



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

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Merthyr Tydfil County Borough Council

COMMUNITY SERVICES DIRECTORATE

Schools Department

**Pupil Exclusion From Schools
Handbook
2017-20**

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1. Introduction

Those who have been excluded from school achieve less well, and are much more likely to engage in criminal behaviour than other pupils. Formal exclusion is therefore an important event for a pupil, especially permanent exclusion, which could eventually require a change of school or alternative education provision.

Exclusion is also an important event for the school and for the wider education community. The process of exclusion requires careful handling, and can be stressful for all involved. Following a period of fixed term exclusion, the pupil must be carefully reintegrated back into the school if a recurrence of the problem is to be avoided. In the case of a permanent exclusion, another education establishment must ideally be found locally if there is no appeal against the decision. The pupil can then continue his or her full-time education. Schools with surplus places, which may be asked to admit large numbers of pupils excluded from elsewhere, can face significant problems. Such schools may already have a number of pupils with behaviour and attendance problems, therefore arrangements must be handled with utmost care and support. Local Admission Forums may be able to offer advice on how admission arrangements can allow schools to admit a more even share of children with behavioural issues, including children excluded from other schools.

If no suitable school place can be found for an excluded pupil, an alternative provision may be necessary for a temporary period, in exceptional cases, until age 16 years, when wider training and employment options become available.

2. Legal Context

The guidance on exclusions is based on the following:

The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003,

The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003,

The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) (Miscellaneous Amendments) Regulations 2004,

The Education (Reintegration Interview) (Wales) Regulations 2010

The Equality Act 2010,

The changes brought about by these regulations are highlighted in Circular 171/2015: Exclusion from schools and pupil referral units

3. Aims and Objectives

Merthyr Tydfil Local Authority (LA) and schools aim to develop and implement a forward looking, strategic exclusions policy based on the following key principles:

- challenging behaviour should be addressed early and appropriately;
- all staff should adopt a positive approach to improving behaviour in line with the school Behaviour Policy;
- adequate support should be available for teaching staff to explore alternative interventions in order to reduce the number of incidents which give rise to exclusions e.g. inclusion, behaviour support, support for social emotional and behavioural difficulties, managed moves, etc.;
- exclusions, whether fixed term or permanent, should be used only as a last resort when **all** other alternatives have been exhausted, but there will be circumstances when an immediate exclusion for a first offence is an appropriate sanction;
- excluded pupils, either fixed term or permanent, should be reintegrated as soon as possible into the most appropriate school or alternative provision.;
- schools are encouraged to take collective responsibility for exclusions and making educational provision for excluded pupils.

4. Behaviour Policies

Schools must have policies and procedures in place that promote good behaviour and prevent poor behaviour. A school's behaviour policy should be seen as an integral part of its curriculum, as all school teaches values as well as skills and knowledge. The policy must be based on clear values such as respect, fairness and inclusion, and reflect the schools' overall aims and its social, moral and religious education programmes. These values should be the basis for the principles underlying the school's behaviour policy.

The principles should include promoting self-discipline and respect for others, and the importance of listening to all members of the school community, including the learners. The policy should be relevant to every member of the school community including staff and parents/carers.

The policy should also tie in with the school's general approaches on promoting the emotional wellbeing of its learners, address any mental health problems of individual learners, advance equality of opportunity between learners, and tackle inequalities and discrimination. Schools must assess the impact of their proposed or existing policies, procedures and practices in accordance with their specific duties under the Equality Act 2010.

5. School and Local Authority Responsibilities

Every school is responsible for communicating to pupils, parents/carers and staff it's expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. Schools should only exclude a pupil having followed a graduated response to the behaviours. Exclusions should not be

imposed in the heat of the moment. Only the Headteacher or teacher in charge of the Educated Other Than At School (EOTAS) programme can exclude learners.

The LA will plan to:

- quickly reintegrate, where possible, excluded pupils back into mainstream schools;
- as far as possible, provide all pupils, excluded for more than 15 days, with a suitable full time education (appropriate to the pupil) by making best use of existing and available resources.

Within Merthyr Tydfil LA a range of strategies are in place to address the types of behaviour which may lead to exclusion. Headteachers should be able to refer pupils identified as at risk of permanent or fixed period exclusion to alternative or additional provision to meet their individual needs.

6. Reasons for Exclusions

The standard of proof to be applied is the “balance of probabilities”, i.e. if it is more probable than not that the learner did what they are alleged to have done, the Headteacher may exclude the learner. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be.

