ULT GUIDANCE ON THE MANAGEMENT OF BEHAVIOUR and EXCLUSIONS December 2009[1]

ULT seeks to create within its academies a caring and safe environment, conducive to learning. Each academy aims to promote good behaviour and discipline. Exclusion should be a measure of last resort.

This guidance note on the management of exclusions does not form part of the ULT Exclusions Policy itself but is designed to assist Principals and LGB Chairs.

Part 7 of the Education and Inspection Act 2006 includes provisions to strengthen the position of schools (including Academies) in relation to the management of behaviour. For the first time, the powers to manage behaviour and to discipline pupils are statutory.

Principals are also advised to have regard to the DCSF guidance on exclusions as it can be applied to the ULT Policy. This guidance is helpful and has much that is relevant, although Principals should take care to understand where the ULT policy departs from it. Where the DCSF guidance differs from the ULT Exclusions Policy, the ULT Exclusions Policy pertains.

KEY REQUIREMENTS

Academies must

- Ensure that exclusion really is a measure of last resort
- Set out clear and consistent expectations in respect of behaviour
- Ensure those involved are dealt with fairly
- Involve parents at an early stage in issues of behaviour and discipline which may lead to exclusion
- Seek to follow this procedure and take advice from central office if, at any stage, there seems to be reason for not doing so.

[1] This guidance note incorporates the advice previously published by ULT in March 2007 following the enactment of the Education Act 2006.

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1 Aims and Objectives

1.1 The aim of ULT's Exclusion Policy is that parents and students involved in exclusions go through the process and, after it is over, feel that the decisions themselves and the way in which the decisions were made were the best possible in the difficult circumstances. Although this may be unachievable in even a minority of cases, holding this as the aim should help academies focus their attention on making the process as positive as possible for all those involved.

1.2 The ULT Exclusion Policy has been written with regard to the Secretary of State's guidance on exclusions but, nevertheless, differs in a number of ways. The reasons for the differences are to:

(a) Anchor the responsibility for all exclusion decisions clearly with the Principal but also to provide him/her with considerable support and protection in coming to that decision. In relation to Level 2 and 3 Exclusions, the Principal must, in effect, persuade the Chair of the LGB, the Behaviour Committee and the Chief Executive that the decision is the right one to make.

(b) Ensure parents are involved in the process as early as possible.

(c) Reduce the level of confrontation and legalistic process which can quickly escalate out of proportion in what is a very stressful time for all concerned but particularly for parents.

2 Behaviour Policy

2.1 The 2006 Act prescribes a statutory duty for maintained schools to publish a Behaviour Policy having consulted with staff, parents and pupils. The policy must be reviewed at least once a year. The ULT behaviour policy already requires academies to publish their own behaviour policy as best practice. By making sure that all pupils and parents are aware and understand the policy, the academy will have a strong defence against legal challenge.

2.2 The Behaviour Policy should make specific reference:

(a) Those members of staff who are authorised by the Principal as being in control or in charge of pupils;

(b) The scope of the policy to include the behaviour of pupils when they are not on the premises of the school or when they are not under the control of an authorised person;

(c) The circumstances under which a pupil may be disciplined;

(d) The arrangements for detentions outside school sessions and during a break in school sessions during the school day

(e) The circumstances under which reasonable force can be used with a pupil;

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(f) The circumstances under which a pupil's property can be confiscated.

2.3 The policy should set out clearly the academy's own expectations of behaviour (rules) and the disciplinary sanctions which will be applied when pupil behaviour is in breach of these expectations. It is likely that the academy will write different versions of its policy as appropriate for the different audiences of pupils, parents and staff.

3 Authorised Staff

3.1 The 2006 Act states that all teachers and all other paid members of staff who are in lawful control of pupils are authorised to discipline pupils. This statement applies to both employees and those employed under a contract for services.

