

sendiass

NORTH YORKSHIRE

Leaflets and Factsheets

School Exclusions

www.sendiassnorthyorkshire.co.uk

School Suspension and Permanent Exclusions

Schools (including academies, free schools and pupil referral units) may suspend a pupil for breaches of their behaviour policy. You should be able to find their behaviour policy on the school's website.

Suspensions and Permanent Exclusion

Suspensions

Suspensions can be for one or more fixed periods of time (up to a maximum of 45 school days in a school year). **A lunchtime suspension would count as a half day fixed-term suspension.**

The threat of exclusion should not be used to influence parents to remove their child from the school.

Permanent

Permanent exclusion should be a **last resort** particularly for children with Special Educational Needs or in other vulnerable groups.

The Department for Education exclusions guidance says:

“A suspension can also be for parts of the school day. Lunchtime suspensions are counted as half a school day suspension and should be recorded.”

“Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension.”

Who can suspend my child from school?

The decision to suspend must only be taken by the head teacher.

A suspension or permanent exclusion can only be on disciplinary grounds, for example it would be unlawful to suspend or permanently exclude a child simply because they have additional needs or a disability that the school feels it is unable to meet.

When considering suspension or permanent exclusion, a head teacher must have regard to the **SEND Code of Practice and the Equality Act 2010** (part 6 of the Act relates to schools).

What happens after by child has been excluded?

The head teacher must write to you giving the reason for the exclusion, how long it will last and explaining your right to make representations (raise questions and concerns about the exclusion) to the governing body.

The letter should also include links to sources of impartial advice and information.

You will be advised that your child cannot be seen in a public place for the first five days of suspension. From day six suitable full-time education must be provided.

The head teacher must without delay inform the governing body of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

The head teacher must without delay inform the social worker (if working with the child/young person) **and the Virtual School Head** if applicable of all suspensions or permanent exclusions.

What about my child's education?

The Department for Education

Exclusions Statutory guidance says:

“For a fixed-period-suspension of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspension.”

“For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.”

“For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.”

“Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.”

What if I disagree with a suspension or permanent exclusion?

Suspension

You can ask to speak to the head teacher about the decision made to suspend your child/young person.

If your child has a fixed term suspension, ask the school to explain what arrangements will be made for your child to have access to schoolwork and how that work will be marked during the period of the suspension.

Permanent exclusion

Speak to the head teacher as soon as you are told about the exclusion, as this is not formally agreed until the governing body has considered the decision. When the governing body meets to consider the exclusion, this is your opportunity to ask any questions about how or why the decision was made.

If the governing body decide to 'uphold' the permanent exclusion and you disagree with them, following the meeting, you have a further opportunity to challenge this by requesting an Independent Review Panel (IRP). You should receive a letter from the governing body, which explains their decision and tells you about your right to request an IRP.

Representation to Governors

The Governing Body Arranges a Meeting

The governing body must invite and make reasonable endeavours to arrange the meeting for a date and time which suits:

- Parents;
- The head teacher; and
- A representative of the local authority (in the case of a local authority-maintained school or PRU).

For other school types you may request a representative from the local authority attend, but the governing body would have to consent to them making any representations (i.e. they may only be allowed to observe).

The governing body should identify the steps they will take to enable and encourage your child to attend the meeting to share their views, including letting them know they can take a friend along.

They must also make reasonable adjustments to support any disability you or your child has.

The Meeting

You can ask to take a friend or representative along to the governor meeting with you. You will receive a list of who is attending with copies of written evidence and information.

You do not have to attend but the meeting is an opportunity to raise any concerns and ask any questions about both the events leading up to, and the decision to suspend or permanently exclude.

You can also discuss related information such as your child/young person's special educational needs (SEN) and the support they receive.

It is important to prepare your representations (questions & concerns) in advance of the meeting.

We have some further information about preparing your questions and concerns within the school exclusion pages of our website:

www.sendiassnorthyorkshire.co.uk

The Governing Body Decision

Following the meeting the governing body will decide to:

- Uphold an exclusion; or
- Direct reinstatement immediately or on a particular date.

Where reinstatement is not practical, or you make clear you do not want your child reinstated, the governing body must still consider whether the Head teacher's decision to exclude your child was justified based on the evidence.

The governing body must notify you, the head teacher and the Local Authority of its decision and the reasons for its decision, in writing and without delay.