A decision to exclude a pupil should only be taken:

- in response to serious breaches of the school’s behaviour policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

An exclusion would not be appropriate for:

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

There will, however, be exceptional circumstances where in the Headteachers’ judgement a permanent exclusion would be appropriate. These might include:

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

In most cases it would be appropriate for schools to inform the police if they believe such a criminal offence has taken place. Schools should also contact the Youth Offending Service and the social Worker, etc.

7. Behaviour Outside School

Pupils' behaviour outside school, for example on a school trip or sporting event, is subject to the school's behaviour policy. Inappropriate behaviour should be dealt with as if it had taken place in school. For bad behaviour outside school, but not on school business, for example on the school bus or in the immediate vicinity of the school, a headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This will ultimately be a judgement for the headteacher. The Welsh government has issues an "All Wales Travel Behaviour Code". The statutory Code promotes safe travel for all learners by setting standards of the behaviour required. Schools will need to reinforce the message that poor behaviour on school transport is a danger to pupils, the driver, escort and other road users.

8. Exclusions Process

Whenever a headteacher excludes a pupil, the parent/carer (and pupil if aged 16 years or over at the time of the exclusion) must be notified immediately, ideally by telephone, followed up in writing within one school day. When the parent/carer is notified of exclusion may depend on when the pupil is to be excluded:

- where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day.
- where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon session.
- where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, notice must be given by the end of the afternoon session.

The headteacher's formal exclusion letter must indicate:

- (for a fixed period exclusion) the precise period of the exclusion;
- (for a permanent exclusion) the fact that it is a permanent exclusion;

- the reason(s) for the exclusion;
- the parent/carer and pupil's right to make representations about the exclusion to the pupil discipline committee
- the person whom the parent/carer should contact if they wish to make such representations (this will usually be the clerk to the pupil discipline committee or, in the case of fixed term exclusions from the EOTAS programme, an LA officer);
- the latest date by which the pupil discipline committee must meet (where applicable) to consider the circumstances in which the pupil was excluded;
- the parent/carer's right to see and have a copy of his or her child's school record;
- in the case of a fixed term exclusion, the date and time when the pupil should return to school;
- in the case of a lunchtime exclusion, the number of lunchtimes for which the pupil is being excluded, and if applicable the arrangements for the child to receive free school meals;
- if the exclusion is permanent, the date it takes effect and any relevant previous history;
- detail with regards to vulnerable group, CLA, SEN, EAL, Gypsy Traveler etc;
- the arrangements made by the school/EOTAS for enabling the pupil to continue his/her education during the exclusion, including the setting and marking of work. It is the parent/carer's responsibility to ensure that work sent home is completed and returned to school;
- the name and telephone number of an officer of the LA who can provide advice;
- details of agencies that can provide support- SNAP Cymru are able to provide free support for families in respect of exclusions. Should you wish to contact them please find their details here-0845 120 3730 or 02920 384 868 and at enquiries@snapcymru.org or <http://www.snapcymru.org/>
- A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Government Buildings, Spa Road East, Llandrindod Wells, LD1 5HA.

See **Appendix A** for **Exemplar Exclusion letters**.

In exceptional circumstances, possibly where further evidence has come to light, a fixed term exclusion may be extended, or converted to a permanent exclusion. In such

cases, the headteacher must write again to the parent/carers and pupil explaining the reasons for the change. Also, a headteacher may choose to withdraw an exclusion that has not yet been reviewed by the pupil discipline committee.

9. Length of Fixed Term Exclusions

The regulations allow headteachers to exclude a pupil for one or more fixed periods, including lunchtimes that count as a quarter day, not exceeding 45 school days in any one school year. However, individual exclusions should be for the shortest time possible, as exclusions of more than a day or two make it more difficult for the pupil to reintegrate back into school. Inspection evidence suggests that one to three days is often long enough to secure the benefits of exclusion without adverse educational consequences. Exclusions may not be given for an unspecified period.

The limit of 45 days applies to the pupil and not the institution, therefore any days of fixed-term exclusion served on the pupil in the same year will count towards the total.

A pupil who exceeds 45 days of fixed-term exclusions within a school year does not automatically proceed to a permanent exclusion. The 45 day 'limit' has been placed in Regulations to avoid ineffective use of fixed-term exclusion.

Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion, for which no legal arrangements exist. However, in the absence of any formal tariff being specified by WG, there can be some disparity between schools in relation to the excludable offence itself and to the actual length of exclusion.

The detail contained in **APPENDIX B – Suggested Exclusion Duration** is intended as a suggested point of reference for headteachers in relation to fixed term exclusions. It also indicates when a meeting of the school's pupil discipline committee needs to meet in order to review any exclusion.