3.2 The Principal may limit the authority of specific members of staff to exercise certain sanctions.

3.3 The Principal may extend the authority to discipline pupils to adult voluntary helpers as appropriate and as reasonable

3.4 Academies should ensure that the academy's Behaviour Policy sets out clearly the authorised staff so that parents, pupils and staff are fully aware of the extent of these powers.

4 Behaviour and sanctions off the Academy's Premises

4.1 The 2006 Act states that it is lawful for the school to apply reasonable discipline to pupils when off the academy premises or when they are not under the control of a member of staff.

4.2 The academy's behaviour policy should set out the academy's expectations for behaviour and sanctions under these circumstances.

4.3 In order for such sanctions to be lawful, they must be reasonable and should be explained clearly in the academy's Behaviour Policy.

5 Circumstances which can lead to a sanction being applied

5.1 The Act states that a disciplinary sanction may be imposed on a pupil by any school at which education is provided for him/her. In so specifying, the Act makes it clear that it is lawful to discipline all registered pupils regardless of their age, including 18-year old pupils.

5.2 The Act states that the circumstances under which a disciplinary sanction can be applied are when the pupil's conduct falls below the standard required for any reason. In particular this can be when the pupil fails to:

(a) Follow a rule in force;

(b) Follow reasonable instructions given by a member of staff;

(c) Comply with a previous penalty.

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5.3 The sanction applied must be reasonable and proportionate to the offence.

5.4 The sanction must take into account the age of the pupil, any special needs, disability and religious requirements.

6 Detentions outside school sessions

6.1 The academy's Behaviour Policy must state clearly the policy on detentions including the fact that detentions may be imposed outside school sessions.

6.2 Detentions outside school sessions may be imposed on a permitted day of detention which may be a school day, a Saturday or Sunday during school term or a training day. The policy should state clearly which, if any, of these permitted days of detention may be used by the academy.

6.3 Pupils aged 18 or over may not be given a detention outside school sessions, but may be detained during a break in school sessions.

6.4 The academy must give parents 24 hours written notice of a detention held outside a school session. Detentions held during a break between school sessions do not require notice to be given to parents.

6.5 In giving detentions, the academy should ensure that the impact of the detention on the pupil's travel arrangements is reasonable.

7 Reasonable Force

7.1 The 2006 Act gives a statutory basis for the use of reasonable force by a member of staff with a pupil. Reasonable force can be applied by a member of staff on the premises or off the premises if the pupils is under control of that member of staff.

7.2 Reasonable force can be applied to prevent a pupil

(a) Committing an offence;

(b) Causing personal injury to any person, including himself or herself;

(c) Causing damage to property;

(d) Prejudicing maintenance of good order either during a lesson or otherwise.

8 Confiscation

8.1 Confiscation is lawful as a disciplinary penalty. The academy's Behaviour Policy should state the circumstances under which confiscation might be applied.

8.2 Confiscation may be for any period or the property may be disposed of.

8.3 If the confiscation falls within the behaviour policy and is reasonable, the person confiscating is not liable in respect of the confiscation, the disposal or any damage or loss arising.

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9 Knives and powers to search

9.1 The Violent Crime Reduction Act 2006 came into force 1st May 2007. Following that new powers relating to knives, blades and offensive weapons in schools were incorporated into Education and Inspection Act 2006.

9.2 The new powers make it legal for school staff to search a pupil or his possessions for such articles and weapons if there is a reasonable suspicion that weapons are with him or his possessions.

9.3 The search may be carried out on the school premises or where the member of staff has lawful control of the pupil. The search may only be carried out by the Principal or by a member of staff who has been authorised by the Principal to carry out the search.

9.4 The person carrying out the search

(a) May not require the pupil to remove clothing other than outer clothing;

(b) Must be of the same sex as the pupil;

(c) Must be carried out in the presence of another member of staff also of the same sex as the pupil.

9.5 The pupil's possessions may only be searched in the presence of the pupil himself and another member of staff.

9.6 It is legal for school staff to use non-contact search even if there is no reasonable suspicion that weapons are held.

