



## **Trust Exclusions Policy**

December 2020

**Last Reviewed:** 16 December 2020

**Next Review Due:** 16 December 2021

**Adopted by:** The Strategic Board on 16 December 2020



The HEART Education Trust Documents Review Record:

<b>Version:</b>	<b>Date Amended:</b>	<b>Amended By:</b>
1	September 2016	BOE
2	January 2018	Director of Inclusion
3	December 2018	Head of Quality Assurance for Inclusion
3.1	10 December 18	COO
3.2	10 November 2020	Head of Quality Assurance for Inclusion

The HEART Education Trust, a charitable company limited by guarantee registered in England and Wales with company number 08286818. Registered office address: Heartsease Primary Academy, Rider Haggard Road, Norwich, Norfolk NR7 9UE.

**Purpose:**

The Trust is committed to providing an environment where all people can feel safe, happy, accepted and integrated. It is important that an orderly framework should exist within which effective teaching and learning can take place.

**Summary:**

- Parents will be encouraged to support good attendance and behaviour through home-Trust agreements, parents' meetings and newsletters.
- Staff will work closely with parents, carers and pupils to optimise the chances of every pupil succeeding; exclusion, whether fixed-term or permanent will be used as a last resort.
- In cases of Exclusion, the responsibilities of Parents/Carers, the Academy Headteacher and the Board of Trustees are outlined in this policy.
- A full policy is available on the Trust website.

**Status:** Statutory

**Who/what was consulted?**

This policy has been written by the Head of Quality Assurance (Inclusion) using guidelines issued by Norfolk County Council and guidance from the DfE. All staff have been consulted

**Relationship to other policies/procedures:**

- Positive Behaviour, Discipline and Anti bullying Policy
- Positive Management of Violent and Aggressive Behaviour
- Single Equality Scheme
- Home Trust Agreement
- Whole Trust policy for Safeguarding, including Child Protection
- Complaints Procedure

**Roles and responsibilities:**

Parents/Carers

Academy Headteacher

Board of Trustees

**Arrangements for monitoring and evaluation:**

The Board of Trustees will evaluate the impact of this policy through receiving data analysed by year group, gender and ethnicity on the number and range of fixed-term and permanent exclusions each term together with the reasons. It will encourage debate about the relevance and effectiveness of the Trust's behaviour management strategies, including the involvement of pupils and parents in forming policy.

**Responsibilities**

**The HEART Education Trust**

Trust Exclusions Policy

v 3.2

The Academy Headteacher will:

- be responsible for ensuring that this policy is implemented and for reporting to the Board of Trustees on its impact. He/she is the only person who can make a decision to exclude a pupil
- ensure that the policy and all procedures are in line with current legal requirements
- ensure that all staff receive appropriate support, advice and training in managing pupil behaviour in order to minimise the risk of needing to exclude a pupil
- ensure that staff work closely with parents and relevant specialist agencies when managing challenging behaviour
- in the event of an exclusion, officially inform the pupil's parent/carer of the period of the exclusion, or that the exclusion is permanent
- give the reasons for the exclusion
- advise the parent/carer that he or she may make representations about the exclusion to the Board of Trustees
- advise the parent/carer how and to whom his or her representations may be made
- advise the parent/carer of the days on which he or she will be responsible for ensuring the pupil is not found in a public place
- if applicable, advise the parent/carer of the latest date by which the Board of Trustees must meet to consider the circumstances of the exclusion of more than five days in one term either where the parent/carer has requested a meeting or where the exclusion would result in the pupil missing a public examination
- in the case of a fixed-term exclusion, advise the parent/carer of the date and time when the pupil should return to Trust
- advise the parent/carer of any alternative educational provision, including location, dates of attendance and so on
- if appropriate, advise the parent/carer of the date, time and details of the reintegration interview
- ensure that suitable full-time education is arranged for excluded pupils from the sixth Trust day of any fixed-period exclusion
- notify within a Trust day both the Local Authority and the Board of Trustees of the details of the exclusion, including the reason for it in the case of:
  - permanent exclusions and fixed-period exclusions which are converted to permanent exclusions or fixed-period exclusions totalling more than five Trust days in any one term
  - any exclusion that would result in the loss of an opportunity to take a public examination
- arrange a reintegration interview with parents/carers following the expiry of any fixed-period exclusion. The interview will be conducted by the Headteacher or

a senior member of staff and its purpose is to assist the pupil's reintegration and engage the parents/carers in promoting the improvement of his or her behaviour.