10. Alternatives to Exclusion

Due consideration needs to be given to the involvement of a number of external agencies before deciding upon a formal exclusion. For example, a pupil who does not conform to the school's discipline policy should initially be referred to the Behaviour Support Team for advice and guidance.

A number of options are available to headteachers in response to a serious breach of behaviour policy, including:

a) **Restorative justice**, which enables the offender to redress the harm that has been done to a victim, and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise have resulted in exclusion. All the staff needs to be thoroughly involved in the process and this can only work with the consent of all parties.

b) **Internal exclusion** (also known as internal seclusion), which can be used to diffuse situations that occur in schools that require a pupil to be removed from class but may not require removal from the school premises. The internal exclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal exclusion should be for the shortest time possible and should be subject to review. This could form part of a more long term therapeutic support programme to address underlying behavioural issues. A school's learning support unit, where applicable, should not be used to provide internal exclusion.

c) **Managed Move**, to another school to enable the pupil to have a fresh start in a new school. Such a process should be considered in the full knowledge and co-operation of all the parties involved, including the parents/carers, the LA, and in circumstances where it is in the best interests of the pupil concerned. In order to fully address the pupil's difficulties, the LA has established a managed moves forum which will consider each individual request for a managed move. . Parents/carers should never be pressured into removing their child from the school under threat of a permanent exclusion, nor should pupils' names be deleted from the school roll on disciplinary grounds, unless the formal permanent exclusion procedures have been completed or where a managed move has been agreed by all the relevant parties and has been successful in relocating the pupil. See **APPENDIX C – Equitable access Protocol**.

d) **Pastoral Support Programmes (PSP's)** are for pupils who do not respond to a school's general actions to address disengagement and disaffection, and who are in need of longer term intervention. PSP's are plans for pupils to better manage their behaviour and should be drawn up using a multi-agency approach (including the parent/carer and pupil) and reviewed on a regular basis.

e) **Student Assist Programme (SAP)** is an early intervention programme, implemented in primary and secondary schools, which aims to improve attendance, inclusion, behaviour and academic performance, by developing emotional resilience through weekly hour long confidential support groups. It works on a support group model, but it is not therapy or treatment, therefore pupils have the right to remain silent. These are private conversations, unless child abuse or other serious issues become evident. The objectives of the sessions are to listen, validate, support and to build an atmosphere of trust.

f) **Social and Emotional Aspects of Learning (SEAL)** aims to support pupils aged from 3-16 years to develop the personal and social skills of:

- self-awareness;
- managing their feelings;
- motivation;
- empathy; and
- social skills.

These interpersonal and intrapersonal skills have been shown to improve learning and promote emotional health and wellbeing, alongside a range of other benefits to pupils, families and schools. SEAL aims to provide an entitlement curriculum to develop social and emotional skills within a structured and progressive framework, offering class based quality teaching to all children from 3-16 years. In addition to providing curriculum resources for class based work, schools have access to sets of materials designed to be used within a small group context.

11. Early Intervention

Effective policies, procedures and training minimise the number of pupils at risk of either permanent or fixed period exclusion. For those at risk, additional measures could include:

- the school engaging with parents/carers;
- a change of teaching style, set or class;
- Emotional Literacy Support Assistant (ELSA) - is an initiative designed to build the capacity of schools to support the emotional needs of their pupils from within their own resources. It recognises that children learn better and are happier in school if their emotional needs are also addressed. <http://www.elsanetwork.org/>
- On Task and Learning Toolkit- provides school staff with information, guidance, exemplar material and resources on a range of issues relevant to supporting the learning of those children and young people who have experienced behaviour difficulties;
- curriculum alternatives , including, where appropriate, attendance at a college or another form of alternative provision;
- (temporary) placement at an in-school learning support unit as part of a planned positive programme for pupils;
- temporary or part-time placement in an (EOTAS) education otherwise than at school programme where the pupil can receive educational provision intended to improve their behaviour;
- a managed move to another school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion;
- consideration by the special educational needs coordinator (SENCO), with colleagues, of possible interventions within the school;
- assessment of special educational needs;

- allocation of a key worker such as a learning mentor, behaviour support teacher, education inclusion officer;
- referral to a specific support service, such as the Behaviour Support Team (Education Welfare/Inclusion Service), Children's Services, Additional Learning Needs, Educational Child Psychology Service, Counseling Service, or the Child and Adolescent Mental Health Service (CAMHS).