10 Avoiding Exclusions

10.1 All academies must put into action strategies and procedures which help keep the number of exclusions to a minimum. Academies should aim that as far as possible the student should remain within the mainstream life of the academy, even though some learning may take place away from mainstream classes.

10.2 Where students fail to respond positively and at risk of formal exclusion the academy should create an intensive learning support programme, working together with parents wherever possible and at an early stage. External agencies should be involved as appropriate.

10.3 Academies must take particular care to support students who are at risk and whose conduct may be a symptom of a disability or set of circumstances outside their control. Students at risk may include:

(a) those with significant special educational needs

(b) children in the care of local authorities

(c) travellers

(d) young carers

(e) those from families under considerable stress

(f) pregnant school girls and teenage mothers.

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11 Involving Parents

11.1 Parents must be closely involved at an early stage in issues of discipline and behaviour which relate to their child. It should be rare for a student to be excluded and for that action to come as a surprise to parents.

11.2 Exclusion of any sort is serious. Parents, therefore, have a right to expect the Principal to be personally involved in the process. Principals should also ensure that wherever possible issues relating to exclusions should be dealt with face to face with parents.

12 Parenting Contracts

12.1 Parenting contracts are two-sided formal written agreements between a parent and the LGB. Contracts are voluntary. In a contract, the parent agrees to comply with specified requirements (tailored to their situation) and the LGB agrees to provide specified support (tailored to parents' needs).

12.2 Although the contract is voluntary, the parents' refusal or unwillingness to cooperate can be cited as evidence when applying for a parenting order.

12.3 The 2006 Act permits parenting contracts to be used as an early intervention. Previously parenting contracts could only be used once the pupil had been excluded. Academies are encouraged to use such contracts as one way to tackle poor behaviour before it leads to exclusion.

12.4 If exclusion has taken place, academies are encouraged to use a parenting contract as part of the re-integration process for the pupil.

12.5 Academies are advised to use parenting contracts in circumstances in which the role of the parent can assist in regulating the behaviour of the child. This might include issues of behaviour, attendance, lateness and where there is a serious unwillingness to engage with learning.

13 Parenting Orders

13.1 The Act enables parenting orders to be used where a child has seriously misbehaved but has not been excluded. Previously, an application for a parenting order could only be made once exclusion had taken place.

13.2 The Act also empowers schools to make their own applications for parenting orders where previously this had to be done by the Local Authority.

13.3 The academy can apply to a magistrate's court for a parenting order when:

(a) the pupil's behaviour has or is likely to cause significant disruption;

(b) there is detriment to the welfare of the child or other children;

(c) there the heath and safety of any staff is at risk;

(d) the pupil's conduct forms a pattern of behaviour which gives rise to risk of exclusion.

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13.4 The conduct giving rise to an application for a parenting order may be conduct at school or elsewhere where it is reasonable for the school to regulate the pupil's conduct.

13.5 Courts are required to take into account the refusal of a parent to take part in a reintegration interview and the refusal of a parent to agree to or to abide by a parenting contract.

14 The Behaviour Committee

14.1 The membership of the Behaviour Committee is the responsibility of the LGB.

14.2 Academies are advised that stronger and more active the role of the Behaviour Committee throughout the exclusion process, the less likely it will be that decisions will be challenged through the Appeals Panel. It is recommended that Principals and Chairs of the LGB invest time and energy in making this part of the process as thorough, fair and helpful to parents as possible.

14.3 It recommended that the committee should normally consist of at least 3 members who are members of the LGB. It is recommended that the Chair of the LGB is a member of the Behaviour Committee. The LGB may co-opt members to the Behaviour Committee who are not members of the LGB.

14.4 All exclusions require difficult judgements to be made taking into account and coming to an understanding of what are almost invariably unique circumstances. The main responsibility of the Behaviour Committee is to support the Principal in dealing with these difficult decisions. Principals are also encouraged to seek advice from central office when coming to their decisions.

