

\*Please note that fixed term exclusion has been used interchangeably with suspension in this Policy.



CHELSEA  
HALL SCHOOL

## EXCLUSIONS POLICY

**Responsible Person:** Headteacher (Jessica Duemler)

**Last Review Date:** September 2023

**Review Cycle:** Annual

**Next Review Date:** September 2024

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## **TABLE OF CONTENT**

<b>Introduction</b>	<b>3</b>
<b>Exclusions Definitions</b>	<b>5</b>
<b>The Decision to Exclude: Introduction</b>	<b>5</b>
<b>Factors considered before making a decision to exclude</b>	<b>6</b>
<b>Length and character of fixed period exclusions</b>	<b>7</b>
<b>Potential permanent exclusion of a pupil with an EHCP</b>	<b>8</b>
<b>Potential permanent exclusion of a pupil without an EHCP</b>	<b>8</b>
<b>Procedures for review and appeal</b>	<b>9</b>
<b>Admissions register procedure following permanent exclusion</b>	<b>10</b>
<b>Behaviour outside School</b>	<b>10</b>
<b>Disabled pupils</b>	<b>10</b>
<b>Procedure for Considering Excluding a Pupil</b>	<b>11</b>
<b>Expectations of parent and pupil during temporary-restricted or temporary-up-to-45-days exclusions</b>	<b>11</b>
<b>Review of implementation</b>	<b>11</b>
<b>Exclusion Letter Templates Appendix 1</b>	<b>12</b>
<b>Potential Permanent Exclusions Appendix 2</b>	<b>17</b>
<b>Guidance Notes for the Panel Hearing of Exclusion Appeals Appendix 3</b>	<b>19</b>
<b>Procedure at the Hearing</b>	<b>19</b>

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## INTRODUCTION

Chelsea Hall School is owned and operated by Cavendish Education; the Proprietary Body, also known as the Governing Body. Any reference to Governors means any Director of Cavendish Education.

This Policy document is one of a series of CHS Policies that, taken together, are designed to form a comprehensive formal Statement of CHS's aspiration to provide an outstanding education for each and every one of its pupils, and of the mechanisms and procedures in place to achieve this. Accordingly, this Policy needs to be ready alongside all of these Policies in order to get the full picture, and should be read in conjunction with other Chelsea Hall School's policies and procedures.

All of these Policies have been written, not simply to meet statutory and other requirements, but to evidence the work that Chelsea Hall School is undertaking to ensure the implementation of its core values, our '4 Cs':

**Character**  
**Creativity**  
**Confidence**  
**Competence**

While this current policy document may be referred to elsewhere in Chelsea Hall School documentation, including particulars of employment, it is non-contractual.

In all CHS Policies, unless the specified context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility](#) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

CHS employs the services of the following consulting companies to ensure compliance is met and best practice is implemented:

**Peninsula HR Online**  
**Peninsula Business Safe (Health and Safety)**  
**Atlantic Data (DBS)**  
**Educare (online CPD)**

Chelsea Hall School fully recognises the responsibility it has under sections 157/175 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children and young people, and expect all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Chelsea Hall School. This responsibility is

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All staff are made aware of their duties and responsibilities under part one of this document.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Chelsea Hall School.

Chelsea Hall School's policy documents are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

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## EXCLUSIONS DEFINITIONS

An exclusion may be “temporary-restricted”, “temporary-up-to-45-days” (as explained below) or “permanent”.

- A **temporary-restricted** exclusion is the requirement for a pupil not to attend the School for a defined period of time, usually counted in full days.
- A **temporary-up-to-45-days** exclusion is one that has an end date at an accumulated 45 school days’ exclusion for the individual pupil in a school year, the aim of which is to allow for the conclusion of more complex investigations or other necessary activities the length of which cannot be defined, and which will be concluded within that period of an accumulated 45 days at the earliest practicable opportunity. The purpose of utilising such an exclusion is to avoid having to use multiple, shorter temporary exclusions, where this would create additional uncertainty for those involved.
- A **permanent exclusion** is the required ending of a pupil’s place at the School marked by the removal of their name from the School roll.

