

Permanent Exclusion Information for Parents

Exclusion is a very serious matter. Only a school's head teacher (or a named deputy if the head teacher is not on the school site) can exclude a pupil

A head teacher may decide to permanently exclude a pupil only when he/she is sure that:

- the pupil has seriously or persistently broken the school's discipline policy; AND
- the pupil remaining in school would seriously harm the education or welfare of the pupil or others in the school.

Can my child be permanently excluded for a serious first incident?

Permanent exclusion would, in most cases, be used as a last resort after all other strategies have been tried and failed, and will usually follow several fixed-period exclusions. However, sometimes a pupil will do something so serious that, in the head teacher's judgement, permanent exclusion is justified to protect staff and/or other pupils at the school. The head teacher must investigate the incident thoroughly before deciding to exclude, and your child and anyone else who saw what happened should be asked to write down their version of the incident. These statements must be signed and dated by the people writing them, unless there is good reason not to do so, in which case they must be dated.

How am I told that my child has been permanently excluded?

Once the head teacher has decided to permanently exclude your child someone should contact you immediately, preferably by telephone, to tell you about the exclusion, which will usually start on the following school day but can start on the day of the incident that led to the exclusion. The head teacher must then write to you without delay telling you:

- the reason for your child's permanent exclusion;
- the date the exclusion begins;
- that the governors must meet to consider the exclusion and your right to attend the meeting to put your views in person and bring a friend or representative;

You should also be notified without delay, and by the end of the afternoon session:

- that you must make sure your child stays at home (i.e. not in a public place without reasonable justification) during what would normally be school hours and that you can be fined or taken to court, if your child is found outside the home during these hours

What happens to my child's education when they have been permanently excluded?

The school should take reasonable steps to set and mark work for your child during the first five days of an exclusion and school should set out the arrangements for this. Any work set should be accessible and achievable by pupils outside of school.

From the sixth school day the local authority (LA) should arrange alternative education for any pupil of compulsory school age. For secondary school pupils the Area Behaviour Partnership (ABP) is responsible for arranging this provision and you should be contacted by the ABP co-ordinator to discuss or be notified of the arrangements.

What happens next?

The Clerk to the Governors will contact you to invite you and, usually, your child to the meeting that must be held to review the head teacher's decision. The meeting must be held within 15 school days after the governing board is told of the exclusion but it should ideally be arranged for a time and date that is convenient to you. You should go to the meeting as it is your chance to put your views on the exclusion. Your child does not have to go to the meeting if you do not think this is a good idea.

If you want to take someone with you to support you or to help you put your case, please tell the Clerk before the meeting.

What is the Governing Board?

A sub-committee of the Governing Board may be made up of at least 3 of the school's governors.

They follow guidance from the government and the school's behaviour policies. Governors consider the views of the school, your views and those of your child (if he/she wants to attend or make a written statement to the Governors), before deciding whether to uphold the head teacher's decision or to send your child back to school.

What evidence will be given?

If you want to put anything in writing for governors to consider, this should be sent to the Clerk to arrive at least 5 school days before the meeting. The head teacher will provide the Clerk with any relevant papers from your child's school file and prepare a report on your child, including details of the incident that led to your child's exclusion and any support which the school has given your child to help with his/her behaviour and learning. Any witness statements should also be available.

Where possible, papers for the meeting should be sent out to all parties at least 5 school days before the meeting.

What happens at the meeting?

- The Chair of the Committee will introduce everyone and explain the procedure that will be followed.
- The head teacher will then put the case for permanent exclusion and you and the other parties can then ask questions about what has been said.
- You or your representative will then be asked to put your case and your child may make a statement if you feel that is appropriate and if your child wishes to do so. You may then be asked questions about what you have said.
- The head teacher will summarise the case for permanent exclusion.
- You will be asked to summarise your case.

- Everyone but governors and the clerk leave the room.
- Governors consider the evidence that has been presented and reach a decision.

The Clerk writes to you and to the LA setting out the decision, the reasons for it, how you can request a review and the last date on which the LA will accept a request for a review from you. If governors do not uphold the head teacher's decision, your child returns to school. If the exclusion is upheld, your child will continue with the alternative provision arrangements unless or until another school is found.

What do I do if I don't agree with the governors' decision?

If the governors decline to reinstate your child, you have the right to request a review by an Independent Review Panel (IRP). You may also request for a Special Educational Needs (SEN) expert to be present at the review hearing. For LA maintained schools, IRP hearings are arranged by the Schools Appeals Officer (SAO), however academies may set up their own IRP.

You have 15 school days in which to request a review and your request **must**:

- be received on or by the date given in the Clerk's letter;
- be in writing; and
- give reasons for the review request.

What happens at the IRP?

For Warwickshire LA maintained schools, 3 people form the IRP and it follows the same procedure as the GDC. One member must be a serving or recently retired head teacher, one must be a serving or recently retired school governor and the Chair must be someone who has not had a paid job in a school.

A Clerk is provided from the County Council's Legal Services team and gives advice on the law and how the meeting should be run. The head teacher and a member of the Governing Board will normally represent the school and a SEN expert will also be there if one has been requested by the parent.

The review meeting will not be held on the school premises.

Academies may have different arrangements but must follow the same government guidelines.

What can the panel do?

The panel can:

- uphold the Governing Board's decision;
- recommend that the board reconsiders reinstatement;
- quash the decision and direct that the Governing Board reconsiders reinstatement

The panel **cannot** directly reinstate your child.

The panel's decision is legally binding on the, parents, the school and the LA.

What happens next?

The Clerk to the IRP will write to you without delay, giving you the panel's decision.

If the panel quashes the decision and **directs** the Governing Board reconsiders reinstatement, the board must meet again within 10 days. If the board does not offer to reinstate your child after this meeting, the IRP has the power to impose a financial penalty on the school, but your child will not return to the school.

If the panel **recommends** that the Governing Board reconsiders reinstatement, the GDC must meet again within 10 days. If the IRP had access to new evidence the board may review this evidence to see whether it changes their decision. If the board does not offer to reinstate your child after this meeting your child will not return to the school.

If you believe that the panel's decision is unreasonable or think that the procedure was not followed correctly and that this might have made a difference to the panel's decision, you may complain to the Local Government Ombudsman or ask for a Judicial Review of the decision through the courts.

Useful contacts

Exclusions Team

Telephone: 01926 738353

Email: exclusions@warwickshire.gov.uk

The Coram Children's Legal Centre

Website: www.childlawadvice.org.uk

The Advisory Centre for Education (ACE)

Website: www.ace-ed.org.uk

SENDIAS (SEN and Disability Information, Advice and Support Service formerly Parent Partnership Service)

Telephone: 02476 366054

Email: wias@family-action.org.uk

Website: www.family-action.org.uk/wias

Drug or Alcohol Advice

www.warwickshire.gov.uk/drugs

or Compass Warwickshire

Telephone: 08000 88 72 48

Intercultural Curriculum Support Service

Telephone: 01788 562841

Equality Advisory Support Service

Telephone: 0808 80 0082

www.equalityadvisoryservice.com

Local Government Ombudsman

LGO Advice Team: 0300 061 0614

Website: www.lgo.org.uk

Special Educational Needs and Disability First Tier Tribunal

www.gov.uk/special-educational-needs-disability-tribunal