**EXCLUSIONS FROM SCHOOL**

**Guidance for parents and carers**

This guide has been prepared to help parents and carers understand what it means when their child has been excluded from school.

1. **What does exclusion mean?**

It means that your child is not allowed to attend school. Exclusion is usually the result of a particularly serious incident or series of incidents. The type of exclusion, its length and the reasons for it will be set out in a letter to you from the headteacher. As long as the period of exclusion lasts, your child may not enter the school grounds or use school transport services and you have responsibility for supervising your child during the time in which he or she would normally be at school. Please ensure that your child does not hang around at the school gates, even to meet friends after school.

1. **There are two types of exclusion:**

**Fixed-term exclusion**

This means that your child cannot attend school for a set number of school days. This could be for up to a total of 45 school days in any one year.

Children whose behaviour is disruptive at lunchtimes can be excluded for the duration of the lunchtime period. Such exclusions count as half-day exclusions.

**Permanent exclusion**

This means that your child cannot return to the school unless s/he is reinstated by the Governors of the school.

A permanent exclusion is only made

* 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.

Examples of a serious breach would be serious or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon.

1. **Who can exclude a child from school?**

Only the headteacher (or if the headteacher is away the most senior teacher who is acting in that role) can take the decision to exclude a pupil.

1. **Who can I talk to about a fixed term exclusion?**

The headteacher and the staff of the school should use the period of exclusion to plan for the successful readmission of your child. It would be sensible for you to discuss with the headteacher what you can do to help. The school may hold a reintegration meeting during or following the expiry of a fixed period of exclusion. You should make every effort to attend this meeting.

The headteacher must allow your child to start back at schools once the exclusion has finished even if you are unable to or do not want to attend any meeting that has been arranged.

1. **What happens to my child’s education while he or she is excluded from school?**

Where a pupil is given a fixed period exclusion of six school days or longer, the school has a duty to arrange suitable full time educational provision from and including the 6th school day of the exclusion. During the initial period of 5 school days, you must ensure that your child is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not s/he is in your company. A failure to comply with this requirement is an offence and you may be prosecuted or you may be given a fixed penalty notice.

During this initial period work will be set and marked by the school staff. The headteacher will explain the arrangements for collecting it and handing it in.

1. **What if my child is due to sit a public examination or national curriculum test while s/he is excluded?**

The school’s Governing Body must meet if possible before the date of the exam to review the exclusion. Failing this, the Chair of Governors will decide whether or not to reinstate your child. You can express your views to the Governing Body as part of this process.

The Governors may decide to allow your child into school purely for the period of any public examinations.

1. **What happens if my child is permanently excluded?**

The first five school days are exactly the same as for a fixed term exclusion. The Local Authority must arrange alternative educational provision for your child by the sixth day. In the short-term this will usually mean that you will be contacted by Brunel Academy to arrange interim provision.

The school’s Governors must meet within 15 school days of the exclusion to review it and decide whether to uphold it or to reinstate your child (see sections 8 and 9 below).

1. **What are my entitlements as a parent/carer if my child is excluded?**

There are a number of steps that the school has to take and procedures that must be followed:

* You must be informed immediately, ideally by telephone.
* The headteacher must inform you without delay and in writing that your child has been excluded, the type of exclusion and the reasons for it.
* The headteacher must inform the Local Authority and the Governing Body of the exclusion.
* The headteacher’s letter will tell you that you can express your views about the exclusion to the Governing Body.
* For exclusions of between 5 and 15 school days in one term the governors will only review your child’s exclusion if you put your case to them. When exclusions total more than 15 days in one term or if the exclusion is permanent the governors must meet to review the exclusion. You will be entitled to attend and express your views. The Governors cannot direct reinstatement if the exclusion is for 5 days or less and do not have to meet with you in these circumstances.

It is best to put your views in writing to the Chair of Governors whose name will be on the letter you receive. Your letter or statement should explain why you thin the exclusion is unfair and why you think the decision should be overturned. Your letter or statement will be circulated to the Governors before the meeting.

You are entitled to receive a copy of any report that is provided to the Governors at their meeting to consider the exclusion.

You have the right to have any letters or reports translated into your mother-tongue. You can request a copy of your child’s record by writing to the headteacher. There may be a charge for photocopying.

1. **What happens at the Governors’ meeting?**

The meeting will be held at your child’s school and you will be invited to attend.

You can just put your case in writing but it is generally much better to be there in person. Your child can also attend the meeting. You need to decide beforehand whether or not you are happy for him/her to be questioned or just make a statement, or apologise and leave. You should make your intentions clear to the Governors before the meeting. You can take a friend, relative or adviser with you. If your child’s school is an Academy you can invite a representative from the Local Authority to attend the meeting as an observer.

You and the Governors will receive a copy of the headteacher’s report before the meeting. Any written statement that you provide will also be circulated before the meeting. In addition there may be written statements from the Local Authority (if the school is not an Academy) and other professional people e.g. Social Worker or Educational Psychologist who have been involved with your child and you will get a copy of everything.