‘Informal’ or ‘unofficial’ exclusions: the school does not adopt the practice of ‘Informal’ or ‘unofficial’ exclusions, such as requiring a pupil to go home ‘to cool off’. Such exclusions do not feature in this Policy.

The policy does not apply to a so-called “internal exclusion”, in which a pupil who is attending school is temporarily restricted in where they may be or what activities they may participate in.

For clarity, the government document [Exclusion from maintained schools, academies and pupil referral units in England](#) does not apply to independent schools.

## THE DECISION TO EXCLUDE: INTRODUCTION

Chelsea Hall School is mindful that, nationally, young people with certain characteristics (e.g. gender, ethnicity or the presence of additional needs) experience a disproportionately high rate of school exclusion, and so seeks to avoid exclusion wherever possible.

The school believes that exclusions should be considered only as a last resort and that the decision to exclude, even for short periods, is to be taken deliberatively.

Only the Headteacher or, in their absence, a member of staff acting formally as their deputy can temporarily or permanently exclude a pupil.

A decision to exclude a pupil is considered only:

- in response to a serious concerns or repeated significant concerns regarding the school’s Behaviour Policy
- if allowing the pupil to remain in School would significantly and unreasonably harm the education or welfare of the pupil or others in the School
- where there is no reasonably practicable or suitable alternative

To consider excluding a pupil permanently is regrettable but is characteristically the final step in a sustained process of responding to significant matters of concern following a period where a wide range of other strategies, designed to stabilise and sustain the place in the school have been tried without success.

There may be rare circumstances where, in the Headteacher’s judgement, it is appropriate to consider the permanent exclusion of a pupil for a highly significant first or ‘one off’ offence.

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## **FACTORS CONSIDERED BEFORE MAKING A DECISION TO EXCLUDE**

Pupil behaviours that may trigger an exclusion rarely occur 'out of the blue'. The school endeavours to identify and engage with the early stages of a pupil's changing presentation, with the aim of proactively modifying approaches to meet need.

In cases of consideration of any exclusion, the Headteacher will appropriately consult within the school and (if relevant) beyond before making any decisions. This consultation may include school and governance colleagues and relevant external professionals or agencies. Particular attention is given where there are specific vulnerabilities (such as a child who is looked after by a Local Authority) that mean an exclusion will have a more significant impact upon the pupil and their family.

Whilst every effort will always be made to minimise exclusions and to sustain every school place, where a pupil's needs change such that there is a prospect that their place in the School may or has become less appropriate, this will be addressed jointly with the pupil, parents and (if relevant) the Local Authority and other appropriate professionals or agencies.

If it is concluded by the school that a place cannot be sustained, where reasonably practicable this should be managed in a planned and constructive way.

Unless there is an immediate and/or significant risk to the safety or education of others in the School or of the pupil concerned, before deciding whether to consider the exclusion of a pupil, whether permanently, or for a temporarily, the Headteacher will reasonably endeavour to:

- ensure that an appropriate fact-finding exercise has been carried out
- consider the evidence available to establish the facts, including taking account of the school's behaviour management and equality and diversity policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended
- consider a pupil's EHCP (if applicable) and the way in which any of the needs outlined therein may have impacted the matter of concern
- allow the pupil the opportunity to give their version of events through their preferred method of communication, with support in line with their needs if necessary
- check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment; it should be noted that, while provocation may sometimes result in an amended consequence, it will not necessarily do so
- as appropriate, consult others, where possible avoiding detailed consultation with anyone who may later have a role in reviewing the decision
- take into account both the best interests of the pupil concerned and the best interests of other members of the school community and the school community as a whole

If satisfied that on the balance of probabilities the matter(s) of concern did happen, after due and careful process the Headteacher may decide to exclude the pupil "temporarily-defined" or "temporarily-up-to-45-days".

The school is obliged to consider whether to inform the police where a criminal offence appears to have potentially taken place, and has regard to [When to call the police](#), non-statutory guidance from the National Police Chiefs' Council.

The Headteacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair.

Where appropriate, the School considers whether to inform other agencies eg Children's Services, the Local Authority etc.

