

Exclusions from School

1. Overview

The headteacher of a school or academy can take a decision to exclude a pupil from the school for a fixed period of days or permanently. This applies to maintained nursery schools, primary schools, secondary schools, nursery classes and sixth forms.

Academies may have procedures which vary from those described here, you can find out more information from individual academies.

There are two kinds of exclusion:

- fixed period - when a pupil is not allowed in school for a fixed amount of time (including exclusions over lunch time)
- permanent - when a child is permanently barred from the school premises and their name removed from the school roll.

Alternative education arrangements and procedures for challenging the exclusion will depend on the type of exclusion.

Your child cannot attend their school during any period of exclusion.

If your child is found in a public place during normal school hours during the first five school days of exclusion then **you may be prosecuted or given a fixed penalty notice.**

It is your responsibility to ensure that your child is not in a public place during any exclusion.

Your child should not be sent to school when they have been excluded. If you send your child to the school when they have been excluded, they will be supervised but not educated. The school will make efforts to contact you to collect your child. If this is not possible, the matter may be referred to a social worker and treated as a supervision issue. It is possible that in these circumstances, the head teacher may increase the exclusion in view of the non-compliance.

The school or council must tell you about any alternative education they arrange. It's your responsibility to make sure your child attends any alternative education that has been arranged for your child.

2. Reasons for exclusion

Only a head teacher or a person acting in the head teacher's absence can exclude a child from school.

The headteacher can take a decision to exclude a pupil:

- In response to serious breaches of a school's behaviour policy - all schools have a written policy which sets out how pupils are expected to behave.
- Where allowing your child to remain in school would seriously harm the education and welfare of your child or others in the school.

All exclusions must be for disciplinary reasons only and all schools must have a behaviour policy setting out the school rules.

Any decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

The behaviour of a pupil outside of school can be considered grounds for an exclusion. This can include behaviour on school trips and travelling to and from school. Cyber-bullying outside of school can also lead to an exclusion.

Before deciding to exclude, the school should also take into account any factors that might have affected the child's behaviour, for example:

- Bullying
- Mental health issues
- Bereavement
- Unidentified special educational needs

When exclusion is not allowed

It is unlawful to exclude a child for a non-disciplinary reason such as:

- If your child has special educational needs and the school says it can't meet those needs. It should look at putting more or different support in place instead.
- If your child is not doing well in school or is not as able as other children. A child cannot be excluded because they are not likely to get good exam results.

- Because of something you have done as a parent. That might be something like making a complaint, or not going to a meeting at school.
- Not allowing a child back into school after a fixed period exclusion unless they meet particular conditions. Once the exclusion is ended, your child must be allowed to go back. For example, the head teacher can't extend the exclusion because your child won't admit they are guilty

If your school suggests an 'informal' or 'unofficial' exclusion, for example your child is sent home and the school do not follow the correct exclusion procedure. This may be presented as doing the parent and child a favour by not making it official, however even if you agree to this, it is an unlawful exclusion, no matter how short the period of time, and it should be formally recorded as an exclusion.

Examples of 'informal' exclusions might be if your child is sent home:

- until a meeting is arranged
- over lunchtimes
- to cool off or while another school is found
- while an incident is being investigated

Children should not be asked to stay at home because the school cannot provide for their special educational needs. If this happens, remind the school that this amounts to an unlawful, unofficial exclusion. You may also wish to contact SEN section of the Council.

3. Fixed period exclusions

The headteacher can exclude a pupil for a fixed period (up to a maximum of 45 school days in a school year). Most fixed term exclusions are for periods of up to 5 school days, but they can be for longer. A pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year. Headteachers decide about the length of each exclusion.

Pupils can sometimes be excluded at lunchtimes only. They each count as half a day of exclusion. Parents will be expected to collect and supervise the pupil. Usually lunchtime exclusions should not be for more than five school days. Pupils who are entitled to receive free school meals should still receive this entitlement.

You should have received a letter from your child's headteacher telling you the reasons for the exclusion, the length of the exclusion (in school days) and the date and time when your child must return to school.

If your child has been excluded from school for more than one day, the school will provide work for you to collect and return for marking. Details of these arrangements will be in the letter from the school.

If your child is receiving repeated fixed period exclusions, it can be useful to arrange a meeting with school to discuss your child's behaviour and to identify if they have any unmet needs. Schools should try to identify these and intervene early, to try to prevent more exclusions.

