



EXCLUSION : FIXED-TERM / PERMANENT

THE LAW ON EXCLUSIONS

The Law on exclusions is applicable to maintained schools, academies, pupil referral units and school sixth form.

In sixth form colleges, FE college, non-maintained special schools, section 41 schools or independent school / college, a CYP can be excluded in accordance with the setting's exclusion policy (all policies must comply with Equality Act 2010).

A headteacher or principal can only exclude a CYP for **disciplinary reasons**. A school CANNOT exclude because they are unable to meet the needs of a child with SEN.

A headteacher can cancel an exclusion that has already begun where the governing body has not already met to consider.

There are two types of lawful exclusion:

- **Fixed term** also known as suspension **should not exceed 45 days** in a year
- **Permanent** exclusion : only where there is a serious or persistent breach of school behaviour policy AND remaining in school would seriously harm the education or welfare of the CYP or others in school.

The following are NOT lawful:

- Being sent home for 'cooling off' following an incident at school
- Off-rolling a child in 'their best interests'

Where a child is excluded for reasons directly linked to their disability, this could be disability discrimination under the Equality Act 2010.

WHAT PROCESS SHOULD BE FOLLOWED

1. Communication by the Head:
 1. Inform parents initially by phone or in person
 2. Inform the Local Authority
 3. The governors if more than 5 days of if exams / tests would be missed
2. The Head must provide written confirmation of the exclusion with the reason why. This letter must also confirm your right to 'make representations' about the exclusion and tell you how to do this. You can request that this letter is sent to you by email.
3. Making Representations : You can submit a written statement about your views about the exclusion and these must be considered by governors.
4. A Governors meeting must be held (you have the right to attend) if:
 1. The total exclusion days are more than 5 **and** you request a meeting
 2. A National Curriculum test or external exam would be missed
5. Access to education
 1. For the first 5 days, school should set and mark work. Any work set should be accessible and achievable by the pupil outside school.
 2. From the 6th day, school must arrange suitable full-time education.



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INDEPENDENT REVIEW PANEL

If your child has been permanently excluded, and the decision has been upheld by the governors, you can request an independent review panel (IRP).

An IRP should be arranged by the LA:

- Within 15 school days of the governing board decision not to reinstate a pupil, or
- within 15 school days of the final determination of a discrimination claim

The IRP members must be independent (not part of the school or LA) and must have the relevant training.

You can request in writing to the LA that a SEN expert is present at the IRP.

The review panel can:

- Uphold the decision not to reinstate
- Recommend the governing board reconsiders reinstating the pupil
- Quash the governing board's decision and direct them to reconsider reinstatement

The IRP cannot order an exclusion to be overturned.

REINTEGRATION FOLLOWING FIXED-TERM EXCLUSION

Exclusions Guidance 2022 / 2023 sets out requirements to ensure that schools have a reintegration strategy for pupils. This guidance contains the following requirements for reintegration meetings:

- Your CYP should be offered a fresh start
- Support for your CYP to understand the impact of their behaviour
- Support for your CYP to understand how to meet the behaviour expectations
- Your CYP should be supported to feel they belong to the school community
- Help for your CYP to build engagement with learning

This should all be communicated before (or at) the point the pupil returns to school through a reintegration meeting.

Reintegration meetings should include the pupil's parents where possible.

WHAT CAN YOU DO?

Read the [Statutory Guidance](#) for exclusions. Consider if the exclusion is resulting from unmet Special Educational Needs. Has the school acted accordingly to support SEN?

If you feel your child's exclusion is unwarranted and is resulting from their SEN, write to the governors stating why the exclusion was unfair, how this was not in line with the Equality Act 2010 or statutory guidance. This must be considered by the Governors.

If the governors do not overturn the decision, request an IRP and request that a SEN expert is present.

If your child is permanently excluded, write to the [Director of Children's Services](#) requesting that full time provision is provided.

If an EHCP is in place, consider whether the school have [been following the plan](#), or if an [early review](#) or [reassessment](#) are needed.