



Exclusions

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Summary

Exclusion is when your child is sent home from school for not following the school's behaviour code. It is the headteacher's decision. There are two types of exclusions, fixed and permanent.

Fixed Term Exclusions

- Pupils and parents must be told what period they are excluded for. Exclusions cannot be left open-ended.
- Pupils can be excluded for up to 45 days in a school year. This is the total maximum number of days before it is deemed to be permanent.
- Lunchtime exclusions each count as half-day exclusions.



- Work will be set by school and marked for the first five days of exclusion. The school will need to make alternative educational provision for any exclusion over five days.
- Parents must ensure that their child is not present in a public place during school hours for the first five days of any exclusion without reasonable justification. Parents may be prosecuted or given a fixed penalty notice if the child breaks this rule.

During a fixed term exclusion, what information should the school provide and by when?

Whenever headteachers exclude a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it.

They must also, without delay, provide parents with the following information in writing, by delivering it directly to the parents; leaving it at their last known address; or by posting it to their address.

The letter the school sends you must tell you:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- the parents' right to make representations about the exclusion to the governing body (in line with the requirements set out in Section 4.1 of the [Exclusion Guidance](#) and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- where an excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- details of any alternative provision that is to be arranged
- arrangements that have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school
- relevant sources of free and impartial information

What are my rights?

For fixed term exclusions of five days or less, you can write to the school governors stating your case, they must consider your representations but they cannot overturn the decision. They may agree to meet you if requested, however there is no time limit or requirement for them to meet.

For all other fixed period exclusions where a pupil would be excluded for more than five school days in the term but not over 15 days, you have the right to make representations, and the governing body must consider within 50 school days of receiving notice of the exclusion whether the excluded



pupil should be reinstated. If you do not make any representations, the governing body is not required to meet and cannot direct the reinstatement of the pupil.

If your child has received an exclusion the school should consider whether a multi-agency meeting / Early Help Assessment (previously known as a Common Assessment Framework / CAF) should be convened to ensure the people working with you are working together to identify any additional support which may be required to ensure your child's needs are being met. You too can also make a referral for Early Help. In Worcestershire this is done through the Family Front Door and they can be contacted on **01905 822666**. In Herefordshire contact Early Help on **01432 260261**.

For fixed term exclusions amounting to over 15 days in one term and/or where your child will miss a public exam, the school Governors/Academy Trust must consider whether an excluded pupil should be reinstated within 15 days of receiving notice of the exclusion. You will be invited to this meeting and you can put your case forward. After this meeting, the Governors' decision is final and binding.

What happens at the Governors/School Discipline Committee (SDC) meeting?

The governing body of a maintained school may delegate their duties to consider an exclusion decision to a committee consisting of at least three governors.

Academies must have robust systems of governance in place to ensure that the process for considering the exclusion decision is lawful, reasonable and a fair procedure is followed.

The following people must be invited to a meeting of the governing body and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the headteacher; and
- a representative of the local authority (in the case of a maintained school or PRU). Parents may invite a representative of the local authority to attend a meeting of an academy's governing body as an observer; that representative may only make representations with the governing body's consent. This can be done by contacting the Exclusions Officer in Worcestershire on 01905 678200 or the Social Inclusion Team in Herefordshire on 01432 383134).

When arranging a meeting to consider the reinstatement of the excluded pupil, the governing body should:

- not discuss the exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN);
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and pupils to be accompanied by a friend or representative
- identify the steps it will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or



allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

- ensure all parties (including you) will be supported to participate in its consideration of the exclusion and have their views properly heard
- ensure all parties leave to allow the Governors to make their decision.
- take clear minutes of the meeting to be made available on request.

Reintegration back to school

Schools are not obliged to hold a reintegration meeting although many will still do so. However they do have to put a reintegration strategy in place to outline appropriate interventions, for example putting in place a Pastoral Support Plan (PSP) or reviewing your child's Special Educational Needs. The exclusion cannot be extended just because the reintegration interview cannot be held or the strategy hasn't been discussed. Pupils **must** return to school on the date originally set out in the exclusion letter.

What if my child is excluded without a letter confirming the exclusion?

A letter of exclusion should be sent to you without delay. A letter of exclusion allows you the right to express your concerns to the Governors. Without this letter the exclusion **may** be unofficial. The guidance from the Department for Education (DfE) makes it clear that unofficial exclusions are illegal even with parental consent. If you believe your child has received an unofficial exclusion and you wish to complain, please see the [Government guidance](#) or talk to Special Educational Needs Disability Information Advice and Support Service (SENDIASS) for more information.

I feel that my child's exclusion from a school is unfair. What can I do?

