

WIRRAL SEND PARTNERSHIP

Permanent Exclusion

A decision to permanently exclude a child is a very serious one and will usually be the final step in a process of dealing with disciplinary issues. It should be used by schools as a last resort and only after a thorough investigation has been carried out.

Children with a Statement of Special Educational Needs/Education Health and Care Plan should only be excluded in 'exceptional circumstances'.

Schools are expected to consider the exclusion of 'Children in Care' only as an absolute last resort.

Pupils can only be excluded for incidents which took place outside school if the Head thinks there is a clear link between that behaviour and maintaining good discipline in school.

However, for some serious incidents such as: actual or threatened violence, supplying illegal drugs, sexual assault, or carrying weapons, pupils can be permanently excluded for a one-off offence.

Alternatives to Permanent Exclusion

Schools should not decide to permanently exclude a child unless all other ways to manage their behaviour have been tried.

Strategies which should be considered before a decision to permanently exclude a child may include:

- Consulting an Educational Psychologist to investigate if the child has any special educational needs. Children with social, emotional and behavioural difficulties which are long term and significant may require an Education Health and Care Plan.
- Calling together a multi-agency *Team Around A Family* (TAF) meeting to explore any additional support needs in and out of school.
- *Restorative justice* where a child has the opportunity to right any harm done.
- *Mediation* to try sort out any conflict.
- *Internal exclusion* within school premises or an external setting.
- *Managed move*. This alternative to permanent exclusion gives a child a chance to make a fresh start in another school with support in place to manage the transition. If the managed move is successful the child will go on roll at the new school.

Do I have any other options?

If a permanent exclusion is imminent, but the process has not yet been implemented, you can ask about applying to another school. Schools with places available are not allowed to refuse a place on the grounds of your child's previous behaviour unless:

- Your child has been permanently excluded twice within the last two years
- and the school is in *Special Measures* (judged unsatisfactory by Ofsted)

You also have the right to educate your child at home, but you must ensure that s/he receives a "suitable education" appropriate to their age and ability. If you want to home educate your child you should contact the local authority for advice.

Informing you about the exclusion

The Head Teacher must inform you about the exclusion immediately, ideally by telephone, followed up by a letter within one school day. The letter must include the following:

- The start date for the permanent exclusion
- The reasons for it
- Your right to state your case to the school governors
- What arrangements the school has made for your child to receive work for the first 5 days
- Details of independent sources of information
- Information about how your child will be provided with alternative education from the 6th day. You must receive this information within 48 hours of the start of any alternative provision.

What happens next?

The Head Teacher should set work for the first 5 days of the exclusion.

From the 6th day of a permanent exclusion the Local Authority must provide suitable full time education for your child. Full time means between 21 and 25 hours per week depending on the age of your child. The Local Authority will contact you during the first few days to arrange this.

It is your responsibility to ensure that your child is not in any public place during school hours for the first 5 days during the exclusion.

Children of secondary school age who have been permanently excluded may be initially offered a place in a Pupil Referral Unit (PRU). Locally, this is known as Emslie Morgan Alternative Programme (EMAP). Your child's progress will be regularly assessed at EMAP and when it is felt that they are ready to return to a mainstream school the staff will support their integration to a suitable school as soon as possible.

The Local Authority may use its *Fair Access* protocol to try to find them a place in a new school if appropriate.

Challenging an Exclusion

You can challenge a permanent exclusion if:

- You want your child to be reinstated in the school
- or
- You feel that the exclusion was unfair

You have the right to challenge the exclusion by letter or by personal representation to the school governors' disciplinary committee. If you wish to do this you must write to the governors within 15 days to ask for a meeting in which to state your case.

Discuss with your child if they wish to attend and how much they wish to contribute.

A sample letter to the governors might read:

To Chair/Clerk of Governors

Dear Sir/Madam

I wish to make representations in person to the Governing Body about the exclusion of my child (name)

Please send copies of my child's school records, including witness statements, the school's behaviour/discipline policy (as well as any other relevant policies).

I would like to bring along a friend/adviser to support me.

Yours faithfully,

Preparing your case

It helps to gather evidence and prepare a summary of your case. Keep copies of all letters and reports.

To help you to gather evidence you can ask for:

- A copy of your child's school record
- School behaviour and SEN policies
- The incident log
- Any witness statements

Writing a case summary

- Say clearly why you disagree with the exclusion.
- Highlight any items from your child's school report which you wish to contest, or which indicates whether or not appropriate support was given.
- Include statements from your child or any other witnesses which support your case.
- If you believe your child has any additional needs which have not been recognised or appropriately supported by the school you should mention this.
- Conclude by proposing an alternative solution and also say what you believe the negative impact on your child will be if s/he is not reinstated.

At the meeting

The Disciplinary Committee must meet within 15 school days of a permanent exclusion. It usually consists of 3-5 Governors and a Clerk to take notes. The Chair of the Disciplinary Committee will introduce everybody and explain their role and how the meeting will be conducted.

The Head will usually present the school's case first and may bring along other staff as witnesses. You will have the opportunity to ask any questions about the information given.

You will then have the opportunity to state your case. You can do this by reading out your case summary. It may be helpful to give out copies of this. Your child can also contribute to the discussion if they wish.

The Governors may ask you or your child questions if they are unclear about any point made.

The Governors' decision

The Governors will weigh up all the evidence and make a decision whether to uphold or overturn the Head's decision.

They will let you know their decision in writing within one school day. They can provide a copy of the minutes of the meeting if you request it.

If they decide to overturn the decision your child will be reinstated. If they uphold it you have a further right of appeal to an *Independent Review Panel* if you disagree with their decision. The letter will give you information about who to contact to ask for an Independent Review.

Independent Review Panel

If you wish to ask for the decision to be reviewed by an Independent Review Panel (IRP) you have 15 days to complete an application saying why you disagree with the governor's decision to uphold the permanent exclusion. This should be sent to the clerk of the independent review panel at Wallasey Town Hall. The IRP will write with the date and place of the hearing.

You have the right to take a supporter or legal representative if you wish. If you believe your child has special educational needs you can ask for an SEN Expert to be present. The SEN expert can advise about whether the school followed guidance on identifying and supporting a child's special educational needs.

The IRP does not have the power to reinstate a pupil but they can recommend that the Governors re-consider their decision. They can also quash the exclusion if they feel that the Governing Body's decision was flawed and direct the school to consider reinstating the pupil. If the Governors do not offer to re-instate the pupil within 10 days, the school will be required to make a contribution of £4000 towards the child's future educational provision.

If you believe that Disability Discrimination has occurred you can also make a claim to the First Tier Tribunal. (SEND).

Following a permanent exclusion

You can request an independent review of the decision of the school governors to permanently exclude your child:

- Meeting must be held within 15 school days, at which the governors will review the Head teacher's decision to permanently exclude your child.
- You may request an independent review of the governor's decision within 15 school days of the governors meeting.
- You will receive a letter confirming the exclusion. This letter will also include a form for completion if you would like the exclusion to be reviewed, this needs to be returned to the named contact. As well as the form, you can submit additional papers/reports for consideration.
- An independent panel will then be arranged, normally within three school weeks of receiving the request.
- You can attend the panel meeting, together with your child. A Special Educational Needs (SEN) expert will attend if you have requested this.
- You will be notified of the date, time and venue for the meeting and you will be sent copies of school reports which detail the decision they have taken.
- At the meeting, you can state your views and ask the panel members questions. You can also ask the school representative questions about their decision.
- The panel members will make their decision in private and you will be notified in writing of their decision.
- The panel can uphold the exclusion, recommend the governing body to reconsider or quash the exclusion and ask the governing body to consider the exclusion again.

For Further Information Please Contact:

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Note: The information contained in this leaflet is correct at time of print (October 2017) and is based on the DFE advice Exclusion from maintained Schools, Academies and Pupil Referral Units in England September 2017