**The Board of Trustees will:**

- promote positive behaviour by celebrating the achievements of pupils and by participating in final warning meetings to encourage pupils to make full use of the opportunities the Trust offers them.
- review the Academy Headteacher's exclusion decisions
- dismiss exclusions that do not relate to a disciplinary issue and consider complaints about other circumstances under the complaints procedure
- receive training to equip themselves to discharge their duties properly
- establish a discipline committee as necessary which will consist of at least three members. The Academy Headteacher may not be a member
- ensure that all exclusions meetings are clerked.

**In cases of:**

- permanent exclusions and fixed-period exclusions converted to permanent exclusions
- all fixed-period exclusions totalling more than 15 Trust days in any one term
- fixed-period exclusions totalling more than five Trust days in any one term, where the parent expresses a wish to make representations to the Board of Trustees
- exclusions that would result in the loss of an opportunity to take a public examination

The Board of Trustees (or discipline committee) will meet to:

- consider the circumstances in which the pupil was excluded
- consider any representations about the exclusion made by the parent/carer and by the Local Authority
- consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.

The timescales and requirements about presentation of evidence as set out in the Guide to Law for Trust Governors will be followed at all times. Where the Board of Trustees has upheld a permanent exclusion, parents/carers may appeal against its decision to the Trustees of the Trust. The decision of the Trust is binding on the parties.

If the parent/carer considers that there was maladministration by the appeal panel, he or she may make a complaint to the Local Government Ombudsman or the Secretary of State, depending on what the arrangements are in the local authority (from September 2011 it is expected that complaints can only be made to the Local Government Ombudsman).

Where a reintegration meeting is arranged following a fixed term the parents'/carers' presence is crucial. A parent/carer's failure to attend may be a factor taken into account by a court when considering whether to impose a parenting order, if one is applied for at some future time.

## **The Pupil Discipline Meeting**

This document is intended to provide the Chair and Clerk with guidance for running a meeting of the Board of Trustees' Pupil Discipline Panel.

It is important that the members on the panel understand that they, and not the Academy Headteacher, 'own' the meeting. How the meeting is arranged, and conducted, is a vital part of working with the parents/carers of the pupil involved to support the young person's future.

Within the following text, sections written in *Italics* provide additional advice to support the separate points on how to run the meeting.

### **Membership of the Panel**

This can be between 3 and 5 Trust governance members appointed by the Board of Trustees, but must not be less than 3. An odd number of members is strongly recommended. Members should, as far as possible, have no prior knowledge of the matter, which means that the detail of individual pupil exclusions must not be discussed in Trustees' meetings. To discuss the matter in advance will compromise the ability of Trustees to reach a fair decision, based on natural justice, and will make the process invalid.

Trustees must not sit on the panel if any of the following apply:

- they know the pupil and/or his/her family;
- they witnessed the incident that led to the exclusion;
- they have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- they have a spouse/partner who was involved in the incident;
- they may not be able to be impartial, for any other reason;

### **Chairing the meeting**

A Trustee should chair the meeting. The Chair of the Board of Trustees may act as chair, provided that s/he has not discussed the matter before with anyone, especially the Academy Headteacher.

### **Clerking the meeting**

In Norfolk the Local Authority (LA) strongly recommends that, in cases where the Clerk to the Board of Trustees is an employee of the Trust, s/he should not clerk meetings of the Pupil Discipline panel. This is in case parents bring an allegation that s/he influenced the panel's decision when left alone with the panel during their private deliberation of the matter. Where parents make an appeal against a permanent exclusion to the Board of Trustees' Appeals Panel (the stage after the panel), if such an allegation is made it is possible that the panel will automatically reinstate the pupil to the academy.

## **Order of the meeting**

### **Noting attendance**

The Clerk should list in the notes of the meeting the names of everyone who is present:

- the members of the panel, stating who is in the chair;
- the Academy Headteacher and any other members of Trust staff present;
- the parents/carers, and anyone accompanying them, i.e. a friend or representative and the pupil, if in attendance
- the LA Officer, if in attendance - usually only for permanent exclusions, or long-term fixed period exclusions
- the clerk

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and whether or not they had indicated that they would be present. It is at the chair's discretion whether the start of the meeting will be briefly postponed, in case the parents/carers have been delayed.

### **Apologies**

The clerk should note any apologies offered.

NB the meeting must not take place with less than 3 governors.

### **Chair's welcome, introductions and opening remarks**

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. S/he should state the purpose of the meeting and outline its format.

The purpose of the meeting is two-fold:

- to establish whether, based on the facts known at the time, the Academy Headteacher took the right action in excluding the pupil;
- to consider whether the type or length of period of exclusion was appropriate.

Based on the evidence presented to them the Board of Trustees members on the panel have two basic options:

- to uphold the Academy Headteacher's action, or
- to reinstate the pupil

In order to help them reach their judgement the meeting should take the following pattern.

