

## **NE Lincs SENDIASS Fact Sheet**

### **School Exclusion in England**

Exclusion is a disciplinary measure which the Head teacher of a school can use to deal with incidents of serious misbehaviour. Schools must have a behaviour policy which explains the circumstances in which exclusion may occur, for example:

- serious breaches of the schools behaviour policy (including bullying).
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- repeated failure to follow academic instruction

Children should not be excluded for:

- minor breaches of school rules, such as not doing homework or not bringing in dinner money
- poor academic performance
- lateness or truancy
- pregnancy
- breaking school uniform rules or rules on appearance including jewellery, body piercing and hairstyle (except where persistent and in open defiance of these rules)
- the behaviour of parents, such as refusal or inability to come to a meeting
- for their own protection from bullying by sending them home

## **Types of Exclusion**

There are only two types of exclusion which are lawful: permanent and fixed-term. Only the head teacher of a school (or the teacher in charge of a pupil referral unit or the principal of an academy) can exclude a pupil.

This means that legally a child is either in school full-time or they are excluded from school. Legally they can be excluded for a fixed term (for a specific number of school days) or permanently excluded (unable to return to that school unless the parent or young person can overturn the exclusion on appeal).

**Any exclusion of a pupil, even for a short period of time, must be formally recorded.**

### **Fixed-term Exclusion**

Fixed-term exclusion is for a specified number of days (maximum 45 days in any one school year). A date will be given for return and the pupil cannot go back to school until that date. For single exclusions of over 15 days, the LEA must plan with the school to provide full-time education during the exclusion. For a fixed period exclusion of more than five school days, the governing body (or Local Authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion.

### **Permanent Exclusion**

A permanent exclusion involves the child being removed from the school roll. For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the sixth day of the exclusion.

### **Informal or Unofficial Exclusion**

'Informal' or 'unofficial' exclusions, such as sending pupils home to cool off, are all unlawful regardless of whether they occur with the agreement of parents or carers. Many children and young people with SEN and disabilities are excluded illegally. This can occur when parents are asked to take or keep them at home without proper notification that it is exclusion. The school may imply that they are doing parents a favour in asking you to remove their child temporarily from school without making it official. This commonly includes picking them up from school early, at lunchtime, not coming in on certain days, or only being in school on a part-time timetable.

## **Managed Moves**

A pupil can also be transferred to another school as part of a 'managed move.' This is to allow the pupil to have a fresh start in a new school and is an alternative to exclusion. Managed moves must only be arranged with the consent of all of the parties involved, including the parents. The threat of exclusion must never be used to influence parents to remove their child from the school. Managed moves are usually subject to a trial period in the new school. Pupils remain on roll at their original school and can return there if the placement fails.

## **Excluding Pupils with Special Educational Needs (SEN), Education, Health & Care Plans (EHCPs) or a Looked After Child**

Head teachers should, as far as possible, avoid excluding permanently any pupil with an EHCP or a Looked After Child. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.

Where a school has concerns about the behaviour, or risk of exclusion, of a child with SEN, a pupil with an EHCP or a Looked After Child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN. Where a pupil has an EHCP, schools should consider requesting an early annual review or interim / emergency review. In addition, where a pupil has an EHCP the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

## **What is the procedure for excluding a pupil?**

When a head teacher or teacher in charge decides to exclude a pupil, the parent/s or carer/s should be notified immediately, usually by telephone, followed by a letter without delay. The letter must state:

- If the exclusion is permanent
- If the exclusion is fixed-term, the precise period of the exclusion
- The reasons for the exclusion
- The parent's right to make representations to the governing body, and how the pupil can be involved in this;
- Who to contact about making such representations
- The right on written request to see copies of a child's school record
- The arrangements made by the school / Pupil Referral Unit for the pupil to continue their education during the first five days of the exclusion, including setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed by the pupil and returned to school
- The school days (or school day) from which the pupil will be provided with alternative suitable education.

## **Parental Obligations**

During the first five days of a period of exclusion (whether fixed-term or permanent), the parents of an excluded pupil, who is of compulsory school age, must make sure that the pupil is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed fine of £60.

## **Appealing to the School's Governors**

You can appeal to the School Governors if you feel the exclusion is unjust or if the school have not followed the correct procedure. The appeal process for exclusion is quite complex and dependent on a variety of factors. Follow this link for further information about the role of the governing body when a child is excluded: <http://childlawadvice.org.uk/information-pages/school-exclusion/>, or search for Child Law Advice.

Another useful link for information is IPSEA: <http://www.ipsea.org.uk/>

The Department for Education statutory Guidance can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

## **Remember!**

You should have had a letter telling you about the exclusion.

If you have not had a letter by the end of the first day of the exclusion, contact the school to find out whether your child has been formally excluded. You could remind the school that informal exclusions are not allowed.

If you would like help or want to discuss how we can support you to resolve any problems please call;

NE Lincs SENDIASS on **01472 355365**

or email:

**nelincs@barnardos.org.uk**

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