



## School Exclusion Appeals

### Exclusions

Exclusions can only take place in certain circumstances and if certain things have happened. There are time limits for lengths of exclusion and procedures that schools must follow. There are also opportunities for parents to appeal about exclusions.

Useful website links:

- IPSEA – [School exclusions in England](#)
- ACE Education – [School exclusions](#)
- Department for Education – [Statutory Guidance](#)

### What are exclusions?

There are two types of exclusions and both types have their own procedures that need to be followed.

#### **1. Fixed Period Exclusion**

Individual fixed period exclusions should be for the shortest time necessary. Evidence suggests that 1-3 days are often long enough for the exclusion to have a positive effect on the child without negatively affecting their education. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

By law, schools need to arrange full time education from the sixth day of exclusion.

#### **2. Permanent Exclusion**

The Local Authority must: Arrange suitable, full-time education from day six of a permanent exclusion.

The Local Authority should: Agree with Head Teacher's what information will be passed once a referral concerning a permanently excluded pupil is made.

Parents will be responsible for supervising their child during the first five days of a permanent exclusion and will be faced with a Fixed Penalty Notice if their child is found in a public place in school hours without reasonable justification.

### Who can exclude a pupil?

The Head Teacher or Acting Head Teacher has the power to exclude the pupil. No other teacher has the power to exclude a pupil.

### **Reasons for exclusion**

A pupil should only be excluded if:

1. There has been a serious or persistent breaches of the school's Behaviour Policy (you can ask the school to see a copy of this).
2. If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A pupil should not be excluded for:

- Minor problems such as failure to do homework or bring dinner money
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaches of school uniform rules or rules on appearance (for example jewellery, body-piercing, hair styles, etc.) except when these are persistent and in open defiance of school rules
- Punishing pupils for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting.

### **Other reasons for removing a pupil from school**

There are other situations when a school can remove a pupil:

- A Head Teacher can agree a leave of absence for a fixed period, with your agreement.
- A Head Teacher can arrange for a pupil to be educated elsewhere, without parental consent if necessary but you should at least be informed. (Neither of these is a formal exclusion).
- From school and during them the school must make sure the pupil's full time education continues while they are not there. These situations should also be kept under review.

**Health and Safety** - A Head Teacher may send a pupil home after talking to you and a Health Professional (for example, a school Nurse), where the pupil is in an immediate and serious risk to the health and safety of other pupils and staff because of a diagnosed illness, such as a disease. This is not classed as exclusion and should be for the shortest possible time. If the problems continue the Head Teacher should seek medical advice.

### **Unofficial Exclusions**

Formal exclusion is the only legal way of removing a pupil from school. **Informal or unofficial exclusions are illegal.** Sending a pupil home to cool down or telling you to keep your child at home until he has calmed down is not a legal exclusion.

It does not matter whether you have agreed with them or not – they are still illegal.

### **Lunchtime Exclusions**

- Sometimes a pupil whose behaviour is disruptive during lunchtime may be excluded from the school for the lunchtime period.
- Lunchtime exclusion is a fixed period exclusion and counts as half a school day for each lunchtime

- Lunchtime exclusions cannot be made for an indefinite period and another way of dealing with the problem should be worked out by the school
- If a pupil is excluded at lunchtimes, the school has to make arrangements for them if they have free school meals. This may mean the school providing the pupil with a packed lunch

### **Behaviour Outside School**

- A pupil who is out of the school on school business, for example, a school trip, work experience or a sport event is still under the school's Behaviour Policy and any bad behaviour can be dealt with by the school as if it had happened in school.
- If a pupil is outside school and not on school business the school can exclude the pupil if there is a clear link between any behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This is something that the Head Teacher must decide. A pupil's behaviour in an area very close to the school or on a journey to or from school can be grounds for exclusion.
- If school staff try to control the behaviour of pupils on public transport or in public places they can only use the same normal powers as any other person.

### **Pupils with Special Educational Needs and Disability (SEND)**

- Schools should only permanently exclude pupils with Education, Health and Care (EHC) Plans or SEN Statements in exceptional circumstances.
- They should also make every effort to avoid excluding pupils who are at supported using the Graduated Approach or through Enhanced Provision.
- In most of these cases the Head Teacher will know that the school is having difficulty with a pupil's behaviour well before the situation has worsened.
- The school should try every practicable way of keeping the pupil in school, including asking the LA and other professionals for advice and support and if appropriate asking for a Statutory Assessment.
- The school should set up an Individual Behaviour Plan (IBP) or a Pastoral Support Plan (PSP) for the pupil and should have strategies in place to support them. If the pupil already has an EHC Plan or SEN Statement and all of this has been tried, then the school should call an emergency Annual Review of the pupil's EHC Plan or SEN Statement.
- If a pupil is excluded the Head Teacher should use the period between the exclusion starting and the meeting of the Governing Body over the exclusion to work with the Local Authority to see if more support could be made available or if a new school could be named in the statement.
- If either of these are possible the Head Teacher should normally then withdraw the exclusion

### **Minimising the risk of exclusion**

Schools should have policies, procedures and staff training in place that promote good behaviour and prevent bad behaviour. These need to be widely advertised so that pupils, all school staff and you, are aware of the standards of behaviour expected and the range of punishments. The school should have a range of procedures that they could follow.

These could include:

- Engaging with the pupil's parents.

- A change of teaching set or class.
- Curriculum alternatives at Key Stage 4, including the pupil attending a Further Educational College or another form of Alternative Provision.
- A temporary placement in a Learning Support Unit as part of a planned positive programme for pupils. These placements often last 6 weeks.
- Assessment of SEND, including a possible placement in a different school, if appropriate.
- Allocation of a key worker such as a Learning Mentor, Information, Advice and Guidance Personal Adviser, or other appropriate members of staff.
- Referral to a support service such as Attendance & Behaviour, Children's Social Care or Halton Child and Adolescent Mental Health Service (CAMHS) for support.
- The use of a Pastoral Support Programme to help the pupil manage their behaviour.

### **Alternatives to exclusion**

Schools have a number of different options open to them instead of exclusion where a pupil has broken their behaviour policy.

They are:

1. **Restorative Justice** – Here the pupil makes good the harm that has been done to a 'victim'. This allows every person involved to take part fully in the process. This method has been used successfully to resolve situations that may have otherwise been exclusions. This can only work with the agreement of all the people involved.
2. **Mediation** – This may be successful where there has been conflict between two parties – for example two pupils or a teacher and a pupil.
3. **Internal Exclusion** - This can be used to resolve a problem where a pupil needs to be removed from a class but may not need to be removed from the school building. The exclusion can be to another area within the school, with the right support and supervision, or to another class on a temporary basis, and may carry on during breaks. This should be for the shortest possible time and be subject to review. A school should not use a Learning Support Unit within the school for internal exclusion.
4. **Managed Move (Negotiated Transfer)** - This is a move to another school and lets the pupil have a fresh start there. This should only be done with the full knowledge and cooperation of everyone, including you, the Governors, and the Local Authority, and only when it is in the best interests of the pupil. You should never be pressured into removing your child from the school under the threat of permanent exclusion.

Further information on [appealing against an exclusion](#)

[Government Guidance - Exclusion from maintained schools, Academies and pupil referral units in England](#)