14.5 The committee must be able to be convened at short notice. During their first and second year when exclusions can sometimes be higher than normal, academies may find it helpful to have a standing committee which meets on, say, a fortnightly basis and so is ready to pick up exclusions quickly.

14.6 In coming to a decision in relation to a Level 2 or 3 Exclusion, the Principal is required to consult fully with members of the Behaviour Committee. The mechanism for the consultation is not prescribed and so may be tailored to meet the needs of the situation, although wherever possible it is recommended that the Behaviour Committee meets. Where there is a need for swift action, it may be that the consultation process is carried out by a joint telephone conference.

14.7 In reaching what are difficult decisions, an important test for the Principal is whether the Behaviour Committee comes to the same decision or not. If the Behaviour Committee is opposed to the decision, the Principal should consider very carefully before persisting with their previously proposed course of action. It is very much more likely that the decision is the right one and that it can

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withstand challenge of there is unanimity of view between the Principal and the Behaviour Committee.

14.8 The Principal is strongly advised to meet personally with parents before coming to a final decision about a Level 2 or 3 Exclusion. The Principal may choose to invite one or more members of the Behaviour Committee to that meeting.

15 The Independent Appeals Panel

15.1 The LGB is responsible for appointments to the Panel but may need help from the academy in identifying potential members. Academies may find it helpful to arrange a register of approved panel members for Independent Appeals Panels.

15.2 Academies may also decide to work with neighbouring schools to develop a pool of panel members. The need for a head teacher on the panel lends itself to a reciprocal arrangement with local colleagues.

15.3 Academies should take steps to ensure that members of the panel are well briefed. Academies should make it clear to members that the ULT exclusions policy is not the same as that for maintained schools.

16 Recording and Record Keeping

16.1 All significant behaviour events must be recorded, signed and dated. Records should be brief, precise, accurate and relevant. Any contemporaneous witness evidence should be in writing, signed and dated. As records can be called in evidence they must have the integrity to bear rigorous external scrutiny. Records should be archived for 10 years.

16.2 Academies must have reliable systems to capture all correspondence (including emails and records of phone calls and meetings) with all academy staff. Parents have a right of access to student records and academies should have those records in a format whereby they can be easily retrieved and prepared for parents.

17 The decision to exclude

17.1 Unless in exceptional circumstances, the decision to exclude will follow an investigation and/or a hearing to establish the facts of the case. Where the decision to exclude is made prior to an investigation, the investigation and/or hearing will follow as soon as is practicable afterwards. Exclusions should not normally be made in the heat of the moment, unless in an emergency or for a very brief period of time.

17.2 As part of the investigation, witness statements should be taken where possible and appropriate, usually in writing but orally if necessary, and signed as authoritative. Whilst it is advisable for two members of staff to be present whilst statements are taken this may be intimidating to vulnerable students and

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therefore the senior member of staff in charge of the process should make the judgement about how the circumstances are to be managed. Consideration should be given as to whether parents should be present particularly for a student aged16 or under.

17.3 Sometimes it will be appropriate to impose a fixed term exclusion on the student pending a decision as to the nature of the exclusion. If this becomes necessary, the fixed term exclusion should be no more than a day or two. In this situation, the Academy must ensure that parents understand the process and the position of their child.

17.4 Any fixed period exclusion can be extended or converted to a permanent exclusion if further investigation warrants it. In this situation the process for making the decision and managing the exclusion must be started again to make sure that the process is handled according to the policy for permanent exclusions.

17.5 Parents should be informed at once of any exclusion, preferably by telephone call and an immediate preliminary meeting. Experience shows that the more parents are involved in the decision at as early a stage as possible, the more they will come to accept and understand it.

17.6 Excluded students should continue to be supported in their learning by for example, the provision of online material and/or support, the use of phone calls and/or home visits or arrangements whereby the student is permitted to access the school under supervision for specific purposes.