If you decide to arrange a meeting with school, you could ask to meet with your child's teacher, the special educational needs co-ordinator (SENCO) and possibly the headteacher.

If you disagree with the exclusion

You should receive something in writing informing you of how you can challenge the decision if you disagree with the exclusion.

If your child has been excluded for **five days or fewer**, you can ask the Governors' Discipline Committee to hear your views. There does not have to be a meeting of the committee and the headteacher's decision cannot be overturned, but the governors' views will be placed on your child's record.

For all fixed period exclusions of **over five school days** in a term the Governors' Discipline Committee can overturn the headteacher's decision and can reinstate the pupil. The committee can reinstate a pupil either immediately or from a specified date. This may not be possible where the meeting is held after the exclusion has ended but a note of any decision will be placed on the pupil's record.

For exclusions of **more than five and up to 15 school days** in a term you can ask for a meeting of the Governors' Discipline Committee. This must take place within 50 school days.

For exclusions of **over 15 school days** in a term there **must** be a meeting of the Governors' Discipline Committee. This will be within 15 school days.

You are entitled to attend the meeting and can take a supporter or friend. The school will write to you with details and the arrangements for this meeting.

If the exclusion means your child would **miss a public exam or national curriculum test** the governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion. However, the

governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

Details of your child's exclusion will be entered on their school records. You have a right to see your child's school record, and can contact the school to arrange this.

Challenging a fixed period exclusion

If you want to challenge the decision, you need to show that the exclusion was not reasonable, fair or appropriate. Check that the school has followed the proper procedures as in the [government guidance document](#) (external link).

Check carefully your child's version of events and the school's - is there any evidence? Did the school follow their behaviour policy? Was your child affected by any other factors at home or school, and if there is an ongoing problem, has any support for your child been considered? If your child's special educational needs affect their behaviour, has there been any discrimination due to disability?

You can ask to see incident reports and witness statements - the school should have compiled a report of the incident. The school behaviour policy and the school SEN policy/local offer/SEN report should be available on the school website.

To see your child's school record, you will need to request this in writing.

Education during a fixed period exclusion

For short exclusions it may not always be possible for work to be provided, for example a single, one day exclusion.

Generally, however, work will be provided to be completed at home for the first five school days. You will usually need to collect this from the school and deliver it back for marking.

From day six of any fixed period exclusion, full-time alternative education will be provided. For children in care (looked after children) provision should be from day one. The school or academy should contact you to confirm what arrangements have been made.

Some will provide full time education from day one, if this is the case the school will let you know.

Return to school

It can be difficult going back to school after an exclusion. Your child may have missed work and you may be worried about the possibility of further exclusions. Schools should have a strategy for reintegrating pupils after exclusion. In many cases there will be a reintegration meeting when your child returns to school. At this meeting it's important to look at how you, your child and the school can all work together to avoid problems in the future.

It is recommended that you attend the meeting if invited to do so. If your child is at primary school, you must attend a meeting if invited. You may ask for a meeting if one is not arranged.

Pupils with particular needs or disabilities

Pupils with disabilities can be excluded but there must not have been discrimination. If you believe that your child has been discriminated against because of their disability, and that this has been a significant factor in their exclusion, you can raise your concerns with the governors (Pupil Discipline Committee).

If you feel that the exclusion was a result of unmet special educational needs (SEN), on return to school you can make a request for:

- more or different support
- assessment by an educational psychologist
- an early or interim review if your child has an EHC Plan
- 'reasonable adjustments' if your child is disabled

If your child is already receiving SEN support at school for their additional needs, a meeting with school can be arranged to discuss if further intervention is needed, such as specialist advice or to request an education, health and care (EHC) plan.

If your child has an education, health and care (EHC) plan and is receiving fixed period exclusions, a review of the EHC plan should be arranged as soon as possible to consider if the agreed support is being provided and is still meeting the child's needs. You could discuss this with school and ask them to request a review, or you can contact the SEND section of the Council and ask for a review to be arranged.

Make sure that the school's special educational needs co-ordinator (SENCO) is involved in any meetings.

If you are the carer of a looked after child, you must discuss matters with your social worker, who may wish to attend any relevant meetings. Looked after children should only be excluded as an absolute last resort.

