



TOWER HAMLETS

Exclusion from School

Information for Parents and Carers



Pupil Services

**Tower Hamlets Children's Services
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Information for parents and carers

This booklet is about exclusion from school in the London Borough of Tower Hamlets.

You can find out about:

- The different types of exclusion
- Why schools exclude children
- How you should be informed if your child is excluded
- What will happen to your child's education during the exclusion
- What you can do if you don't agree with the exclusion
- Where to get information and help.

How this booklet can help you

This booklet has been produced to help you understand the law, guidance and your rights if your child has been excluded from school.

Word list

Exclusion

This is when a head teacher decides to keep a child out of school for serious misbehaviour. The child is not allowed to go to that school while excluded. Children and young people can be excluded from school at any age, including from the 6th Form.

Fixed Term Exclusion

This is when a child is kept out of school for a certain number of days. After this time, the child goes back to school. A child cannot be fixed term excluded for more than a total of 45 school days in a school year.

Lunchtime Exclusion

This is when a parent is asked to keep their child away from school for the lunchtime period only. It cannot be for more than 90 lunchtimes in a school year.

Permanent Exclusion

This means that the child can never go back to that school. This can happen in very serious cases.

When a child is permanently excluded the child cannot go back to that school unless the school's governors change this decision.

Appeal

You have the right to ask for the decision to permanently exclude to be reviewed by an independent panel. This is called an appeal.

Statement

This is something that you write to say what you think about the exclusion. It can be read by the school governors or put on your child's school record.

Why are children excluded?

For very bad behaviour and because there would be serious problems for them or other people if they stayed in school. It might be for things like fighting or carrying a weapon.

A child cannot be excluded because they have Special Educational Needs (SEN), or because of their academic ability or progress, or for something that parents do, such as making a complaint or not attending a meeting.

Who can exclude a child from school?

Only the head teacher or a person acting in the head teacher's absence can exclude a child from school.

Head teachers can also:

- Make an exclusion shorter
- Change a permanent exclusion to a fixed term
- Stop an exclusion.

They must write to you to tell you about all decisions and about your rights. They must keep records of all exclusions.

What is an "unofficial exclusion"?

This is where the school sends your child home for bad behaviour without following the proper exclusions procedure. The school might say this is:

- to "cool off"
- until you go to a meeting
- while you find another school
- while they "investigate" the incident.

This is not legal and you should not agree to this happening. However, if this does happen, you should phone the Council's Exclusion and Access Officer on 020 7364 5006 or the Parents Advice Centre 020 7364 6489 for advice.

How will you know your child has been excluded?

You will be informed straight away. The school should send you a letter within one school day. It will tell you:

- The type of exclusion and the reasons for it
- When your child must return to school (fixed term exclusions)
- The number of lunchtimes your child is excluded (lunchtime exclusions)
- How you can have your say to the school's governors
- How your child's education will carry on during the exclusion.

If you are not sent this letter phone the Exclusion and Access Officer on 020 7364 5006.

What will happen to your child's education?

For exclusions of 5 school days or less the school will give your child work to do.

If the exclusion is for more than 5 school days, the school will set work for the first 5 school days. Full time education will be provided after 5 school days at another building.

In the first 5 days you must make sure your child is not in a public place in school hours without good reason or you could get a fine (£120).

After 5 days you must make sure your child attends at the place where the school tell you education will be provided during the exclusion.

How can you have your say?

You can tell the governors what you think about the exclusion:

- By writing a statement
- By asking for a meeting to have your say. You can take a friend or legal representative to the meeting
- Your child can go to the meeting to speak if you both agree.

The exclusion letter will advise how you can contact the governors.

Can I see my child's school records?

Yes. It may be useful to you if you are writing a statement to governors or going to a meeting to have a copy of your child's school records. You can get this by asking the school in writing. The school may make a charge for copying.

What will the governors do?

Each school has a governors Pupil Discipline Committee, which looks at exclusions. The Committee has 3 governors and a clerk to set up meetings. You will be invited to attend when the Committee meets. The Committee will listen to you and the head teacher. They will decide if they think exclusion is the right thing to happen.

What does the Pupil Discipline Committee do?

Fixed term exclusions adding up to 5 school days or less in a term:

The governors Pupil Discipline Committee does not have to meet, but it will if you write to the school requesting a meeting. It must decide whether the exclusion was right. It cannot decide on an earlier date for your child to return to school.

