

PUPILS EXCLUDED FROM SCHOOL

INFORMATION FOR PARENTS & CARERS

Devon County Council

Revised April 2003

This step-by-step guide has been prepared to help parents & carers understand what it means when their child has been excluded from school.

1. What does exclusion mean?

This means that your child is not allowed to attend school. Exclusion is usually the result of a particularly serious incident or a series of incidents. The Headteacher must tell you in writing how long the exclusion is for and the reasons for it. As long as the exclusion lasts, your child must not enter the school grounds or use school transport services and you are responsible for supervising your child during school time. Please ensure that your child does not hang around the school gates, even to meet friends after school.

2 There are three sorts of exclusion

These are :-

Lunch time exclusions: may not be more than 90 in a school year.

Fixed period exclusions last for a specific number of days but cannot be longer than 45 days in the school year.

Permanent exclusion means that your child may not be allowed to go back to the school again, unless he/she is reinstated by a meeting of the Discipline Committee.

Unofficial, indefinite period or 'cooling off' periods of exclusion from school have no legal status. Schools **must** not use such sanctions and must follow the correct procedures as described in the DfES Guidance 10/99, amended Chapter 6 and Annex D, 1/03.

3 Who can exclude a child from school?

Normally, only the Headteacher can exclude a pupil. However, if the Headteacher is absent from school, the most senior teacher, who is acting on the Head's behalf, can exclude a pupil.

4 Who can I talk to about a fixed period exclusion?

The Headteacher and the staff of the school should use the period of exclusion to plan for the successful reintegration of your child. It would be sensible for you to discuss with the Headteacher what you can do to help. In any case, the school should hold a re-admission meeting, usually at the start of the first day back after exclusion, which you should make every effort to attend and join in. However, the Headteacher must allow your child to start back at school once the exclusion has finished even if you are unable or do not want to attend the meeting.

5 What happens to my child's education during the exclusion?

During the exclusion, school staff must still set and mark work. The Headteacher will explain the arrangements for collecting it and handing it in. If your child is due to sit a public examination, such as GCSEs, during the exclusion, this should not be affected. If the fixed period exclusion is for more than 15 days, the school must make arrangements for the pupil's full time education from the 16th day onwards.

If your child has been permanently excluded, the school is still responsible for setting and marking work until the exclusion process is at an end.

If your child is due shortly to sit public examinations and the Headteacher considers that these should not be taken in the school from which he or she has been permanently excluded, it will be necessary to make alternative arrangements.

6 What are my entitlements as a parent/carer? Can I appeal against my child's exclusion?

There are a number of steps which the school has to take and procedures which must be followed

- the parent/carer must be informed immediately, ideally by telephone.
- within one day, the Headteacher must inform you by letter that your child has been excluded, the type of exclusion and the reasons for it.
- the Headteacher must notify the local education authority [LEA] and the Discipline Committee set up by the governing body, of your child's exclusion
- the Headteacher's letter tells you that you have the right to make representations to the Chair of the Discipline Committee about the decision to exclude your child
- if you wish to state your case to the Discipline Committee, the Clerk to the Committee will arrange a meeting which you are entitled to attend
- if the exclusion is for any length of time between 1 and 15 days and you wish to make representations to the Discipline Committee, the Clerk must call a meeting
 - as soon as is possible for 1 to 5 days exclusions
 - between the 6th and 50th school day after the exclusion started for exclusions of between 6 and 15 days in any one term.

For exclusions over 15 days or a permanent exclusion the Clerk *must* call a meeting between 6 and 15 days after the start of the exclusion.

- you are entitled to receive a copy of any report which is provided to the Discipline Committee at its meeting to consider the exclusion
- you have the right to have any letters, documents or reports translated into your mother-tongue.

7 What is the purpose of the Discipline Committee's meeting? Who will attend?

The Discipline Committee **MUST** decide at its meeting whether or not it agrees with the Headteacher's decision to exclude your child. If they do not agree, they must direct reinstatement – in other words, instruct the Headteacher to allow your child to return to school. If the exclusion is for fewer than 5 days in the term, the Discipline Committee may only consider your views; it has no power to direct the school to reinstate.

You will be invited to attend the meeting, the Headteacher and [in some cases] a representative of the LEA will also be present. You should make every effort to attend and you may take along a friend or someone whose advice you would welcome during the meeting. You may also send a written statement or other evidence for the Committee to consider.

8 Can my child attend the Committee meeting?

There are no hard and fast rules and your wishes will be taken into account by the Discipline Committee. Certainly, if you and your child feel that you should both attend, you should make this request as soon as possible directly to the Clerk to the Discipline Committee. The Discipline Committee will normally allow your child to attend and to speak if you request this.

9 What happens at the Discipline Committee meeting?

The Headteacher's written report and any written statements or letters will be circulated before the meeting to everybody who will be attending.

At the meeting, the Chair of the Discipline Committee will introduce everybody and invite the Headteacher to outline the reasons for excluding your child. You will be able to ask questions of the Headteacher and of other witnesses who may give information at the meeting. After that, you [and your child, if he or she attends the meeting] will be able to put your case. It is a good idea to be prepared and to write out the points you wish to make. Information is given in the presence of all parties and you should be prepared to answer questions from the Headteacher and Discipline Committee about your case. The LEA representative will also make a statement giving the LEA's view as to the appropriateness of the exclusion. When the Discipline Committee has heard all the information, you, the LEA representative and the Headteacher will be asked to sum up. Then you will all be asked to withdraw while the Committee makes its decision.

10 How will I hear about the Discipline Committee's decision?

You will normally be told the Discipline Committee's decision at the end of the meeting. You will also receive a letter from the Committee Clerk within one school day of the meeting, which sets out the decision and the reasons for it. In the case of a permanent exclusion, a fixed period exclusion of more than 5 days, or any exclusion where the pupil loses the opportunity to take a public examination, the decision will state whether your child should be reinstated to the school. If the Committee agrees that your child should be reinstated, you will be told the date on which he or she can return to school. No conditions may be attached to this decision.

11 If the Discipline Committee decides not to reinstate my child following a permanent exclusion, what happens next?

If the Discipline Committee decides that your child should not return to school, you have the right to appeal against this decision to the Devon School Appeals Panel. This Panel is independent of the LEA and the governing body of the school and meets at County Hall in Exeter. The Exclusions and Reintegration Officer will write to you to explain the procedure and send you the appeal form.

If you decide to appeal, you must do so within 15 school days from the date you receive the decision letter from the Discipline Committee.

12 If my child remains permanently excluded at the end of this procedure, what happens next?

Your child cannot return to the same school. The LEA's Exclusion and Reintegration Officer will contact you to discuss what should happen next. The Officer will explain to you the procedures for educating your child and will work with you to find an alternative placement.

13 Does the information in this leaflet apply to all pupils?

This information applies to exclusions of all school-age pupils, to pupils who are not yet of compulsory school age, and to pupils aged up to 18. It applies to all schools maintained by the LEA [including nursery classes in school, but not 'free-standing' nursery schools]. For pupils who are older than 18, the pupil can appeal in his or her own right; for all other pupils, the parents/carers must appeal.

14 Contact names and addresses

For information and advice from the LEA about the exclusion process:

Mr David Archer [North & East Devon],
Divisional Education Office, Bradninch Hall, Exeter
[☎ Exeter 383940]

Or

Miss Theresa Lawless [South & West Devon],
Divisional Education Office, Bradninch Hall, Exeter
[☎ Exeter 383944]

For independent information and advice about the exclusion process:

The Advisory Centre for Education [ACE] Exclusions helpline [☎ 020 7704 9822].