4. Permanent exclusions

Permanent exclusions are when a child is permanently barred from the school premises and their name removed from the school roll.

Permanent exclusions should normally be a final (last resort) sanction following a range of other support strategies and disciplinary measures.

Permanent exclusion should only happen:

- In response to a serious breach or persistent breaches of the school's behaviour policy and
- Where allowing the child to remain in school would seriously harm the education or welfare of the child, or others in the school

Permanent exclusion may, however, occasionally be in response to a single, serious, one-off incident.

Some examples could be a child who:

- has had a history of persistent disruptive behaviour, and the school feel they cannot do anymore
- has committed a single serious one-off offence, even if they have never been in trouble before. That might be something like assaulting a pupil or member of staff, or bringing a knife or drugs into school. However it is up to each school to define what counts as a serious offence

Pupils can be permanently excluded for behaviour outside school, but this should be in line with the school's behaviour policy.

Head teachers must inform you without delay of the decision to permanently exclude your child from school and the reasons why this happened.

Your child must not return to the school or enter the school site. The only exceptions are if they are specifically asked to attend a meeting or if the head teacher has agreed limited re-attendance for exams.

If you disagree with the exclusion

You could ask for a meeting with the head teacher to discuss the exclusion and try to find an alternative solution.

Before the meeting, think about what might be the best for your child, for example:

- a managed move to another school
- for young people aged 14-16, a flexible curriculum
- additional support for your child

Challenging permanent exclusion

You will receive a letter from your child's head teacher telling you the reasons for the exclusion. You should also receive something in writing informing you of how you can challenge this decision if you are not happy with the exclusion.

For permanent exclusions, the School Governors' Pupil Discipline Committee must meet to consider the head teacher's decision. The meeting must be held within 15 school days of a headteacher's decision. You are entitled to attend this meeting, the school will write to you with details. You can attend and give your views to the governors, or you can send in your written views for the governors to consider.

If the exclusion means your child would miss a public exam or national curriculum test the committee must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

If you want to challenge the decision, you need to show that the exclusion was not reasonable, fair or appropriate. Check that the school has followed the proper procedures as in the [government guidance document](#) (external link).

Check carefully your child's version of events and the school's - is there any evidence? Did the school follow their behaviour policy? Was your child affected by any other factors at home or school, and if there is an ongoing problem, has any support for your child been considered? If your child's special educational needs affect their behaviour, has there been any discrimination due to disability?

You can ask to see incident reports and witness statements - the school should have compiled a report of the incident. The school behaviour policy and the school SEN policy/local offer/SEN report should be available on the school website.

You have the right to see your child's school records. You will need to contact the school direct if you wish to see these records.

The Pupil Discipline Committee can confirm the head teacher's decision or else can overturn the decision and reinstate the pupil (they will set a date for this to happen).

After the Pupil Discipline Committee's meeting, the chair must without delay send you a letter stating the decision reached by the Committee. This will include the reasons for their decision and, where the permanent exclusion has been upheld, confirm your right to have the decision considered by an independent review panel (IRP).

Children with particular needs or disabilities

If the child is in public care (a looked after child) you must discuss matters with your social worker (who may wish to attend any relevant meetings). Looked after children should only be excluded as an absolute last resort.

Pupils with disabilities can be excluded but there must not have been discrimination. If you consider that your child has a disability you can raise any issues in your representations to the governors (Pupil Discipline Committee).

Schools should, as far as possible, avoid permanently excluding a child with an education, health and care (EHC) plan or a looked after child.

If your child has an EHC plan then the school may present evidence about your child's educational ability, behaviour and social background as well as the facts surrounding the incident which led to the permanent exclusion. The county council may provide a view or comments about whether it feels that permanent exclusion is appropriate or not. You will receive copies of this information in advance of the meeting.

5. Independent review panels

If the Governors' Pupil Discipline Committee agree with the head teacher's decision and your child is to be permanently excluded, you are entitled to make a request for the decision to be reviewed by an independent review panel (IRP).

The role of the IRP is, as an impartial body, to review the head teacher's decision to permanently exclude your child.

In reviewing the decision the panel must consider the interests and circumstances of the excluded pupil, including the circumstances under which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

You do not have to go to an IRP; you will receive a form which asks you to indicate whether or not you wish to have a review. This should be included in the letter from school or academy confirming the Pupil Discipline Committee decision. If you do not wish to have a review you should complete the “no” section and return it to the stated address. You have **15 school days** from receipt of the letter to request a review. Where any request is received after 15 school days then it will be treated as late and there will be no review of the decision.

