



HEDINGHAM SCHOOL  
AND SIXTH FORM  
ACHIEVEMENT & EXCELLENCE

## Permanent Exclusion Guidance

**Approved by:** Full Governors

**Date:** 21 March 2018

**Last reviewed on:** 21 March 2018

**Next review due by:** March 2019

## **Permanent Exclusion Guidance**

### **Overview**

The decision to permanently exclude a child from school should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the child to remain in school would seriously harm the education or welfare of the pupil or others in the School. The decision on whether to exclude is for the Headteacher to take. However, where practical, the Headteacher should give pupils an opportunity to present their case before taking the decision to exclude. Whilst exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified.

### **Headteacher's responsibility in notifying parents**

Once the decision has been taken to exclude a pupil, the Headteacher must notify parents without delay. The Headteacher must also provide parents with the following information in writing:

- Reason for exclusion
- Parents' right to make representations about the exclusion to the Governing Board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Body to consider the exclusion, that parents have the right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

Written information should be either hand delivered to parents, or posted to the last known address.

### **Parents' responsibility for a permanently excluded child**

For the first five days of exclusion (or until the start date of alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification. Parents who fail to do so may be given a fixed penalty notice or face prosecution.

### **Local Authority's responsibility for a permanently excluded child**

For permanent exclusions, the Local Authority must arrange suitable full-time education to begin no later than the 6<sup>th</sup> day of exclusion. Where it is not possible to arrange alternative provision during the first five days of exclusion, schools should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school.

### **Consideration by the Governing Board**

The Governing Body will meet to consider the exclusion between the 6<sup>th</sup> and 15<sup>th</sup> school day after the notification of the exclusion. (This does not include school holidays). Parents will be invited to attend this meeting. Parents can take a friend or legal representative with them or somebody to speak on their behalf. Parents may prefer to make representations to the governors in writing. The Local Authority should also be invited to send a representative to the meeting. The Governors can direct reinstatement of your child immediately, or on a particular date.

After the meeting the Governors must advise you and the Local Authority of their decision within one school day of the meeting, giving their reasons.

The Local Authority has no power to instruct a school to re-admit a pupil.

If the Governors decline reinstatement of the pupil, then they must advise parents of their right to request the decision to be reviewed by an Independent Review Panel. The Local Authority will also write to parents within three working days of the Governing Body meeting to confirm the right to an Independent Review.

*(N.B. The Governing Body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three Governors and such a committee may be called the Discipline Committee).*

### **Right to an Independent Review**

If parents wish to request the decision to be reviewed by an Independent Review Panel, then parents must write to the Clerk to the Independent Review Panel within 15 school days of the Governors' decision. The application should explain the grounds on which it is being made and that, where appropriate, include reference to the pupil's special educational needs which parents consider to be relevant to the exclusion. The role of the Independent Panel is not to reinstate a permanently excluded pupil but to review the decision of the Governing Body of the excluding school. Where a Panel decides that a Governor's decision is flawed, it can direct the Governing Body to reconsider its decision.

Please note that parents are still able to request an Independent Review even if they did not attend the Governing Body meeting. The excluding school should confirm details of where the parents' application for an Independent Review Panel should be sent. This is usually the Clerk of the Independent Review Panel.

The Independent Review Panel must meet within 15 school days after receiving the application. Parents will be told as soon as possible when and where the hearing will take place.

The review will be heard in private and the hearing will be as informal as possible.

If possible parents should try to attend the review. If parents do not attend, and they do not inform the Clerk that they are unable to get there, the Panel will consider the appeal in your absence. Parents may wish to bring a friend or representative with them; parents have the right to make representations and to be represented. The pupil is also able to attend the review and advice should be given by the Clerk on how best to support his/her participation. If the pupil feels unable to attend the review, he/she may wish to contribute their views through a representative or a written statement.

Parents may also wish for a Special Educational Needs (SEN) expert to attend the Independent Review. If so, this needs to be included in the application to the Independent Review Panel. Parents may request the presence of a SEN expert regardless of whether their child has a recognised Special Educational Need. The role of the SEN expert is not to assess the child's special educational needs but to advise on whether the School's policies which relate to SEN and the application of these policies with regards to pupil were legal and fair.

If parents do not wish for an Independent Review, they should notify the Alternative Education Commissioning Service at the Local Authority of their decision in writing as soon as possible.

### **Possible outcomes of an Independent Review**

Following the Independent Review the Panel can decide to:

- Uphold the exclusion which means the child will subsequently come off the roll of his/her excluding school and education will continue through the Alternative Provider
- Recommend that the Governing Body reconsiders their decision, as this is only a recommendation; the Governing Body can refuse to reconsider the exclusion. Parents will be advised accordingly. Should the Governors reconsider the exclusion; the child will remain on the school roll until a final decision is reached
- Direct the Governing Body to consider the exclusion again. If the Governing Body refuse re-admission of the pupil within 10 school days of receiving notice of the Panel's decision, the excluding school will face a £4000 fine

The Independent Review Panel's decision is binding.

If the pupil is not reinstated following the Independent Review or parents have decided not to proceed with an Independent Review and your child is still of compulsory school age (5-16), the teaching offered by the Alternative Provider will continue until it is felt appropriate to reintegrate the pupil in a mainstream or alternative setting.

In addition to a parents right to request an Independent Review, if parents feel that their son/daughter's exclusion occurred as a result of discrimination, then parents may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability, or the County Court, in the case of other forms of discrimination. The claim should be lodged within six months of the date which the pupil was excluded.

**Parents' Guide to the Procedure for Permanent Exclusion**