Where the incident has safeguarding implications, the school follows its Safeguarding Policy.

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## **LENGTH AND CHARACTER OF FIXED PERIOD EXCLUSIONS**

Whilst exclusions are a last resort at our school, regulations allow the Headteacher to exclude a pupil permanently or for one or more fixed periods not exceeding 45 school days in any one school year. Individual exclusions are for the shortest time appropriate in the judgement of the Headteacher. After a cumulative 45 days of exclusion in any one school year, the School is required to either permanently exclude the pupil involved or readmit them.

It is unusual for the school to issue a fixed period exclusion for longer than one, occasionally two days. A fixed period exclusion is not a punitive action but rather is a formal marker of concern to the pupil and those with responsibility for them, and an opportunity for the pupil to reflect constructively upon and learn from their situation.

In cases of more than a day's exclusion, where practicable, work is set and marked. It is the parent's responsibility to ensure that work sent home is completed and returned to school.

The Headteacher may, at their complete discretion, issue a "partial exclusion", for example by excluding a pupil from some or all regular aspects of school but allowing them to attend for public examinations under regulated circumstances, or by making certain "internal exclusion" arrangements. Any such "partial exclusion", with its detailed information, is recorded clearly as such in the school's Exclusion Log.

Any exclusion of a pupil, even for short periods of time, is formally recorded in the school's Exclusion Log.

As a general rule, a pupil who receives a succession of three fixed period exclusions can reasonably expect to have their place at the school reviewed.

Typically:

- the first fixed period exclusion generates a First Warning of risk of review of the placement
- the second fixed period exclusion generates a Final Warning of review of the placement
- the third fixed period exclusion automatically generates a review of the placement - this may result in: NFA / conditional continuation with the placement / cessation of the place (via an EAR for EHCP students)

The school will ensure that:

- the pupil and their parents fully understands the significance of their situation
- parents and Local Authorities as appropriate are kept fully informed in a timely way of the significance of the situation of the pupil

This 'three exclusions' approach should be appropriately flexible in either direction; there may be (unusual) circumstances when it appropriate to temporarily exclude a student more than three times in a twelve-month period, and likewise behaviour may be so significant that a placement has to be reviewed following single serious incident; generally, it is not appropriate or helpful for the student or for the school community to them be the subject of a continuing series of fixed period exclusions

A pupil will "wipe their slate clean" by having no further fixed period exclusion within a twelve month period.

The Headteacher may, at their complete discretion, attach conditions to a pupil's return to school.

Following an exclusion, the pupil, who may be accompanied by a parent, has a reintegration meeting with a member of the Senior Leadership Team prior to returning to lessons. The pupil's reintegration will be carefully considered and implemented to provide optimal support and direction for the pupil.

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## POTENTIAL PERMANENT EXCLUSION OF A PUPIL WITH AN EHCP

In the event of an incident (or a series of incidents) occurring that may potentially trigger a permanent exclusion for a pupil wholly or partly funded by a Local Authority via an EHCP (Education, Health and Care Plan), the Headteacher will call an EAR (Emergency Annual Review), if necessary excluding the pupil “temporarily-up-to-45-days” pending the outcome of the EAR.

The aim of this approach is to formally consider the matter within a multi-professional setting and to ensure due exploration of strategies that could still stabilise and sustain the school place.

The school will immediately notify in writing the Director of Compliance of Cavendish Education of the intention to call any such EAR. The school will actively keep the Director of Compliance aware of the development of the case, but the Director of Compliance will not take part in any decision-making in the matter.

The school will approach the EAR with openness and will be receptive to consider the views of relevant parties.

At the end of the EAR, after due consideration of the views shared, the School will clearly communicate whether they can or cannot meet needs, which will be recorded clearly in the meeting notes. The ideal scenario is that a unanimous decision is reached in the EAR regarding the best way forward.

Following the EAR, the responsibility for decision-making over the pupil’s school place at the school will sit with the relevant Local Authority.

If the LA concludes that the pupil requires a new placement, the school will support that decision and will assist the family and LA in facilitating the move.