Your child's name cannot be removed from the school roll during this time or until after the outcome of the review (unless you formally waive your right to request a review at an earlier date).

IRPs will meet within 15 school days of receipt of your review request. The panel is usually held at a local venue, not at the school or academy. Generally hearings last around one to one and a half hours.

During the panel

You can take a friend or representative to the review and your child can attend. The panel will follow a set structure which will be explained.

You will be given the opportunity to state your case in full, ask questions and to sum up at the end of the hearing.

You should include in your case anything which you feel is relevant. You may submit documents or supporting evidence. If papers are submitted in advance the panel will have more time to consider them prior to the hearing.

The panel comprises three (or very occasionally five) independent persons. The chair of the panel will be a lay member. This is somebody who has not worked in a school or academy in a paid capacity. The other panel members will be a school governor and a head teacher. Where possible, the panel will usually be drawn from outside of the local area.

The head teacher will attend and may bring a witness (who often will be a member of staff). There may also be a governor in attendance.

In deciding whether the governing board's decision was flawed, and therefore whether to overturn the decision, the panel must only take account of the evidence that was available to the governing board at the time of it making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the governing board, and that should have been taken into account when reaching a decision.

Special educational needs (SEN) experts

You can also request the presence of an independent special educational needs (SEN) expert. You can do this regardless of whether the school recognises that the child has SEN. The review request form allows you to confirm whether you will require an SEN expert to be present at the hearing.

The SEN expert should be a professional with first-hand experience of the assessment and support of children with SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability. Examples of suitable individuals include Educational Psychologists, specialist SEN teachers, Special Educational Needs Coordinators (SENCOs) and behaviour support teachers. The local authority/academy trust should request that prospective SEN experts declare any conflict of interest at the earliest opportunity.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were lawful, reasonable and procedurally fair.

SEN experts do not represent the parents or guardian of an excluded child at the hearing.

The SEN expert's role at the IRP meeting is not to make an assessment of the child's particular needs. The focus of the SEN expert advice should be on whether the school or academy policies relating to SEN were legal, fair and reasonable in relation to the permanently excluded pupil. If the school or academy does not recognise that the pupil has special needs then the SEN expert can advise on whether they acted in a legal, reasonable and procedurally fair way in relation to identifying any SEN. They can also advise about any contribution which this could have made to the circumstances of the permanent exclusion.

The outcome of the review (IRP)

The panel may:

- uphold the exclusion decision
- recommend that the governing body reconsiders its decision
- quash the decision and direct that the governing body considers the exclusion again.

An independent review panel does not have the power to reinstate an excluded pupil. Nor does it have the power to remove the exclusion from a pupil's record.

The Independent Review Panel's decision is binding upon the pupil, parents, governing board, head teacher and local authority.

If the school or academy governors are asked or directed to re-consider they must arrange to do this within ten school days of the decision of the panel. If they have been directed to reconsider and do not re-instate the pupil then the school or academy may have an additional budget deduction of £4,000 imposed by the panel.

If the panel upholds the permanent exclusion and you disagree with the decision, the Local Government Ombudsman can consider any procedural anomalies which you feel may have occurred. A Judicial Review of the decision can be sought if you feel that it is unreasonable.

The Ombudsman or the Courts cannot reinstate the pupil to the school or academy. The Secretary of State cannot change the decision of the panel.

Children with particular needs or disabilities

The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to a permanent exclusion does not preclude an Independent Review Panel from considering issues of discrimination in reaching its decision.

For more information on this please see the [First-tier Tribunal website](#) (also known as SENDIST).

6. Pupils at risk of permanent exclusion

The school should liaise with the relevant professionals and agencies if they feel that your child is at risk of permanent exclusion. They will work with the school and yourself to try to prevent the child from being excluded.

The school should draw up a Pastoral Support Programme (PSP), or a similar support strategy, which outlines ways of helping your child. The school may want to support you through an Early Help Assessment to secure external support.

You will be given the opportunity to be involved and the plan may set targets for the pupil, parents, school and other support agencies.

