

A GUIDE TO:

Permanent Exclusion

A guide for parents and children to explain what will happen next, what you can do and who you can contact for help and support.



Nottingham
City Council



Dear Parent / Carer

When your child has been permanently excluded from school it can be a very difficult, upsetting and worrying time for you and your family.

This booklet explains what will happen next, what you can do and who you can contact for help and support.



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What is a permanent exclusion?

To exclude a child permanently is a very serious decision and should only be used as a last resort. Your child should only be excluded from school:-

- If they seriously or persistently breach the school's behaviour policy
- Seriously harm the education or welfare of themselves or others in the school if they remained in school.

Who can exclude?

The Head Teacher / Principal is the only person who can make the decision to exclude your child. (If the Head Teacher / Principal is absent the Deputy Head Teacher or most senior teacher who is acting as Head can exclude your child.)

How will I be told about the exclusion?

Ideally, the Head Teacher should telephone you immediately to inform you that your child is being excluded, followed by a letter within one school day.

The letter must inform you that your child has been permanently excluded and the reasons for the exclusion.

Unofficial / illegal exclusions

All exclusions must follow the correct procedure and be recorded as exclusions.

A Head Teacher cannot exclude a pupil from school on an informal basis, such as:

- Sending a child home until they comply with requirements;
- Encouraging parents to voluntarily withdraw their child from school;
- Advising parents to keep their child at home for a period of time;
- Placing undue pressure on parents to keep their child at home whilst seeking a transfer of school, to avoid formal exclusion.

This decision must then be reviewed by the governing body. They decide whether or not your child can return to the school and you will be invited to attend the meeting.

Alternatives to exclusion and early intervention

Looked after children

Exclusion from school should be a last resort for children who are looked after; therefore it is important to work with the school and carers to intervene as soon as a child's behaviour becomes a cause for concern. Schools should work together with foster carers, children's homes and the local authority that looks after the child to try to avoid exclusion. This might include putting in additional support or looking at whether a different school would be more suitable.

Children with Special Educational Needs (SEN)

If a child with SEN is showing poor behaviour or is at risk of exclusion, the school should look first at what additional support is needed or whether an alternative placement would be more appropriate to the child's needs. If a child has a statement of SEN or an Education, Health and Care Plan then the school should consider bringing forward the annual review or holding an emergency review.

Should my child be out of the house whilst he / she is excluded?

You have a duty to ensure that your child is not found in a public place during the first 5 days of exclusion unless there is a reasonable justification for this. This requirement applies regardless of whether or not your child is in the company of a parent / carer.

Your child may also be removed from the public place by the police and taken to designated premises.

If your child is found in a public place during normal school hours whilst excluded, without reasonable justification, you may receive a fixed penalty notice from the Local Authority or face prosecution.

Will the school set work?

The school must provide work for your child during the **first 5 days** of the exclusion. The school will give you the name of the teacher who is providing the work and the arrangements for marking the work. You should ensure that the work is returned for marking and advise the school if your child needs more work.

From the **6th day** of exclusion onwards the Local Authority will provide suitable supervised full-time education.

Will your child miss an exam?

If your child is excluded and will miss a public exam such as GCSE or national curriculum tests, contact the school straight away to find out what the arrangements are.

In this case the governors must meet if possible before the date of the exam to consider whether to reinstate your child.

It may also be possible for a child to be allowed onto the school premises just to take an exam. In this case you might need to escort your child to and from school.

What happens next?

A representative from one of the Local Authority's Learning Centre's will invite you to a separate meeting to discuss educational provision whilst your child is not in school.

This meeting may take place before the governors have met to consider the Head Teacher's decision. The meeting is not linked in any way to the Governor's decision, and is set up as soon as possible after the Local Authority is notified about the exclusion to ensure your child is not without education provision.

The relevant Learning Centre will discuss your child's travel needs/arrangements with you.

Denewood Learning Centre

Denewood Learning Centre provides continued education for Key Stage 2 and 3 pupils, who live within the City of Nottingham and have been permanently excluded from their mainstream school or academy.

