

# GUIDANCE ON EXCLUSION

## What does exclusion mean?

This means that your child is not allowed to attend school. Exclusion is usually the result of a particularly serious incident or a series of incidents. The Headteacher must tell you in writing how long the exclusion is for and the reasons for it. As long as the exclusion lasts, your child must not enter the school grounds or use school transport services and you are responsible for supervising your child during school time. Please ensure that your child does not hang around the school gates, even to meet friends after school.

There are three types of exclusion. These are:

- Lunch time exclusions: may not be more than 90 in a school year.
- Fixed period exclusions last for a specific number of days but cannot be longer than 45 days in the school year.
- Permanent exclusion means that your child may not be allowed to go back to the school again, unless he/she is reinstated by a meeting of the Discipline Committee.

Unofficial, indefinite period or 'cooling off' periods of exclusion from school have no legal status. Schools must not use such sanctions and must follow the correct procedures as described in Improving Behaviour & Attendance: guidance on exclusions from schools and pupil referral units DCSF September 2008

## Who can exclude a child from school?

Normally, only the Headteacher can exclude a pupil. However, if the Headteacher is absent from school, the most senior teacher, who is acting on the Head's behalf, can exclude a pupil.

## Who can I talk to about a fixed period exclusion?

The Headteacher and the staff of the school should use the period of exclusion to plan for the successful reintegration of your child. It would be sensible for you to discuss with the Headteacher what you can do to help. You might also like to seek the advice of the Exclusion and Reintegration Officer in your area. The school should hold a reintegration meeting, usually at the start of the first day back after exclusion, which you should make every effort to attend and join in. A parent's failure to attend a reintegration meeting will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority. However, the Headteacher must allow your child to start back at school once the exclusion has finished even if you are unable or do not want to attend the meeting.

## **What happens to my child's education during the exclusion?**

During the exclusion, school staff must still set and mark work for the first five days. The Headteacher will explain the arrangements for collecting it and handing it in. If your child is due to sit a public examination, such as GCSEs, during the exclusion, this should not be affected. If the fixed period exclusion is for more than 5 days, the school or local authority must make arrangements for the pupil's full time education from the 6th day onwards.

If your child has been permanently excluded, the school is still responsible for setting and marking work for the first five days. The LA has responsibility for providing full time education from the 6<sup>th</sup> day

If your child is due shortly to sit public examinations and the Headteacher considers that these should not be taken in the school from which he or she has been permanently excluded, it will be necessary to make alternative arrangements.

## **What are my entitlements as a parent/carer? Can I appeal against my child's exclusion?**

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

- The parent/carer must be informed immediately, ideally by telephone.
- Within one day, the Headteacher must inform you by letter that your child has been excluded, the type of exclusion and the reasons for it. The letter should also state the date that your child can return to school and the time of the reintegration meeting
- The Headteacher must notify the local education authority [LA] and the Discipline Committee set up by the governing body, of your child's exclusion for any fixed period exclusion over 5 days or a permanent exclusion.
- The Headteacher's letter tells you that you have the right to make representations to the Chair of the Discipline Committee about the decision to exclude your child.
- If you wish to state your case to the Discipline Committee, the Clerk to the Committee has the discretion to arrange a meeting for fixed period exclusions up to 5 days and you may be invited to attend.
- If the exclusion is for any length of time between 1 and 15 days and you wish to make representations to the Discipline Committee, the Clerk must call a meeting
- For fixed period exclusions of between 5 and 15 days and you wish to make a representation to the Discipline Committee, the Clerk

- Must call a meeting between the 6<sup>th</sup> and 50<sup>th</sup> school day after the exclusion started
- You are entitled to receive a copy of any report which is provided to the Discipline Committee at its meeting to consider the exclusion
- You have the right to have any letters, documents or reports translated into your mother-tongue.

### **What is the purpose of the Discipline Committee's meeting? Who will attend?**

The Discipline Committee MUST decide at its meeting whether or not it agrees with the Headteacher's decision to exclude your child. If they do not agree, they must direct reinstatement – in other words, instruct the Headteacher to allow your child to return to school. If the exclusion is for fewer than 5 days in the term, the Discipline Committee may only consider your views; it has no power to direct the school to reinstate.

