has special educational needs you may want to contact **Bromley Parent Voice on 020 8315 4749**.

The arrangements currently being made for **Child X's** education will continue.

Yours sincerely,

**Name**, Clerk to the Appeal Board

Copy to:

**X**, Chair of the Disciplinary Panel

**X**, Head Teacher, **name of the school**

**X**, Inclusions Officer, **X** LA

## Appendix 10: Local Authority Inclusion Representative Details

**In Bromley**, the responsibility for Inclusion lies with:

Hilary Stead, Borough Inclusion Officer, who can be contacted at: [Hilary.stead@bromley.gov.uk](mailto:Hilary.stead@bromley.gov.uk)

**In Croydon**, the responsibility for Inclusion lies with:

Chris Roberts, Head of Learning & Inclusion, who can be contacted at: [Chris.Roberts@Croydon.gov.uk](mailto:Chris.Roberts@Croydon.gov.uk)

**In Lewisham**, the responsibility for Inclusions lies with:

Julie Gorton, Exclusion & Reintegration Officer, who can be contacted at: [julie.gorton@lewisham.gov.uk](mailto:julie.gorton@lewisham.gov.uk)

**In Bexley**, the responsibility for Inclusions lies with: Pete Le Bas, Inclusion Team Manager, who can be contacted at:

[peter.lebas@bexley.gov.uk](mailto:peter.lebas@bexley.gov.uk)

**In Lambeth**, the responsibility for Inclusions lies with:

Stuart Boffin, Head of Inclusion, who can be contacted at: [inclusion@lambeth.gov.uk](mailto:inclusion@lambeth.gov.uk)

**Outside Parent/School Waiting Rooms**



Place chair for the Clerk to sit in the vicinity of the parent/school rooms to ensure no discussions between parties during comfort breaks/adjourments.

**The Hearing Room**