12. Unofficial Exclusions

Significant problems can arise when schools do not exclude pupils officially in accordance with their behaviour policies and the relevant legislation, but reach an agreement with parents/carers to voluntarily withdraw their child from school as a means of addressing incidents of poor behaviour. The result of an unofficial exclusion is that the pupil may be absent from school for lengthy periods without the LA or governing body being aware and the pupil not receiving the support mechanisms provided for those pupils that are officially excluded. The unofficial nature of such exclusions mean that pupils will not benefit from the legal safeguards afforded to pupils lawfully excluded and can miss out on a suitable education.

The Children's Commissioner for Wales, in his report following investigations into unofficial school exclusions, highlights the dangers inherent in the practice of unofficial exclusions. The LA, via its Inclusion Team, attempt to identify such exclusions by:

- auditing school attendance registers periodically and without notice, in order to highlight any patterns of absence relating to unofficial exclusions;
- following up on any informal intelligence, whether from parents/carers, pupils, home visits, members of the public, whistleblowers, etc., about pupils out of school;
- conducting an awareness raising campaign amongst parents/carers of pupils and staff to ensure that they understand the illegal status of unofficial exclusions. Parents/carers may then be more reluctant to agree to suggestions to withdraw their child from school;
- establishing formal lines of communication between other agencies and the voluntary sector to ensure sharing of information about pupils out of school.

13. Role of the Governing Body Pupil Discipline Committee

The governing body of every school must establish a Pupil Discipline Committee (PDC) under the Government of Maintained Schools (Wales) Regulations 2005. The main role of the PDC is to review the use of exclusion within the school and to ensure that any sanctions imposed by the headteacher are in accordance with its own school behaviour policy. The PDC has to be made up of three or five governors, drawn from members of the governing body (not including the headteacher). The governing body should also aim to include a range of different types of governor to sit on the committee. It is recommended that no member of the school staff should serve on the

PDC. Members of the PDC should also be prepared to meet quickly when a pupil has been excluded.

The governing body should also appoint a Clerk to the PDC who can provide advice on exclusion procedures and handle the administrative process, which are often complex and need to be dealt with quickly in accordance with required timescales. The quorum for a meeting of the PDC is three. Where a governor has a connection with the pupil that might reasonably raise doubts about their ability to act impartially they should not serve at that particular hearing. Where four members are considering an exclusion, the chair will have the casting vote in the case of equal voting. The governing body, when considering the membership of its PDC, should also give consideration to appointing a reserve to the PDC.

On receiving notice of an exclusion from the headteacher, the chair, of the PDC, in conjunction with the clerk to the PDC :

- must, in the case of one or more fixed term exclusions totaling five days or less in any one term, consider any representations from the parent/carer and pupil (the Chair may agree to convene a meeting if the parent/carer requests it to discuss the exclusion);
- must, in the case of one or more fixed period exclusions totalling more than five but not more than 15 school days in any one term, convene a meeting between the sixth and the 50th school day after receiving the notice of exclusion, to consider the exclusion, if the parent/carer and/or pupil requests a meeting. The meeting may direct reinstatement;
- must, in the case of a permanent exclusion, or one or more fixed period exclusions (including lunchtimes) totaling more than 15 school days in any one term, convene a meeting between the sixth and the 15th school day after the date of receipt of notification to consider the exclusion. Where a meeting of the PDC has previously been convened and further exclusions take place within the same term, the PDC is require to meet in relation to each exclusion to assess the effectiveness of the support plans put in place for that pupil;
- must, in the case where a pupil is to miss a public examination, (so far as it is practical for them to do so) convene a meeting before the date on which the pupil is to take the examination;
- must invite the parent/carer and/or pupil, headteacher and an LA officer to the meeting at a time convenient to all parties (within the statutory time limit);
- should ask for any written statements, including witness statements, at least five school days, where possible, in advance of the meeting;
- should circulate in advance any written statements (including witness statements) and a list of those who will be present at the meeting, to all parties;

- must offer the opportunity for the views of the excluded pupil to be considered at the meeting, irrespective of their age.

The LA provides relevant training for school governors on the exclusions process with particular reference to the role of the PDC, and gives advice on exclusions in general and the appeal procedures. Such training is included as part of the core training programme and can also be delivered at school level upon request.

For further information see Welsh Government Circular 171/2015 *Exclusion from Schools and Pupil referral Units*.

<http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/exclusion/?skip=1&=en>

14. Independent Appeal Panel

An appeal to an independent appeal panel is only applicable for permanent exclusions where they are upheld by the school's pupil discipline committee.

An appeal panel must meet to consider an appeal no later than the 15th school day after the day on which the appeal is lodged.

The LA must constitute the independent appeal panel and appoint a clerk to the panel.

