

FAQ'S: My child is at risk of being permanently excluded, what can I do?

What should school be doing?

Most pupils who are permanently excluded have had fixed period exclusions in the past. **Parents always have the right to challenge a permanent exclusion.**

The statutory government guidance can be found at: www.gov.uk/government/publications/school-exclusion

This guidance covers exclusions from **Maintained Schools, Academy Schools and Free Schools, Pupil Referral Units and Alternative Provision Academies.** Schools must follow the law and have regard to guidance.

An exclusion from a school may be for a fixed period or may be permanent. Pupils may be excluded for lunchtimes (a lunchtime exclusion equates to a half day exclusion). **A pupil may not be given fixed period exclusion totalling more than 45 school days in one school year.**

Only the Head Teacher of the school can decide to exclude a pupil, and this must be on disciplinary grounds. Fixed period exclusions can be for one or more period and therefore does not have to be for one continuous period.

If a pupil is incurring a number of fixed term exclusions school should begin to investigate why this is happening, as an increase in behaviour or change in behaviour can often signify that there are unmet needs. Schools can use a number of assessment tools to find out what the cause is and are able to give the pupil extra support should this be deemed necessary i.e. a 'go to person' when things become difficult for the pupil during the school day.

School can also obtain support from other professionals by making a **referral to the Inclusive Education Service** – for further information about this Service follow the link:

<https://www.northyorks.gov.uk/sites/default/files/fileroot/Children%20and%20families/SEND%20-%20local%20offer/SEND%20Inclusive%20Education%20Service%201718.pdf>

Referrals can be made to other Services such as **Early Help** through the Customer Resolution Centre at North Yorkshire County Council **telephone 01609 780780.** School or parents can make a referral.



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Once other agencies become involved school should look at **calling a multi-agency meeting** so that school, other professionals and parents are all working together to prevent a permanent exclusion.

A decision to exclude a pupil permanently should only be taken if:

- A serious breach occurs or there are persistent breaches of the school's behaviour policy; **and**
- If the pupil were allowed to remain in school it would seriously harm the education or welfare of the pupil or others in school.

Permanent exclusion should only be used as a last resort!

What school should do in the event of a permanent exclusion:

- **The Head must write immediately** giving length and reason for exclusion.
- **The Head must inform the Governors and LA.** For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Head must also advise the 'home authority' of the exclusion without delay.
- The Governors must meet within **15 days** of receiving the notice of exclusion and parents have the right to attend.
- **Parents have the right to make 'written representations'** which must be considered by the governors.
- **School must take reasonable steps to set and mark work for the first five days of a period of exclusion.** Local Authorities are required to arrange educational provision for excluded pupils of compulsory school age from all institutions from the sixth day of a permanent exclusion.



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What parents can do in the event of a permanent exclusion: -

If you believe that your child has been excluded as a result of their special educational needs not being met, you may wish to consider one or more of the following:

If your child has an EHCP – request an **urgent Annual Review** of the EHC Plan. Requesting amendments to the EHC Plan in order to quantify the provision.

1. You could follow point 1, 2 and 3 below (for children who do not have an EHCP)
2. Complain to the Secretary of State or Local Government Ombudsman if some of the provision in Section F of the EHC plan is not being arranged. That the LA is in breach of Section 42 of the Children and Families Act 2014.
3. Request a re-assessment of your child's needs under Section 44 of the Children and Families Act 2014.

If your child does not have an EHCP – check the **school's SEN policy**. If your child is receiving SEN Support, ask to see the school record – has your child been receiving what was agreed?

1. Complain in your representation to the Governors that the school have failed to fulfil their duties under section 66 of the Children and Families Act 2014 (i.e. failed to use their best endeavours to ensure that children with special needs receive provision to meet their needs.)
2. You can appeal to the independent review panel stating the fact that the Governors have failed to fulfil their duty under section 66 of the Children and Families Act 2014 to use their best endeavours.
3. Consider whether or not you want to use your right to have a SEN expert present at the independent review panel
4. Request an EHC needs assessment.

You may wish to discuss your situation with a SENDIASS co-ordinator before you take any of the above action – please contact our Advice Line on 01609 536923.



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