18 Exclusions: Parental Responsibility

18.1 The 2006 Act requires parents take responsibility for their child's whereabouts for the first five days of any exclusion. Parents are required to ensure that their child is not in a public place (includes a highway) during normal school hours without reasonable excuse during the first 5 days of any exclusion. This applies whether the first five days of the exclusion are individual or cumulative.

18.2 This requirement only applies to children of compulsory school age.

18.3 The Act requires the academy to give parents notice of this responsibility. The notice must specify the days which are included in this requirement. It is recommended that the academy's Behaviour Policy draws attention to this requirement and that the individual notice of parental responsibility is included with the notice of exclusion.

18.4 If there is a breach of this requirement the parent commits an offence and the Local Authority can serve a penalty notice.

19 Exclusions: Day Six Requirements

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19.1 With implementation from 1st September 2007, the new Act will require that pupils of compulsory school age are provided with full time education or training from the sixth day of exclusion. The principle underlying this change is that exclusion from school does not mean exclusion from education.

19.2 This responsibility falls on the Local Authority in the case of permanent exclusions. The changes brought about by the Act make it a statutory requirement, specifies the number of days into the exclusion by which this provision must be made and makes full time provision mandatory. Previously authorities had an agreement to provide some form of education by the sixteenth day but the provision across authorities was patchy.

19.3 In order for this responsibility to be discharged, the academy will have a statutory responsibility to inform the local authority (or the home local authority in the case of a non-resident pupil) within one school day of a permanent exclusion.

20 The Academy's Responsibilities: Day Six Requirements

20.1 In the case of fixed term exclusions, the academy and its LGB will have a statutory responsibility to ensure that excluded pupils are in full time education from day six onwards. The days of fixed term exclusion are not aggregated for this purpose.

20.2 The Act specifies that the provision must not be at the school from which the pupil is excluded unless the provision is part of a joint arrangement with at least one other governing body. The expectation is that schools within a local area will work in partnership and will adopt reciprocal relationships so that schools take each other's excluded pupils. It is also possible that schools could use an externally contracted provision.

21 Returning, admission or re-admissions following an exclusion

21.1 Academies must develop a policy of reintegration meetings with parents and the student for all excluded students who return or are admitted/re-admitted to the academy. At the reintegration meeting an individual student plan should be decided and a nominated member of staff identified to take personal responsibility for the student's reintegration.

21.2 Preparation for the student's re-entry or entry to the academy should include planning involving parents and the student and, for example,

(a) agreement on a contract for student, parents and the academy;

(b) consideration of the safety and educational needs of existing students and adults;

(c) the regular and frequent review of student progress and achievement;

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(d) the development of an Intensive Learning and Behaviour Support Plan with clear targets;

(e) a programme of co-ordinated support;

(f) appropriate information to be provided to all staff setting out clear guidelines and goals.

22 Analysis of exclusions and behaviour

22.1 The Principal must report on issues to do with behaviour and exclusions to the LGB on a termly basis. It is recommended that such reports include:

(a) an analysis of all exclusions and the incident database;

(b) systematic tracking of students by, for example, gender, ethnicity, etc;

(c) a report as to how behaviour policies are being implemented.

22.2 It is recommended that Principals report more frequently to the Behaviour Committee so that this committee is closely involved in understanding how the academy is doing in terms of behaviour and exclusions.

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Appendix 1: Examples of Gross Misconduct (Students)

Examples of Gross Misconduct:

A note of examples of gross misconduct is set out below. This list is intended to show examples only and is not intended to be exhaustive.