In Merthyr Tydfil all panels comprise of three members as follows:

- Lay person who will also be the chair of the panel. A lay person is someone without personal experience in the management of a school or the provision of education, other than in a voluntary capacity or as a school governor.
- Education practitioner. Headteacher or other person currently working in education management.
- School governor. The governor must have served for 12 consecutive months within the last six years and have not been a headteacher or teacher during the last five years.

15. Reintegration Procedures

The LA has an important lead role in establishing flexible, creative strategies that meet the individual needs of pupils excluded from school. Reintegration into the mainstream setting will be considered and encouraged wherever possible. Excluded pupils should only be educated outside mainstream schools where there are significant problems that are better addressed in a different environment. The LA will consider the designation of specialist staff to assist the reintegration and support of excluded pupils. This might include an LA officer to oversee individual packages or the use of education welfare officers/inclusion officers, mentors and specialised learning support staff. For example, if a pupil has been out of school for a lengthy period of time, it might be appropriate to

make referrals to agencies that may be able to assist with the individuals' successful reintegration back into school.

The Education (Reintegration Interview) (Wales) Regulations 2010 require schools, in certain circumstances, to request parent/carers of pupils excluded for a fixed-term to attend a reintegration interview at the school. The requests for interviews apply to all fixed-term exclusions for primary pupils, but only fixed-term exclusions of six days or more for secondary pupils. These interviews provide an opportunity to emphasise the importance of parent/carers working with the school to take joint responsibility for their child's behaviour.

16. Police Involvement and Criminal Proceedings

A headteacher should not postpone a decision to exclude a pupil because of the possibility that criminal proceedings might be brought in respect of the same incident. In these circumstances, a judgment must be made on the basis of the evidence available. Relevant considerations include the fact that:

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

As a matter of course the school police liaison officer should be informed of all exclusions on the day of exclusion.

For further information see ***Secondary School Information Pack – All Wales School Liaison Core Programme***. www.schoolbeat.org

17. Pupils with Additional Learning Needs

Other than in the most exceptional circumstances, schools should avoid excluding pupils with statements of special educational needs. In most cases, the staff will be aware that the school is having difficulty supporting a pupil's behaviour well before the situation has escalated. Schools should try every practicable means to maintain the pupil in school, including seeking LA and other professional advice and support or, where appropriate, asking the LA to consider carrying out a statutory assessment. For a pupil with a statement, where this process has been exhausted, the school should liaise with the LA about initiating a formal review of the pupil's statement.

18. Looked After Children

Children looked after by the LA are especially at risk of low attainment in school. Schools should be especially sensitive to possible exclusion issues where looked after children are concerned and should explore every practicable means to maintain the child in school, including seeking LA and other professional advice as appropriate.

Social Services and the Looked After Children Education Service (LACES) should in all cases be involved at the earliest opportunity in working with the school to avoid the need to exclude the pupil.

In cases where a looked after child is excluded, anyone who is acting as a parent/carer will have the right to make representations against a fixed term exclusion and to appeal. The definition of a parent for the purpose of Section 576 of the Education Act 1996 is broadly drawn and includes any person who has parental responsibility or has care of the child. This will include the LA where they have a care order in respect of the child and any person (for example, a foster parent) with whom the child lives. These are in addition to the child's birth parent(s). This could mean that there may be more than two parents whom the school has to notify about an exclusion, all of whom will have the right to make appropriate representations and appeal.

19. Special Tuition

Pupils excluded for more than 15 school days (including permanently) from the date at which the exclusion is upheld by the PDC should normally receive a full time and appropriate education. The LA and schools must look carefully at how to work toward meeting this commitment by making best use of existing and additional resources provided. As part of this support, a period of special tuition may be considered for those pupils excluded for the length of time stipulated. Such provision will be coordinated with other education services in order to maintain the optimum service possible for the pupil concerned. There is however, no single model of provision that will suit the needs of every pupil and LA's are not obliged to provide the full National Curriculum to these pupils.

20. Cross Border Arrangements

For a permanent exclusion, if the pupil resides outside the LA, the headteacher must also advise the home LA of the exclusion, so that they can make arrangements for the pupil's full time education. It is essential that the home LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits.

21. Funding Flow

Where a pupil is permanently excluded from school, the school's budget share for that year will be proportionately reduced in line with relevant regulations. Where a school admits a pupil who has been permanently excluded in that financial year from another school, the LA will allocate an amount for the rest of the financial year. The money may follow the pupil to another school or, alternatively, it may help offset the cost to the LA of education otherwise than at school. The relevant date at which the transfer of funding will take place will be the date at which the Independent Appeal Panel upholds the exclusion, or in the case where there is no appeal, the end of the time period within the appeal panel might have been made. With regard to fixed term exclusions, pupils will be provided with a period of special tuition if the period of exclusion exceeds 15 days. The funding for tuition will be clawed back from the relevant school in accordance with procedures laid down by the LA.