During the interim period, whilst a new placement is found by the LA, the school may decide to:

- allow the pupil to return to school temporarily (but only if a safe and

## POTENTIAL PERMANENT EXCLUSION OF A PUPIL WITHOUT AN EHCP

In the event of an incident (or a series of incidents) occurring that may trigger a permanent exclusion for a pupil without an EHCP (Education, Health and Care Plan), if necessary excluding the pupil “temporarily-up-to-45-days” pending the outcome of this process, on the earliest mutually convenient occasion the Headteacher will ask the parents and the pupil to discuss the matter(s) of concern and the continuation or otherwise of the pupil's place in the School, ensuring that the family’s views have been properly heard when the place is reviewed.

The aim of this approach is to formally consider the matter in a collaborative way and to ensure full exploration of any strategies that could still stabilise and sustain the school place.

The school will immediately notify in writing the Director of Compliance of Cavendish Education of the intention to call any such exclusion. The school will actively keep the Director of Compliance aware of the development of the case, but the Director of Compliance will not take part in any decision-making in the matter.

Importantly, no decision is made at this stage.

Following this meeting, if any further fact-finding exercises are needed, they are undertaken; the meeting with parents and the pupil may be reconvened if appropriate.

The Headteacher considers the facts of the matter and the representations that have been made, consulting and otherwise taking advice as appropriate.

The Headteacher will notify the parents of the decision, which may be one of:

- exoneration and immediate return to school
- return to school under certain conditions following temporary exclusion, with right of appeal for an exclusion of more than 15 school days
- permanent exclusion with right of appeal

A permanent exclusion is not finalised until any invoked appeal process has been completed.



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<b>POTENTIAL PERMANENT EXCLUSION OF A PUPIL WITH AN EHCP</b>	<b>POTENTIAL PERMANENT EXCLUSION OF A PUPIL WITHOUT AN EHCP</b>
<p>workable plan can be agreed with relevant parties).</p> <ul style="list-style-type: none"><li>• work with parents and other agencies to implement temporary arrangements whereby the pupil does not attend the school campus but remains on roll (eg alternative provision, remote learning or elective home education).</li><li>• end the placement, meaning the pupil’s educational provision will become the responsibility of the LA in this interim period.</li></ul> <p>Whichever option is chosen, care is taken to consider all relevant factors, particularly those surrounding safeguarding.</p> <p>If the LA decides that the pupil should return to the school and that a new placement is not required, the “temporary-up-to-45-days” exclusion will end. The School will decide whether to conclude the “temporary-up-to-45-days” exclusion by supporting a return to School for the pupil or if this is incompatible with the Headteacher’s assessment of the school’s capacity to maintain the school place and the views shared at the EAR, the “temporary-up-to-45-days” exclusion will be concluded and a permanent exclusion will be implemented.</p>	

## **PROCEDURES FOR REVIEW AND APPEAL**

Parents of an excluded pupil have the right to appeal a permanent exclusion or a fixed period exclusion in excess of 15 school days. The parents must request the appeal, by writing to the Directors of Cavendish Education at the school’s address, within three calendar days of receipt of notification of the exclusion.

Regardless of whether an appeal is invoked, Directors of Cavendish Education operate arrangements to review promptly all permanent exclusions from the school, and all fixed period exclusions that would lead to a pupil being excluded for over 15 days in a school term, or missing a public examination.

They consider whether or not to reinstate the pupil is appropriate, whether the Headteacher’s decision to exclude the pupil was justified or whether to adjust any conditions attached to the return of a pupil to the school.

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## **ADMISSIONS REGISTER PROCEDURE FOLLOWING PERMANENT EXCLUSION**

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

- an invoked appeal is determined
- the time limit for an appeal has expired without an appeal being brought
- or
- the parent has informed the school that no appeal is to be brought

## **BEHAVIOUR OUTSIDE SCHOOL**

Pupils' behaviour outside school while under the authority of the school (e.g. on school trips or "away" School sports events) is subject to the school's Behaviour Policy. Behaviour in these circumstances is dealt with as if it had taken place in school.

