

Derbyshire County Council
Children and Younger Adults' Department

Information for Parents/Carers

Exclusion Explained

October 2007

Information for Parents/Carers: Exclusions Explained

When a parent/carer is advised that their child is excluded from school it can be a distressing and confusing time, for both the parents/carers and child. This booklet aims to answer some of the most frequently asked questions associated with exclusion, and advise you on where to get further support.

What does exclusion mean for my child?

The Head teacher of your child's school has the authority to exclude any child from school, if s/he feels that their behaviour warrants it. If the Head teacher is satisfied and has reasonable proof that your child committed a disciplinary offence then an exclusion could take place. This means that if your child is excluded s/he will not be able to attend school during the time of the exclusion. A Head teacher can exclude for either lunch times only, for a fixed period of days (from ½ to 45 school days in an academic year) or permanently. All exclusions are a concern but a permanent exclusion is very serious since if upheld, it would result in your child not being allowed to return to their school, and alternative education would need to be found.

However there are strict procedures that the school and the Local Authority (LA) have to follow which make sure the process is fair and in line with government guidance. If a head teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. **Informal or unofficial exclusions are illegal** regardless of whether they are done with the agreement of parents or carers. This means that a school is not allowed to send a child home without going through the exclusion process, which is outlined in this booklet. However a pupil can now be removed from a school site for the following criminal, medical or uniform reasons:

- **Accusations of a serious criminal offence** but the offence took place outside the school's jurisdiction. This may mean that a child is **educated off site** for a certain period, subject to regular reviews.
- **Medical reasons** where a child's presence on the school site represents a serious risk to the **health or safety of other pupils or school staff**. In these circumstances, after consultation with parents a head teacher may send the pupil home.
- Where a child is breaking the **school's rules on appearance or uniform** a school can authorise a child to leave the school premises briefly to change. This is not an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, the pupil's absence may be counted as unauthorised absence.

What does the government guidance say?

Government guidance has been circulated to all schools and Local Authorities, in order that all schools (whether primary, secondary or special) and support centres follow the same rules. This means that the processes in Derbyshire LA and its schools should be the same as schools and support centres in any other area of the country. More details about the government's expectations for schools and LAs are outlined in Department for Children, Schools & Families circular **Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units 09/07** and the following websites:

www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007

www.dfes.gov.uk/behaviourandattendance/guidance/IBAGuidance/index.cfm

What happens now that my child is excluded?

The school has to follow the government guidance mentioned above. Some of the basic processes are outlined below.

Step 1- Head teacher's decision

Whether for lunchtime, fixed period or permanent exclusion the school must notify you immediately, ideally by phone. Then the school must follow up the decision by letter: **either** prior to start of exclusion, **or** if decision to exclude is from immediate effect, by the end of that school session. Correspondence should outline the reasons for exclusion and give advice on the next stage of the process.



Step 2 – Setting School work

For all cases of more than 1 day's exclusion, work will be set and marked by the school. However, **you** will need to contact the school to make arrangements for collection & return of completed work.



Step 3 – Parents’ responsibility between Day 1-5

For the first 5 school days of a fixed period or permanent exclusion, parents must ensure that their child is not present in a **public place** during normal school hours without reasonable justification. This applies whether or not your child is with you.

Not complying with this requirement has serious consequences which include either fines (starting at a £50 penalty notice) or prosecution for the original offence. Your child may also be removed from the public place by the police and taken to designated premises.

Step 4 – Schools’ & Local Authority responsibility from Day 6

The school has a duty to arrange suitable full-time education from (and including) the sixth school day of the fixed period exclusion. Education should normally be **off the school site**. However a school may provide education on-site where arrangements have been made with another school(s) to share it.

After a **permanent exclusion** the LA should: arrange to assess your child's needs and arrange a meeting with you to discuss educational options. From the sixth school day of a permanent exclusion, the LA must ensure that suitable full-time education is provided.

Step 5 – Parental representation & Governors’ Meetings

As a parent/carer you have the right to represent your views on the exclusion in writing to the school governors. In more serious cases the exclusion will be discussed **automatically** by school governors to see whether they agree or disagree with the Head teacher’s decision.

For example, all fixed period exclusions that add up to **over 15 school days (in each school term)**, those missing a **public examination**, and **all permanent** exclusions, will **automatically** result in a Governors’ meeting, and the clerk will invite you to attend.


