



Giving
disabled children
a **brighter future**



School Exclusions: A parent's guide

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Exclusion

Children with Special Educational Needs (SEN) and/or Disabilities are much more likely to be excluded from school than their classmates.

Only the head teacher of a school (or the teacher in charge of a pupil referral unit or the principal of an academy) can exclude a pupil. There are only two types of exclusion from a school which are lawful: permanent and fixed-term.

A head teacher can exclude a pupil because:

- 1 There has been a serious or continuous breach of the school's behaviour policy
- 2 Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil

Fixed term exclusion - this is when the head teacher excludes a pupil for a period of time. This may be from a lunchtime (classed as half a day) up to 45 school days per academic year.

Permanent exclusion - this is when a pupil is permanently excluded from the school and removed from the school roll; an alternative school must be found following a permanent exclusion.

The exclusion must be considered to be:

- **Rational** - a decision has been made after an investigation of the facts and individual circumstances
- **Proportionate** - to the severity of the incident or breach committed
- **Reasonable and fair judgements** - that are made based upon the evidence available at the time and reasonable attempts were made to collate this
- **Legal** - the head teacher must follow the correct legal procedure to make the exclusion lawful

Following an exclusion

- 1** The school must inform the parent of the exclusion, in writing, stating the reasons for the exclusion and the number of days (if it is a fixed term exclusion). It must also provide details of your rights during the exclusion. If it is a permanent exclusion then it must contain details of your right to appeal the decision to the governing body.
- 2** This letter must be sent quickly (between 1-3 days) and the exclusion recorded within the school to ensure it is formally recorded.
- 3** You are able, if you wish to ask to see the school's behaviour log regarding the exclusion. This should provide you with details of any other incidents leading up to the exclusion and you can ask the school for details of how these were dealt with.
- 4** You can request to see the school's behaviour policy (or look on the school's website for it) to view the correct procedures the school should take in the event of an incident.
- 5** The school have a duty of care when excluding a pupil and are responsible for their safety and therefore an exclusion should not put them at risk and this should be considered in deciding what action to take.

Illegal exclusion

- 1** An illegal exclusion is when an exclusion is not formally recorded within the school; this may be known as 'a cooling off period' or 'extended study leave' or it may be you are asked to collect your child at lunchtime for non-medical reasons, which can also be called a part time exclusion. Parental consent for this is irrelevant and it should still be recorded formally within the school and the correct procedures followed.
- 2** If you are asked to collect your child at lunchtime it should be recorded as a half day exclusion and it is to be included within the limitations of fixed term exclusions (not total more than 45 full school days per academic year).
- 3** It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet; however, pupils who repeatedly disobey their teachers' academic instructions could, however, be subject to exclusion. Similarly if the exclusion is linked with the parent's behavioural conduct in the school environment.

Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review. The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or looked after child.

Part time exclusion

If your child has been excluded for part of the day including lunchtime this is referred to as a part time exclusion, which is illegal.

All children are entitled to a full time education. Contact your local SENDIASS

Fixed term exclusion

Key points to consider if your child has received a fixed term exclusion:

- You can appeal a fixed term exclusion of more than 5 days (in total) across a school term if you are unhappy and disagree with the events leading to the incident. This can be done via a review meeting (up to 50 working days after the exclusion). If your child is fixed term excluded under 5 days in total across a school term you can write to the Headteacher noting your concerns and to the governing body if you are unsatisfied with the response, however, there is no obligation for the governing body to meet you in person. For a total of 15 days of fixed term exclusions per school term or more, the governors must meet to discuss the reasons for the exclusions and invite you a meeting to discuss this further
- During a fixed term exclusion your child is not allowed in public places during normal school hours and should be at home completing homework provided by the school. If a child is found in a public place (unless there is a legitimate reason, such as a medical problem) you may be issued with a £60 fine.
- After a fixed term exclusion the school should arrange a reintegration meeting to discuss the plan of moving forward in regards to expected behaviours, support mechanisms and additional services the school may implement to minimise the likelihood of a repeated incidence.
- A number of fixed term exclusions may indicate there may be behaviours and/or emotional problems that need to be addressed. If you are able to, work with the school at identifying patterns of behaviour to help get to the root cause of disruptive behaviours. It may be helpful to keep a diary at home to note any behaviour and other relevant information such as the time of day these occur.