For behaviour outside school but not on school business, the Headteacher may exclude a pupil if there is a link between that behaviour and maintaining good order and discipline among the pupil body as a whole or parts thereof. This is a matter of judgement for the Headteacher.

Pupils' behaviour in the immediate vicinity of the school or on a journey to or from school, or behaviour anywhere which is capable of bringing the school into disrepute, can be grounds for exclusion.

## **DISABLED PUPILS**

The school is mindful of its duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them because of their disability.

This applies to permanent and fixed period exclusions. The definition of disability under the Act covers pupils with certain physical, sensory, intellectual or mental impairments.

Discrimination means treating disabled pupils less favourably than other pupils without justification. It also means failing to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers.

What constitutes a reasonable step will depend on the circumstances of each case.

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## **PROCEDURE FOR CONSIDERING EXCLUDING A PUPIL**

### **INFORMING PARENTS ABOUT A “TEMPORARY-RESTRICTED” AND “TEMPORARY-UP-TO-45-DAYS” EXCLUSION**

Whenever the Headteacher temporarily excludes a pupil, the parent is notified at the earliest opportunity, usually by telephone by the Headteacher or a member of staff acting on their behalf, followed up by an emailed letter from the Headteacher or a member of staff acting formally as their deputy as soon as possible and within one working day.

See the exclusion letters template in Appendix 1.

### **FORMING THE EXCLUSION APPEAL PANEL**

The Headteacher informs the Directors of Cavendish Education and Principal of all exclusions at the earliest opportunity within one school day.

All serious sanctions are reported to the Directors of Cavendish Education on a termly basis as part of the school's governance arrangements.

Exclusion reports include:

- the pupil's name
- the length of the exclusion
- the reason for the exclusion
- the pupil's age, gender and ethnicity
- whether the pupil has an EHCP, together with a summary of its details, or is being assessed for one
- a brief behaviour management history

## **EXPECTATIONS OF PARENT AND PUPIL DURING TEMPORARY-RESTRICTED OR TEMPORARY-UP-TO-45-DAYS EXCLUSIONS**

In line with the government document [School discipline and exclusions](#), parents have a duty to ensure that their child is not present in a public place in school hours during a “temporary-restricted” or “temporary-up-to-45-days” exclusion, unless there is reasonable justification for this. Parents are advised that they may receive a penalty notice from the Local Authority if their child is present in a public place during school hours during the exclusion. If so, it will be for the parent to show reasonable justification.

The school will set work for the pupil to be completed on the days specified in the exclusion notification. In order to support the pupil's engagement, the school asks that the work set is completed by the pupil and returned promptly to the relevant member of staff for marking.

## **REVIEW OF IMPLEMENTATION**

The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

The school may submit to Cavendish Education proposals for amendments to this Policy.

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## EXCLUSION LETTER TEMPLATES

## APPENDIX 1

### TEMPORARY EXCLUSION

Dear xxx

I write to confirm the decision of Chelsea hall School, that NAME is to be temporarily excluded on DATE / from DATE to DATE.

The reason for this exclusion is ...

*[In the event of this exclusion bringing the accumulated exclusion period above 15 days in a twelve month period]* You are entitled to appeal this exclusion, which brings NAME's accumulated exclusion to above 15 days in a twelve month period. To appeal, you should request the appeal by writing to the Directors of Cavendish Education at [info@cavendisheducation.com](mailto:info@cavendisheducation.com), within three calendar days of receipt of this notification of the exclusion. This right of appeal falls outside the School's Complaints Policy, and is dealt with under the Exclusions Policy.

*[In the event of this exclusion being for more than one day]* The school will set work for NAME to be completed and returned promptly to the relevant member(s) of staff for marking during the notified exclusion period.

You are advised that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours during the exclusion; if so, it will be for you to show reasonable justification.

A reintegration meeting has been scheduled for TIME on DATE with STAFF NAME. You are invited to join that meeting, but it is not essential if you are unable to attend. On their return to school, NAME will be expected to xxxxx

This exclusion is a matter of regret for everyone involved. We want it to be a positive learning experience for NAME, which we will discuss further when we meet.