The learning centre aims to provide an environment that is settled and caring but challenging, in which pupils can re-engage with education and with their peers. The longer-term intention is to re-integrate pupils into mainstream education wherever feasible.

The centre also offers short-term intervention places which can be accessed by schools or academies for pupils at risk of exclusion.

Unity Learning Centre

Unity Learning Centre provides full time personalised alternative education to KS4 young people who have been permanently excluded from their mainstream school or academy. This provision is delivered off site by a range of commissioned providers which include colleges, voluntary sector and community providers.

The longer-term aim is to support progression of these young people into post 16 education, employment or training.





The Governors' Discipline Committee Meeting (GDC)

The governing body must meet within 15 school days of the exclusion to consider the decision made by the Head Teacher to permanently exclude your child. You will be invited to attend the meeting.

The Head Teacher will provide you and the governors with a written report at least 5 days in advance of the meeting outlining the reasons why your child has been excluded and the evidence collected during the school's investigation of the incident(s) for which your child has been excluded.

The governors will consider the evidence provided in the Head Teacher's report and any information that you provide at the meeting. They can decide to end the exclusion and allow your child to return to the school if they believe that the exclusion was not appropriate, or uphold the decision of the Head Teacher to permanently exclude your child.

Can I take someone with me?

You can take anyone of your choice with you; a friend, partner, relative, other supporter or legal representative to help you at the meeting.

If you need an interpreter, you can bring someone with you or the person who invited you to the meeting can arrange for someone to help you; however you will need to let them know in advance.

Who else will be at the meeting?

- **3 or 5 governors** who act as the Discipline Committee.
- **The Head Teacher** and possibly additional staff who may be called as witnesses.
- **A Clerk** to take notes and advise the governors on procedure.
- **A Local Authority representative** may be invited to give their view on the exclusion.

Preparing for the meeting

You should read through the Head Teacher's report and make a note of any questions that you may wish to ask or anything that you do not understand or you do not agree with. You can then raise these at the meeting.

You do not have to attend the meeting as the exclusion can be considered without you. If you are unable to attend you can send a letter to the governors with any information or points which you would like them to consider. However, we strongly encourage you to attend so that you can support your child and you can both give your views about the exclusion and ask any questions you may have.

Governors usually ask questions about your child and it can be difficult to make the best decision without all the information.

Information / questions that may help you prepare for the Governors' Meeting

How do you feel about the exclusion and are there any points that you disagree with?

Does your child have a view about what happened?

Has the school kept you fully informed about your child's behaviour?

Does your child have special educational needs?

(If yes, do they have a support plan and when was it last reviewed?)

What support has the school put in place to help your child before deciding to exclude?

Was excluding your child reasonable given your child's age, health and any personal issues?

Was anything upsetting your child?

Was there pressure from others?

Could anything else have affected their behaviour?

Have they been bullied, racially or sexually harassed or faced discrimination inside or outside of school?

The school's policies must include how they deal with bullying and harassment. How well does the school deal with this, in general, and for your child?

If others were involved, were their sanctions in line with your child's?

Tell the governors about your child's good points.

Example letter to send to the Governing Body

An example of a letter you can send if you are **unable to attend** the Governors' meeting.

To the Clerk of Governors' Discipline Committee c/o (the school's address)

Date

Dear Sir/Madam

Child's Name: _____ DOB: _____

I will not be attending the governors' meeting to consider my child's permanent exclusion. I would like the governors to know the following (write down the good things you want them to know) about my child.

and / or

My child disagrees with some / all of the evidence presented. My child's views of what actually happened are as follows: (write down everything your child has told you about the incident)

I would like to complain about the following:

(this may include anything that you consider unfair or not managed properly)

I would like this information to be considered when the Governors' Discipline Committee meeting is held.

Yours sincerely

What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure to make sure that every school deals with exclusion in the same way. The Head Teacher can decide to withdraw the exclusion at this stage if they wish.

Governors understand that this is a difficult and stressful time for you. They are used to dealing with parents and carers at this difficult time, so don't worry if you need extra time to think about all the things that you want to say.

Introductions by the Chair and explanation of the purpose and conduct of the meeting.