### **Verbal statement from the Academy Headteacher**

This will be in support of any written evidence previously circulated. The Academy Headteacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. S/he may invite other staff members to attend to

offer supporting evidence. Parents/carers may make comments after the Academy Headteacher has presented his/her case.

Where written evidence is circulated in advance it must be sent to all the parties involved. Witness statements may have the name/contact details of the witnesses removed or hidden. In the case of a permanent exclusion, where the Academy Headteacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions. Fixed-term exclusion should only consider the single issue that caused the exclusion to be given.

### **Questions to the Academy Headteacher**

Panel members may ask questions to clarify points

### **Verbal statement from the parent/carer (or pupil if appropriate)**

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf. The Academy Headteacher may make comments after the parent/carer has presented their case.

### **Questions to parents/carers**

Panel members may ask questions to clarify points Advice/comments from the LA Officer Where an officer is in attendance (usually permanent and possibly long fixed-term exclusions) the panel may ask for advice/guidance on what action might have been taken in similar situations in other Trusts. The officer may also advise on what information is currently 'missing' from the discussion that should be pursued, so that the panel can be assured they have made their decision based on the fullest evidence available.

### **Final clarification**

The Chair of the panel should ensure that all parties, especially the parents/carers, have had an opportunity to say what they want, and that all points are clear. Members of the Board of Trustees should be confident that they have all the information they need to be able to reach a correct decision.

### **Reaching a Decision**

At this point everyone other than the panel and clerk should withdraw from the meeting, to allow the panel to discuss the case/s under consideration and form a judgement.

*In the case of a short fixed-term exclusion of 5 days or fewer, if the panel do not uphold the Headteacher's decision it will probably not be possible to reinstate, as the child will very likely already have returned to Trust before the meeting can be arranged. In this case a note will be attached to the child's Trust record, to clarify that the panel did not support the Headteacher's action.*

**NB** – the actual note of the exclusion cannot be removed from the child's record.

*The panel may agree that, whilst a fixed period of exclusion (not permanent) was the correct action to take, the number of days given was too severe. In this case, provided the pupil has not already returned to Trust, the panel may decide to reinstate the pupil sooner than planned. This does not have to be immediately, but may be from an earlier date than initially set down.*

*The panel may also want to consider whether, if it has not already happened, a brief time needs to be allowed for the Headteacher and staff to plan for the child's reintegration, as s/he was not expected back in Trust quite so soon. Where the panel judges that exclusion was not the correct course of action, it may reinstate the pupil, as outlined above. In these cases one, or more, of the following might apply:*

- the Headteacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;*
- the panel judge that insufficient strategies\* had been put in place to support the pupil prior to the incident that resulted in the exclusion (i.e. it could have been avoided if the Trust had given better support), or;*
- the parent/carer has made an acceptable representation against the exclusion, e.g. provided evidence of mitigating circumstances \* strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the child presents or faces; or, in the case of Looked After Children, whether their Personal Education Plan has been reviewed. There are times when pupils with EHCPs of Special Educational Needs (SEN) are exhibiting behaviour that might lead to their exclusion, or have been excluded. In these cases the Trust should have requested an urgent review of the EHCP, to establish that the child has the appropriate level of support in the Trust, or is even the appropriate Trust for the child to attend. The LA does not support the permanent exclusion of EHCP pupils without a high level review of the child's needs. Where a child is causing concern and the Headteacher decides the only action s/he can take is to exclude, it should only be on a fixed term basis initially, to allow a review to take place. Appropriate action at the right time could prevent a permanent exclusion appearing on the child's record. Where a child with an EHCP of Special Educational Needs is excluded from Trust the panel should always ask about what the Trust has done to support the child before any exclusion is imposed and satisfy itself that the Trust has done all it can. If a fixed term exclusion is upheld by the panel the parent of a child with an EHCP must be informed of their right to appeal to SENDIST, the Special Educational Needs & Disability Tribunal.*

The clerk will take notes (not formal minutes) of:

- the main points of the discussion by panel members;
- the decision reached, and:
- the supporting reasons.

The panel may include comments or make recommendations, possibly such as including establishing a meeting, during a fixed-term exclusion period, to draw together a mutually agreeable Pastoral Support Plan for the pupil.

Where all parties have chosen to stay to be told the decision they should be invited back into the meeting room to receive this. However, it is not an opportunity for further discussion of the case. In any event, a formal letter detailing the decision, and setting out the reasons why governors have reached their conclusion, should be sent to the parent/ carer to reach them within 24 hours.

### **Further action**

For a fixed-term exclusion there is usually no further right of appeal by the parents/carers– the decision of the Board of Trustees' Panel is final. The parent/carers can only approach the Trustees if they can provide evidence that correct procedures were not followed. See the note above re appeals for statemented children. In the case of a permanent exclusion, the parents/carers must be informed in the letter from the panel of how they can make an appeal to the Trustees.