Yours sincerely

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**“TEMPORARY-UP-TO-45-DAYS” EXCLUSION BECAUSE AN EAR IS DUE**

Dear xxx

I write to confirm the decision of Chelsea Hall School, that NAME is to be excluded with effect from DATE; because an Emergency Annual Review has been requested at which their school place is being reviewed. We are unable to provide a specific end date to the exclusion, which will be ended at the earliest practicable date, but in any event no later than DATE *[this date to be at the maximum of 45 school days' exclusion in a twelve month period]*.

As soon as the Emergency Annual Review has been completed, we shall be directly in touch to confirm with you what the next steps for NAME will be, and shall take the matter forward as efficiently as possible.

This exclusion is because xxx.

The school will set work for NAME during the period of exclusion, to be completed and returned promptly to the relevant member(s) of staff for marking.

You are advised that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours during the exclusion; if so, it will be for you to show reasonable justification.

You are also advised that you have the right of appeal against exclusion when an exclusion reaches 15 days, in this case on DATE. If you choose to do so, please write to the Directors of Cavendish Education within three calendar days, by DATE, at [info@cavendisheducation.com](mailto:info@cavendisheducation.com), setting out the grounds of your appeal. The appeal, which may or may not result in this exclusion decision being upheld, will be heard in accordance with the Exclusions Policy. This right of appeal falls outside the school's Complaints Policy, and is dealt with under the Exclusions Policy.

Yours sincerely

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**“TEMPORARY-UP-TO-45-DAYS” EXCLUSION BECAUSE OF FURTHER FACT-FINDING EXERCISES**

Dear xxx

I write to confirm the decision of Chelsea Hall School, that NAME is to be excluded with effect from DATE. Because further fact-finding exercises [by xxx] are imminent or under way, we are unable to provide a specific end date to the exclusion, which will be ended at the earliest practicable date, but in any event no later than DATE *[this date to be at the maximum of 45 days' exclusion in a twelve month period]*.

As soon as the progression of the fact-finding exercises enables us to, we shall be in touch to let you know what the next steps for NAME will be, and shall take the matter forward as efficiently as possible.

This exclusion is because xxx.

The School will set work for NAME during the period of exclusion, to be completed and returned promptly to the relevant member(s) of staff for marking.

You are advised that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours during the exclusion; if so, it will be for you to show reasonable justification.

You are also advised that you have the right of appeal against exclusion when an exclusion reaches 15 days, in this case on DATE. If you choose to do so, please write within three calendar days, by DATE, to NAME at [info@cavendisheducation.com](mailto:info@cavendisheducation.com), setting out the grounds of your appeal. The appeal, which may or may not result in this exclusion decision being upheld, will be heard in accordance with the Exclusions Policy. This right of appeal falls outside the school's Complaints Policy, and is dealt with under the Exclusions Policy.

Yours sincerely

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**“TEMPORARY-UP-TO-45-DAYS” EXCLUSION DURING CONSIDERATION OF THE PLACE ON THE SCHOOL ROLL**

Dear xxx

I write to confirm the decision of Chelsea Hall School, that NAME is to be excluded with effect from DATE.

This exclusion is because xxxx.

As you have been informed, we are reviewing NAME's place at Chelsea Hall School. This means that we are unable to provide a specific end date to this exclusion, which will be ended at the earliest practicable date, but in any event no later than DATE *[this date to be at the maximum of 45 days' exclusion in a twelve month period]*.

You are advised that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours during the exclusion; if so, it will be for you to show reasonable justification.

The school will set work for NAME during the period of exclusion, to be completed and returned promptly to the relevant member(s) of staff for marking.

You and NAME are invited to a meeting with me at PLACE on DATE at TIME, where we can discuss NAME's situation in detail, in order to help reach a decision about the continuation of their place on the school roll.

Yours sincerely

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**PERMANENT EXCLUSION FOLLOWING A “TEMPORARY-UP-TO-45-DAYS” EXCLUSION AND DUE DELIBERATION**

Dear xxx

Having deliberated following our meeting at **PLACE** on **DATE**, I write to confirm the decision of Chelsea Hall School, that **NAME** is to be permanently excluded.