The Head Teacher will go through their report and give the reasons and evidence for the decision as to why your child has been permanently excluded.

You can then ask questions about the report. Do not be afraid to ask about anything you do not understand or do not agree with. The governors will usually ask the Head Teacher questions as well.

You will have an opportunity to put forward your (your child's) views and comments.

The Head Teacher and the governors may ask you (your child) questions. The governors may ask if it's appropriate for the pupil to wait outside as they will not be required to answer any more questions.

If a Local Authority representative has been invited they may also ask questions and give advice of how other schools have responded to similar incidents. The governors, parent(s) and Head Teacher may ask questions of the Local Authority representative.

The Head Teacher will summarise the reason for the exclusion.

You (and your supporter/legal representative, if appropriate) can sum up.

The governors decide whether to uphold the exclusion or reinstate the pupil and will then inform all parties of their decision and the reasons behind reaching this decision.

This decision must be confirmed in writing within 1 school day to the parents/carers and the Local Authority.

Minutes of the meeting will be placed on your child's record with a copy of the Head Teacher's exclusion letter.

The outcome of the Governors Meeting

There are two possible outcomes following the GDC meeting:

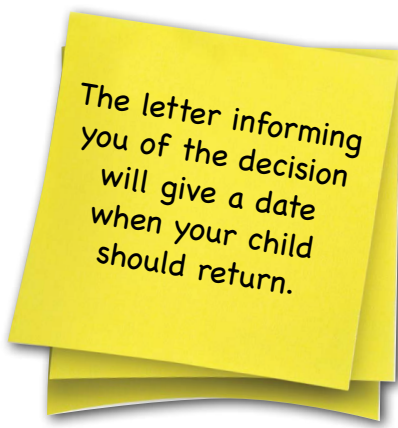
1. Governors decide to reinstate your child

This means that the governors have decided that your child can return to the school.

You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

2. Governors decide to uphold the exclusion

This means that the governors have decided that your child should be permanently excluded from the school. In such circumstances, your child's education will continue to be provided by the appropriate learning centre given by the Head Teacher in the letter informing you of the exclusion.



The letter informing you of the decision will give a date when your child should return.

Can I appeal against the decision?

You **do not** have the right of appeal against the decision; however, you do have the right to ask for the decision to be reviewed by an independent review panel.

In order to ask for an independent review, you must send your request in writing within 15 school days, otherwise you will lose your right to do so.

What is the Independent review panel (IRP)?

The IRP's role is to review the decision of the governing body to check that it was properly made. The IRP cannot reinstate a child but can quash (reject) the decision and direct the governing body to look at the exclusion again.

How do I request an independent review?

The letter from the governors will advise you of the name and address to whom an application for a review should be made.

You must give your reasons why you want the decision to be reviewed (and provide any written evidence). You should also include, if appropriate, any reference to how your child's special educational needs are relevant to the exclusion.

Special Educational Needs (SEN)

Regardless of whether your child has any recognised special educational needs, you have the right to request the attendance of a Special Educational Needs expert at the independent review and you must make clear in your written request if you wish a Special Educational Needs expert to be present.

What is a Special Educational Needs Expert?

The Special Educational Needs (SEN) expert is a professional who has first-hand experience of the assessment and support of special educational needs, as well as an understanding of the legal requirements on schools in relation to special needs and disability. Examples of individuals who may be an SEN expert include educational psychologist, specialist SEN teachers, special educational needs coordinators or behaviour support teachers.

Applying for an Independent Review Panel

If you apply for a review within 15 schools days of being given the Governors' decision not to reinstate your child, the local authority or (in the case of an Academy) the Academy Trust must arrange for an independent review panel hearing to review the governors' decision.

You may request an independent review panel even if you did not make a case to, or attend, the governors discipline committee meeting. The review must be held within 15 school days of receiving your application and you will be invited to attend the meeting.

What will happen next?

The Clerk to the review panel will provide you with a copy of the relevant papers 5 school days in advance of the review. These papers must include:

- **the governing body's decision**
- **your application for a review**
- **any policies or documents that the governing body was required to have in regard to making their decision.**

Can I take someone with me?