In the case of a permanent exclusion, the governing body's notification must also include the following information:

- The fact that it is permanent;
- Your right to ask for the decision to be reviewed by an Independent Review Panel

Independent Review Panel or IRP

(Permanent Exclusion only)

Where the governing body decides to 'uphold' a permanent exclusion and you disagree with the decision, you have a further opportunity to make your representations by requesting an Independent Review Panel (IRP).

Whether you decide to request an IRP will rest on the outcome you seek and how strongly you feel about the decision to uphold the permanent exclusion. It is important to do what is right for you and your child, you should not feel pressured by anyone.

The IRP can decide to:

- Uphold the exclusion decision;
- Recommend that the governing body reconsiders their decision; or
- Quash the decision and direct that the governing body considers the exclusion again.

You can request a SEN Expert to be present at the IRP. They should be a professional with first-hand experience of SEN in addition to an understanding of the legal requirements on schools in relation to SEN and disability. They must be impartial but can be employed by the local authority involved provided that they have had no previous involvement with assessment or support of your child.

The SEN expert's role does not include making an assessment of your child's special educational needs, their focus will be on whether the school's policies which relate to SEN, and how they were applied in relation to the exclusion, were lawful, reasonable and procedurally fair.

The IRP has no power to direct the governing body to reinstate your child or remove the exclusion from your child's school record.

The governing body may still reach the same decision when they reconsider. However, if the IRP has come to the decision that the permanent exclusion should be quashed and the school refuse to let your child return to school they will receive a fine.

You can read more about how to request an IRP, how to prepare for and information about the process within the exclusion pages of our website:
www.sendiassnorthyorkshire.co.uk

Off-rolling and unlawful exclusions

Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be recorded formally.

Department for Education guidance on Suspensions and Permanent Exclusions

"It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability"

"the deletion of a pupil's name from the register, this is known as 'off-rolling'."

"An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents."

Equality Act 2010:

“6 Disability

(1) A person (P) has a disability if—
(a) P has a physical or mental impairment, and
(b) the impairment has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.”

‘Long-term’ is defined as ‘a year or more’

The SEND Code of Practice 2015

summarises the Equality Act duty and says Nurseries, Schools and Colleges:

"must not discriminate against, harass or victimise disabled children or young people"

"must make reasonable adjustments to prevent them being placed at a substantial disadvantage."

Supporting Challenging Behaviour

Head teachers should consider what extra support might be needed to identify and address the needs of a child in order to reduce their risk of exclusion. Possible support options might include:

An Inclusion Service referral known as a 'SEND Hub referral'

- For a specialist teacher to carry out assessments of your child/young person and for school to receive advice.
- Alternative provision and tuition may also be considered
- The school may also call a multi-agency meeting
- Referral to a **health service**.
- Where a child is at risk of permanent exclusion, an off-site direction should be considered to another school or alternative provision.
- Where support options in school have been exhausted, a request to the local authority to carry out an Education Health and Care Plan Needs Assessment (EHC) (parents also have the right to make a request).
- Bringing forward the Annual Review, where an EHC plan is in place.

If your child/young person's behaviour is becoming an issue at school, ask to meet with school staff as soon as possible to discuss options which will support your child/young person and reduce the risk of exclusion.

Off-Site Direction

Off-site direction is when a Governing Board requires a pupil to attend another educational setting to improve their behaviour. Please note, this legislation does not apply to academies - these schools can arrange off-site provision through their general powers.

Off-site direction should be used to arrange time-limited placements at an alternative provision or another mainstream school.

This arrangement can be full-time at an alternative provision (AP) or a combination of part-time at AP and part-time in mainstream education

One option that may be considered is a managed move to another mainstream school.

Whilst the alternative provision guidance does legally apply to maintained schools, academy trusts are also encouraged to follow this guidance.

Where the pupil has an EHC plan, parents can make a request to the local authority, in writing, asking the governing board to hold a review meeting. When this happens, governing boards must comply with the request as soon as reasonably practicable, unless there has been a review within the last 10 weeks.

What can I do?

The most important thing is to listen to your child/ young person's views and worries and continue to work with school by sharing ideas and deciding next support steps. Some things to consider...

