

Permanent Exclusions

Information for Parents
September 2007

Exclusion is a very serious matter. Only a school's head teacher (or a named deputy if the head teacher is not on the school site) can exclude a pupil

A head teacher may decide to permanently exclude a pupil only when (s)he is sure that:

the pupil has seriously broken the school's discipline policy; and

if the pupil remaining in school would seriously harm the education or welfare of the pupil or others in the school.

Can my child be permanently excluded for a serious first incident?

Permanent exclusion would, in most cases, be used as a last resort after all other strategies have been tried and failed, and will usually follow several fixed-period exclusions. However, sometimes a pupil will do something so serious that, in the head teacher's judgement, permanent exclusion is justified to protect staff and/or other pupils at the school. The head teacher must investigate the incident thoroughly before deciding to exclude, and your child and anyone else who saw what happened should be asked to write down their version of the incident. These statements must be signed and dated by the people writing them, unless there is good reason not to do so, in which case they must be dated.

How am I told that my child has been permanently excluded?

Once the head teacher has decided to permanently exclude your child someone should contact you immediately, preferably by telephone,

to tell you about the exclusion, which will usually start on the following school day. The head teacher must then write to you within one school day telling you:

- the reason for your child's permanent exclusion;
- the steps taken to avoid permanent exclusion (unless it is for a serious first incident);
- the date the exclusion begins;
- exact details of the arrangements made for your child to have school work to do at home;
- your right to ask for a copy of your child's school record;
- your right to give your views on your child's permanent exclusion at the Governors Disciplinary Committee (GDC) meeting;
- details of the exclusion officer from the Local Authority (LA) and of the national Advisory Centre for Education (ACE) both of whom can give you advice and information (these details are on the back of this leaflet)
- it is a criminal offence for your child to be found outside the home during what would be normal school hours and that you may be fined or taken to court if this happens;
- what arrangements have been made for your child's continuing education from day 6 of the exclusion.

What happens next?

The Pupil Reintegration Unit (PRU) will contact you to make arrangements for your child's continuing education from day 6 of the exclusion.

The Clerk to the GDC will contact you to invite you and, usually, your child to the meeting that must be held to review the head teacher's decision. The meeting must be held between 6 and 15 days after the governing body is told of the exclusion but it should be arranged for a time and date that is convenient to you. You should go to the meeting as it is your chance to put your views on the exclusion. Your child does not have to go to the meeting if you do not think this is a good idea.

If you want to take someone with you to support you or to help you put your case, please tell the Clerk before the meeting.

What is the Governors Disciplinary Committee?

In Warwickshire the GDC is made up of 3 of the school's governors. They follow guidance from the government and the LA, and the school's behaviour policies. Governors consider the views of the school, your views and those of your child (if s(he) wants to attend or make a written statement to the GDC), and the views of the LA before deciding whether to uphold the head teacher's decision or to send your child back to school.

What evidence will be given?

If you want to put anything in writing for governors to consider, this should be sent to the Clerk to arrive at least 5 school days before the meeting. The head teacher will provide the Clerk with any relevant papers from your child's school file and prepare a report on your child,

including details of the incident that led to your child's exclusion and any support which the school has given your child to help with his/her behaviour and learning. Any witness statements should also be available.

Papers for the meeting should be sent out to all parties to arrive not less than 3 school days from the meeting.

What happens at the GDC?

- the Chair of the Committee will introduce everyone and explain the procedure that will be followed;
- the head teacher will then put the case for permanent exclusion and you and the other parties can then ask questions about what has been said;
- you or your representative will then be asked to put your case and your child may make a statement if you feel that is appropriate and if your child wishes to do so;
- you may then be asked questions about what you have said;
- the LA officer will then be asked to comment;
- the head teacher will summarise the case for permanent exclusion;
- you will be asked to summarise your case;
- everyone but governors and the clerk leave the room;
- governors consider the evidence that has been presented and reach a decision.

The Clerk writes to you and to the LA setting out the decision, the reasons for it, how you can appeal and the last date on which the LA will accept an appeal from you. If governors do not uphold the head teacher's decision, your child returns to school. If the exclusion is upheld, your child remains at the PRU until another school is found or unless an Independent Appeal Panel (IAP) upholds your appeal.

How do I appeal if I don't agree with the governors' decision?

In Warwickshire, IAP hearings are arranged by the Schools Appeals Officer (SAO). The address will be in the Clerk's letter and you can write to the SAO or use the form that the exclusion team will send you within a few days of the hearing.

You have 15 school days in which to appeal and your appeal **must**:

- be received on or by the date given in the Clerk's letter;
- be in writing; and
- give reasons for the appeal.

What happens at the IAP?

In Warwickshire, 3 people form the IAP and it follows the same procedure as the GDC. One member must be a serving or recently retired head teacher, one must be a serving or recently retired school governor and the Chair must be someone who has not had a paid job in a school.

A Clerk is provided from the County Council's Legal Services team and gives advice on the law and how the meeting should be run. The head teacher and a member of the GDC will normally represent the school and an officer from the LA will also be there.

The Appeal will not be held on the school premises.

What can the panel do?

The panel can:

- uphold the GDC decision;
- overturn the GDC decision and send your child back to school; or
- overturn the GDC decision but not send your child back to school.

The panel's decision is legally binding on the parents, the school and the LA.

What happens next?

The Clerk to the IAP will write to you within 24 hours of the meeting, giving you the panel's decision.

If the panel overturns the GDC decision, then your child goes back to school.

If the panel overturns the GDC decision but does not direct that your child goes back to school or if the panel upholds the permanent exclusion, your child's name will be removed from the school roll. Your child will stay at the PRU until an appropriate school placement is found.

If you believe that the panel's decision is unreasonable or think that the procedure was not followed correctly and that this might have made a difference to the panel's decision, you may complain to the Local Government Ombudsman or ask for a Judicial Review of the decision through the courts.

Useful contact addresses and telephone numbers

LA Exclusion Team

Telephone: 01926 742517 and 742518 or 07990 777 512

The Advisory Centre for Education (ACE)

Exclusions Helpline: 020 7704 9822

Parent Partnership

Telephone: 024 7658 8464

email: pps@cedc.org.uk

Drugs in School

Telephone: 0800 77 66 00

www.warwickshire.gov.uk/drugs

Intercultural Curriculum Support Service

Telephone: 01788 562841

Commission for Racial Equality

Telephone: 020 7939 0000

Disability Rights Commission

Helpline: 08457 622633

Local Government Ombudsman

2 The Oaks

Westwood Way

Westwood Business Park

Coventry CV8 4JR

Telephone: 024 7682 0000

This leaflet is based on the DCSF publication:

”Improving Behaviour and Attendance: Guidance on exclusion from schools and pupil referral units 2007”.

For a copy, phone 08456 022 260 and quote ref.

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