## **Appendix 1: EXCLUSION INFORMATION AND MODEL**

These letters have been produced by Norfolk Children's Services. The Department for Education has issued New Guidance for 2017:-

Exclusion from maintained Trusts, Academies and pupil referral units in England

A guide for those with legal responsibilities in relation to exclusion

### **Model Letter 1**

**From the head teacher of an Academy notifying parent(s) of a fixed period exclusion which takes the total exclusions to 5 academy days or fewer in one term.**

### **Model Letter 2**

**From the head teacher of an Academy notifying parent(s) of a pupil's fixed period exclusion which takes the total exclusions to more than 5 academy days (up to and including 15 academy days) in a term**

### **Model Letter 3**

**From the head teacher of an Academy notifying parent of a fixed period exclusion which takes the total exclusions in one term to more than 15 academy days.**

### **Model Letter 4**

**From the head teacher an Academy notifying the parent(s) of the pupil's permanent exclusion.**

### **Model Letter 5**

**From the clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust to parent(s) upholding a permanent exclusion**

### **Model Letter 6**

**From clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust advising parent(s) after speaking to them to confirm the date and time of the meeting to consider the exclusion of a pupil**

### **Model Letter 7**

**From clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust advising parent(s) reinstating the pupil.**

### **Model Letter 8**

**From clerk to the Exclusion Panel of the Trustees of the HEART Education Trust advising parent(s) of the outcome after a reconsideration of the reinstatement of the pupil**

## Model letter 1

**From the Academy Headteacher notifying parent(s) of a fixed period exclusion which takes the total exclusions to 5 academy days or fewer in one term.**

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** for a fixed period of **[specify period]**. This means that **[he/she]** will not be allowed in academy for this period. The exclusion **[begins/began]** on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded for this fixed period because **[reason for exclusion this can be more than one reason]**.

**[For pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in academy hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. 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 academy hours on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

**[For a non-consecutive fixed-term exclusion]**

We will set work for **[pupil's name]** during the first five academy days of **[his/her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the academy is completed and returned to us promptly for marking.

**[For consecutive fixed-term exclusions of more than 5 days]**

From the **[6th academy day of the pupil's exclusion [specify date] until the expiry of this exclusion we the HEART Education Trust - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** **[he/she]** should attend at **[give name and address of the alternative provider if not the home Academy]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. Note: where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive academy days of exclusion, then education must be arranged for the 6<sup>th</sup> day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion]**

You have the right to make representations about this decision to the Exclusion Panel of the HEART Education Trust. If you wish to make representations please

contact **[Name of Contact]** at **[contact details — address, phone number, email]**, as soon as possible. Whilst the to the Exclusion Panel of the HEART Education Trust has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's academy's record.

You should also be aware that if you think the 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

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 academy to discuss how best we can support your child.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]**

**[Pupil's Name]**'s exclusion expires on **[date]** and we expect **[pupil's name]** to be back in the academy on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Academy Headteacher

**Model letter 2**

**From the Academy Headteacher notifying parent(s) of a pupil's fixed period exclusion which takes the total exclusions to more than 5 academy days (up to and including 15 academy days) in a term.**

Dear **[Parent's name]**

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

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

**[For pupils of compulsory Trust age]**

You have a duty to ensure that your child is not present in a public place in academy hours during the first 5 academy days **[or specify dates if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. 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. It will be for you to show that there is reasonable justification for this.

**[For a non-consecutive fixed-term exclusion]**

We will set work for **[pupil's name]** during the first five academy days of **[his/her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the academy is completed and returned to us promptly for marking.

**[In all cases]**

From the **[6th academy day of the pupil's exclusion [specify date] until the expiry of this exclusion we the HEART Education Trust - set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** **[he/she]** should attend at **[give name and address of the alternative provider if not the Academy]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider.]**

**Note- where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive academy days of exclusion, then education must be arranged for the 6<sup>th</sup> day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion].**

You have the right to request a meeting of the Exclusion Panel of the Trustees of the HEART Education Trust to whom you may make representations, where the decision to exclude can be reviewed. As the period of this exclusion is more than 5 academy days in a term the Exclusion Panel of the Trustees of the HEART Education Trust must meet if you request it to do so to consider reinstatement. The latest date

by which the Exclusion Panel of the Trustees of the HEART Education Trust must meet, if you request a meeting, is **[specify date — no later than the 50th academy day after the date on which the board of trustees were notified of this exclusion]**. If you do wish to make representations to the Exclusion Panel of the Trustees of the HEART Education Trust and wish to be accompanied by your child and friend or representative, please contact **[name of contact] on/at [contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the governing body/management committee/board of trustees of the Academy Trust.

