

## **Exclusion from School Information for parents and those with parental responsibility**

A pupil can be excluded as a result of serious difficulties at school. A decision to exclude a pupil can only be made by the head teacher or, in the absence of the head teacher, the acting head teacher.

When making decisions on exclusions and in administering the exclusion procedure, head teachers, governing bodies, local authorities and independent appeal panels must by law have regard to the guidance on exclusion from schools and pupil referral units published by the Department for Children, Schools and Families.

A copy of the guidance which is entitled Improving behaviour and attendance: guidance on exclusion from schools and pupil referral units (September 2008) can be viewed on the website of the Advisory Centre for Education - [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

The procedures laid down in the guidance apply to maintained schools and pupil referral units. Academies must also have regard to the guidance. It should be noted that separate arrangements exist for Independent Schools and Sixth Form Colleges.

### **Types of exclusion**

A **fixed period exclusion** is an exclusion imposed by the head teacher for a limited period of time. This may be for between 1 and 45 school days in an academic year (September – July). After the exclusion period has expired your child can normally return to school.

A **permanent exclusion** is when your child will not be allowed to return to the school it has been attending unless the head teacher's decision is reversed by the Governing Body or by the Independent Appeal Panel.

### **Lunchtime exclusions**

Head teachers may exclude pupils at lunchtime if their behaviour is disruptive. A lunchtime exclusion is counted as one full half day for statistical purposes and the head teacher is required to notify you in writing as in the case of fixed period and permanent exclusions.

A lunchtime exclusion should be for the shortest time possible to enable the school to action strategies to support the pupil and should not be used for prolonged periods.

The school is required to make arrangements for pupils who are entitled to free school meals to receive their entitlement. Taking into account the pupil's age and vulnerability the school should also ensure that, if appropriate, a parent or carer is available to collect and supervise the child over the lunchtime period.

## **The role of the Governing Body in reviewing exclusions**

Governors are required to meet to consider all permanent exclusions and fixed period exclusions totalling 15 school days or more in one term. Exclusions are reviewed by the Pupil Discipline Committee of the Governing Body which consists of at least three governors representing the Governing Body as a whole.

If your child has been permanently excluded or has had more than 15 days in fixed period exclusions in one term you will automatically be contacted by the Clerk to the Governors regarding the arrangements for the meeting of the Pupil Discipline Committee. The Clerk will also send you a copy of the papers for the meeting.

You have the right to be accompanied to the meeting by a friend or an independent representative.

The Governors are required to follow a set procedure during the meeting and a copy of this will be given to you by the Clerk within your papers.

During the meeting Governors will hear representations from the head teacher, the parent, or person with parental responsibility, and the local authority. At the end of the meeting the parties will be asked to leave the room whilst Governors reach their decision.

In reaching a decision Governors are required to review the case, taking into account the representations that have been made, and determine whether the exclusion was justified based on the evidence presented.

In all cases the outcome of the review by Governors should be added to your child's school record for future reference. The Clerk will also formally write to you confirming the decision reached by the Pupil Discipline Committee.

## **Timescales**

The Governing body must in the case of a permanent exclusion, or a fixed period exclusion of 15 school days or more in one term convene a meeting of the Pupil Discipline Committee between the 6<sup>th</sup> and 15<sup>th</sup> school day after the date of receipt of notice to consider the exclusion. Please note that for these purposes school holidays do not count.

In the case of a fixed period exclusion of more than 5, but not more than 15 school days in one term, if the parent requests a Governors meeting, the Clerk must convene a meeting between the 6<sup>th</sup> and 50<sup>th</sup> school day after receiving notice of the exclusion.

The Governing Body must in the case of a fixed period exclusion of 5 school days or fewer in one term, and which does not bring the pupil's total number of days of exclusion to more than 5 in one term, consider any representations made by the parent. The Governing Body has the discretion to agree to a meeting if the parent requests a meeting to discuss the exclusion. No statutory time limits apply to the consideration of such exclusions.

## **The Independent Appeal Panel**

If your child has been permanently excluded and Governors uphold the head teacher's decision then you have a right of appeal to the Independent Appeal Panel.

The decision letter sent to you by the Clerk to the Governors must state the reasons for the decision, give the last date for you to lodge an appeal and explain that your grounds for appeal should be made in writing.

The appeal is a completely separate process and although a representative from the Pupil Discipline Committee will be asked to attend the hearing, the Panel will be made up of independent members who have no connection to your child's school. The Clerk is also independent and will not have served as Clerk to the Governors at the original hearing.

An appeal panel must meet no later than the 15<sup>th</sup> school day after the day on which the appeal is received.

The Clerk to the Independent Appeal Panel will send you a copy of the papers and a copy of the procedure for the meeting. You have the right to be accompanied at the meeting by a friend or independent representative.

The Clerk must notify the parties of the Panel's decision by the end of the second working day after the meeting.