APPENDIX A- Exemplar letters

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a fixed-term exclusion of 16 days or more, or where cumulative exclusions in the same term are 16 days.

Parent(s)/Carer(s) of: **model letter for fixed-term exclusion of 16 or more days**
NAME AND ADDRESS

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

I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has been excluded for this fixed term because **[reason for exclusion]**. Alternative education other than setting work will be provided for **[learner's name/you]** if the exclusion has not been overturned within 15 days. A **[school's maintaining LA]** LA representative will contact you to discuss this.

[School other than PRU] As the length of the exclusion is more than 15 school days (or equivalent) the school governors' pupil discipline committee must automatically meet to consider the exclusion. At the review meeting you may make representations to the committee if you wish to do so. The latest date the committee can meet is **[date – no later than 15 school days from the date the discipline committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

You also have the right to see a copy of **[learner's name/your]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/your]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying. A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys, LD1 6DF.

SNAP Cymru are able to provide free support for families in respect of exclusions. Should you wish to contact them please find their details here-0845 120 3730 or 02920 384 868 and at enquiries@snapcymru.org or www.snapcymru.org.

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

You may want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice. **[learner's name/your]** exclusion expires on **[date]** and we expect **[learner's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely **[name]** Headteacher

Parent(s)/Carer(s) of: **model letter for fixed term exclusion for 5 days or less**
NAME AND ADDRESS

Dear Parent/Carer

NAME, SCHOOL YEAR AND DATE OF BIRTH OF CHILD

Dear **[parent/carer/learner's name]** I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**.

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

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

You **[and learner's name where learner is aged less than 11]** have the right to make representations to the school governors' pupil discipline committee. If you wish to make representations please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. While the discipline committee 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/your school record.

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

SNAP Cymru are able to provide free support for families in respect of exclusions. Should you wish to contact them please find their details here-0845 120 3730 or 02920 384 868 and at enquiries@snapcymru.org or www.snapcymru.org.

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

[Primary school only]

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

You may also want to contact **[name]** e.g. **Sarah Bowen Inclusion Manager** at **[LA name MTCBC]** on/at **[contact details: Mrs Sarah Bowen Inclusion Manager 725082 sarah.bowen@merthyr.gov.uk phone number, e-mail]**, who can provide advice on what options are available to you.

Yours sincerely

Parent(s)/Carer(s) of: **model letter for permanent exclusion**

NAME AND ADDRESS

Dear Parent/Carer

NAME, SCHOOL YEAR AND DATE OF BIRTH OF CHILD

I am writing to inform you of my decision to exclude NAME OF CHILD permanently from DATE. This means that NAME will not be allowed back to this **[school/pupil referral unit]** unless reinstated by the **[school governors' discipline committee/LA pupil referral unit management committee]** or by an appeal panel.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude NAME has not been taken lightly. NAME has been excluded permanently because REASON/S FOR EXCLUSION.

Alternative education other than setting work will be provided for **[learner's name/you]** if the exclusion has not been overturned within 15 days. A LA representative will contact you to discuss this.

As this is a permanent exclusion the school governors' pupil discipline committee will meet to consider the exclusion. At the review meeting you **[and learner's name where learner is aged less than 11]** may make representations to the committee if you wish to do so. The discipline committee has the power to reinstate **[learner's name/you]** immediately or from a specified date, or alternatively, has the power to uphold the exclusion in which case you may appeal to an independent appeals panel. The latest date the committee can meet is **[date – no later than 15 school days from the date the committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the committee of the time, date and location of the meeting.

You have the right to see his/her file. The school will continue to set work for NAME during the period of his exclusion. Please ensure that any work set by the school is completed and returned to us for marking

SNAP Cymru are able to provide free support for families in respect of exclusions. Should you wish to contact them please find their details here-0845 120 3730 or 02920 384 868 and at enquiries@snapcymru.org or www.snapcymru.org.

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

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

You may also want to contact **[name]** e.g. **Sarah Bowen Inclusion Manager** at **[LA name MTCBC]** on/at **[contact details: Mrs Sarah Bowen Inclusion Manager 725082 sarah.bowen@merthyr.gov.uk phone number, e-mail]**, who can provide advice on what options are available to you.

Yours sincerely

From headteacher (or teacher in charge of a PRU) notifying parent/carer and/or learner of a fixed-term exclusion of six to 15 days, or where cumulative exclusions in the same term fall within this range, or where a public examination is missed.