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 academy before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to the academy can be managed.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or [school\\_exclusions@nas.org.uk](mailto:school_exclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]**

**[Pupil's name]**'s exclusion expires on **[date]** and we expect **[pupil's name]** to be back in the academy on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Academy Headteacher

### Model letter 3

**From the Academy Headteacher notifying parent of a fixed period exclusion which takes the total exclusions in one term to more than 15 academy days.**

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** for a fixed period of **[specify period]**. This means that **[pupil's name]** will not be allowed in the academy for this period. The exclusion **[begins/began]** on **[date]** and ends on **[date]**.

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

**[For pupils of compulsory Trust age]**

You have a duty to ensure that your child is not present in a public place in academy hours during **[the first five academy days of exclusion or specify dates]**, unless there is reasonable justification for this. 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. It will be for you to show that there is reasonable justification.

**[For a non-consecutive fixed-term exclusion]**

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

**[In all cases]**

From the **[6th academy day of the pupil's exclusion]** **[specify date]** until the expiry of **[his/her]** exclusion we **The HEART Education Trust- set out the arrangements for provision if known]** will provide suitable full-time education. On **[date]** **[he/she]** should attend **[give name and address of the alternative provider]** at **[specify the time]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider.**

**Note- where a child receives consecutive fixed period exclusions, these are regarded as a cumulative period of exclusion. This means that if a child has more than five consecutive academy days of exclusion, then education must be arranged for the 6<sup>th</sup> day regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion].**

As the length of exclusions is more than 15 academy days in total in one term the Exclusion Panel of the Trustees of the HEART Education Trust must meet to

**The HEART Education Trust**

Trust Exclusions Policy

v 3.2

consider reinstatement. At the meeting you may make representations. The latest date on which the Exclusion Panel of the Trustees of the HEART Education Trust can meet is **[date here — no later than 15 academy days from the date the Exclusion Panel of the Trustees of the HEART Education Trust is notified]**. If you wish to make representations to the Exclusion Panel of the Trustees of the HEART Education Trust and wish to be accompanied by your child and friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Exclusion Panel of the Trustees of the HEART Education Trust of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the academy. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to Exclusion Panel of the Trustees of the HEART Education Trust

You and **[pupil's name]** are invited 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 academy before your child is due to return to arrange a suitable alternative date and time to discuss how we can best support your child

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) [The HEART Education Trust  
Trust Exclusions Policy](http://www.autism.org.uk/services/helplines/school-</a></b></p></div><div data-bbox=)**

[exclusions.aspx](#) (0808 800 4002 or schoolexclusions@nas.org.uk), or  
Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

[Pupil's name]'s exclusion expires on [date] and we expect [name of pupil] to be  
back in the academy on [date] at [time].

Yours sincerely

[Name]

Academy Headteacher

## Model letter 4

### From the Academy Headteacher notifying the parent(s) of the pupil's permanent exclusion.

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[pupil's name]** with effect from **[date]**. This means that **[pupil's name]** will not be allowed in this academy unless **[he/she]** is reinstated by the Exclusion Panel of the Trustees of the HEART Education Trust.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[pupil's name]** has not been taken lightly. **[Pupil's name]** has been excluded because **[reasons for the exclusion — include any other relevant previous history]**.

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

Alternative arrangements for **[pupil's name]**'s education to continue will be made. For the first five academy days of the exclusion we will set work for **[pupil's name]** and would ask you to ensure this work is completed and returned promptly to the academy for marking. From the sixth academy day of the exclusion onwards — i.e. 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.]**

**[Where pupil lives in a local authority other than the excluding academy's local authority]** I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth academy day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the Exclusion Panel of the Trustees of the HEART Education Trust must meet to consider it. At the meeting you may make representations, your **[son/daughter]** can also attend the meeting if you wish and you can ask them to reinstate your child in the academy. In light of its consideration, the Exclusion Panel of the Trustees of the HEART Education Trust can either direct reinstatement immediately or on a particular date, or decline to reinstate your child in which case you may make application against their decision to an Independent Review Panel. The latest date by which the Exclusion Panel of the Trustees of the HEART Education Trust must meet is **[specify the date — the 15th academy day after the date on which the / board of trustees of the Academy Trust was notified of the exclusion]**. If you wish to make representations to the Exclusion Panel of the Trustees of the HEART Education Trust and wish to be accompanied by your **[son/daughter]**, a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible.