Special educational needs and disabilities

If your child is at risk of being excluded, or receiving repeated fixed term exclusions, it can be useful to arrange a meeting with school to discuss your child's behaviour and to identify if they have any unmet needs. Schools should try to identify these and intervene early, to try to prevent subsequent exclusions.

If your child is already receiving SEN support at school for their additional needs, a meeting with school can be arranged to discuss if further intervention is needed, such as specialist advice or to request an education, health and care (EHC) plan.

Education, health and care plans

If your child has an education, health and care plan, and is at risk of exclusion, a review of the plan should be arranged as soon as possible to consider if the agreed support is being provided and is still meeting your child's needs. You may discuss this with school and ask them to request a review, or you can contact the SEND section of the Council and ask for a review to be arranged.

7. Education after permanent exclusion

The school should provide work to be completed at home for the first five school days. If no work has been sent home, contact the school and ask for some. You will usually need to collect this from the school and deliver it back for marking.

From school day six, after a permanent exclusion, full-time alternative education will be provided. The county council should consult with you when deciding where to place your child. They will contact you to confirm what arrangements have been made. For children in care (looked after children) provision should be from day one.

Returning to another school or academy

After permanent exclusion, in the majority of cases the pupil is temporarily placed in a short stay school. This is a useful temporary measure which provides education and support. It also allows input from professional staff who are used to dealing with permanently excluded pupils. They can provide information and advice about future education in relation to the appropriate setting and the timing of any agreed strategy.

In some cases the pupil will be able to return immediately (or very quickly) to another mainstream school or academy.

Permanently excluded pupils are usually returned to education via the agreed In Year Fair Access Protocol (FAP).

This protocol is a local agreement for getting children without a school place back into a school as soon as possible. It operates separately from other admission and appeal processes. This also covers children who are not ready to return to mainstream school. Even if a school is full, children can be placed there through the FAP. The normal admissions system can also be used to apply for a school place and you can appeal for a place if your chosen school is full.

You will still be asked about your preferences for any future placement, although there is no guarantee what you will be offered.

Schools can refuse entry, even if they have places, for the following reasons:

- A child has been permanently excluded twice, and it is within two years of the second exclusion
- In some circumstances, a child with challenging behaviour. They must then be dealt with under the Fair Access Protocol

It is advised that you consider a number of options if this is possible. It is important that you carefully consider all available information and advice as a second permanent exclusion must be avoided.

Often pupils who return to a school or academy or alternative longer term provision temporarily stay on the roll of the short stay school so that they can return there if the placement at the new school or academy breaks down. This benefits the pupil by ensuring that there will not be a gap in education.

You may be invited to attend a reintegration meeting at the new school or academy. This is to plan for the pupil's admission to the new school and to maximize the chances of this being a success. It is recommended that you attend this meeting and work with the staff.

Pupils with particular needs or disabilities

If you consider that your child has a disability and you feel that a particular school would be more appropriate then you should pass your views and reasons to the Admissions Team.

If your child has an education, health and care (EHC) plan, alternative provision must be able to meet the child's needs. This placement must be identified in consultation with the parents or carers. The SEND team who will deal with future placements. Placements must meet your child's needs and the local authority should change the name of the school in the plan. You have the right to appeal if you disagree with the chosen school.

If the pupil is in public care (a looked after child) you must discuss matters with your social worker (who may wish to attend any relevant meetings).

8. Second permanent exclusions

Your child can be excluded again; decisions about exclusion are made by individual headteachers.

This is relatively rare and most pupils do succeed in another school or academy or other provision after a permanent exclusion.

If, however, a pupil is permanently excluded for a second time then the county council will continue to provide education and will consider your preferences for the future.

Often pupils stay on the roll of the short stay school so that they can return there if the placement at the new school or academy breaks down. The pupil can continue their education there without further exclusion.

You will not be automatically entitled to access a place at a preferred school or academy for a period of two years after the second permanent exclusion.

If the county council decided to place the pupil during the two year period then the school or academy governing body could decline admission and/or opt to appeal against the proposed placement.

If you need information or advice about exclusion procedures you can contact the Education Inclusion Officer for Blackpool Council on 01253 476443.

9. Exclusions advice

Independent advice

Independent advice is available from the Advisory Centre for Education (ACE). ACE is not connected to the county council:

- www.ace-ed.org.uk

Coram Children's Legal Centre

The Coram Children's Legal Centre is a national charity and provides advice on exclusions:

- www.childrenslegalcentre.com