You will be invited to attend the meeting, the Headteacher and a representative of the LA will also be present. You, or the school, may request a LA representative attends the meeting. You should make every effort to attend and you may take along a friend or advocate. If your child has a statement of special educational needs or additional needs, you may wish to seek support from Devon Parent Partnership. You may also send a written statement or other evidence for the Committee to consider.

### **Can my child attend the Committee meeting?**

There are no hard and fast rules and your wishes will be taken into account by the Discipline Committee. Certainly, if you and your child feel that you should both attend, you should make this request as soon as possible directly to the Clerk to the Discipline Committee. The Discipline Committee will normally allow your child to attend and to speak if you request this.

### **What happens at the Discipline Committee meeting?**

The Headteacher's written report and any written statements or letters will be circulated before the meeting to everybody who will be attending.

At the meeting, the Chair of the Discipline Committee will introduce everybody and invite the Headteacher to outline the reasons for excluding your child. You will be able to ask questions of the Headteacher and of other witnesses who may give information at the meeting. After that, you [and your child, if he or she attends 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. Information is given in the presence of all parties and you should be prepared to answer questions from the Headteacher and Discipline Committee about your case. The LA

Representative will attend the meeting to give the Discipline Committee guidance in general terms, for example how other schools in the area have dealt with similar incidents. They can also draw the attention of the Discipline Committee to issues where there is a lack of clarity or where more information may be needed or where guidance appears to have been ignored. It is not their role to comment on the appropriateness of an individual exclusion. When the Discipline Committee has heard all the information, you, the LA representative and the Headteacher will be asked to sum up. Then you will all be asked to withdraw while the Committee makes its decision.

### **How will I hear about the Discipline Committee's decision?**

You will normally be told the Discipline Committee's decision at the end of the meeting. You will also receive a letter from the Committee Clerk within one school day of the meeting, which sets out the decision and the reasons for it. In the case of a permanent exclusion, a fixed period exclusion of more than 5 days, or any exclusion where the pupil loses the opportunity to take a public examination, the decision will state whether your child should be reinstated to the school. If the Committee agrees that your child should be reinstated, you will be told the date on which he or she can return to school. No conditions may be attached to this decision.

### **If the Discipline Committee decides not to reinstate my child following a permanent exclusion, what happens next?**

If the Discipline Committee decides that your child should not return to school, you have the right to appeal against this decision to the Devon School Appeals Panel. This Panel is independent of the LA and the governing body of the school and meets at County Hall in Exeter. The Exclusions and Reintegration Officer will write to you to explain the procedure and send you the appeal form.

If you decide to appeal, you must do so within 15 school days from the date you receive the decision letter from the Discipline Committee.

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

Your child cannot return to the same school. The LA's Exclusion and Reintegration Officer will contact you to discuss what should happen next.

The Officer will explain to you the procedures for educating your child and will work with you to find an alternative placement.

### **Does the information in this Leaflet apply to all pupils?**

This information applies to exclusions of all school-age pupils, to pupils who are not yet of compulsory school age, and to pupils aged up to 18. It applies

to all schools maintained by the LA [including nursery classes in school, but not 'free-standing' nursery schools]. For pupils who are older than 18, the pupil can appeal in his or her own right; for all other pupils, the parents/carers must appeal.

### **Who can I contact?**

For information and advice from the LA about the exclusion process:

David Archer [Torrige, North & Mid Devon]  
Devon Learning & Development Partnership – EOTAS, Divisional Education  
Office, Civic Centre, Barnstaple EX31 1EG  
[☎01392 or 01271 388559]

or

Marc Kastner [South & West Devon]  
Devon Learning & Development Partnership, - EOTAS, Great Moor House,  
Bittern Road, Exeter EX2 7NL  
[☎01392 383940]

or

Mrs Sue Meacham [Exeter & East Devon]  
Devon Learning & Development Partnership - EOTAS, Great Moor House,  
Bittern Road, Exeter EX2 7NL  
[☎01392 383944]

For independent information and advice about the exclusion process:

The Advisory Centre for Education [ACE] Exclusions helpline **020 7704 9822**.  
Exclusions helpline **020 7704 9822** or visit [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Devon Parent Partnership – Providing information, support and training for  
parents & carers of children with additional needs from birth to 19 years.  
**01392 383080** or email [parentpartnershipservice-mailbox@devon.gov.uk](mailto:parentpartnershipservice-mailbox@devon.gov.uk) or  
visit [www.parentpartnershipdevon.org.uk](http://www.parentpartnershipdevon.org.uk)