However, for exclusions that add up **15 school days and under (in each school term)** you will need to write to the clerk and state that you want to state your case in person to the Governors.

If you wish to represent your views then you should address the letter in the following way:

**For attention of: The Clerk to Governors
C/O name of your child's school
School Address**

The envelope should be marked confidential. The clerk will then respond to you and advise you of the next steps of the process. These meetings are important since everybody has an opportunity to present their views (parent, school and LA). For fixed period exclusions the Governors meeting is your only opportunity to present your views, and it is strongly advised that parents attend in person or send in written representations. If the fixed period exclusion is short your child may actually have served the exclusion **before** the governors have an opportunity to meet. However, these meetings are particularly important if you have a different view from the school and would like the governors to take account of your views before they make their decision.

The Advisory Centre for Education provides useful guidance on writing and presenting your case to governors. You can also contact the Derby & Derbyshire Parent Partnership Service who will be able to explain the government guidance and assist you with your written statement. The outline of the Governors' meeting is explained below.

	Outline of the Governors' meeting
	Introductions by the Chair and explanation of the purpose and conduct of the meeting
	Report by Head teacher and other school staff on reasons for exclusion
	Questions to the Head teacher from parents/carers, governors and the LA
	Parent/carer's view (supported by friend or adviser if you felt that this was appropriate)
	Questions to parent/carer from governors, the Head teacher and the LA

External agencies reports (where appropriate) that outline the support given, interventions and outcomes
LA representative's views
The Chair asks for any final questions and the Head teacher and parent/carer are invited to sum up
The governors are left to consider their decision
Governors come to a decision on whether to uphold the exclusion or reinstate the pupil. Governors cannot extend the length of fixed period exclusion or change a fixed period exclusion to a permanent exclusion.
The governors then invite the other people to join them to inform them of the decision.
If you as the parent/carer decide to return home prior to the decision, or the Chair feels that the governors' deliberations will be lengthy, the Chair should contact you at the end of the meeting and verbally convey the decision.
When giving the decision to parents/carers it is considered good practice for the Chair to advise you of the reasons behind reaching this decision.
This decision must be confirmed in writing within 1 school day. This remains the responsibility of the Clerk to Governors.
Minutes of the meeting should be placed on the pupil's record with a copy of the Head teacher's exclusion letter.

What happens next?

The next stage depends on whether the exclusion was for a fixed period (number of days or lunch times) or permanent. After a **fixed period exclusion** your child would return to school but it will be necessary to have a

reintegration meeting to agree a smooth return and look at ways of supporting your child to prevent further exclusions.

Step 6 – Reintegration meeting

The Head teacher must arrange a reintegration meeting with parents during or following the end of **any** fixed period exclusion of a **primary-aged** child, or of a fixed period exclusion of **six or more school days** of a **secondary-aged** child. The meeting must be held between the first and fifteenth school day following the return to school. The Head teacher must try to arrange the meeting for a date and time that is convenient to the parent. If possible the meeting should be held on the day your child returns to school but this may not be possible for short exclusions since the school must give you no later than six school days notice before the date of the reintegration meeting. It may be suggested at this meeting that you work with the school as part of a parenting agreement/contract to address issues relating to your child's behaviour.

However, it is important to know that if you do not attend the reintegration meeting it could have further consequences. Since it is one factor that could be 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 LA. Schools are expected to keep records of failure to attend a reintegration meeting, and of any explanation given by the parent.

If your child is **permanently excluded** the governors could either overturn the exclusion (so your child will be able to go back to school i.e. known as 'reinstated'), or uphold the decision (and your child will not be allowed back). When this happens the LA will be in touch with you, and meetings will be called to discuss options for the next stage of education for your child. If the governors uphold the decision, and you disagree with their decision, you can go to an Independent Appeal Panel (IAP). This is outlined below:

Step 7 – Independent Appeal Panel (IAP) for Permanent Exclusions

You have 15 school days to decide whether to appeal against the governors' decision.

The IAP will sit within 15 school days of your request and will consider evidence from yourself, Head teacher, governor & LA representative before reaching their decision.

The IAP can come to one of three decisions: overturn the exclusion (i.e. returns to school), uphold the exclusion (i.e. does not return to school), or overturn the exclusion **but** does not reinstate due to exceptional circumstances/or impracticality (i.e. does not return to school).

