

Surrey exclusions guidance

Guidance for parents on exclusion from school

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Internet access

This document and further guidance for parents can be found at:

<http://www.surreycc.gov.uk/learning/schools/parents-school-advice-and-support/attendance-truancy-and-exclusion/exclusion-from-school>.

The Department for Education (DfE) guidance can be accessed via can be accessed at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>.

Introduction

The aim of this booklet is to provide parents with clear advice about exclusion from school. The information applies to all maintained schools in Surrey, including Short Stay schools and maintained nurseries. The procedures for academies should not differ significantly without good reason, but if your child is excluded from an academy you should ask for a copy of their exclusions policy.

Everything in this booklet is based on the legal framework set out in 'Exclusion for maintained schools, academies and pupil referral units in England – a guide for those with legal responsibilities in relation to exclusion 2012.' This guidance can be downloaded at: www.education.gov.uk

What is an exclusion?

Exclusion is when the head teacher decides to send a pupil home as a disciplinary measure. The vast majority of exclusions are fixed-term for a number of days after which your child must return to school. There is also permanent exclusion when your child cannot return unless reinstated by the school's Governors Discipline Committee.

Fixed-Term exclusion: when and what must you be told?

If the decision has been taken to exclude your child for a fixed-term you should receive a telephone call, email or text message as soon as possible. A letter should also be sent. The letter must give:

- The date and time the exclusions begins
- The day your child is expected back in school
- The reason for the exclusion
- The fact that your child must not be in a public place for the first five days
- **(for first five days)** Details of how homework will be set and how to return it for marking
- **(for exclusions over five days) Details of where full time supervised education will take place from day six onwards**

The letter will also give details of your right to put your point of view at any meeting of the Governors Discipline Committee that result from the exclusion. Details are given below of when the governors will meet.

Permanent exclusion: when and what must you be told?

Again you should be contacted immediately, first by phone, email or text message and then by a letter within one school day. For the first five days of the exclusion the school should set work. From day six onwards the local authority should provide full time education.

The Governors Discipline Committee must meet with 15 school days to consider the fairness of the exclusion. You will be invited and can contribute your own evidence to be circulated to the Committee.

Meetings of the Governors Discipline Committee

All schools and Short Stay Schools will have a Governors Discipline Committee whose job it is to consider the use of exclusion in the school. There are clear legal requirements for when the GDC must meet, and when it need not. These are set out below.

When a meeting does take place either for a fixed-term or permanent exclusion you will receive the paperwork at least five school days before. You will be invited to attend as will your child. You can be accompanied by a friend if you wish.

At the meeting you will be asked to give your views on the exclusion, and you will have the right to ask questions of the school. A representative of the local authority will also attend, and say how similar cases have been dealt with in other schools. A clerk will keep notes of the meeting and a record of the governors' findings placed in the student's file.

If the exclusion is permanent you have the right to ask for Special Educational Need expert to attend the meeting. You still have this right even if your child has not been diagnosed by the school as having SEN.

Exclusions of up to five days

The governors have no duty to meet, although you can still request a meeting for the exclusion to be considered. The governors must still consider any written evidence you send, but they cannot order reinstatement.

Exclusions over five days but no more than 15 days in any one term

The governors may meet but only if you make a specific request. The meeting would have to be held within 50 school days and could order reinstatement.

Exclusions that would result in a pupil missing a public examination or national curriculum test

If at all possible, the governors must meet to consider the exclusion before the exam takes place. If this is not possible, then the chair of governors can consider the exclusion on his/her own and decide whether or not to reinstate. (Schools do have the right to 'cherry pick' fixed-term exclusion days so could still impose a fixed-term exclusion while allowing the student to attend for the days when exams take place.)

Exclusions of over 15 days either cumulatively or as a single exclusion in one term

The governors must meet within 15 school days to consider the fairness of the exclusion. The governors can either uphold the exclusion or direct reinstatement either immediately or by a particular day. If the exclusion is over the governors must still decide if the exclusion was fair and record their findings in the student's file.

Permanent exclusion

The governors must meet within 15 school days to consider the fairness of the exclusion. The governors can decide either to uphold the exclusion or order reinstatement. As stated above, you have the right to ask for a SEN expert to attend, regardless of whether your child has been diagnosed with SEN.

What happens while your child is not in school?

If the exclusion is a fixed-term under five days, your child must stay at home during school hours. If there is a legitimate reason for going out such as a dental appointment, this is allowed, but if you cannot justify your child's presence in a public place during school hours you could be subject to a fine.

If the fixed-term exclusion is over five days the school must make alternative arrangements – normally with a neighbouring school – to provide full time education.

If the exclusion is permanent, your child must still stay at home for the first 5 days. From the sixth day onwards it is the responsibility of the local authority to provide full time education. Further details are given below.

What happens at a Governors' meeting?

Normally there will be a panel of three governors considering the exclusion. None of the governors should have been consulted by the head teacher about the exclusion, or have been present when the alleged offence(s) took place.

There will be a clerk to take notes of the meeting.

The head teacher will attend and sometimes the year head, SENCO or head of key stage to provide further details.