(a) a serious breach of safety requirements likely to endanger other people or yourself, or to cause damage to academy property;

(b) unauthorised use of or supply of alcohol or drugs within the academy premises or whilst in the company of teachers, students or parents of students or during any extra curricular activities organised by the academy at any time;

(c) unauthorised removal of academy property;

(d) stealing from the academy, employees of the academy, or from students and other serious and deliberate offences of dishonesty;

(e) intentional damage to property;

(f) abuse of the academy's computer system and of the internet and non-compliance with any policy issued by the academy addressing these matters specifically;

(g) sexual misconduct, abuse or assault;

(h) serious actual or threatened violence, physical assault or fighting against another student or member of staff or worker in the academy;

(i) carrying an offensive weapon;

(j) bullying and/or harassment including racial, sexual or homophobic harassment;

(k) wilful defiance of the properly exercised authority of the academy and its staff;

(l) bringing the academy into disrepute or acting in a manner deliberately to undermine the academy's principles or ethos to the detriment of students and staff.

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Appendix 2: References

It is expected that additional guidance will be produced over the coming months. Academies are advised to watch for information from their local authority and from the DfES website.

1.1 New guidance for schools (February 2007) in relation to Day Six provision can be found:
http://www.teachernet.gov.uk/docbank/index.cfm?id=10833

1.2 The Behaviour and Attendance site is strongly recommended as a source of information and guidance:
http://www.dfes.gov.uk/behaviourandattendance/

1.3 Part 7 of the Education and Inspections Act 2006:
http://www.opsi.gov.uk/acts/acts2006/60040--h.htm#end

1.4 In February 2004 the DfES produced guidance in relation to parenting contracts and parenting orders in relation to the Anti-social Behaviour Act 2003. This guidance will be updated but academies may find it helpful to glance at the older version.
http://www.teachernet.gov.uk/_doc/6430/DFES-0234-2004.pdf

1.5 Old guidance on the prevention, management and funding of exclusions (2003) may still be of value. It is titled 'Working Together'
http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/workingtogether/

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Appendix 3: ULT Model Letter for Level 3 Permanent Exclusions

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear (Parents name),

Thank you for coming to the Academy on (date and time) to meet with me to discuss (pupil name)'s (recent behaviour/the incident leading to this decision). [This opening sentence will need to be modified if the parents refused to attend, if they were unable to attend even given reasonable opportunity to do so or if, in the view of the Principal, there were exceptional circumstances which meant it was not possible to meet]. I listened very carefully to your representations during our meeting and I have continued to give the matter considerable thought.

I regret to inform you of my decision permanently to exclude (pupil name) with effect from (date). This means that (pupil name) will not be allowed in this school unless he/she is reinstated by an appeal panel.

Members of the Behaviour Committee of the Governing Body have been consulted and have fully considered (pupil name)'s case and are in agreement with the decision of a permanent exclusion. I have also discussed the matter with the Chair of Governors and the Deputy Chief Executive of the United Learning Trust.

I realise that this exclusion may be upsetting for you and your family, but the decision to permanently exclude (pupil name) has not been taken lightly. (Pupil name) has been excluded because (Insert reasons for exclusion – also include any other relevant previous history here).

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school 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 school hours on those dates. It will be up to you to be able to show reasonable justification.

Alternative arrangements for (pupil name)'s education to continue will be made. For the first five school days of the exclusion we will set work for (pupil name) and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from (specify the date) (specify the name of the Local Authority in which the child lives) Local Authority will provide suitable full-time education. (Set out the arrangements if known at the time of writing. If not known state that arrangements will be notified shortly by a further letter or by phone). The person dealing with your child's exclusion in the Local Authority is (name of officer) and you can contact them at (give contact details)

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The decision to exclude (pupil name) is serious and will, I know be distressing to you. Under the United Learning Trust Exclusion Policy, which I enclose, parents or carers whose child has received a Level 3 permanent exclusion have the right to appeal to an Independent Appeals Panel.

The appeal must be writing to the Clerk to the Independent Appeals Panel setting out the grounds for your appeal. The final date and time for lodging the appeal is 14 days from today's date, which is (date and time). No appeal will accepted after this date unless there are exceptional circumstances.