At the meeting the following will happen:

* The Chair will introduce the people present
* The headteacher will outline the reasons for his or her decision to exclude your child
* You will be able to ask questions of the headteacher and of witnesses who may give information at the meeting
* You (and your child, if s/he is attending the meeting) will be able to put your case.

It is a good idea to be prepared and to write out the points you wish to make. You can give your child’s version of the event, say whether anything was upsetting him/her at the time of the exclusion or produce reports about him/her.

Information is given in the presence of all parties and you should be prepared to answer questions from the headteacher, governors and the LA representative about your case.

When you and the headteacher have summed up, everyone present except the Governors withdraws while the Governors consider their decision.

After the end of the meeting you will be given the Governors’ decision and the reasons for it. Your right to appeal will also be explained.

1. **If the Governors confirm a permanent exclusion, what happens next?**

You will receive a letter from the Governors as soon as possible after the meeting giving the reasons for the decision, explaining your right to appeal to an independent review panel and telling you the date by which you must submit your appeal. You will also receive a letter from the Local Authority where you live.

The school should tell you where to submit our request for a review. If you need advice about this please contact the Head of Vulnerable Pupils on 01803 206281.

You can appeal even if you did not make a case to or attend the Governor meeting but you cannot appeal if you miss the deadline (15 school days from the date you were notified).

If you believe that the exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. You have six months to do this.

1. **What happens at the Independent Review hearing?**

The Panel is independent and consists of three or five members. You, the headteacher, a representative of the Governing Body and the LA (for maintained schools) may make written representations and attend the hearing. Your child may also attend if you wish. You may bring a friend, relative or adviser with you to the hearing.

Each party will be able to put their case in turn and there will be an opportunity for questions from other parties. The Panel may:

* Uphold the decision to exclude
* Recommend that the Governing Body reconsiders their decision or
* Quash the decision and direct that the Governing Body considers the exclusion again.

You will be notified of the outcome of the review in writing.

1. **If my child remains permanently excluded at the end of this procedure, what happens next?**

Your child will not be able to return to the school in question. The Local Authority (LA) will do the following for your child if s/he is of statutory school age:

* An officer from Children’s Services will be available to discuss with you the options available and will offer advice about the best type of placement. This could involve joining a new school, or it could be that education will be provided away from a school. If the LA advises that your child should begin at a new school you will be asked to express a preference for another school. Please note that some schools may be full in certain year groups and unable to offer a place. If a school refuses to admit because it is full you can appeal for a school place. This right does not apply if this permanent exclusion is the second one your child has had.
* The LA will provide interim tuition until another school place or other long-term provision is found for him/her. Tuition may take place either at home or in a centre. If tuition is at home a responsible adult must always be present. You will be contacted by a co-ordinator as soon as your child is excluded and an education plan will be set up.
* Where appropriate the LA will arrange help from professionals who will help your child address the issues that led to the permanent exclusion.
* Where the LA is advising that your child should join a new school it will try to arrange a new school place within half a term. If it is likely to take longer than this the LA will contact you and explain the reasons why.
* In cases where a new school place has been identified, the LA and the school will arrange a reintegration programme as appropriate. This could involve interim tuition taking place in the school at first with a gradual introduction to full time attendance. The tutor may offer support to your child for the first weeks after his/her admission. The school may offer additional support through a school counsellor.

In return the LA asks that you:

* Communicate openly and honestly with us about any background information that will help us to understand your child’s needs
* Ensure that s/he attends the tuition. Please note that parents of children of statutory school age must ensure their child’s attendance at school or another agreed setting. Failure to do so may result in prosecution.
* Accept any help and assistance that is offered to help overcome the difficulties that led to exclusion.
* Ensure, if your child attends for interview at a new school, that s/he presents a positive image e.g. dresses smartly, answers questions honestly and shows an interest in attending school.

If you and your child do not do these things, it could delay his/her readmission to school, or the setting up of any other long term arrangement.

1. **Does the information in this leaflet apply to all pupils?**

The information in this booklet applies to the exclusion of pupils of up to 18 years of age. For pupils who are older than this, the right of appeal is with the pupil and not the parents.

The LA does not provide interim tuition for students in years 12 or 13.

1. Who can give me further advice?

You can contact:

* The Head of Vulnerable Pupils for advice about the exclusion process. Tel: 01803 206281
* The Special Needs and Disabilities Team for advice for parents with children who have an Education, Health and Care Plan. Tel 01803 208274
* SENDIASS for independent advice for parents with children who have an Education, Health and Care Plan: [www.infor@sendiasstorbay.org.uk](http://www.infor@sendiasstorbay.org.uk) Tel 01803 212638
* Burton Academy for advice on interim tuition. Tel 01803 326330
* The Coram Children’s’ Legal Centre for independent legal advice:

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) Tel: 03003305845

[www.education.gov.uk/schools](http://www.education.gov.uk/schools) to see the statutory advice on exclusions.