You will be there together with your child and a friend if wanted. (Although neither you nor your child have to attend if you don't want to. You can if you wish just send in a written statement, but your chances of influencing the governors' decision could obviously be reduced if you are not there.)

A representative of the local authority will also attend.

Before the meeting the governors should meet on their own with the clerk. When the governors are ready for you, the school and the LA representative will be invited to go in together.

After introductions the school will be asked to make its case for the exclusion. Then there will be questions from the governors, you and the LA representative.

Then it will be your turn. You can speak, as can your child and friend. Then, as with the school, there will be a chance for questions from the governors, school and local authority.

The LA representative will then explain how similar cases have been dealt with in other schools.

Finally there will be a chance for everyone to sum up.

Everyone then leaves the governors and the clerk on their own. Usually you will not be asked to stay, and the clerk will ring with the outcome some time later in the day. A letter setting out the reasons for the decision will be sent within one school day.

Throughout the meeting the governors should treat the school and you with the same respect and consideration. It is not the role of the governors to tell off your son/daughter regarding any of the alleged behaviour or to pass comment on any aspect of your family life that is not strictly relevant to the meeting. Governors should observe strict neutrality throughout the meeting.

What decisions can the governors reach?

The governors can decide to either:

- Uphold the exclusion

or

- Reinstatement your child to the school. If the governors do reinstate, no conditions can be attached to your child's return to school.

What happens if the governors uphold the permanent exclusion?

You will have the right of appeal to an Independent Review Panel. The necessary appeal form with full explanatory notes will be sent to you automatically. If you do wish to appeal you will have 15 school days to return the form to the Appeals Department at County Hall.

What could happen at the Review Panel?

The Review Panel cannot itself order your child to be reinstated. It can reach one of three decisions:

- **uphold** the exclusion
- **recommend** that the governors reconsider their decision. The governors must then meet again within 10 school days and can either re-confirm the exclusion, or reinstate your child to the school
- **quash** the governors' decision and order the governor to reconsider their decision. The governors must meet within 10 school days and can either re-confirm the exclusion or agree to reinstate. If the governors do not reinstate your child, a sum of £4000 will be deducted from the school's budget to help fund your child's future education. If the school is an academy it will be required to pay £4000 to the local authority to follow the child.

Does anyone have the power to reinstate my child?

Yes. Under the Equality Act 2010, if you believe the exclusion has occurred for a reason related to your child's disability, you can make a disability discrimination claim to the First-tier Tribunal Health, Education & Social Chamber (Special Educational Needs and Disability). You must lodge your claim within 6 months of the date your child was permanently excluded. Guidance on making a claim of discrimination to the First Tier Tribunal can be found at www.justice.gov.uk/tribunals/send/appeals. Making a claim would not affect your right to have the exclusion reviewed by an Independent Review Panel in the normal way.

Also, if you consider that your child has been victimised, or directly or indirectly discriminated against on e.g. racial or other grounds, you can make a discrimination claim to the County Court. The claim must be lodged within six months of the date your child was permanently excluded.

What happens to permanently excluded students in Surrey?

Whether you decide to appeal or not, your child should be offered full time education from day 6 of the exclusion onwards. Normally you will be contacted by a Short Stay School for an initial interview and visit. A taxi will be provided if you do not live close to the Short Stay School.

As the name makes clear, it is not expected that a permanently excluded student will remain at a Short Stay School for an extended period. Within half a term it is expected that your child will have made sufficient progress to succeed in another mainstream school in your area.

All areas in Surrey have an In Year Fair Access Panel that meets twice a term. One of the Panel's most important jobs is to offer new school places when the Short Stay School puts forward your child's name as ready for reintegration to mainstream. Prior to the panel you will have been asked for your preferred school but while your preference will be taken into consideration, the decision of the panel will be final.

If your child does not live in Surrey, we will automatically inform your 'home' authority of the exclusion. It is the responsibility of your 'home' authority to make full time provision for your child from day six of the exclusion onwards.

What is the role of the local authority representative in the exclusion process?

There is an Exclusion Advisory Teacher assigned to every maintained school in Surrey. The EAT will advise you on all aspects of exclusion and at any stage, regardless of whether the exclusion leads to a meeting of the governors. The EAT is completely impartial. If a governors meeting does take place to consider either a fixed-term or permanent exclusion, the EAT will attend. At the meeting the EAT will advise the governors how similar incidents have been dealt with in other schools.

Exclusion Advisory Teachers

David Watkinson	tel 01483 519118	All North West schools
Pamela Marshall	tel 01483 519116	All South East and South West schools
Mike Hickey	tel 01483 519448	All North East schools

Useful contact numbers

Advisory Centre for Education

ACE
United House
North road
London N7 9DP
Website: www.ace-ed.org.uk

Partnership with Parents

Noke Drive
Redhill
Surrey
RH1 4AX
Tel: 01737 737300
Fax: 01737 737308
Email: pwd@surreycc.gov.uk
Website: www.pwpsurrey.org

Partnership with Parents gives particular support where the student is either on School Action Plus of the SEN code of Practice; or has a statement of Special Educational Need.

The Children's Legal Centre

Tel: 0808 802 0008 (Mon – Fri 8am – 8pm)
Website: www.childrenslegalcentre.com