

Pupil Exclusion from School

What exclusion from school means

These pages have been produced to help you understand what it means for your child to be excluded from school and what your rights are. This covers all schools maintained by Cheshire West and Chester Council, including Church Aided, Foundation and Academy, but not Independent schools.

There are two types of exclusion – fixed period and permanent:

- A fixed period exclusion means an exclusion of anything totalling up to 45 school days in any one school year. After the exclusion period your child can return to school
- A permanent exclusion is when your child will not be allowed to return to that school unless the headteacher's decision is reversed

Whilst your child is excluded staff at the school will continue to set work and will advise you on this process.

It is important to bear in mind that you will be responsible for your child's welfare during the time he or she would normally be in school. For the first five days of an exclusion you must make sure that your child is supervised and not in a public place during school hours, without good reason. Failure to comply with this could lead to prosecution.

Examinations could be affected. Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body may exercise discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

Day six provision

If exclusion is for more than five days, from the sixth day the school (for fixed term exclusion) or the local authority (for a permanent exclusion) must provide suitable full-time education. This is not normally on the school site.

Why pupils are sometimes excluded from school

Pupil learning can only take place satisfactorily if the school is an orderly community that promotes high standards of behaviour. Schools therefore have policies and rules for managing pupil behaviour and use a range of sanctions to ensure that pupil learning is not disrupted by poor behaviour. Most instances of poor behaviour can be managed within school.

It may, however, be necessary to exclude a pupil from school because:

- There have been serious breaches of the school's discipline policy; and
- Other disciplinary sanctions have already been tried, and poor behaviour has still continued; and

- Allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school.

Exceptionally, exclusion may follow one very serious (first) offence which threatens the education or welfare of others in the school.

Exclusion may follow poor behaviour in school or out of school, e.g. on the way to or from school.

Schools are expected to make a particular effort to avoid permanently excluding a child with special needs. If your child has a Statement of Special Educational Needs you need to ensure this is taken into account in any discussions with the school. You may find it helpful to speak to Parent Partnership Service, who can offer information, advice and support.

- Telephone: Parent Partnership on 01829 742997
- Email: parentpartnership@cheshirewestandchester.gov.uk

Your rights when your child has been excluded from school

You have the right to make written representations to the School Governing Body about any exclusion. If the exclusion is for more than five days in any one term and less than 15 days you can ask to attend a meeting of the School Governing Body when the exclusion will be considered.

If the exclusion is for more than 15 days in any one term then you will be invited to a meeting of the School Governing Body where the exclusion will be reviewed. The school will let you know the details. You can take a friend along to help you if you wish, you may provide written information to be circulated to the Governing Body, and you must be allowed to ask questions and say what you think about the exclusion. You may also wish your child to give his or her own side of the story to the Governing Body. You are entitled to receive a copy of any information circulated to the Governing Body by the school.

If the exclusion is for a fixed period of five days or less (including any previous exclusions earlier in the term) the Governing Body cannot direct the headteacher to re-admit your child before the end of the exclusion period. The Committee can, however, come to a view on whether or not the exclusion was appropriate.

For longer fixed period exclusions, the Governing Body will either allow your child back in school or agree with the headteacher's decision. You must be told of the decision as soon as possible after the meeting and this should be confirmed by the school in writing. This settles the matter if the exclusion is a fixed period one. There is no further right of appeal.

If the exclusion is permanent, however, and the Governing Body decides to agree with the headteacher's decision, the clerk to the meeting will write to inform you of the decision. You then have 15 school days to submit an appeal to an independent review panel. The excluding school will provide you with the address details of where to lodge your appeal.

If you do not appeal within 15 days the permanent exclusion will stand and cannot be changed.

Appeals against permanent exclusion – Independent Review Panel

The purpose of the appeal is normally to consider whether the exclusion is appropriate and whether the pupil should be reinstated. If you decide to appeal, you will have the opportunity to request an independent review panel. You may at your own expense, appoint someone to make written and/ or oral representations to the panel and you may also bring a friend to the review. You may also wish your child to tell his or her side of the story.

The Independent Review Panel will have three members, which will comprise of one serving or recently retired (within the last five years) head teacher, one serving or recently serving experienced governor/ management committee members and one lay member who will be the Chairman.

Regardless of whether your child has a recognised special educational need, you have the right to require the Local Authority / Academy Trust to appoint a special educational need (SEN) expert to attend the review. There is no cost to you for this appointment.

The SEN expert will provide impartial advice to the panel on how special educational needs might be relevant to the exclusion, whether the school's policies or application of these policies were legal, reasonable and fair and whether the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any special educational needs.

You must make clear if you wish for an SEN expert to be appointed in your written notice when requesting an independent review panel.

The panel will review the governing body's decision not to reinstate a permanently excluded pupil. Following its review the panel 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. The Panel's decision is binding and ends the process.

Getting your child back to school

Most pupils who are permanently excluded are subsequently admitted to another school. Your local authority will work with you to find a place for your child at another school and will support you and your child's new school in seeking to reintegrate him or her successfully.

Exceptionally, for some pupils, it may be more appropriate for alternative educational provision to be arranged and this will be discussed with you.

Contact points for further advice

If you require any further information on exclusions, please use the following contact details:

- By post: Children and Young People's Services, Cheshire West and Chester Council
School Relationship Team, Tarvin Meadow Professional Centre, Meadow Close, Tarvin, Cheshire, CH3 8LY
- Telephone: 01244 972825
- Email: exclusions@cheshirewestandchester.gov.uk

The Children's Legal Centre

The Centre provides free legal advice and information to parents.

- Child Law Advice Service

Guidance

DFE statutory guidance on exclusions