The decision of the IAP is binding on school, parents/carers and LA, and brings the exclusion process to a close. However if you felt that the IAP meeting has acted improperly in any way parents do have further rights to complain to the Local Government Ombudsman (LGO). Another avenue open to both parents and the school governing body is Judicial Review. This would establish whether the IAP decision was unlawful or legally unreasonable.

Who can I go to for help?

There are a number of people that can provide you with further advice. Some of the contacts listed work within the Local Authority, while the other agencies are set up to offer independent and impartial advice to parents. The following people will be able to help:

AGENCY:	CAN HELP YOU WITH:	CONTACT DETAILS:
<p>Derbyshire LA – Student Services</p>	<p>Alternatives to permanent exclusion (managed moves).</p> <p>General advice on the exclusion process</p>	<p>North Team High Peak, NE Derbyshire, Chesterfield & Bolsover 01298 26121 ext 139 01246 204851 ext 255</p> <p>South Team South Derbyshire, Amber Valley, Erewash & Derbyshire Dales 01773 744741 ext 203</p> <p>Inclusion Team 01629 580000 ext 5887 01298 26121 ext 129</p>

<p>Derbyshire LA – Multi-Agency Support Team (MAST) & Key Stage 4 Team</p>	<p>MAST & Key Stage 4 Team will contact you directly to advise you of education provided by the LA after permanent exclusion (Key Stage 1-4)</p>	<p>MAST & KS4 Team General Office: 01332 831316</p>
<p>Derby & Derbyshire Parent Partnership</p>	<p>One to one support in assisting parents through the exclusion process.</p> <p>Help in preparing your parental statement for Governors' meetings for permanent exclusions</p> <p>Attending Governors meetings, as your adviser for permanent exclusions</p> <p>Liaising with school and LA departments</p> <p>NB. Support is offered to all children regardless of SEN.</p>	<p>Ollie Pardo (Co-ordinator) Community Centre School Board Lane Brampton Chesterfield, S40 1DD</p> <p>01246 273154</p> <p>Fax: 01246 273155</p> <p>www.derbyshireparentpartnership.co.uk</p> <p>NB. Referral form attached</p>
<p>Advisory Centre for Education</p>	<p>Parent-friendly exclusion information packs</p> <p>Helpline for telephone queries (exclusion & general)</p> <p>Booklets addressing a number of educational issues</p> <p>Training/conference details</p>	<p>ACE Ltd 1c Aberdeen Studios 22 Highbury Grove London N5 2DQ</p> <p>Exclusions help line: 0207 704 9822</p> <p>General advice line: 0808 800 5793</p>

<p>Department for Children, Schools & Families (DCSF)</p>	<p>Copies of Improving Behaviour & Attendance: Guidance on Exclusion from Schools and Pupil Referral Units.</p> <p>Copies of the Special Educational Needs Code of Practice (2001)</p>	<p>DCSF publications: 0845 602 2260 Reference number 00611-2007BKT-EN</p> <p>DCSF publications: 0845 602 2260, Reference number DCSF 581/2001</p>
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Derbyshire Parent Partnership Service: Referral Form

The Derbyshire Parent Partnership Service only take referrals made **directly** by parents/carers, rather than through professionals. You can gain advice from this service through a number of ways such as by telephoning the office directly, or completing this referral form. The following information will be treated in a confidential manner and only be used in order to address the type of support that you require and will assist you more quickly.

Parent's name				
Address				
Telephone Number				
Your child's name				
Your child's DOB				
Current school				
My child has experienced the following types of exclusions: (Please circle the appropriate options) <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Unofficial</td> <td style="width: 25%;">Lunchtime</td> <td style="width: 25%;">Fixed</td> <td style="width: 25%;">Permanent</td> </tr> </table>	Unofficial	Lunchtime	Fixed	Permanent
Unofficial	Lunchtime	Fixed	Permanent	
My child is currently placed on one of the following SEN Code of Practice stages: (Please circle one option) <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">None</td> <td style="width: 25%;">School Action</td> <td style="width: 25%;">School Action Plus</td> <td style="width: 25%;">Statement</td> </tr> </table>	None	School Action	School Action Plus	Statement
None	School Action	School Action Plus	Statement	
I am interested in finding out more information about: (Please circle): <table style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">Exclusion</td> <td style="width: 50%;">SEN Code Of Practice</td> </tr> </table>	Exclusion	SEN Code Of Practice		
Exclusion	SEN Code Of Practice			
Please complete and return to: Derbyshire Parent Partnership Service Community Centre, School Board Lane Brampton, Chesterfield S40 1DD				