Below is the name and contact details of the Clerk to the Independent Appeals Panel:

(name and contact details)

Please let the Clerk know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform the Clerk if it would be helpful to have an interpreter present at the meeting.

If you feel this exclusion relates to a disability your child has and you think discrimination has occurred, you may raise the issue with the Appeal Panel.

You also have the right to see a copy of (pupil name)'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 (pupil name)'s academy record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

If you need further information or advice regarding this letter you may contact (name of contact e.g. Vice Principal Inclusion) at the Academy. Alternatively, you may wish to contact (name of contact person at the child's Local Authority) who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (A.C.E.), which is an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 0207 704 3370 or at www.ace-ed.org.uk.

Yours sincerely,

(name and signature of Principal).

Principal

c.c (Local Authority) (LGB Chair) (Deputy Chief Executive ULT)

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Appendix 4: ULT Model Letter for Level 1 Fixed Term Exclusions

Date:

Name
Address

Pupil Name: (Full name of pupil)
D.O.B: (Date of birth)
Year Group:

Dear (Parents name),

Thank you for coming to the Academy on (date and time) to meet with me to discuss (pupil name)'s (recent behaviour/the incident leading to this decision). [This opening sentence will need to be modified if the parents refused to attend, if they were unable to attend even given reasonable opportunity to do so or if, in the view of the Principal, there were exceptional circumstances which meant it was not possible to meet.]. I listened very carefully to your representations during our meeting and I have continued to give the matter considerable thought. [It may not have been possible to meet with parents before the start of the exclusion. If this is the case, a different first paragraph will be required. It is recommended that the paragraph is used to invite parents giving a specified time and date of the meeting].

I regret to inform you of my decision to exclude (pupil name) for a fixed term of (give number) school days from (date) to (date). This means that (pupil name) will not be allowed in school during this period. The Chairman of the Local Governing Body has been informed of this decision.

I realise that this exclusion may be upsetting for you and your family, but the decision to exclude (pupil name) has not been taken lightly. (Pupil name) has been excluded because (Insert reasons for exclusion – also include any other relevant previous history here).

You have a duty to ensure that your child is not present in a public place in school hours during 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 school hours on those dates. It will be up to you to be able to show reasonable justification.

Alternative arrangements for (pupil name)'s education to continue will be made. During the exclusion we will set work for (pupil name) and would ask you to ensure this work is completed and returned promptly to school for marking.

The decision to exclude (pupil name) is serious and will, I know be distressing to you. Under the United Learning Trust Exclusion Policy, which I enclose, parents or carers whose child has received a Level 1 Fixed Term exclusion and who have concerns about the way in which the exclusion was managed, may ask the Governors' Behaviour Committee to review the process.

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 Special Educational Needs and Disability Tribunal. The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

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Following the exclusion, you and (pupil name) are requested to attend a reintegration interview with me (alternatively, specify the name of another staff member) at (place) on (date) at (time). If that is not convenient, please contact the school by (give a date) to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of (pupil name)'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 (pupil name)'s academy record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

If you need further information or advice regarding this letter you may contact (name of contact e.g. Vice Principal Inclusion) at the Academy. Alternatively, you may wish to contact (name of contact person at the child's Local Authority) who can provide advice.

You may also find it useful to contact the Advisory Centre for Education (A.C.E.), which is an independent national advice centre for parents of children in state maintained schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 0207 704 3370 or at www.ace-ed.org.uk.

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

Yours sincerely,

(name and signature of Principal).

