



Lingfield Education Trust

Exclusions Policy

Policy Version Control	
Policy type	Academy Trust
Policy prepared by (name and designation)	Nick Blackburn CEO
Last review date	14 th July 2021
Description of changes	Letter amended
Date of Board of Trustees approval	13 th July 2022
Date released	15 th July 2022
Next review date	July 2023

Appendices

Appendix 1 – Pupil Concern Tracking Sheet

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1 Introduction

- 1.1 Core purposes of Lingfield Education Trust are to maintain a safe, productive climate for learning, to promote inclusion and to nurture children to reach their full potential. This policy will not be operated in isolation and should be read in conjunction with the individual school's behaviour policies. These policies promote good behaviour through mutual respect shown to others, by all who learn and work within the school.
- 1.2 This policy has been written with reference to the DfE Guidance "Exclusion from maintained schools, academies and pupil referral units in England" September 2017, which sets out the legal requirements for Headteachers and the Trust Board in relation to pupil exclusions. The purpose of this policy is ensure that any exclusions that are issued are legal, moral and reasonable based on the presumption that all other alternatives to exclusion have been considered,
- 1.3 The exclusion of a pupil will be addressed within the context of the Pupil Concern Tracking Sheet (Appendix 1).
- 1.4 A pupil may only be excluded on disciplinary grounds. They may be excluded for one or more fixed periods, or permanently. A fixed-period exclusion does not have to be for a continuous period.

2 Scope

- 2.1 This policy covers all the schools within Lingfield Education Trust.

3 Responsibilities

- 3.1 According to Section 51A of the Education Act 2002 only the Headteacher of school can exclude a pupil. Therefore, within Lingfield Education Trust, only the Headteacher or in the absence of the Headteacher, an Acting Headteacher or delegated Deputy /

Assistant Headteacher may authorise any exclusion. In an instance when a school has an Executive Headteacher and a Head of School, the most senior leader present at the time the incident is investigated will authorise the exclusion if it is for a fixed period. If the exclusion is permanent the CEO and Trust Board will make the decision based on the findings of the investigation.

3.2 Clearly defined legal responsibilities in relation to pupil exclusions are set out in the DfE statutory guidance document "Exclusion from maintained schools, academies and pupil referral units in England" which should be referred to in all cases.

3.3 Responsibilities of the Headteacher (or designated leader see 3.1)

3.3a Whenever a Headteacher excludes a pupil they must, without delay, notify parents of the period of the exclusion. They must provide parents with the following information in writing:

- The reason(s) for the exclusion;
- The period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the exclusion to the Trust Board and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the Trust Board to consider the exclusion, that parents have right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

More detailed information can be found in paragraphs 26 – 20 of the DfE guidance document.

A sample letter is included in appendix 4.

3.3b The Headteacher must also notify the local authority, CEO and the Trust Board of any other exclusions not already notified. Notifications must include the reason(s) for the exclusion and the duration of any fixed-period exclusion.

3.3c In the case of a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Headteacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

3.4 Responsibilities of the Trust Board or Interim Advisory Board

3.4a The Trust Board must consider the reinstatement of an excluded pupil within **15 school days** of receiving notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- It would result in a pupil missing a public examination or national curriculum test.

3.4b If parents make representations against the fixed-period exclusion of more than five but less than 15 school days in the term, the Trust Board must consider whether the pupil should be reinstated within **50 school days** of receiving the notice of exclusion.

3.4c Where an exclusion would result in a pupil missing a public examination or national curriculum test, the Trust Board must, where practical consider the exclusion before the date of the examination or test.

3.4d Within 14 days of a request, the Trust Board must provide to the Secretary of State and the local authority, information about any exclusions within the last 12 months.