- **Ask your child/young person** how they feel. What's working well? What are they finding difficult about lessons or school in general? Have they got any ideas about what could help them with their behaviour at school? Share this information with school, this is a good starting point.
- **Share any background information** with school, i.e. issues that might be affecting behaviour or underlying diagnoses.
- Discuss with school if you believe **your child/ young person needs help** in lessons, to manage their feelings or with friendships and relationships.
- **Look for patterns or triggers** for example, is there a particular lesson or time of the day/ week where behaviour is problem?
- Strategies such as a **time-out card**, planned **lesson breaks** or short-term working in smaller break-out spaces can have a positive impact to behaviour.

- **Identifying key members of staff** and reassuring your child/young person about who they can speak to about any worries can be helpful to reduce anxieties.
- **Create opportunities for praise** which are achievable – finding a way to praise even the smallest of things can have a positive effect.
- Think about and discuss with school the behaviour targets set, breaking these down to **bite-sized achievable targets** (such as getting through a lesson without incident) can be a good way to manage. This could help to break the cycle of challenging behaviour.
- If there have been a number of suspensions and nothing is really changing, ask school about what else they can do, such as making referrals to other services.
- A reduced/part-time timetable for a short-term period of time can be effective where other options have been exhausted. This can only be put in place with parental consent. This arrangement should be reviewed regularly and be part of a plan which will ensure your child/young person returns to a full-time education as soon as possible.

- If your child/young person has an EHC plan, request an early review. This is an opportunity to discuss whether your child/young person's needs have altered and/or whether the support they are receiving needs to change. You can also request reassessment of your child/young person's needs if you believe they have changed significantly since the EHC plan was written.

What can I do if my child is being excluded from or disadvantaged by an activity?

If you feel your child has been excluded or disadvantaged talk to their teacher or the SENCO, it can be helpful to request a meeting.

Ahead of this conversation, have a look at the school's 'SEN Information Report' which will include information about how children in the school are enabled to take part in activities alongside children without SEN.

Explain how you feel your child is missing out or will not be having the same experience as their classmates, for example if you have been asked to accompany them on a trip.

Find out why or how the school reached their decision. It might be that you have some suggestions for how your child could be supported.

Equality Act Guidance on Reasonable Adjustments for Schools:

“The duty is ‘to take such steps as it is reasonable to have to take to avoid the substantial disadvantage’ to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service.”

If you are concerned your child has been substantially disadvantaged because of their disability, you could consider making a ‘disability discrimination’ claim to the SEND Tribunal. You would need to do this within six months of the discrimination taking place.

You can find out more about the process by looking at the government information:

www.gov.uk/complain-about-school/disability-discrimination

Or contacting the Equality Advisory Service on 0808 800 0082

<http://www.equalityadvisoryservice.com>

Guidance from the Department of Education

[A guide for parents on school behaviour and exclusion - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Where can I get more Information, Advice and Support?

SENDIASS can give you:

- Information about **Exclusions**
- Advice and information during the process of exclusions
- Details of other organisations, support groups and services that may be of help
- Information and advice about your rights to make a complaint, seek independent disagreement resolution or mediation

Useful Links

Ace Education (independent advice and information on state education in England.)

Child Law Advice (education law advice for families)
www.childlawadvice.org.uk

Collis Mediation Ltd (mediation and disagreement resolution service) www.collismediationltd.com

Contact (for families with disabled children)
www.contact.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector)
www.councilfordisabledchildren.org.uk

IASS (information, advice and support services network)
www.cyp.iassnetwork.org.uk

IPSEA (national charity providing legally based information advice and support) www.ipsea.org.uk

Our Website www.sendiassnorthyorkshire.co.uk

SEND Code of Practice (explains the statutory duties of schools and local authorities) www.gov.uk/government/publications/send-code-ofpractice-0-to-25

SEND Tribunals Service (organisation responsible for handling claims) www.justice.gov.uk/tribunals/send

If you would like any further information please see the links below to our website and social media pages.

Alternatively, if you would like some extra support for your child/young person you can contact us via our

secure Website contact form

[Contact Us - SENDIASS North Yorkshire](#)

or email/phone our

Advice Line service on 01609 536923/

info@sendiassnorthyorks.org.uk

Our Advice Line is open 9:30-1pm Monday to Friday during Term-Time and 9:30-1pm Tuesday and Thursday during School Holidays.



Information



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EHC Plans



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