Principal

c.c (LGB Chair)

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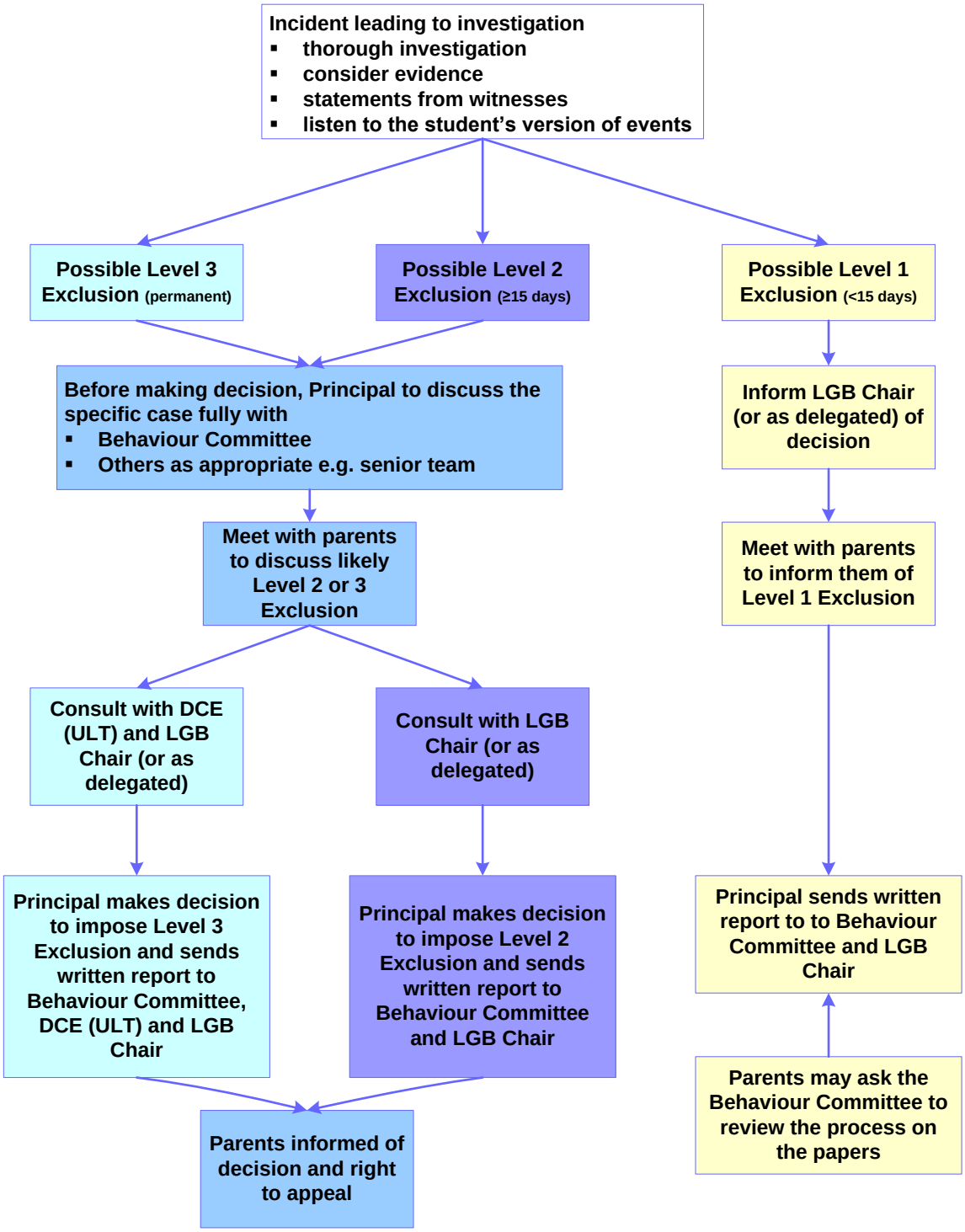
ULT Exclusions Policy Flowchart (December 2009)



Behaviour Committee:
- Members of the LGB but may include others
- Recommend LGB Chair is a member
- Principal may not be member
- No limit on size but must have at least 3

Independent Appeals Panel:
- 3 people (set out in detail in Funding Agreement)
- Chaired by lay member; may have legal training
- 2 other independent members – one with governance experience; the other with Headship experience

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