4 Reasons for Pupil Exclusions

4.1 Pupils may be excluded from school for one of the following reasons:

4.1a Physical assault against pupil Includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

4.1b Physical assault against adult Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

4.1c Verbal abuse / threatening behaviour against pupil Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

4.1d Verbal abuse / threatening behaviour against adult Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

4.1e Bullying Includes:

- Verbal bullying
- Physical bullying
- Homophobic bullying
- Racist bullying

4.1f Racist abuse Includes:

- Racist taunting and harassment
- Derogatory racist statements
- Potentially offensive language that can be attributed to racial characteristics
- Racist bullying
- Racist graffiti

4.1g Serious Sexual misconduct Includes:

- Sexual abuse
- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying
- Sexual graffiti

4.1h Drug and alcohol related misconduct Includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

4.1i Damage Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson
- Graffiti

4.1j Theft Includes:

- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

4.1k Persistent disruptive behaviour includes:

- Challenging behaviour
- Disobedience
- Persistent violation of school rules

4.1l Other Actions that are likely to compromise the safety or effective running of the school includes

- Possession of a dangerous or prohibited item that may put at risk the well-being or education of others - items to include, but not be limited to, a firework, a covert recording device an item likely to cause distress to others on religious or cultural grounds.
- Deliberately setting off a fire alarm for reasons other than the presence of a fire
- Refusing to apply a mandatory piece of safety equipment (in instances other than when the pupil is exempt) or deliberately coughing or spitting towards a person in a manner that may spread a virus

4.2 Exclusions should not be used for pupils for

4.2a Incidents such as failure to do homework

4.2b Poor academic performance

4.2c Lateness or truancy

4.2d Pregnancy

4.2e Breaches of school rules or rules on appearance (for example, relating to jewellery, body piercing, hairstyles etc.), except where these are persistent and in open defiance of such rules.

4.2f Punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable to attend a meeting.

4.3 A decision to exclude a pupil should be taken only:

4.3a in response to serious breaches of the school's behaviour policy,
and

4.3b if being allowed to remain in school the pupil would seriously harm the
education or welfare of that pupil or others in the school.

4.4 A decision to exclude a child permanently is a serious one. It will usually be the
final step in a process for dealing with disciplinary offences following a wide
range of other strategies, which have been tried without success. It may also be
an acknowledgement by the school that it has exhausted all available strategies
for dealing with the pupil for a first or one-off offence. These might include:

4.4a serious actual or threatened violence against another pupil or a member of
staff

4.4b sexual abuse or assault

4.4c supplying an illegal drug

4.4d carrying an offensive weapon

5 Factors to be considered before making a decision to exclude

5.1 Exclusion should not be imposed in the heat of the moment, unless there is an
immediate threat to the safety of others in the school or the pupil concerned.
Before deciding whether to exclude a pupil, either permanently or for a fixed
period, the Headteacher / CEO should:

5.1a ensure that an appropriate investigation has been carried out

5.1b consider all the evidence available to support the allegations, taking account
of the school's behaviour and equal opportunities policies, and, where
applicable, the SEND Code of Practice 0-25 years, the Children and Families
Act 2014 and the Equality Act 2010

5.1c allow the pupil to give his/her version of events

5.1d check whether the incident may have been provoked or a reaction to
extenuating circumstances, for example by bullying or by racial or sexual
harassment.

5.1e if necessary consult others, but not anyone who may later have a role
reviewing the Headteacher / CEO's decision, for example, a member of the
Trust Board who may be part of an exclusions panel.

5.2 If satisfied that, on the balance of probabilities, the pupil did what he/she is alleged to have done, the Headteacher / CEO may exclude the pupil.

5.3 A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

5.4 Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-term exclusion in an academic year, the Trust Panel Responsible for Vulnerable Pupils should consider whether exclusion is providing an effective sanction.

5.5 Headteachers should use the Pupil Concern Tracking Sheet (Appendix 1) to identify the stages in within this exclusion policy and consider whether all options have been exhausted before the decision to exclude is taken. A list of alternatives to exclusion can be found in Appendix 2.

5.6 Where a decision is made to permanently exclude a pupil, the CEO should prepare a statement explaining their reasons, evidence and rationale in the format as set out in Appendix 3.

6 Length of Fixed Period Exclusions

6.1 The regulations allow Headteachers to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year. However, individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school. Ofsted 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, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion, for which no legal arrangements exist.

