

EXCLUSIONS

FACTSHEET



Schools must have a behaviour policy which explains the circumstances in which exclusion may occur, for example:

- Serious breaches of the schools behaviour policy (including bullying).
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- Repeated failure to follow academic instruction

What does the guidance say?

Suspension and Permanent Exclusion from Maintained Schools' Statutory Guidance states:

"19. **Early intervention** to address underlying causes of disruptive behaviour should include an assessment of whether **appropriate provision** is in place to support any SEN or disability that a pupil may have. The head teacher should also consider the use of a **multi-agency assessment** for a pupil who demonstrates persistent disruptive behaviour."

Children with EHC plan's

- Schools should contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

Types of exclusions

There are only two types of exclusion which are lawful: permanent and fixed term.

Only the head teacher of a school (or the teacher in charge of a pupil referral unit or the principal of an academy) can exclude a pupil. This means that legally a child is either in school full-time or they are excluded from school.

Legally they can be excluded for a fixed term (for a specific number of school days) or permanently excluded (unable to return to that school unless the parent or young person can overturn the exclusion on appeal).

Any exclusion of a pupil, even for a short period of time, must be formally recorded.

Further information

Independent Provider of Special Educational Advice (IPSEA) -
www.ipsea.org.uk

Child Law Advice -
www.childlawadvice.org.uk

South Tyneside SEND Local Offer -
www.sendlocaloffer.southtyneside.gov.uk

You can also find additional suggestions via our Service Padlet, which you can access by scanning the QR code below or by visiting www.padlet.com/stsendiass.



Arranging alternative provision

If your child has been suspended for more than 5 days or permanently excluded, they are entitled to suitable alternative education. If it is a fixed term suspension the school must arrange the provision. For permanent exclusions, the home Local Authority becomes responsible to arrange suitable full-time education from the sixth day after the permanent exclusion took place. The Exclusions guidance makes clear that the school must notify the Local Authority about all suspensions and exclusions, regardless of their length.

Off-rolling and Unlawful Exclusions

Schools must formally notify the parent of any decision to suspend or exclude a pupil. This can include "electronic" notifications such as a text or email if the parent carer has agreed to receive notifications this way. The school must make accurate records of the reason for exclusion, which should be in line with the definitions outlined earlier in this toolkit. If the school does not follow all the necessary steps, the exclusion can be considered unlawful.

'Off-rolling' is described by Ofsted as the practice of a school removing a pupil from a school roll in the perceived interests of the school rather than the pupil. This is unlawful and a complaint can be raised if this is perceived to be happening.

What can parents/carers do if a child is excluded?

- Arrange somewhere for your child to be looked after during school hours as your child should not be in a public place without a good reason during an exclusion (or you could be fined).
- Ensure that any schoolwork set is completed and returned to school.
- Ensure that a reintegration meeting is offered, that your child's views are considered as far as they are able to share them and that you are invited to participate. Any plan going forward from a suspension should be seen as a "fresh start" for the child.
- Check the school's behaviour and SEN policies. Have the school taken all the necessary steps in their policies as well as the steps set out in the Exclusions Guidance?
- If you have concerns about or are not sure what SEN support is being offered, it can be helpful to write to the head teacher and request a review meeting with the SENDco.
- If your child is suspended for more than 5 days, you can ask to attend the governors review meeting.



Accessing further information, advice or support

Our service can support you in understanding school exclusions further. You can contact us via our Advice Line on the number below, or by making a referral on our website.