Schools must have a discipline and behaviour policy which clearly outlines punishments and their severity, if you are in any doubt about your child's exclusion ask to see a copy of this policy. Depending on the length and type of exclusion (as explained above) parents / carers have a right to express their concerns to the Governors. Please see the [Government guidance](#) for school complaints procedures or you can talk to SENDIASS for more information.

My child has a special educational need (SEN) - how does exclusion affect my child and me?

Schools should make every effort to avoid excluding pupils who are being supported under the Special Educational Needs Disabilities Code of Practice, including those who are being assessed for an Education, Health and Care Plan. Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with an Education Health and Care Plan. If your child is at risk of Permanent Exclusion and has an Education, Health and Care Plan, the school should be calling an Emergency Interim Review (EIR). The purpose of this review is to identify what steps can be taken to ensure that the needs of the pupil can be met.



Looked After Children (LAC)

Schools should avoid permanently excluding Looked-After Children. Schools are encouraged to contact the Integrated Service for Looked-After Children (ISL) if there are issues for the child/young person in school or if they are finding it difficult to meet the child's needs.

What alternatives are there to exclusion?

Schools are encouraged to consider other alternatives to exclusion. Some of these alternatives are outlined below:

Internal seclusion

An internal seclusion is where a child is removed from class but not the school premises. Appropriate support and supervision should be provided while they continue with their work.

Pastoral Support Plan (PSP)

This is a 16 week structured method of monitoring behaviour and is separate from an Individual Education Plan which is used to monitor teaching strategies and progress of children who have been identified as having special educational needs.

PSPs positively outline goals, strategies and targets to enable a child to improve their behaviour. They are reviewed regularly. Parents/carers should be invited to be involved with the PSP. All pupils on a part-time timetable should be on a PSP and any changes to that timetable should be included on the PSP.

Managed move

A managed move is an opportunity for a pupil to have a fresh start in a new school. During a trial period for a suggested period of 10 school weeks the pupil is registered at both schools and if successful, the pupil will go on the new school register. Parents should never be pressured into moving their child from a school under the threat of permanent exclusion. This would count as an unofficial exclusion.

Permanent Exclusion

- You will receive a letter from the school confirming that the exclusion is Permanent
- You will receive a letter and information pack from the Exclusions team which outlines the options available to continue your child's education at this time
- You will need to confirm with the Exclusions team which option you will be taking (Return to another mainstream school, Elective Home Education , Private Education or placement at the identified Pupil Referral Unit/Alternative Provider)



- Within three school days you will be contacted by the placement offered to you as 6th day provision by the Local Authority, and an induction meeting will be arranged if you have chosen to accept this placement
- Within six days of the exclusion your child will be able to start at the Pupil Referral Unit/Alternative Provider if this option is taken and agreed by yourself whilst you are identifying the school that your child will move onto from this placement

Your right to challenge the exclusion

- You will be invited to attend a School Disciplinary Committee Meeting (SDC) which must be held within 15 school days of the permanent exclusion
- Exclusion documents will be sent to you from the school five days before the meeting
- The meeting will be held and if the decision **is to reinstate** your child, they can return to school.
- If the decision **is upheld** and you dispute the governors' decision or the process followed you may request an Independent Review by writing to the named person in the decision letter, giving clear reasons for your request for a review of the decision. This request must be made within the timescales set out within the letter from the Governors.

The Independent Review Panel (IRP)

- The IRP may uphold the governors' decision, recommend that the Governors reconsider their decision, or they may quash the permanent exclusions and direct the governors to reconsider their decision
- If you believe your child has SEN and wish for an SEN expert to be present at the IRP, you must state this in your letter when requesting an Independent Review and ask for a Special Educational Needs expert to attend the Review meeting.

Other appeal processes

- If you believe your child has a disability and has suffered discrimination you can apply to the First Tier Tribunal
- For other types of discrimination you may claim through the County Court. These claims can run concurrently with an Independent Review

SEN and Disability Discrimination claims and Discrimination claims to the Tribunal or County Court must be made within six months from the date of exclusion.

Further Information



**Information, Advice
and Support Service**
**Herefordshire &
Worcestershire**

Department for Education, Exclusions Guidance

Exclusion from maintained schools, academies and pupil referral units in England

<https://www.gov.uk/government/publications/school-exclusion>

Coram Children's Legal Centre

0300 330 5485

www.childlawadvice.org.uk

SEND Information, Advice & Support Service

Worcestershire: Tel 01905 768153

Herefordshire: Tel: 01432 260955

www.hwsendiass.co.uk

Department for Education, Behaviour and Attendance

www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

First Tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

SEND Code of Practice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Complain about a school

<https://www.gov.uk/complain-about-school>

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Worcestershire:
Tel: 01905 768153
Email: sendiass@worcestershire.gov.uk

www.hwsendiass.co.uk

Herefordshire:
Tel: 01432 260955
Email: sendias@herefordshire.gov.uk