6.2 The school's obligation to provide education continues while the pupil is on roll, and must be met during a fixed-term exclusion. In all cases of more than a day's exclusion, work should be set and marked. A Headteacher considering whether to exclude a pupil for a longer period, for example for more than 15 school days, should plan:

6.2a how the pupil's education will continue during the period of exclusion

6.2b how the time might be used to address the pupil's problems

6.2c what educational arrangements will best help with the pupil's reintegration into the school at the end of the exclusion.

7 Lunchtime Exclusion

7.1 Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed-period exclusion (equivalent to one half school day) and should be treated as such, and parents have the same right to be given information and to appeal. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for pupils who are entitled to free school meals. This may mean providing a packed lunch.

7.2 The Secretary of State does not expect to see lunchtime exclusion used for a prolonged period. In the long run another strategy for dealing with the problem should be worked out.

8 Parental Co-operation

8.1 If a parent refuses to cooperate with a formal exclusion by sending the excluded child to school, or by refusing to collect or arrange collection of him or her at lunchtime, the school must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if it puts the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful, the school should consider whether to contact the Local Authority and seek the advice of the LA about available legal remedies.

9 Procedures for Review and Appeal

9.1 The Trust Board must establish arrangements to consider all permanent exclusions from the school, all fixed-term exclusions which would lead to a pupil being excluded for over 15 days in a school term, and exclusions which would result in the pupil missing a public examination or national curriculum test.

9.2 The Trust Board consideration meeting must take place within 15 school days of being informed that the exclusion has taken place.

- 9.3 In the case of a fixed-term exclusion which would result in the pupil missing a public examination or national curriculum test, where practical the Trust Board consideration meeting should take place before the examination/test date.
- 9.4 The Trust Board must also establish arrangements to review fixed-term exclusions that would lead to a pupil being excluded for over five days but not over 15 days in a school term, where the parent has expressed a wish to make representations. This consideration meeting must take place within 50 school days of being informed that the exclusion has taken place.
- 9.5 The Panel will decide whether or not to reinstate the pupil, if appropriate, or whether the Headteacher's / CEO decision to exclude the pupil was justified. In reaching a decision on whether or not a pupil should be reinstated, the Panel will consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties and any evidence that is presented to them in relation to the decision.
- 9.7 The Trust must make arrangements for an Independent Review Panel to hear an appeal against a permanent exclusion where the Panel does not direct reinstatement.
- 9.8 The focus of the Independent Review Panel will be to decide whether there are sufficient grounds for them to direct or recommend to the Trust that they reconsider their decision to uphold the exclusion.

10 Procedures Following Permanent Exclusion

- 10.1 In the case of a permanent exclusion, the pupil remains on roll at the school until any appeal is determined.
- 10.2 For permanent exclusions, the local authority must arrange suitable fulltime education for the pupil to begin no later than the sixth school day of the exclusion. In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement. This will be the home local authority in cases where the school lies within another local authority.
- 10.3 If the decision to permanently exclude a pupil is upheld by the Panel, and there is no appeal from parents, the local authority will withdraw the unit of funding for the pupil from the school.
- 10.4 The Trust Board must ensure that a pupil's name is removed from the school roll if;

- 15 school days have passed since the parents were notified of Panel decision not to reinstate the pupil and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel

10.5 Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the Trust Board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

11 Procedures Following Fixed-Term Exclusions

11.1 For a fixed-period exclusion of more than five school days, the Headteacher must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty.

11.2 A reintegration meeting with parents following the expiry of a fixed-term exclusion will be arranged. Parental co-operation with the school at this point is essential. If the reintegration meeting follows a pattern of behaviours then the school should seek to establish when new strategies or support can reduce the risk of a further recurrence or deterioration in behaviour by establishing the cause of the behaviour, responding appropriately by commission appropriate additional support, personalising a risk assessment/behaviour or pastoral plan, modifying provision.

11.3 A fixed-term exclusion should not be extended if a reintegration meeting cannot be arranged in time or the parents do not attend.

12 Behaviours Outside School

12.1 The behaviour of pupil's outside school, on school business such as school trips, transport, or sports fixtures is subject to the school's behaviour policy. Bad behaviour in these circumstances should be dealt with as if it had taken place in school.