You have the right to appeal this decision. If you choose to do so, please write within three calendar days to the Directors of Cavendish Education at [info@cavendisheducation.com](mailto:info@cavendisheducation.com), setting out the grounds of your appeal. The appeal, which may or may not result in this exclusion decision being upheld, will be heard in accordance with the Exclusions Policy.

**NAME** will remain on the school roll until the appeal process has been completed. The school will set work for **NAME** during this time, to be completed and returned promptly to the relevant member(s) of staff for marking.

Should you choose not to appeal, or in the event of the permanent exclusion being upheld by the appeal, the school will use its best endeavours to advise and assist you in finding alternative schooling for **NAME**, seeking to minimise the impact on their educational progress if you so wish.

You are advised that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours while **NAME** remains on the Chelsea Hall School roll; if so, it will be for you to show reasonable justification.

Yours sincerely



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## POTENTIAL PERMANENT EXCLUSIONS

## APPENDIX 2

### Summary Procedure for parents, in the event of a pupil's "temporary-up-to-45-days" exclusion because of a prospective permanent exclusion

The decision to consider moving towards the permanent exclusion of a pupil or the request for their withdrawal is never taken lightly, and is always set in the context of the situation of the pupil involved and their family, other pupils and their families, the staff (teaching and non-teaching) staff and the wider community.

Before this decision is made, the school will endeavour if and when possible to explore other appropriate alternatives. This takes place in response to serious, repeated or persistent breach(es) of the school's expected standard(s) of behaviour. The aim of the School is to act in a way that respects the dignity of those involved.

If, in the Headteacher's opinion, there is a prospect of a pupil's permanent exclusion, the Headteacher or another member of staff acting on their behalf will promptly contact the parent(s) to discuss their concerns, together with any actions they are either required to take or feel are necessary and appropriate.

The Headteacher may, if the circumstances are sufficiently serious, immediately exclude the pupil for either a specific restricted period or for a period-up-to-45-days [that is, an exclusion that has an end date up to an accumulated maximum of 45 days' exclusion for the individual pupil in a school year, the aim of which is to allow for the conclusion of fact-finding exercises or other necessary activities the length of which cannot be defined].

The purpose of the exclusion may be to allow adequate time for a full fact-finding exercise and consideration of the facts. During such exclusion, the school endeavours to make whatever arrangements are practicable to minimise the impact on the pupil's educational progress.

When the Headteacher is confident that the relevant facts have been ascertained, they will consider these, form a preliminary judgement after taking advice from relevant staff and / or other relevant authorities, and arrange a meeting with the pupil's parent(s) to acquaint them of their findings and of the possible outcome(s).

The Headteacher will take due account of parent(s)' views. They will advise them that their decision will be notified in writing, if appropriate after due consultation with a Director of Cavendish Education or their nominated deputy. The decision is nevertheless the Headteacher's, acting on behalf of the school, and not the Director's.

The Headteacher will advise the parents of the school's decision in writing.

If this involves either permanent exclusion or a requirement of the parent(s) for the pupil's withdrawal, the school uses its best endeavours to advise and assist parents in finding alternative schooling, seeking to minimise the impact on the pupil's educational progress.

At the same time the Headteacher will advise parent(s) of their right, if in disagreement with the school's decision, to appeal, in writing, to the Cavendish Education Directors, by writing to [info@cavendisheducation.com](mailto:info@cavendisheducation.com) within three working days of receipt of the exclusion decision. An appeal against an exclusion falls outside the School's Complaints Procedure. Parents should note that at the conclusion of their deliberations the Exclusion Appeal Panel may reduce, ratify or increase an exclusion sanction imposed by the Headteacher.

On receipt of notice expressing an intention to appeal against the School's decision, the Exclusion Appeal Panel will acquaint themselves with the relevant facts. The parent(s) may make additional representations in writing to the Panel in advance of their meeting. They will take due account of the interests of the pupil, their parent(s), the School and any other relevant parties; if necessary, they will consult more widely before reaching a conclusion.

\*Please note that fixed term exclusion has been used interchangeably with suspension in this Policy.