Parent(s)/Carer(s) of: **model letter for fixed-term exclusion of 6-15 days**
NAME AND ADDRESS

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

Dear **[parent/carer/learner's name]** I am writing to inform you of my decision to exclude **[learner's name/you]** for a fixed term of **[period of exclusion]**. This means that **[learner's name/you]** will not be allowed in school for the period of the exclusion which began on **[date]**. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[learner's name/you]** has not been taken lightly. **[learner's name/you]** has/have been excluded for this fixed term because **[reason for exclusion]**. The school will continue to set work for **[learner's name/you]** during the period of his/her/your exclusion **[insert details of arrangements that are in place for this]**. Please ensure that any work set by the school is completed and returned to us for marking. **[For learners over compulsory school age insert the following]** As you have been excluded from the school you should arrange for someone to return the work to us on your behalf.

[School other than PRU] You have the right to request a meeting of the school governors' pupil discipline committee at which you **[and learner's name where learner is aged less than 11]** may make representations and the decision to exclude can be reviewed. As the length of the exclusion is more than five school days (or equivalent) the committee must meet if you request it to do so. The latest date the committee can meet is **[date – no later than 50 school days from the date the committee is notified]**. If you wish to make representations to the committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details: address, phone number, e-mail]**, as soon as possible.

You also have the right to see a copy of **[learner's name/your]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[learner's name/your]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying. A parent/carer also has the right to make a claim of disability discrimination to the Special Educational Needs Tribunal for Wales (SENTW) if she or he thinks that the exclusion is because of a disability their child has. The address to which claims should be sent is Unit 32, Ddole Road Enterprise Park, Llandrindod Wells, Powys LD1 6DF.

SNAP Cymru are able to provide free support for families in respect of exclusions. Should you wish to contact them please find their details here-0845 120 3730 or 02920 384 868 and at enquiries@snapcymru.org or www.snapcymru.org.

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

You may want to contact **[name]** at **[LA name]** LA on/at **[contact details: address, phone number, e-mail]**, who can provide advice. **[learner's name/your]** exclusion expires on **[date]** and we expect **[learner's name/you]** to be back in school on **[date]** at **[time]**.

Yours sincerely **[name]** Headteacher/teacher in charge of PRU

APPENDIX B-SUGGESTED EXCLUSION DURATION

Suggested Exclusion Duration	Examples of seriousness of incident	Meeting of Pupil Discipline Committee
1 to 2 school days	<p>The exclusion may be in response to an unexpected or uncharacteristic action or reaction by a pupil.</p> <p>The pupil is unlikely to have had a previous exclusion.</p> <p>The purpose of the exclusion is to signal to parents/carers and pupils the unacceptable nature of the behaviour, while minimising the loss of attendance.</p>	Not required (unless requested by parent/carer).
3 to 5 school days	<p>The exclusion may be in response to continuous or repeated and unacceptable behaviour or a serious but isolated offence.</p> <p>The pupil is unlikely to have had a previous exclusion</p>	Not required (unless requested by parent/carer).
6 to 10 school days	<p>The exclusion may be in response to persistent, serious breaches of school discipline despite appropriate interventions by school support mechanisms.</p> <p>The exclusion may be in response to an isolated incident or short series of incidents involving serious acts of violence or the threat of serious acts of violence.</p>	Not required (unless requested by parent/carer).
11 to 15 school days	Where the exclusion results from a continued pattern of unacceptable behaviour, the pupil is likely to have been excluded on one or more previous occasions.	Yes

APPENDIX C – EQUITABLE ACCESS PROTOCOL

1. Introduction

The educational opportunities for some children are put at risk because they are regarded as difficult to place and they experience delays in admission to school or they find themselves denied access to a school place. It is crucial that a school place is found quickly and that the process is managed between the school, the local authority and the family so that there is adequate support for the young person and the placement is more likely to be sustainable.

All Admission Authorities are under a duty to comply with the Welsh Government's Admissions Code and to ensure that the placement is given the best chance to succeed.

This protocol applies to all primary and secondary schools in Merthyr Tydfil County Borough Council including voluntary aided schools.

2. Aims of the Protocol

The aims of the Protocol are to:

- ensure that the needs of the pupil are fully considered before admission to school;
- ensure that the admission of difficult to place pupils is supported so that the placement succeeds;
- ensure that there is openness and fairness in the process and every school is treated as equally as possible;
- ensure that there is an agreement to admit to a school a pupil covered by this Protocol within 10 school days of an application being made; and
- develop further collaboration amongst schools and between schools and the LA on the understanding that the provision of a sustainable school place is the shared responsibility of all parties.

