

## **EXCLUSION FROM SCHOOL**

### **INFORMATION PAMPHLET FOR PARENTS/CARERS**

**What is an exclusion?**

This is a disciplinary measure which the head teacher of a school can use to deal with incidents of poor behaviour. There are two types of exclusion:

- Fixed period – a pupil can be excluded for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year and a date is given for a return to school.
- Permanent – this is where the school feel that the incident(s) was so serious that the pupil should not return to school.
- An indefinite exclusion is not lawful, nor can a pupil be sent home “to cool off”.

**Who has the power to exclude a pupil?**

Only the Head Teacher, or designated senior teacher in the head's absence, has the right to exclude a pupil.

**What can a pupil be excluded for?**

Each school has a behaviour policy/code of conduct. Where a pupil's behaviour consistently falls below what is expected then it is reasonable to expect the head teacher to consider a fixed period exclusion. Such behaviour could include:

- Persistent disruption of lessons
- Serious bullying
- Verbal or physical abuse of staff
- Theft

If behaviour problems persist, or a serious 'one off' incident occurs, then the Head Teacher may consider a permanent exclusion. This may be for:

- Serious actual or threatened violence
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

**How will I be notified if my child is excluded?**

The school will try and contact you immediately by telephone. The Head Teacher will also write to you to fully explain his/her decision that will include what your child has done to warrant being excluded.

**What happens to my child's education whilst excluded?**

If the exclusion is for 5 school days or fewer, work will be provided for your child to complete at home. You may have to collect the package of work from the school.

If the exclusion is for more than 5 school days then the school will arrange full-time education from the sixth day of the exclusion. This might be at an alternative venue than your child's school.

**Who is responsible for my child during a fixed period exclusion?**

During the first 5 days on an exclusion, the parent is responsible for the whereabouts and wellbeing of their child. The law states that an excluded pupil should not be in a public place during school hours on any day when excluded without 'reasonable justification'. If your child is found in such circumstances then you will be liable to a fixed penalty notice fine of £100.

**What is 'reasonable justification'?**

A medical emergency could be considered as reasonable justification for your child being in a public place during school hours whilst excluded. Going to the shops to buy food or clothes, for example, would likely not be reasonable justification.

**What if I feel the exclusion was undeserved?**

You have the right to make representations about the exclusion, which is to put your views, to the governing body whose job it is to review certain exclusions.

**What if I feel the exclusion relates to my child's disability and that discrimination has occurred?**

You can apply to the First-tier Tribunal (Special Educational Needs and Disability) to hear cases of alleged disability discrimination  
<http://www.justice.gov.uk/tribunals/send/appeals/ddc>

Phone: 01325 392760

Email: [SENDISTQUERIES@hmcts.gsi.gov.uk](mailto:SENDISTQUERIES@hmcts.gsi.gov.uk)

In addition you can apply to a County Court to hear other cases of discrimination under the Equality Act 2010.

**How do I make representations?**

You should write to the Clerk to the Governing Body, ideally within 5 days of being notified of the exclusion setting out your views about the exclusion.

- If an exclusion is for less than 5 school days, the governing body must consider any representations that are made about an exclusion.
- For any exclusion between 6 and 15 school days the governing body must hold a meeting if you request one. This must take place within 50 school days of receiving notice of the exclusion.
- For an exclusion of more than 15 school days (singular or cumulative in a term), or a permanent exclusion, the governing body must meet to consider the decision of the head teacher regardless of whether the parent wishes to make representations. This must take place within 15 school days of receiving notice of the exclusion.

Where the governing body does meet you will be invited to attend.

**What will happen at the governing body meeting?**

The meeting (which may be called a Discipline Committee hearing) will normally involve 3 governors who have had no role in the initial decision to exclude your child. They will hear your views and decide whether to uphold the head teacher's decision to exclude.

The meeting will also include the head teacher and possibly another member of staff who was closely involved in the incident(s) which led up to the exclusion. You may wish to bring, or send, a friend or representative to help give your views.

The meeting will be as informal as possible.

The head teacher will be invited to describe the events leading up to the exclusion and explain why the sanction was considered necessary. In the case of a permanent exclusion, why a lesser sanction was not considered sufficient. You and the governors will then be able to ask questions.

You will then be invited to put your views. The governors and head teacher may want to ask you questions based on what you say

At the end of the meeting the governors will consider their decision in private. The governors may decide to:

- Uphold the head teacher's decision to exclude (for a fixed period or permanently)
- Direct the reinstatement of the pupil (in the case of longer fixed term or permanent exclusions)

In the case of short period exclusions the pupil will likely be back in school before the meeting takes place. In such cases a note from the meeting will be placed on the pupil's file.

You will be notified of the decision in writing.

**What happens if the governors uphold a permanent exclusion?**

The Clerk to the governors will advise you in writing of the reasons for the decision and your right of appeal to an independent review panel and enclose a form for doing so. Any appeal must be submitted within 15 school days of receiving the governors' notification.

If you decide not to appeal against the decision, then someone from 'Achieving for Children' will discuss with you the alternative options available for your child's continuing education.

**Independent Review Panel**

The Local Authority or, (in the case of an academy school) the Academy Trust, is responsible for setting up the Panel. You will be advised of the date and location of the meeting and invited to attend with a friend or representative.

The appeal panel will consist of 3 or 5 members, none of whom will have had any prior involvement with the exclusion or your child's school. At least one member must be a lay person, that is, someone who has not worked in school in a paid capacity, although they may have been a school governor.

**Specialist advice**

You have the right to request the presence of a Special Educational Needs (SEN) expert at the review, regardless of whether the school recognises that your child has SEN. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and does not include making an assessment of your child's SEN. There is no cost to you for this service.

**After the Hearing** The Clerk to the Review Panel will write to you within 2 school days with the outcome of the appeal. The Panel may decide:

- to uphold an exclusion;
- to *recommend* that the governing body reconsiders its decision, taking account of the findings of the panel; or
- to quash the decision and *direct* the governing body to reconsider the case.

**What happens if a recommendation is made to reconsider the decision, or the decision is quashed by the IRP?**

The governors must reconvene within 10 school days of notification in order to reconsider the exclusion. The Governing Body must then notify the parties of the reconsidered decision and reasons for it “without delay”.

**What happens if the Governing Body does not offer to reinstate your child?**

There is no further right of appeal. If you believe procedural flaws have occurred you can ask the Local Government Ombudsman to invest (in the case of a maintained school). For academy schools you would need to contact the Secretary of State for Education.

**Can an exclusion be “removed” from a pupil’s file?**

If an exclusion is a matter of fact, i.e. it has happened, then details of an exclusion may not lawfully be deleted from the pupil’s school file. However, the decision from any subsequent hearing can be added to the file.

**Where can I obtain further advice about an exclusion matter?**

You can speak to the Exclusions & Reintegration Officer in ‘Achieving for Children’ on 020 8547 5253 or email [Adrian.bannister@achievingforchildren.org.uk](mailto:Adrian.bannister@achievingforchildren.org.uk)

The following are independent sources of advice and information for parents/carers:

- Communities Empowerment Network
  - 020 7733 0297
  - <http://www.cenlive.org/>
- Coram Children's Legal Centre
  - 0300 330 5485
  - <http://childlawadvice.org.uk/information-pages/school-exclusion/>

You can also view the guidance provided to schools on the use of exclusion by the Department for Education:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>