The Panel's decision is binding on the parent, the Governing Body, the head teacher and the local authority and ends the process.

## **How schools try to prevent exclusions**

If your child's behaviour is deteriorating or he / she is at risk of exclusion the head teacher should consider alternative strategies for addressing that behaviour. The school may decide to set up a Pastoral Support Programme (PSP). The PSP should be agreed with you and you should be kept informed of your child's progress. The PSP should identify precise and realistic outcomes for your child to work towards.

In most cases a range of alternative strategies will have been tried to avoid the need for exclusion however in some circumstances a permanent exclusion can be given for a first offence of a serious nature, for example serious actual or threatened violence against another pupil or a member of staff, sexual abuse or assault, supplying an illegal drug, or carrying an offensive weapon.

## **Alternatives to exclusion**

Head teachers may have a number of alternative options available to prevent a child being permanently excluded, for example internal exclusion or a managed move. These options will be discussed with the local authority and the parent at the appropriate time.

## **Pupils with special educational needs**

If your child has a statement of special educational needs and is considered to be at risk of exclusion then the school should liaise with the Local Authority to initiate an interim review of their statement. Recommendations arising from the interim review will then be sent to the Special Education Needs Assessment and Review Team.

Where a child with a statement is permanently excluded, the head teacher should use the time between his / her initial decision and the meeting of the Governing body to explore whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible the head teacher should normally withdraw the exclusion.

If your child has a statement of special educational needs and has been excluded further advice and support is available from the Parent Partnership Service – Telephone 01472 326494.

## **Disabled pupils**

If your child has a disability and has been excluded and you think that the exclusion relates to your child's disability, and disability discrimination has occurred, you have the right to appeal to the special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington, DL3 9DN. It should be noted that making a claim does not affect your right to make representations to the Governing Body.

## **Notification of exclusion**

For both fixed period and permanent exclusions the head teacher is required to notify you in writing although you may initially be contacted by telephone.

The head teacher should notify you in advance of your child's exclusion unless your child is excluded during an afternoon session when the head teacher must notify you by the end of that afternoon.

Notices must be in writing and must include the following information:

- in the case of a fixed period exclusion, the length of the exclusion;
- or, if applicable, if the exclusion is permanent;
- the reason for the exclusion;
- your right as a parent to make representations about the exclusion to the School's Governing Body including contact details for the person, usually the Clerk to the Governors, whom you must contact in order to make representations;
- the requirement placed upon you to ensure that your child is not present in a public place without justification whilst excluded during school hours, you may otherwise be prosecuted or given a fixed penalty notice;
- the arrangements in place for your child's continuing education; and
- if applicable, the arrangements for your child's reintegration following a fixed period exclusion.

The notice should also mention:

- your right to see and have a copy of your child's school record upon written request;
- the name and contact number of an officer in the Local Authority who can provide advice on the exclusion; and
- contact details for the Advisory Centre for Education, an independent national charity, who can provide advice to parents on exclusions

## **Getting your child back to school**

### **Reintegration following a fixed period exclusion**

If your child is primary aged the head teacher must arrange a reintegration meeting with you either during or at the expiry of any fixed period exclusion.

The meeting provides an opportunity for you to openly discuss how behaviour problems can be addressed, explore wider issues that may be affecting your child's behaviour and reach agreement on strategies to support your child in school.

For secondary aged pupils the head teacher must arrange a reintegration meeting for fixed period exclusions of six or more school days.

### **Procedures following a permanent exclusion**

If you have been notified that your child has been permanently excluded then he / she will remain on roll at the school until the head teacher's decision has been reviewed by the Pupil Discipline Committee of the Governing Body or, if applicable, an appeal has been considered by the Independent Appeal Panel.

During the first five days of a permanent exclusion the school is required to send work home for the pupil to complete. From the sixth school day the home local authority is responsible for the pupil's continuing education.

If your child is reinstated by the Pupil Discipline Committee of the Governing Body or the Independent Appeal Panel then a date will be agreed for your child's reintegration at school.

Most pupils who are permanently excluded are subsequently admitted to another mainstream school. Although this is the responsibility of the parent / person with parental responsibility the Learner Support Service will assist with this process. The Learner Support Service will also work closely with you and the receiving school to ensure a successful reintegration.

Your child may be placed for a short period of time at the Pupil Referral Unit whilst the receiving school is being approached or an alternative learning programme is being explored. In either case options will be discussed with you at the appropriate time and you will be consulted throughout the process.

### **Contact details – Exclusions Officer - North East Lincolnshire Council**

For further advice on exclusions please contact:

Miss Catherine Train – Exclusions Officer

Tel: 01472 323606

Email: [catherine.train@nelincs.gov.uk](mailto:catherine.train@nelincs.gov.uk)

The Advisory Centre for Education is an independent national charity that can also provide advice to parents on exclusions - (Exclusions Advice Line - Telephone 0808 800 0327).