3. Pupils covered by this Protocol

Difficult to place pupils could be any of the following:

- Looked after children;
- Traveller children;
- Permanently excluded pupils;
- Children who have been educated for some time in a system where language, culture or curriculum makes swift integration difficult;
- Children who need to be reintegrated back into mainstream education after attendance at EOTAS;
- Children who have been out of school/education for longer than one school term;

- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;
- Children of refugees and asylum seekers;
- Children known to the police or other agencies;
- Children without a school place and with a history of serious attendance problems;
- Children who are young carers;
- Children with additional learning needs (but without a statement);
- Children with challenging behaviour;
- Children with disabilities or medical conditions;
- Children returning from the criminal justice system;
- Children of UK service personnel and other Crown Servants.

Other children requiring a school place will continue to be placed in accordance with the usual admission procedures.

4. Arrangements for Children with a Statement of Additional Learning Needs

Children with a statement are not covered by this Protocol, as their needs are considered separately and admissions arranged through the authority's ALN Team.

5. How the Protocol will operate.

In order to effectively facilitate this Protocol, the authority has resolved to establish a ***Managed Moves Forum*** to consider all requests for managed moves between schools/alternative provision in relation to exclusions; managed moves and equitable access.

The membership of the forum is appended below and members will be invited according to the needs of the pupil:-

- Inclusion Manager
- Pupil Services Team Leader
- Behaviour Support Team
- 14-19 officer
- Representative from YOS
- Youth Service
- Educational Child Psychology Service
- One representative from each of the four secondary schools, EOTAS provision and Greenfield Special School

Parental preference will initially determine where the request for admission is made.

In the case of Equitable Access Pupils transferring between schools in Merthyr Tydfil, schools will provide the authority's Admissions Team with full information on the pupil, within 5 school days to enable admission to be arranged.

Prior to the admission of any pupil covered by this Protocol, an identification of need will be carried out by the authority to determine the appropriate educational placement, taking account of parental preference, and determine the support and intervention strategies that can be offered to the pupil in order to maximise the chances of successful admission. This will be discussed and agreed at a meeting of the Forum. The Head of Admissions or nominee, will discuss arrangements for admission with the pupil and the parent/carer within 10 school days from the date that it becomes known an Equitable Access Pupil is in need of a school place.

Where the identification of need concludes that an Equitable Access Pupil should be admitted to school, the authority will draw up an integration plan with the receiving school describing the support that will be available to the pupil before, during and after admission to school. The plan will describe support that is to be offered by the school and by the authority and identify an appropriate curriculum offer. The plan will also determine the duration of any support programme.

This will be enabled through the Inclusion and Pupil Services Team.

6. Availability of Places

In deciding whether places are available for Equitable Access Pupils, all Admission Authorities must follow their admissions arrangements and the Admissions Code in deciding whether a place can be offered. If a parent is refused a place at their preferred school they will be informed of the right of appeal.

Equitable Access Pupils are expected to meet the criteria for admission where these are required.

Provided there is space in the relevant year group and an integration plan is in place, schools will admit Equitable Access Pupils.

If the school admission number has been reached this will be discussed at a meeting of the Forum.

Where the above process cannot secure a place at the preferred school, the child will be admitted to the nearest school to the pupil's home which can offer a place.

Where the process above cannot secure a place at any school, the authority will, after consideration of the circumstances of the case, identify a school placement. If necessary, the authority will then proceed to secure the admission of the pupil using provisions to direct admission within the School Admissions Code. The authority will

only direct the admission of an Equitable Access Pupil if it has first drawn up an integration plan for the child.

7. Monitoring arrangements

- The authority will retain a record of every pupil admitted in accordance with this Protocol via the authority's Admissions Team;
- Voluntary aided schools should notify the Admissions Team of any Equitable Access pupil, as defined by the Protocol, they admit as a casual admission;
- The authority will keep a list of all Equitable Access Pupils and share this with relevant Children's Services staff, and the Inclusion Team. A report will be given to the Admissions Forum at every meeting
- Where an Equitable Access placement breaks down, there will be a review of the case, led by Head of Admissions to determine how to avoid future difficulties with placement and any alternative placement for the pupil in question.

8. Pupils reintegrating from Education Other Than At School (EOTAS)

All pupils at the EOTAS provision will still be on the roll of their home school with the intention that they will be able to return to their school, but some pupils e.g. those who were excluded in the past may have no school place to return to. In such cases the Headteacher will contact the Admissions Team and arrange for a preference form to be sent to the pupil's parents. When the preference form is returned it will be dealt with in accordance with the Protocol.