- Sometimes prolonged disruptive behaviour may be caused by an underlying medical condition or mental health problem. If you are concerned you can seek medical advice from your G.P. Alternatively it may be worth speaking to the school's special educational needs coordinator (SENCO) about your concerns and to see if they have identified any similar concerns. The school may be able to help with additional support and any make referrals to relevant professionals such as an educational psychologist.
- The school should identify whether they can tackle any root cause of disruption within the school setting or whether any external agencies need to become involved. The school should discuss this with you and gain your consent to make appropriate referrals to help your child.
- A fixed term exclusion is a legal option available to schools, although this may not be the best option for your child's circumstances, in certain circumstances it will be unavoidable. You could speak to the head teacher to discuss any alternatives such as periods of isolation or agree on a behavioural plan. This would be a written agreement between you and the school about what would happen in certain circumstances, such as disruptive behaviour. The school could also use reward strategies to encourage more positive behaviour and a home-school diary would allow communication between home and school to be more open.
- It is important to talk to your child about their concerns and issues at school. They may be able to tell you what is upsetting them or you could use other methods of communication such as pictures or play. Disruptive behaviour may have a number of causes such as: the level of work is too hard, bullying, low self-confidence, coping with anger or frustration, difficulties with routine or feeling uncomfortable about a lesson, particular tasks or a person. Speaking to your child may help identify ways in which they can be made more comfortable within the school. Alternatively it may be worth accessing the school nurse, counselling or a family support service if you feel this may be beneficial to your child.

Permanent exclusion

Key points to consider if your child has been permanently excluded from school:

- If your child has been permanently excluded from school the letter you receive should inform you of your right to appeal to the governing body. You have to ask the school to appeal- as soon as possible and the governing body meeting must be held within 15 working days from the exclusion.
- If your child has been permanently excluded from school we strongly advise you to contact your local SENDIASS as soon as possible, so we can discuss your case in greater detail.
- If you feel the reasons behind your child being excluded are discriminatory then contact us immediately.
- For the first five days after being permanently excluded the school should provide homework for your child to complete and be returned to them for marking.
- From the sixth day onwards the Local Authority has a duty to place your child in an educational provision; this is likely to be a pupil referral unit, the Local Authority should advise on where your child will be educated and the arrangements for enrolling there.
- A pupil referral unit is used for short term education and there is a high staff to pupil ratio; the pupil referral unit can help identify any needs your child may have and what support they may need in another school.
- Be present for an enrolment meeting at the pupil referral unit and/or new school. This is the best opportunity to ensure the new school understands your child's needs and you can discuss the level of support they can offer your child.
- If your child has been permanently excluded it is important to identify the reasons behind the exclusion. Understanding what has been going on for your child and what can be done in the future to support your child is essential to prevent any further exclusions and for your child's well-being.

Key points to consider for the Governing Body appeal meeting:

- The governing body appeal meeting will give you an opportunity to discuss why you think your child should be reintegrated back into school. It is best to focus on positive reasons and be specific about why you want your child to return to the school. It is also a good idea to mention any reasons why you may disagree with the way in which the school have detailed the incident(s) leading up to the exclusion. Any evidence you have that supports your point of view is particularly helpful.
- Prior to the meeting you will receive paperwork for you to look over; you should look through this in detail. It should contain information on how your child is progressing academically, any behavioural logs/statements around incidents at schools and information about what support has been offered by the school during the time the child has attended
- If the governing body appeal meeting find in favour of the head teacher and decide to permanently exclude, you have the right to appeal this decision further at an Independent Review Panel. This panel cannot overturn the Governing Body's decision, but they can ask them to review it. You can ask an special educational needs expert to report on your child's needs but not to pass judgement on whether the exclusion was necessary or not
- If the governing body agree the exclusion was unfair, unlawful or irrational they can ask the head teacher to reinstate the pupil back into the school. A meeting would then be needed to discuss your child's special educational needs and how these can be met by the school.

Support and advice

Contact your local SENDIASS (Special Educational Needs and Disabilities Information Advice and Support Service).

SENDIASS provides free impartial, confidential and accurate information, advice and support about education, health and social care for children, young people and their parents on matters relating to special educational needs and disability.

Visit our SENDIASS website: <https://www.kids.org.uk/sendiaass>