Fixed term exclusions adding up to between 5½ and 15 school days in one term:

The governors Pupil Discipline Committee must meet if you write to the school requesting a meeting. If your child is back in school when they meet, the governors must consider whether the head teacher's decision was right and place their findings in your child's school record.

Fixed term exclusions adding up to more than 15 school days in one term and permanent exclusions:

The Pupil Discipline Committee must meet within 15 school days of your child's exclusion.

For any exclusion which means your child will miss taking a public exam:

The Pupil Discipline Committee must meet before the exam takes place.

If your child is permanently excluded or not back in school when it meets, the Committee can:

- Agree that the exclusion was right
- Set an earlier date to return from a fixed term exclusion
- Allow your child to take a public exam
- Decide your child should not be permanently excluded.

The Pupil Discipline Committee cannot:

- Make a fixed term exclusion longer or make it permanent
- Add conditions to your child's return to school
- Remove an exclusion from your child's record, but you can ask for a statement from you to be placed on your child's record.

The clerk will write to you within 1 school day of the Pupil Discipline Committee meeting to tell you of its decision.

Can I appeal?

Only in the case of a permanent exclusion. The outcome of the governors Pupil Discipline Committee meeting letter will explain how to appeal to the Independent Review Panel.

The Independent Review Panel can make one of three decisions:

1. Uphold your child's exclusion
2. Direct the governing body to reconsider its decision to exclude
3. Recommend that the governing body reconsiders its decision to exclude

Further advice about the appeal procedure can be obtained from the Exclusions and Access Officer.

What does the Exclusions and Access Officer do?

- Tells schools about the right way to exclude a child
- Goes to Pupil Discipline Committee meetings for permanent exclusions to give advice and say how other Tower Hamlets schools might deal with similar problems
- Can attend Pupil Discipline Committee meetings for Academies and Free Schools, only if the parents want them to
- Goes to independent review hearings
- Gives you information about permanent exclusions
- Makes sure education is set up for children who are permanently excluded.

More information

If your child has special educational needs you can contact our Parent Advice Centre (PAC) for help, phone 020 7364 6489. The PAC can also give helpful advice and information even if your child does not have special educational needs.

If you think your child has been excluded because of his/her disability and there has been discrimination the PAC can advise you.

- For fixed term and permanent exclusions, you can appeal and/or make a claim to the First-tier Tribunal (Special Educational Needs and Disability). HM Courts & Tribunals Service, Special Educational Needs and Disability, 1st Floor, Darlington Magistrates' Court, DL1 1RU. Phone 01325 289 350, email sendistqueries@hmcts.gsi.gov.uk

- For permanent exclusions only you can ask an Independent Review Panel to review the decision of the Pupil Discipline Committee. You can also ask the Local Authority to appoint an SEN expert to come to the review meeting. If you are unhappy with the decision following the independent review you can also ask the First-tier Tribunal (Special Educational Needs and Disability) to review the decision.

In the case of other forms of discrimination you may be able to make a claim to the County Court.

More information on making an application to the First-tier Tribunal (Special Educational Needs and Disability) is available here:

www.justice.gov.uk/tribunals/send/appeals

Further information on the role of the SEN expert can be found in the Department for Education's guidance on exclusion:

www.gov.uk/government/publications/school-exclusion

Where can I get further help?

Further information on exclusion procedures is available from:

- The Local Authority Exclusions and Access Officer, Tower Hamlets Children's Services
Phone: 020 7364 5006
Email: school.admissions@towerhamlets.gov.uk
- The Parents Advice Centre (PAC) – information to Tower Hamlets parents and carers of excluded children.
Phone: 020 73646489
Email: pac@towerhamlets.gov.uk

- Coram Children’s Legal Centre – free legal advice and information to parents on state education matters.
Phone: 0300 330 5485
www.childrenslegalcentre.com
- The Advisory Centre for Education (ACE) – information and support on state education in England and Wales, including exclusion from school.
Phone: 0300 0115142
www.ace-ed.org.uk
- The Department for Education ‘Exclusion from Maintained Schools, Academies and Pupil Referral Units in England’:
www.gov.uk/government/publications/school-exclusion

This booklet is for Tower Hamlets schools, academies and free schools and for anyone who has responsibility as a parent/carer and may also assist young people understand their situation.

Pupil Services Team

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Phone: 020 7364 5006

Fax: 020 7364 4311

Email: exclusions@towerhamlets.gov.uk

www.towerhamlets.gov.uk

If you have any concerns about the Local Authority’s procedures, you can complain to its Complaints Section:

Phone: 020 7364 2234

Fax: 020 7364 4976

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