



Exclusion information for parents

When a child is excluded from school it means that they are not allowed in school; this can be either a fixed term exclusion or a permanent exclusion.

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 to support you in questioning the school and so that you know what your options are going forward.

Exclusions and special educational needs and/or disability (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.**

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, or they continue to break the school’s behaviour policy. Where a child has SEND schools have a responsibility to ensure necessary provision and reasonable adjustments are made to support your child’s needs in order to try and prevent exclusion.

The school may arrange the following to prevent exclusion:

- 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), Individual Behaviour Plan (IBP) or Early Help plan with short term goals to improve behaviour, which should be reviewed regularly
- Mentoring, counselling or behaviour support
- An assessment to identify SEN if this has not already been identified
- A flexible learning plan at Key Stage Four (Years 10 and 11)
- A discussion around a possible managed move to another school providing the child the opportunity of a fresh start. A managed move is a school to school agreement and usually takes place over a 12 week period.

What can I do?

- Meet with staff to discuss the changes to help your child to make the agreed improvements
- Read the school's Special Educational Needs and/or Disability and Behaviour policies so you understand how they operate and your rights. (*They should be available on your school's website*)
- Ask the school if it has involved any external services for advice such as Cheshire East Autism (CEAT) team or Educational Psychology services.
- Where possible work with the school so as not to undermine what they are doing or to cause confusion to your child

What will happen if my child is excluded?

The school may initially contact you by telephone, to inform you about the exclusion. You should always receive a letter; this will give you the following information:

- Why your child has been excluded
- What type of exclusion it is, either fixed term exclusion (FTE) or permanent exclusion (PEX).
- When your child is due to return to school and who they should report to.
- They may request a meeting with you and your child to plan for and support the return. It is important that you attend this meeting.
- That you have the right to write your views to the school's governors and that you have the right to meet with the governors in some circumstances.

Governors must meet within fifteen days of an exclusion where there have been more than fifteen days of exclusion in a term.

Governors 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 term exclusion: What does it mean?

With a fixed term exclusion, your child is excluded for a specific number of days. Added together those days should not be more than 45 in a school year; 45 days FTEs will mean an automatic permanent exclusion.

The child remains on the school roll during a fixed term exclusion. Most fixed term exclusions are for short periods of time (usually less than 5 days) so the child does not miss too much school work. 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 education** at an alternative venue during the school term.

What should/could I do if my child receives a fixed term exclusion?

- Ensure that the school work they give you 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 governors to review the head teacher's or principal's decision to exclude and set out your views in writing. However, governors do not have the powers to rescind a FTE.

You can attend the governors' meeting if your child is excluded for more than five days in a term

The Chair of Governors decides whether to allow a pupil who is on a FTE back into school to sit exams.

Permanent exclusion: What does it mean?

If your child is permanently excluded it means that they will not be able to return to their school unless the headteacher's decision is reversed, either by a committee of school governors or an independent appeal panel.

As with fixed term exclusions, 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 if my child receives a permanent exclusion

- For the first five days ensure that the school work is completed and returned to school and 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 any external services e.g. Educational Psychologist or the Local Authority's Education Access Support Officer have been involved prior to the permanent exclusion and again once the decision has been made to permanently exclude your child.
- Ask the school for a copy of your child's school record
- You can appeal against a permanent exclusion; within 15 days of the exclusion being made. There is a specific protocol which schools must follow in regard to this.
- If the school governors uphold the head teacher's decision, to permanently exclude, you can ask for it to be reviewed by an Independent Review Panel (IRP). This panel can uphold the decision, quash it, or order the governors to review it. They cannot order them to re-instate your child at the same school. You can ask for an independent 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 that there was disability discrimination involved in the exclusion. This Tribunal has the power to re-instate your child.

Specific Considerations for a child with an EHC plan:

The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan ([Department for Education Exclusions Statutory Guidance](#), section 23).

For a child with ongoing behavioural difficulties, you will be able to discuss, at the Annual Review, how things are going for your child, request changes to the EHC plan about the support in place, and can request with the local authority where you believe further assessment or advice is needed.

You do not have to wait until the Annual Review if you are concerned about provision or the progress being made. You can contact the Local Authority to ask that they bring the Annual Review forward and include your reasons for the request.

The SEND Code of Practice says:

“Where a young person of compulsory school or participation age – i.e. under the age of 18 – is excluded from their education or training setting or leaves voluntarily, the local authority must not cease their EHC plan...the local authority must review the EHC plan and amend it as appropriate to ensure that the young person continues to receive education or training” (9.202) & SEND Regulations 2014 regs 22 & 29 (2)

This means that, following a permanent exclusion for a child with an EHC plan, the local authority must review the plan. When deciding to amend an EHC plan following annual review, the local authority must send you a copy of the proposed amendments and advise you of your right to request a particular school.

Where children with an EHCP are vulnerable to PEX you should speak to the school about the support they have put in place and the advice they have taken e.g. referring back to an Educational Psychologist. If the school feel that they can no longer meet the child's needs then an emergency review of your child's EHCP should be called to discuss finding a new placement; this will avoid a permanent exclusion of a child with additional needs and an EHCP.

Additional support/ information:

The Exclusions Team in Cheshire East :

<https://www.cheshireeast.gov.uk/schools/exclusions/exclusions.aspx>

Email: ExclusionCE@cheshireeast.gov.uk Phone: 01270 686410

Child Law Advice:

Information about behaviour and exclusions.

They have a free advice line open daily Monday – Friday 8am - 6pm. Call 0300 330 5485.

<http://childlawadvice.org.uk/information-pages/school-exclusion/>

Additional information can be found from the websites below.:

<https://www.ipsea.org.uk/Pages/Category/exclusion-from-school>

<https://www.childrenslegalcentre.com/lawful-unlawful-exclusions/>

<https://contact.org.uk/advice-and-support/education-learning/exclusion/>

<https://www.ipsea.org.uk/disability-discrimination>

	<p>Cheshire East Information Advice and Support (CEIAS)</p> <p>Website: www.ceias.cheshireeast.gov.uk</p> <p>Telephone: 0300 123 5166</p>
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