

The exclusion process

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

- make sure 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 **Equality Act 2010**
- where practical, talk to the pupil to hear 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 teacher's decision, such as a member of the governors' discipline committee.

A child can only be excluded after the head teacher has taken the steps above, and is satisfied on the balance of probabilities (it's more likely than not) that the pupil did what they are accused of.

If the head teacher decides to permanently exclude a child, the school's governing body must meet to consider the head teacher's decision within 15 school days of receiving notice of the exclusion.

When can an exclusion take place and who has the power to exclude?

Schools must have a behaviour policy explaining the circumstances in which exclusion (a ruling that a child may no longer attend a particular school's premises) may occur.

A permanent exclusion can only be given:

- in response to a serious breach, or persistent breaches, of the school's behaviour policy **and**
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is not suitable for minor breaches of school rules, such as:

- failure to complete **homework**
- lateness or truancy
- breaches of school uniform rules.

In addition to this, a child can't be excluded because of poor academic performance.

An exclusion can only be made by:

- the head teacher of a maintained school or an academy
- the teacher in charge of a pupil referral unit (PRU)
- a person acting in either of the above roles.

Prescribed sequence of events

Whenever a head teacher excludes a pupil they must, without delay, notify the parents of the exclusion and the reason for it. The school must also notify its governing body and the local authority without delay. The letter parents are sent should state that the exclusion is permanent and include specific information such as:

- the date the exclusion takes effect and any relevant previous history
- the reasons for the exclusion
- your right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- the latest date on which the governing body can meet to consider the exclusion (no later than 15 school days from the date when the governing body was notified of the exclusion)
- an explanation that you have the right to see/have a copy of your child's school record upon written request, and the right to state your case in writing to the governing body, or by attending the meeting where the exclusion is to be considered
- the person(s) you should contact (eg the chair of the school's governing body) if you wish to write, attend the meeting or request your child's school record
- the arrangements made for your child's education to continue
- details of the statutory guidance and regulations on exclusions
- details of the **Coram Children's Legal Centre**.

Arrangements should be made for your child to continue their education, including setting and marking school work. For the first five days of a permanent exclusion the school is responsible for arranging education.

The local authority is responsible for providing full-time education from the sixth day of a permanent exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.

Special educational needs

School governing bodies have a legal duty to do their best to make sure that the necessary educational provision is made for pupils with special educational needs. Most academies have similar requirements as part of their 'funding agreement'. Generally, children and young people who are on the autism spectrum are considered to have special educational needs.

Unless there are exceptional circumstances, schools should not permanently exclude pupils with special educational needs, whether they have an **education, health and care (EHC)** plan or not.

If it seems likely that a pupil with special educational needs is at risk of being excluded, the school should work in partnership with others (including the local authority as necessary), to consider what additional support or alternative placement may be needed. This should involve, for example:

seeking advice from the local authority and other professional advice and support

- asking the local authority to carry out an **assessment of education, health and care needs**, or reassessment
- arranging an interim/emergency **annual review** if the child has an **education, health and care (EHC) plan** or **statement of special educational needs**.

Timescales for exclusions - Summarised from the guidance

Number	Action Taken	Number of school days
1	The Headteacher should, as far as possible, establish the facts of the behaviour in question	On the day of the incident or as soon as possible afterwards
2	Notify the parent and send letter	Same day as decision to exclude
3	If exclusion is for more than 5 days, or permanent, Headteacher notifies the discipline committee and LA	Immediately
4	Parents should indicate whether or not they intend to make representations to the discipline committee	Not specified in guidance
5	Response by the Headteacher to the parent's request to access the child's curricular or education records	As soon as possible but within 15 school days
6	The clerk to the discipline committee convenes a meeting to consider whether or not to uphold the Head teacher's decision for all exclusions over 15 days and at parents request for 15 days or under. As far as possible this should be at a time and place convenient to all parties. Written statements should be circulated in advance of the meeting.	For an exclusion of between 1 and 15 days the committee must meet between the 6 th and 50 th day (only if the parent requests a meeting) For an exclusion over 15 days the committee must meet between the 6 th and 15 th day.
7	The discipline committee should notify the parent and the LA of their decision and their reason in writing	Within one school day
8	Parent's notification of the appeal against the disciplinary committee's decision to uphold a permanent exclusion	Within 15 days of the clerk's notification of the decision
9	Independent Review Panel meets to consider the parent's appeal	Within 15 days from the parent's receipt of the notice. (In exceptional circumstances the LA has the discretion to extend the period)
10	Clerk to the Independent Review Panel sends out notification of the decision to all parties	By the end of the second school day after the appeal hearing.