12.2 For behaviour outside school, but not on school business, a Headteacher / CEO 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 be a matter of judgment for the Headteacher. A pupil's behaviour in the immediate vicinity of the school or on a journey to or from school can be grounds for exclusion.

13 Pupils with Special Educational Needs and/or Disabilities (SEND)

13.1 Statutory guidance on identifying, assessing and making provision for pupils with SEND, including those with behavioural, social and emotional needs, is given in the SEND Code of Practice 0-25 years and Headteachers must have regard to this guidance when making any decisions regarding exclusion.

13.2 Lingfield Education Trust has a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEND.

13.3 Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with an Educational Health Care Plan (EHCP).

13.4 Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs or a pupil with an EHC plan it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This could include requesting an early annual review or interim/emergency review. Schools should try every practicable means to maintain the pupil in school.

13.5 Where a child is permanently excluded, the Headteacher should use the period between the exclusion decision and the meeting of the Panel to work with the local authority to see whether more support can be made available or whether the EHC plan can be changed to name a new school. If either of these options is possible, the headteacher should normally withdraw the exclusion.

13.6 It is extremely important that the parents of children with SEND who are excluded from school receive advice on the options available for their child's future education. Schools might usefully advise parents that advice and information on SEND is available through their local SEND Parent Partnership.

13.7 Schools have a legal duty not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to fixed term and permanent exclusions.

13.8 The Children and Families Act 2014 makes it clear that the definition of disability in the Equality Act 2010 is the same as that within the SEN Framework. Which says that a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to

carry out normal day-to-day activities. A physical or mental impairment includes learning difficulties, mental health conditions, medical conditions and hidden impairments such as specific learning difficulties, autism, and speech, language and communication impairments.

13.9 Schools are required 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.

13.10 Where parents dispute the decision of the Panel not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-term or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.

14 Equality

14.1 The Equality Act 2010 states that it is unlawful for a school to discriminate against a pupil by treating them less favourably because of their, sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity ("protected characteristics"). It is also unlawful for a school to discriminate against a pupil because of their association with someone with a protected characteristic, such as a parent. Or to discriminate against a pupil who is believed to have a protected characteristic, even if they do not.

14.2 Headteachers, the CEO and Trustees involved in exclusion decisions or appeals are required to ensure that they are aware of and have followed the relevant guidance within the Equality Act 2010 to ensure that the pupil is not being treated less favourably than his/her peers because of a disability or protected characteristic.

14.3 Whilst the basis of the equality duties for schools within the Equality Act and the Children and Families Act 2014 is rooted in equal treatment of all, for disabled pupils, schools may and often must, treat them more favourably.

14.4 Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

15 Looked After Children

15.1 Children in public care are especially at risk of low attainment in school. Schools should be especially sensitive to exclusion issues where looked after children are concerned and should try every practicable means to maintain the child in school. Schools should co-operate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head.

15.2 In cases where a looked after child is excluded, anyone who is seen as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Acts is broadly drawn and includes a person who has parental responsibility (including the local authority 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 means that there could be more than two people whom the school has to notify about exclusions and who will have the right to make representations and appeal.

15.3 Even where the local authority does not have parental responsibility, the child's social worker should be informed about any exclusion. The designated teacher for looked-after children will be able to advise on the legal status of pupils in public care in the school.

16 Equality Statement

16.1 Those within Lingfield Education Trust who have responsibilities defined within this policy will carry out their duties with regard to the Trust's Equality Statement and commitment to abide by the Equality Act 2010: accepting our legal duty to ban unfair treatment and achieve equal opportunities in the classroom, the workplace and in wider society. We have regard for our duty to:

- o Eliminate unlawful discrimination, harassment and victimisation
- o Advance equal opportunity
- o Foster good relations

17 Contacts

For advice on the content of this policy, please contact:

The Chief Executive Officer – Mr Nick Blackburn

Appendix 1**Pupil Concern Tracking Sheet**

Child Name:

School:

Year Group:

Date Commenced:

	Movement Levels	Concerns and Evidence (include dates)	Strategies/Support and Intervention	No further action or move to next stage
Green	Concern identified and monitored. Staff meet Parents/Carers. Review date set			
Blue (Pupil now at risk of part time timetable or exclusion)	If no improvement: Share issues with the Trust Panel. Set new strategies/support and intervention. Staff meet Parents/Carers. Review date set.			
Amber (Pupil now may be on a part time timetable and had some exclusions)	If no improvement: Go back to trust panel to discuss further strategies. Eg part time timetable, education off site, exclusion being used to safeguard others Staff meet Parents/Carers. Review dates in place. LA informed that there is a pupil at risk.			
Red (Pupil now at risk of permanent exclusion)	Trust Panel is fully involved. LA has oversight of the issues. Full and long term intervention in place. Eg managed move, respite placement			
Permanent Exclusion	CEO/Trust Board decision to permanently exclude			

Appendix 2 Alternatives to Exclusion

Exclusion should not be used if there are possible alternative solutions available. In seeking to prevent exclusions, schools should adopt a graduated response. This graduated response is detailed in the Pupil Concern Tracking Sheet (Appendix 1).

When students move from one wave of support/intervention to another the reasons for the change, the specific details of the change and the intended outcomes should be recorded.

If the move to a new wave of intervention includes the student accessing an external or alternative provision, then appropriate risk assessments (for transport and accessing the external provision). All arrangements for safeguarding including the reporting and recording of attendance at an alternative provision should adhere to Trust's Safeguarding and Attendance policies. The Alternative Provider should be registered.

Examples of alternatives to exclusion that the school may want to try include:

(Blue Level) Internal exclusion which can be used to diffuse situations that occur in school that require a pupil to be removed from class but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods

(Amber Level) Respite or Alternative Provision can be initiated on a short term basis. If respite or alternative provision is initiated the school must follow all safeguarding procedures and make regular visits in order to check continued student safety.

(Amber Level) Period of reduced timetable. Students can be placed on a temporary part-time timetable. If a part time timetable is initiated the Trust Panel Responsible for Vulnerable Pupils must be informed – and the proforma in appendix 5 completed to be shared.

(Red Level) Long term AP or a managed move: if the school feels that it can no longer manage the behaviour of a particular pupil, the school may ask another school or provider to take over his or her education. This should only be done with the full knowledge and cooperation of all parties involved, including the parents, MAT and the LA, where it is in the best interests of the pupil concerned. Parents should never be pressured into removing their child from school under threat of a permanent exclusion, nor should pupils be deleted from the school roll to encourage them to find another school place. Section 9 of the Education

(Pupil Registration) Regulations 1995 details the only lawful grounds for deleting a pupil's name from the school roll.

Appendix 3 Format for Headteacher's Statement

Statement: Decision to Permanently Exclude

1. Explain the Context/Student facts and background

2. Describe the incident(s) chronology and the measures school have put in place to support the student.

3. Describe the process of the investigation into the incident(s) and how you are confident that the process is complete

4. Link the incident chronology to the legislation

5. What are the alternatives to Permanent Exclusion and why do they not represent a more appropriate courses of action?

6. Summarise statement

Appendix 4 – Letter to Parents (Please copy content on to school headed paper)

Dear

Following our conversation, I am writing to you to reaffirm in writing the information regarding your child's fixed term exclusion.

The exclusion is for a period of:

They will return to school on:

The reason(s) for the exclusion is...

The arrangements for your child's continued learning are....

Before your child returns to school, I would like to arrange a reintegration meeting on:
This meeting will be an opportunity to discuss how we can ensure a successful return to school and the support that will be available for your child.

Yours sincerely,

Appendix 5 Part Time Timetable Arrangements – CONFIDENTIAL

Child Name:	
Year Group:	

SEND Information:	
Social Care Involvement:	
Planning Meeting Date:	
Planning Meeting Attendees (Must include a parent / carer):	

Reasons a Part Time Timetable are being considered:

How will the child's education continue effectively during this time?

How will the child's time be built back up to full time? What is reintegration plan?

What additional support is being provided to the child to aim towards successful full time education?

Agreements		
Parental	School	Other Relevant Professionals:
Name:	Name:	Name:
Signed:	Signed:	Signed:
	Position:	Position: