

Permanent Exclusion

» What is a Permanent Exclusion?

Where a decision is made to permanently exclude a child, a child is no longer allowed to attend the school and their name will be removed from the school roll.

A Permanent exclusion should only be taken:

- In response to a serious breach, or persistent breaches of the school's behaviour policy and
- Where allowing a pupil to remain in school would seriously harm the education or welfare of the pupils or others in school

Any exclusion from school can have serious implications for a pupil and should only be used as a last resort. Before deciding to exclude, the school must have tried all other methods of help to support your child in school.

During the first 5 days you as a parent are responsible for your child's whereabouts, you must make sure that they are not out in a public space without reasonable justification during school hours. You could be prosecuted if your child is found in a public place when they're not supposed to be.

» Who decides to issue exclusions?

Only the Headteacher or Acting Head has the power to exclude a child but this must be upheld by the governors to be effective. You should be informed of the exclusion as soon as possible (usually by telephone). You should also be given a letter explaining the reasons for the exclusion, the date your child will return to school and your right to make representations without delay. It will also inform you of your right to attend a meeting where the school governors have a duty to consider the exclusion.

Schools should set and mark work for the first 5 days and must also provide suitable fulltime alternative education from and including the 6th day of exclusion.

Unofficial exclusions which ask you to keep your child at home to "cool off" without excluding them are not lawful, even if you agree to it. Children should also not be asked to stay at home due to the school not being able to provide for their special educational needs. If your school raises concerns about meeting your child's needs, you may wish to speak to the Special Educational Needs Co-ordinator (SENCO). It may also be useful to see our factsheets on SEN Support and EHC Assessments.

» Meeting with School

You may not agree with the reasons behind the exclusion. You can put your views in writing to the school governors. If your child is excluded for less than 15 days in a school term, the school governors will not normally hold a meeting; however, if you want to make your views known you can request an opportunity to do so.

» The Governors Meeting

The meeting consists of:

- Panel of at least 3 Governors
- Yourself and your child (you can be accompanied by a friend, Independent Parental Supporter or legal representative, if you wish)
- The Headteacher
- A representative of the Local Authority
- Any witnesses to the incident
- A person to take the minutes

» Procedure at the Meeting

At the start of the meeting, the Chair (a Governor) will introduce everyone present.

The Headteacher will explain the reason(s) he/she decided to exclude your child and you will have the opportunity to ask questions.

You will have an opportunity to speak on behalf of your child, they may wish to speak themselves or provide their views in writing. The Headteacher may ask you questions. If you feel their exclusion relates to their special educational needs or disability our service may also offer support for you as a parent/carer.

The Governors can ask questions of both parties.

The Local Authority representative will then give their view of the exclusion.

After both the Headteacher and parents/carers have been given the opportunity to summarise, everyone except the Governors will be asked to leave the room to allow them to reach a decision.

If the exclusion amounts to 5 days or fewer the Governors have no power to reinstate your child at school but for exclusions that amount to more than 5 days they can either confirm the Headteacher's decision to exclude your child or allow him/her to return to school. You will be informed of their decision in writing without delay.

If your child has a disability this should be taken into account when making the decision to exclude as schools are under a duty to make reasonable adjustments to ensure that children who have a disability are not placed at a disadvantage to other pupils who don't under the Equality Act 2010. Disability Discrimination claims has to be made within 6 months of the exclusion.

» What happens if the permanent exclusion is upheld?

If the permanent exclusion is upheld by the Governors then you have the right to appeal to and Independent Review Panel (IRP). You have the right to appeal within 15 school days of notice being given to you the parent by the Governors of their decision of within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010.

The IRP's role is to review the decision of the Governors, although they are unable to reinstate your child at school. They can recommend or direct the Governors to reconsider the exclusion. You can request a SEN Expert at an IRP who can provide impartial advice to the panel about how SEN could be relevant to the exclusion.

» Find out more

The link to statutory guidance on exclusions:

<http://www.gov.uk/government/publications/schools-exclusions>

The link to sources of impartial advice for parents such as:

- Coram Children's Legal Centre (www.childrenslegalcentre.com)
- ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on: 03000 115 142 (Monday to Wednesday from 10am to 1pm term time)
- The National Autistic Society (NAS), School Exclusion Service (England) Tel: 0808 800 4002 or email: schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice (<http://www.ipsea.org.uk>)

» Have your say

Please let us know any comments you may have about this leaflet by contacting the Information, advice and Support Service using the contact details below.

Alternatively you can write to us at:

Hartlepool Information, Advice and Support Service
Hartlepool Borough Council
Children's and Joint Commissioning Services
Level 4, Victoria Road
Hartlepool
TS24 8AY

Further copies of this and other leaflets are available from the Information, Advice and Support Service.

This leaflet is also available in large print on request.

» Data Protection

Although we are part of Hartlepool Borough Council, any record we make of your contact with us is confidential to the Information, Advice and Support Service except where you agree to us talking with other agencies, or if a child is at risk.

Tracy Liveras - Hartlepool Information, advice and Support Service



Level 4, Civic Centre, Victoria Road, Hartlepool, TS24 8AY



Telephone: 01429 284876 / 07776 491662



Email: HARTLEPOOLIASS@hartlepool.gov.uk

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