You can take anyone of your choice with you, a friend, partner, relative or other supporter. Alternatively, you may, at your own expense, appoint someone to make written and or oral representations to the panel such as a legal representative.

Who else will be at the meeting?

- **3 - 5 panel members** who act as the review panel.
- **representatives of the governing body;**
- **the Head Teacher;**
- **A Clerk** to take notes and advise the panel on procedure, legislation and guidance which may **be relevant to exclusion.**
- **An SEN expert**, if requested by parent / carer.
- **A Local Authority representative** may be invited (if they were present at the Governors Discipline Committee Meeting).

What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure. The role of the panel is to review the governor's decision not to reinstate your child to the school following permanent exclusion.

The panel must consider the interests and circumstances of your child, the reasons why your child has been excluded and consider the interests of other pupils and people working at the school.

What can the review panel decide to do?

- 1) Uphold the exclusion decision
- 2) Recommend that the governing body reconsiders their decision
 - a. If the panel directs or recommends that the governors reconsider their decision, the governors must reconvene to do so within 10 school days of being given notice of the panel's decision.
- 3) Quash (reject) the decision and direct that the governing body considers the exclusion again.
 - a. The panel may only quash the decision where it considers that it was flawed. The panel will apply the following tests:
 - i. **Illegality** – did the Head Teacher and / or governors act outside the scope of their legal powers in taking the decision to exclude?
 - ii. **Irrationality** – was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
 - iii. **Procedural impropriety** – was the process of exclusion and the governing body's consideration so unfair or flawed that justice was clearly not done?

What will happen next?

The governors must notify you in writing of their reconsidered decision and the reasons for it. The governors can decide to:

- **Reinstate** your child, which means that your child can **return** to the school. The letter informing you of the decision will give a date when your child should return.
- **Uphold the exclusion**, which means **that your child will** remain permanently excluded from the school and their name removed from the school roll.

Discrimination and the Equality Act

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination (disability, race, sex, religion / belief, pregnancy, sexual orientation or gender reassignment) 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.

Any claim of discrimination should be lodged within 6 months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

Returning to school after an exclusion

You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

Staff at school appreciates the support that you can give and do understand that it may not always be easy for you to attend the meetings when you have to take time off work or because of family commitments. It will help your child a great deal if you and the school can work closely together, to support your child and to avoid any difficulties in the future.

Further information and help

If you have any questions call us on 0115 876 4700 or visit www.mynottingham.gov.uk

For free legal information, advice and representation to children, young people, their families/carers call **The Children's Legal Centre** on 0345 345 4345. The advice line is open from 8.00am to 8.00pm Monday to Friday, except Bank Holidays and 24 December to 1 January or you can visit www.childrenslegalcentre.com

The **Parent Partnership Service** supports parents/carers of children with special educational needs and disabilities. They can be contacted on 0115 948 2888 or at Suite 5, Clarendon Chambers, 32 Clarendon Street, Nottingham NG1 5LN, alternatively you can visit www.ppsnotts.org.uk

The Department for Education (DfE) The Department for Education is responsible for education and children's services in England. They work to achieve a highly educated society in which opportunity is equal for children and young people, no matter what their background or family circumstances, visit www.gov.uk/school-discipline-exclusions

The Advisory Centre for Education (ACE) is an independent national advice centre for parents to answer questions on all aspects of education. ACE offer a practical guide to parent's legal rights on the exclusion process and an exclusion advice line 0300 0115 142 is available for further independent support, visit www.ace-ed.org.uk

Denewood & Unity Learning Centre provides continued education for pupils, who live within the City of Nottingham and have been permanently excluded from their mainstream school or academy.

Telephone: Denewood 0115 915 1271 or email: admin@dlc.nottingham.sch.uk

Telephone: Unity 0115 915 1266 or email unity.learningcentre@nottinghamcity.gov.uk

For information on making a claim under the Equality Act 2010 to the First-tier tribunal (Special Educational Needs and Disability), visit www.justice.gov.uk/tribunals/send/appeals