The conclusion of the Exclusion Appeal Panel may include:

- reinstatement of the excluded pupil
- confirmation of the exclusion of the pupil
- an increase of the excluded pupil's exclusion sanction

Having reached a conclusion, the Exclusion Appeal Panel will advise parent(s) in writing of their conclusion, which shall be added to the school record of the pupil, along with a copy of relevant documentation; such conclusion is considered final, as far as the school procedures are concerned.

\*Please note that fixed term exclusion has been used interchangeably with suspension in this Policy.

## **GUIDANCE NOTES FOR THE PANEL HEARING OF EXCLUSION APPEALS APPENDIX 3**

A Director of Cavendish Education assembles an Exclusion Appeal Panel, normally comprising three members but in any event not less than two.

A member of the school's administrative department is normally the Secretary to the Exclusion Appeal Panel.

The Panel does not include a member who has been substantively part of the original exclusion decision.

On receipt of a parental request for an Appeal Hearing the Panel receives and reviews relevant documentation from the Headteacher. Prior to the Hearing the Secretary ensures that copies of such documentation are provided to the parent of the pupil.

A date, time and location for the Appeal Hearing is agreed with the parent of the pupil, normally with at least three working days' notice.

Prior to the Hearing the Secretary invites the parent to make any further representations to the Panel.

The parent may be accompanied by a companion at the Hearing, but the Panel would not expect them to be formally or legally accompanied or represented other than in exceptional circumstances and by prior agreement.

### **PROCEDURE AT THE HEARING**

The Chair of the Panel shall:

- thank the parent for coming, and explain that this is an Appeal Hearing following the Headteacher's exclusion decision
- formally introduce him/herself and the other Panel members
- if applicable, note that the parent is accompanied, by whom, and in what capacity their companion is present
- advise the parent of their rights, namely:
  - to present their Appeal
  - to ask questions on matters of fact
  - to take notes
  - to consult with their companion, and
  - to request adjournments
- note that at the conclusion of their deliberations the Exclusion Appeal Panel may reduce, ratify or increase an exclusion sanction imposed by the Headteacher

### **DURING THE HEARING**

The Chair of the Panel shall:

- ensure that documentation relevant to the Appeal has been copied to the parent(s)
- avoid reference to any matter that is not directly related to the Appeal
- maintain an open mind
- summarise factually and briefly the events that lead to the exclusion, and the reason given by the Headteacher for the exclusion
- ask if the parent(s) need further explanation of any point of fact
- ask the parent(s) to amplify the grounds of the Appeal, if they have any other questions relating to the Headteacher's decision, and to submit any further information
- ensure that adequate notes are taken of the representations of the parent(s)
- not hesitate to adjourn at any time (and to take advice where necessary) to consider any complex or unusual points raised by the parent(s), or to research any issue on behalf of the pupil; an adjournment can be for a few days if necessary

\*Please note that fixed term exclusion has been used interchangeably with suspension in this Policy.

- when the points have been aired, ask the Headteacher and the parent(s) if they wish to add anything further before the Hearing is closed and the Panel consider their decision
- explain that the decision of the Panel may include:
  - reinstatement of the excluded pupil
  - confirmation of the exclusion of the pupil
  - an increase of the excluded pupil's exclusion sanction
- explain that the Panel will communicate their decision in writing to the parent(s) within five working days
- explain that that decision is considered final, as far as the School procedures are concerned

## **AFTER THE HEARING**

The Chair of the Panel shall:

- ensure that the notes of the meeting fairly reflect the matters raised
- after due consideration by the other Panel Members and after a conclusion has been reached, draft, agree and send a letter to the parent(s) communicating the Panel's decision; the letter should include brief reasons for the decision, and be copied to the Headteacher
- arrange for the conclusion of the Exclusion Appeal Panel to be added to the school record of the pupil, along with a copy of relevant documentation

Note: Nothing which is undisclosed to the parent(s) may be taken into account by the Panel in reaching their decision, and in the event that anything comes to light prior to the decision being made that the Panel regards as relevant to their decision such information must be disclosed to the parent(s) who should be given the opportunity to comment.