

Excluded or at Risk of Exclusion From School?



A Guide for Parents & Carers

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www.devonias.org.uk
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Excluded or at Risk of Exclusion From School?

Exclusion from school means that a pupil is not allowed in school for disciplinary reasons. The exclusion can be either a fixed period exclusion or a permanent exclusion and these can both be stressful and emotional for the parents, as well as for the child. Only a head teacher (or acting head teacher if the head teacher is off site) can exclude a child. It is important that you have the right information and support and that you ask the right questions about options for the future.

Exclusion from school can be a worrying time. Devon Information Advice and Support (DIAS) can help parents and carers of children and young people with special educational needs and/or disability (SEND) whether they:

- are at risk of exclusion
- have a fixed period exclusion or
- have a permanent exclusion

Exclusions and special educational needs and/or disability (SEND)

The Government is aiming to reduce the number of exclusions of all pupils and particularly those with SEND. Schools have to, by law, provide access to full time education for all children. If you are asked to keep your child at home because the school cannot manage their behaviour or special needs (or during an inspection), rather than for disciplinary reasons, it is an **unofficial exclusion** and therefore unlawful.

This can lead to children missing considerable amounts of education and your child will miss out on the additional support they may be entitled to. If you have concerns about your child being sent home, discuss these with the school so that you can work together to resolve the issues.

At risk of exclusion: What does it mean?

The school may talk to you about your child being at risk of exclusion if their behaviour does not improve, they continue to break the school's behaviour policy or they have already been excluded. Schools have a responsibility to make sure necessary provision is made and to make reasonable adjustments to support your child's needs to try and prevent exclusion. The school may arrange:

- a change in the level or type of support your child has during the school day to avoid the circumstances that may lead to, or have already led to, an exclusion
- a Pastoral Support Plan (PSP) or Early Help Plan (DAF) with short term goals to improve behaviour
- mentoring, counselling or behaviour support
- assessment to identify SEN if this has not already been identified
- flexible learning at Key Stage Four (Years 10 and 11)
- Support through Devon County Council Early Help
- discussion around a possible managed move to another school

What can I do?

- Meet with staff to discuss the changes to help your child to make the agreed improvements
- Take a look at our leaflets – **Special Educational Needs Support in School** and **Your Child or Young Person Has a View Too**
- Find out about your school's behaviour and special educational needs and/or disability policies - they should be available on your school's website
- Ask the school if it has involved any behaviour support or educational psychology services, or the local authority officer responsible for inclusion

What should I do when my child is excluded?

Read the head teacher's or principal's letter which will explain:

- why your child has been excluded
- what type of exclusion it is
- when your child is due to return to school (unless they are permanently excluded)
- that you have the right to write your views to the school's governors
- that you have the right to meet with the governors (and take a friend or supporter with you) in some circumstances

The exclusion will not become final until the governors have met and upheld it. They must also meet within fifteen days of the exclusion where there have been more than fifteen days of exclusion in a term. They must also meet if you ask them to do so and your child has had more than five days exclusion that term. However, the governors do not have to meet if your child has had fewer than five days of exclusion in the term.

Fixed period exclusion: What does it mean?

With a fixed period exclusion, your child is excluded for a specific number of days. Added together those days should not be more than 45 in a year. They will remain on the school roll during a fixed period exclusion.

For the **first five days** of an exclusion the school should set and mark work to be done at home. From the sixth day, the school has a duty to arrange suitable, full-time alternative education during the school term. Your child may remain at **risk of exclusion** after they return to school – please refer to that section of this leaflet.

What can I do?

- ensure that the school work is completed and returned to school
- arrange somewhere for your child to be looked after during school hours as your child should not be in a public place without a good reason (or you could be fined)
- ask the school if it has involved any behaviour support or educational psychology services, or the local authority officer responsible for inclusion
- ask the school governors to review the head teacher's or principal's decision to exclude and set out your views in writing. You can attend the governors' meeting if your child is excluded for more than five days in a term (or if the exclusion would mean that your child would miss a public exam).

Permanent exclusion: What does it mean?

Your child will not be able to return to their school and following a meeting with the school governors, could be taken off the school roll. However, for the first five days the school should set and mark work to be completed at home. From the sixth day the local authority has a duty to arrange suitable, full-time alternative education during the school term.

What can I do?

- ensure that the school work is completed and returned to school
- arrange somewhere for your child to be looked after during school hours as they should not be in a public place without a good reason (or you could be fined)
- ask the school if it involved any behaviour support or educational psychology services, or the local authority officer responsible for inclusion before the permanent exclusion
- ask the school for a copy of your child's school record
- ask the school governors to review the head teacher's or principal's decision to permanently exclude – you can put your views in writing and/or attend the governors' meeting
- if the school governors uphold the head teacher's decision, you can ask for it to be reviewed by an Independent Review Panel (IRP). The IRP can uphold the decision, quash the decision and order the governors to review it or recommend the governors to reconsider - but the IRP cannot order them to re-instate your child at the same school.
- you can ask for an SEN expert to be at the IRP
- liaise with the Local Authority regarding suitable alternative education for your child.

You can also appeal to the First Tier (SEND) Tribunal if you believe there was disability discrimination involved in the exclusion. This Tribunal **has the power to re-instate your child.**

How can Devon Information Advice & Support help?

This leaflet has been written to give you a brief overview about exclusions but if you contact us directly we can support you in your particular situation. Our service is free and confidential; we provide independent information and impartial support.

We can support you by;

- explaining the roles of people involved
- outlining options for you and your child
- describing how the Local Authority and its statutory services may be able to support you
- preparing for meetings or the IRP (Independent Review Panel)
- explaining the role of the SEN expert
- discussing whether and how to challenge the exclusion
- explaining what disability discrimination is
- outlining the First Tier (SEND) Tribunal
- explaining alternative education
- signposting to professionals and services
- explaining documents and letters
- explaining your child's pupil record
- explaining exclusion law

Additional information is available at: www.devon.gov.uk/inclusion



**Devon Information
Advice & Support
for SEND**

Contact
Devon Information Advice & Support
on

01392 383080

or email

devonias@devon.gov.uk

We have further leaflets and information online at:

www.devonias.org.uk



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