The HEART Education Trust

Trust Exclusions Policy

v 3.2

You will, whether you choose to make representations or not, be notified by Exclusion Panel of the Trustees of the HEART Education Trust of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to Exclusion Panel of the Trustees of the HEART Education Trust.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]**

Yours sincerely

**[Name]**

Academy Headteacher

## Model letter 5

### From the clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust to parent(s) upholding a permanent exclusion

Dear **[Parent's name]**

The meeting of the Exclusion Panel of the Trustees of the HEART Education Trust at **[Academy]** on **[date]** considered the decision by head teacher to permanently exclude your **[son/daughter] [name of pupil]**. The Exclusion Panel of the Trustees of the HEART Education Trust after carefully considering the representations made and all the available evidence, has decided not to reinstate **[name of pupil]**.

The reasons for Exclusion Panel of the Trustees of the HEART Education Trust decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to apply for a review against this decision to an Independent Review Panel. If you wish to request a review, please notify **Clerk to the review panel] [address]** in writing no later than **[specify the latest date — the 15th academy day after receipt of this letter]** together with any written evidence, and also include if appropriate details of how the pupils special education needs are considered relevant to the exclusion. If you have not lodged a request for a review by **[repeat latest date]**, you will lose your right to a review. If you require an SEN expert at the Independent Review please request this when requesting a review. The **[Local Authority/Academy Trust]** must appoint a Special Educational Needs expert. Please advise if you have a disability or special needs which would affect your ability to attend the hearing.

The role of the Special Educational Needs expert is to give impartial advice to the panel on how special educational needs might be relevant to the exclusion. Their advice will be based on the evidence provided by the panel but does not include making an assessment of the pupil's special education need. The SEN expert should give advice on whether the Trust policies relate to SEN in relation to the excluded pupil were legal, reasonable and fair and any possible contribution that could have been made. Where SEN had not been recognised by the academy with regard to the pupil the SEN expert should advise the panel whether they believe the academy acted legally, reasonable and procedurally fair with respect to the identification of any special education need that the pupil may have. There would be no cost for this advice for you. Please inform **[clerk to the review panel address at end of letter]** if it would be helpful for you to have an interpreter present at the hearing.

The review panel can make the following decisions:-

- Uphold the decision;

- Recommend that Exclusion Panel of the Trustees of the HEART Education Trust reconsiders reinstatement; or
- Quash the decision and direct that the Exclusion Panel of the Trustees of the HEART Education Trust reconsiders reinstatement.

You should also be aware that if you think the 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (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 arrangements currently being made for **[pupil's name]**'s education will continue. **[specify details here]**.

Yours sincerely

**[Name]**

Clerk to the Exclusion Panel of the Trustees of the HEART Education Trust

Address of Independent Review Panel:

Administrator to the Appeals Panel, Democratic Services, Ground Floor, South Wing, County Hall, Martineau Lane Norwich, Norfolk, NR1 2DH



## **Model letter 6**

**From clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust advising parent(s) after speaking to them to confirm the date and time of the meeting to consider the exclusion of a pupil**

Dear **[Parent's name]**

With reference to the decision by the head teacher to **[permanently/fixed term]** exclude your **[son/daughter]** and recent telephone conversations we would like to confirm the arrangement for you and **[pupil's name]** to attend a meeting of the **Exclusion Panel of the Board of Trustees of the HEART Education Trust** at **[address of venue]** to consider the exclusion. This has been arranged for **[date]** at **[time]**.

Please contact us on **[telephone number and email if available]** if this is no longer a convenient date and time to re-arrange a suitable time for you to attend a meeting.

**[We will forward all evidence to you 5 academy days prior to the meeting/Please find enclosed evidence for the meeting].**

Yours sincerely,

**[Name]**

Clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust

## Model letter 7

### From clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust advising parent(s) reinstating the pupil.

Dear **[Parent's Name]**

Meeting of the Exclusion Panel of the Board of Trustees of the HEART Education Trust to consider the permanent exclusion of **[pupil's name]**

Following the meeting of the Exclusion Panel of the Board of Trustees of the HEART Education Trust today and after careful consideration of all the evidence and your representations and those of the **[Name of Academy]** the panel decided to direct reinstatement of **[pupil's name]** to **[Name of Academy]** on **[specify date]**.

