

Website Content Good Practice Template

AREA TITLE	Exclusion
About...	<p>Exclusion is a disciplinary measure, which the Headteacher of a school can use to deal with incidents of serious misbehaviour.</p> <p>The rules concerning Exclusions are set out in Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (2007). In this Guidance the Department for Children, Schools and Families (DCSF) explains the law and what the government expects from schools and governing bodies when pupils are excluded from school. By law this guidance must not be ignored. It should be followed unless there is good reason not to.</p> <p>The other relevant DCSF guidance is the web based School Discipline and Pupil Behaviour Policies guidance. It covers behaviour issues. It too must not be ignored but it is not such high status as the exclusions guidance.</p> <p>If your child has been excluded you are strongly advised to have a look at both these sets of guidance. Whilst this webpage and others we direct you to will tell you the key facts about Exclusion it is probably helpful to have all the details at your finger tips.</p> <p>Types of Exclusion There are two types of exclusion:</p> <ol style="list-style-type: none">1. Fixed-term exclusion – this is for a specified number of days (maximum 45 days in any one school year). You will be given a date for return and the pupil cannot go back to school until that date. For exclusions over 15 days, the LEA must plan with the school to provide full-time education during the exclusion.2. Permanent exclusion – the school have come to the view that the pupil should not continue at the school. <p>These are the only legal exclusions. ‘Informal’ exclusions, where the school may imply that they are doing you a favour in asking you to remove your child temporarily from school without making it official, are not legal.</p> <p>The rules governing Exclusions: Exclusions can only be made by:</p> <ul style="list-style-type: none">▪ the head teacher of a maintained school▪ the teacher in charge of a pupil referral unit▪ a person acting in either of the above roles. <p>Schools must have a behaviour policy which explains the circumstances in which exclusion may occur, for example:</p> <ul style="list-style-type: none">▪ 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. <p>Children should not be excluded for:</p> <ul style="list-style-type: none">▪ minor breaches of school rules, such as not doing homework or not bringing dinner money▪ poor academic performance▪ lateness or truancy▪ Pregnancy▪ breaking school uniform rules or rules on appearance including jewellery, body piercing and hairstyle (except where persistent and in open defiance of these rules)▪ the behaviour of parents such as refusal or inability to come to a meeting

or

- for their own protection from bullying by sending them home.

Before deciding whether to exclude a pupil, the head teacher should:

- ensure that an appropriate investigation has been carried out
- consider all the evidence available, taking into account the school's behaviour and equal opportunities policies and, if applicable, the Race Relations and Disability Discrimination Acts
- talk to the pupil to allow them to give their version of events
- check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment
- if necessary consult others, but not anyone who may later have a role in reviewing the head teachers decision, for example a member of the governors Discipline Committee
- only after carrying out the above steps, if the head teacher is satisfied that the pupil did what he or she was accused of, may the child be excluded.

You can appeal to the School Governors if you feel the Exclusion is unjust and/or if the school have not followed the correct procedure. The entire process for Exclusion is quite involved so we have not set it out in detail here but there are a number of excellent resources which will explain to you the correct process for Exclusion and what you need to do if you want to appeal and these are listed in the 'Get help from... section below. Of course you can also look at the actual guidance itself but it may make more sense to you if you look at some of the guides that have been produced for parents first since the guidance itself is aimed at Schools rather than parents.

Independent schools, academies, city technology colleges and sixth form colleges have separate exclusion procedures. If your child has been excluded from one of these types of schools, you may want to ring the NAS Advocacy for Education Service's Education Advice Line on 0845 070 4002 (press option 1) for further help and information.

Exclusion and pupils on the autism spectrum

Some 27 percent of children on the autism spectrum have been excluded, and 23 percent have been excluded more than once (Green et al 2005). These figures are much higher than the rate of exclusion as a whole and arise because too often schools are not able to effectively support pupils who are on the autism spectrum.

This fact is reflected in policy around school exclusions which does seek to ensure that schools have put the necessary additional support in place, or made reasonable adjustments before resorting to exclusion.

Exclusion and special educational needs

School governing bodies have a legal duty and must do their best to ensure that the necessary educational provision is made for any pupil who has special educational needs (SEN).

Unless there are exceptional circumstances, schools should not permanently exclude pupils with special educational needs, whether or not they have a statement.