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

**[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) <http://www.autism.org.uk/services/helplines/school-exclusions.aspx> (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)]**

You and **[pupil's name]** are invited to attend a reintegration meeting with **[Staff member's name]** on **[date]** and **[time]**

Yours sincerely,

Clerk to the Exclusion Panel of the Board of Trustees of the HEART Education Trust  
The HEART Education Trust  
Trust Exclusions Policy

v 3.2

## Model letter 8

### From clerk to the Exclusion Panel of the Trustees of the HEART Education Trust advising parent(s) of the outcome after a reconsideration of the reinstatement of the pupil

Dear [Parent's name]

The Exclusion Panel of the Trustees of the HEART Education Trust have reconsidered the decision to reinstate [pupil's name] after being requested to do so by the Independent Review Panel. After careful considerations the panel have decided [not to reinstate/to reinstate] [pupil's name]. [If reinstatement please advise date to be reinstated]

The reasons for the Exclusion Panel of the Trustees of the HEART Education Trust decision are as follows: [give the reasons in as much detail as possible, explaining how they were arrived at. The Exclusion Panel of the Trustees of the HEART Education Trust decision should demonstrate how they have addressed the concerns raised by the Independent Review Panel, as it may face challenge in the courts if it refuses to reinstate the pupil without strong justification].

Exclusion guidance can be obtained from the Department for Education website at <https://www.gov.uk/government/publications/school-exclusion>. You may also find it useful to contact the Coram Children's Legal Centre <http://www.childrenslegalcentre.com> or ACE Education <http://www.ace-ed.org.uk> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 303333 or by email to [exclusions@norfolk.gov.uk](mailto:exclusions@norfolk.gov.uk), or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to [sendpartnership.iass@norfolk.gov.uk](mailto:sendpartnership.iass@norfolk.gov.uk) (for pupils with special educational needs).

You should also be aware that if you think the 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)

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court in the case of other forms of discrimination.

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) [The HEART Education Trust  
Trust Exclusions Policy](http://www.autism.org.uk/services/helplines/school-</a></p></div><div data-bbox=)

[exclusions.aspx](#) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or  
Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

**[Only required if reinstated by Exclusion Panel of the Trustees of the HEART Education Trust]**

You and **[pupil's name]** are invited to attend a reintegration meeting with **[Staff member's name]** on **[date]** and **[time]**

Yours sincerely,

Clerk to the Exclusion Panel of the Trustees of the HEART Education Trust

## Appendix 2

### Changes to the Behaviour Policy Relating to Exclusions during the coronavirus (COVID-19) pandemic

Some temporary changes have been made to the HEART Education Trust Behaviour Policy and processes due to the coronavirus (COVID-19) pandemic.

During this period of pandemic, health and safety of pupils and staff is paramount. Therefore, there will be zero tolerance to:

- Any show of violent or aggressive verbal or physical behaviour to other pupils or staff
- Swearing
- Storming out of a classroom
- Any breach of rules and routines that may place others in danger or at risk
- Spitting or deliberately urinating or smearing faeces
- Deliberately coughing or sneezing towards another person
- Deliberate failure to follow handwashing
- Play fighting or deliberately breaking social distancing or non- contact rules
- Constant persistent disruption
- Causing a health and safety risk outside the school by forming gatherings or being abusive to residents, other parents/pupils

Breaches to ANY of these rules written in blue is a breach of health and safety and likely to result in risk or injury to self or others. Breaches to ANY of these rules written in blue is therefore highly likely to result in an immediate fixed term exclusion

We do not wish to fixed term exclude any child but with limited sanctions we must protect our community. Fixed Term exclusions will be formerly recorded and reported to the Local Authority and the Strategic Board of Trustees in line with the Trust Exclusion Policy.

For the most serious offences, Permanent Exclusion will remain an option (including pupils in Foundation Stage)

## **Appendix 3**

### **Changes to the exclusion process during the coronavirus (COVID-19) pandemic**

Some temporary changes have been made to the school exclusion process due to the coronavirus (COVID-19) pandemic. The arrangements and procedures that must follow a decision to exclude on disciplinary grounds, as set out in our wider Exclusion Policy above, remain unchanged unless noted within this appendix. This appendix sets out what these changes are and what this means for our exclusion procedures in practice.

#### **1. Legal framework**

- 1.1. This appendix has due regard to the related legislation and statutory guidance including, but not limited to, the following:
  - The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020
  - DfE (2020) 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak'

#### **2. Application of arrangements**

- 2.1. All exclusions occurring between 1 June 2020 and 24 September 2020 (inclusive) are subject to amended arrangements with regards to:
  - The use of remote access technology for meetings relating to exclusions.
  - The deadline for applications for an independent review.
  - Timescale amendments, under certain circumstances.
- 2.2. Meetings relating to exclusions occurring between 25 September 2020 and 24 March 2021 will take place within the normal timescales set out in the main body of this policy.
- 2.3. The Board of Trustees and arranging authority for independent review panels (IRPs) will take all reasonable steps to meet the normal timescales for exclusions occurring after 24 September 2020. In doing this, they will:
  - Consider the DfE's 'Guidance for full opening: schools'.
  - Facilitate remote access meetings where it is not reasonably practicable to meet in person.
- 2.4. If deadlines are missed due to the coronavirus pandemic, the meeting will be held as soon as it becomes reasonably practicable to meet either in person or via remote access.