If it seems likely that a pupil with special educational needs is in danger of being excluded, the school should examine the support in place and do everything possible to keep the pupil in school, such as:

- seeking advice from the local authority and other professional advice and support
- asking the local authority to carry out a statutory assessment or reassessment
- arranging an early annual review if the child has a statement of special educational needs.

The period between the decision to permanently exclude the child and the meeting of the governing body to consider the exclusion should be used to work with the local authority to see whether more support can be made available, or whether the statement

can be changed to name a new school (sometimes referred to as a managed transfer). Parents of children with SEN who are excluded should receive advice on the options for future education.

Keeping a record of Exclusions

Keeping an accurate record of your child's exclusion may help identify patterns of behaviour or other factors which can contribute to the planning and review of your child's progress and support needs at school. The TreeHouse Constructive Campaigning : Parent Support Project have produced an 'Exclusion Record' to help you get a clearer picture of your child's exclusions. This may be useful for your child's next annual review or as part of other planning and consultation meetings with your child's school. It will also help you to be clear with the school about the grounds for exclusion and help you to ensure that the exclusion is not 'informal'.

If your child's behaviour is a factor in their exclusion then you may be interested to know that the DCSF web guidance gives examples of how to help pupils manage their behaviour. It says pupils who have had several fixed period exclusions and are in danger of permanent exclusion should have a Pastoral Support Programme (PSP). The Exclusions Guidance also says what schools can do to reduce exclusions.

Think carefully about your child's behaviour and talk to your child. Has the school tried to help your child manage their behaviour better with anger management training, a mentor etc? Do staff need advice on dealing with your child's behaviour? Schools generally can call on help from behaviour specialists. If you feel your school could do more to help prevent your child from being Excluded then raise these issues with them and ensure that they are doing all they can and should to support your child with their behavior issues.

What education should your child receive whilst Excluded?

Duty to provide suitable education

Schools must set and mark work for exclusions of more than one day and are responsible for doing so up to and including the fifth day of the exclusion. Schools must provide suitable full time education from and including the sixth school day of any **fixed period exclusion**. Local authorities are required to provide full-time education from the sixth day of a **permanent exclusion**.

Schools must inform the appropriate local authority (that is the child's home local authority) immediately of each permanent exclusion so that arrangements can be put into place.

The Department for Children, Schools and Families (DCFS) has published guidance on exclusion from schools and Pupil Referral Units in England. The guidance recommends the following minimum hours of supervised education per week for pupils who have been permanently excluded:

- Key Stage 1 - 21 hours
- Key Stage 2 - 23.5 hours
- Key Stages 3 and 4 - 24 hours
- Key Stage 4 (year 11) - 25 hours.

Get help
from...

Advisory Centre for Education (ACE) - ACE is a national charity that provides independent advice for parents and carers of children aged 5-16 in state-funded education. ACE has a dedicated Exclusions helpline: 0808 800 0327

The Children's Legal Centre - The Children's Legal Centre provides free independent legal advice to children, parents, carers and professionals.

The level of advice will vary from telephone assistance to full legal representation. One of their areas of expertise is Education Law. National Education Line via Community Legal Advice: [0845 345 4345](tel:08453454345) Lines open Monday - Friday 9.00am-6.30pm

National Autistic Society (NAS) - For general help and information please contact (NAS) Autism Helpline. The helpline provides impartial, confidential information, advice and support for people on the autism spectrum, their families, professionals, researchers and students. Telephone 0845 070 4004 or email autismhelpline@nas.org.uk. Open Monday - Friday, 10am - 4pm.

Parentcentre is a DCSF funded website providing information and support for parents on how to help with your child's learning. It has a section on Exclusions. The site has a number of web based forums where you can discuss issues with other parents who have experienced similar problems or with experts in the field.

Links

[Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units](#) This is the key government guidance setting out the Exclusions process which must be followed by schools

[SEN Code of Practice 2001](#)

[Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices](#) Guidance and regulations relating to parenting contracts in cases of exclusion from or misbehaviour at school or truancy; parenting orders in cases of exclusion from or serious misbehaviour at school; and penalty notices for parents in cases of truancy or in connection with the whereabouts of their child when excluded.

All available from the DCSF Publications line/Prolog: 0845 60 222 60 or online from www.teachernet.gov.uk

[DCSF web based School Discipline and Pupil Behaviour Policies guidance](#) available from www.teachernet.gov.uk

From the Equality and Human Rights Commission
www.equalityhumanrights.com

Code of Practice on Duty to Promote Disability Equality

Case
Studies

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