- 2.5. Any exclusions covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.
- 2.6. For the purpose of this appendix, an exclusion will be taken as having 'occurred' on the first day of the exclusion, not the date when the decision to exclude was made or communicated.

### **3. Deciding whether a meeting should be held remotely**

- 3.1. For exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive), meetings of the Board of Trustees or IRP will be held via remote access if:
  - It is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus.
  - The Board of Trustees (or arranging authority if the meeting is an IRP) is satisfied that:
    - All the participants agree to the use of remote access.
    - All the participants have access to the technology that will allow them to hear and speak throughout the meeting, and to see and be seen if a video call is used.
    - All the participants will be able to put across their point of view or fulfil their function.
    - The meeting can be held fairly and transparently via remote access.
- 3.2. The Board of Trustees (or arranging authority if the meeting is an IRP) will be responsible for ensuring these conditions are met before a meeting takes place.
- 3.3. When determining whether it would be reasonably practicable to meet in person, the Board of Trustees or arranging authority will assess:
  - The facts of the case.
  - The circumstances in which a meeting could be expected to take place.
  - The needs of the intended participants.
  - The latest public health guidance.

### **4. Arranging a remote access meeting**

- 4.1. The Board of Trustees or arranging authority will explain the technology they propose to use to participants and will ensure that the participants (particularly pupils and their parents) know that they do not have to agree to a meeting being held via remote access.

- 4.2. Pupils and parents involved in meetings will be made aware that if they do not consent to a remote access meeting, the meeting is likely to be delayed.
- 4.3. Where a parent or pupil has consented to a remote access meeting, all other participants will make reasonable efforts to accommodate that preference unless there is a clear reason not to.
- 4.4. The normal requirements for who must be invited to a meeting (as set out in the wider policy) remain in place; however, those who have no intention of taking part in the meeting will not be treated as 'participants' for the purpose of the arrangements in this appendix.
- 4.5. Governing boards, arranging authorities and panel members will comply with equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting, e.g. if they have SEND or EAL.
- 4.6. The chair of the meeting will check that the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly.
- 4.7. Once the meeting starts, if it cannot proceed fairly (e.g. if a participant cannot access it), the meeting will be adjourned.
- 4.8. The use of remote access will not alter any other procedural requirements that apply during the meeting.
- 4.9. Though written representations will be considered, solely paper-based meetings will not be permitted.
- 4.10. As long as the conditions for a remote access meeting are met, it will be possible for some participants to attend a meeting in person and for others to join via remote access.
- 4.11. To help meetings run smoothly and ensure they are accessible for participants, the Board of Trustees or the arranging authority will:
  - Provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting.
  - Indicate a named person who participants can contact to discuss any questions they may have before the meeting.
  - Ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run.

- Consider holding a pre-meeting with participants to check that the available technology is suitable and that all participants understand how to access the meeting.

## **5. Applications for independent reviews of exclusions**

This section applies to all exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive).

- 5.1. Where the Board of Trustees declines to reinstate a pupil who has been permanently excluded, their parents (or the pupil if they are 18 or over) can apply for a review of this decision.
- 5.2. For exclusions covered under these arrangements (as set out in [2.1](#) and [2.2](#) of this appendix), the deadline for applications will be increased to 25 school days from the date on which notice in writing of the governing board's decision was given to parents (or the pupil if they are aged 18 or over).
- 5.3. The school will wait for the extended period of 25 school days to pass without an application having been made before deleting the name of the permanently excluded pupil from the admissions register.

## **6. Exclusions occurring between 25 September 2020 and 24 March 2021**

The arrangements within this section apply to exclusions occurring between 25 September 2020 and 24 March 2021 (inclusive).

- 6.1. Meetings of the Board of Trustees and independent review panel meetings will take place within the normal timescales set out in the DfE's '[Exclusion from maintained schools, academies and pupil referral units in England](#)' guidance, other than the deadline for the application of an independent review.
- 6.2. The Board of Trustees and arranging authorities for independent review panels will take all reasonable steps to meet the normal deadlines for exclusions occurring after 24 September 2020.
- 6.3. The Board of Trustees and arranging authorities will:
  - Consider the guidance on protective measures for the full opening of schools
  - Facilitate remote access meetings where it is not reasonably practicable to meet in person

- 6.4. If deadlines are missed because of coronavirus, meetings will be held as soon as it becomes either reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

## **7 Monitoring and review**

- 6.5. The arrangements in this appendix will be reviewed when there are any changes to government guidance.
- 6.6. Any changes to the arrangements in this appendix will be communicated to all stakeholders.