

my child has been excluded

A guide for parents on the exclusion process

ABOUT THIS GUIDE

This guide explains what happens when a child is excluded from school and sets out how parents can ask the school to review their decision.

The guide includes some changes to the process that came into effect on the 1 September 2012.

For further advice you can contact us on 020 8820 7279 or by email exclusions@learningtrust.co.uk

EXCLUSIONS TEAM

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WHAT ARE EXCLUSIONS?

Only the Headteacher has the legal power to exclude your child, or exceptionally, the deputy Headteacher acting in the Headteacher's absence, with his/her authority.

Headteachers have been advised that a decision to exclude a pupil should be taken only:

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

Fixed-term exclusion

Fixed-term exclusion means that your child is not allowed to attend school for a specified period, with a date given for his/her return to school. Headteachers may exclude a pupil for up to 45 school days in any school year.

Permanent exclusion

Permanent exclusion means that your child can no longer attend the school and his/her name will be removed from the school roll. However, the Headteacher must not remove a pupil's name from the school register until the outcome of any review process has been completed.



WHAT HAPPENS WHEN YOUR CHILD IS EXCLUDED?



Children of compulsory school age

FIVE DAYS OR LESS

Work will be set by the school which should be completed and returned for marking.

You must ensure that your child is not present in a public place during his/her exclusion unless there is reasonable justification for this.

You may be prosecuted or receive a penalty notice from the local authority if your child is in a public place during the exclusion period.

SIX DAYS OR MORE

By the sixth day of the exclusion (if not earlier) the school will arrange for your child to attend alternative provision for the remainder of the exclusion. This is often managed by Hackney Learning Trust. You will be provided with information on where and when to attend and who to report to. It is your responsibility to make sure your child attends for the period of the exclusion.

PERMANENT

By the sixth day of the exclusion (if not earlier) Hackney Learning Trust will arrange for your child to attend alternative provision. Someone from the school will contact you to arrange an appointment for you and your child to meet the Headteacher.

MY CHILD HAS BEEN GIVEN A FIXED-TERM EXCLUSION

Your Headteacher will notify you immediately, ideally by telephone and follow up with a letter.

The letter will confirm the date and time that the exclusion begins and ends, as well as the reason for the exclusion.

YOU AND YOUR CHILD

- Your child's exclusion will normally begin on the next school day.
- You have responsibility for your child from the first to the fifth day and are required to ensure that he/she is not present in a public place during school hours without justification. You may be prosecuted, or given a fixed penalty notice, if you fail to do so.
- Your child has a right to access educational provision from the sixth day of any exclusion.
- We aim to ensure that Looked After Children (LAC) are able to access provision from day one of the exclusion.
- The exclusion letter will provide you with sources of advice. Hackney Learning Trust Exclusion Team can also provide you with advice and guidance on the process.
- You have the legal right to state your case to your school's governors. Different arrangements are in place depending on the length of the exclusion.

WHAT YOUR SCHOOL WILL DO

The Headteacher will send you written notification of your child's exclusion. This letter will include:

- The length of the exclusion.
- The reasons for the exclusion.
- Details of the incident which led to the exclusion and reference to the school's published behaviour policy.
- The arrangements which have been made to set and mark work for your child.
- The details of any alternative provision that has been arranged.
- Relevant contact details should you wish to challenge the Headteacher's decision.
- Details of your rights and responsibilities

WHAT YOUR GOVERNING BODY WILL DO

The governing body has a duty to consider parents representations about an exclusion. This function is often delegated to a school Discipline Committee.

MY CHILD HAS BEEN EXCLUDED FOR FIVE DAYS OR LESS

WHAT YOU CAN DO

You can make a written statement about your child's exclusion to the Discipline Committee of your school's governing body.

WHAT YOUR SCHOOL'S GOVERNING BODY CAN DO

The governing body is not required to meet with parents and has no power to reinstate your child for an exclusion of five days or less in one term. They can still consider any written statement from you about the exclusion.

WHAT HAPPENS NEXT

The governing body must consider any representations you make and may place a copy of their findings on your child's school records. There are no time limits for the meeting of the governors to consider such exclusions.

MY CHILD HAS BEEN EXCLUDED FOR BETWEEN SIX AND 15 DAYS IN ONE TERM

WHAT YOU CAN DO

You can appeal to your school's governing body to overturn the exclusion. You have the right to meet with them if you disagree with the exclusion, or make any other views known. You must make a written request to do this. The school must ensure that this meeting takes place up to 50 school days following the exclusion.

WHAT YOUR SCHOOL'S GOVERNING BODY CAN DO

They have the legal power to either uphold the decision or overturn the decision and reinstate your child before the exclusion is due to end. If they meet after your child has returned to school, they must still consider whether the exclusion was fair and record their views on your child's file.

WHAT HAPPENS NEXT

You will be provided with the relevant contact information to request a meeting of the Discipline Committee. For further information about these meetings go to page 9 and read 'What happens at meetings of the Governing Body's Discipline Committee?'

MY CHILD'S EXCLUSIONS TOTAL MORE THAN 15 DAYS IN ONE TERM

WHAT YOU CAN DO

The Discipline Committee of your school's governing body must meet to consider the Headteacher's decision to exclude your child. They will contact you to arrange a meeting to discuss the exclusion. You do not have to request this meeting. The meeting should take place within 15 school days of the exclusion.

WHAT YOUR SCHOOL'S GOVERNING BODY CAN DO

They have the legal power to either uphold the decision or overturn the decision and reinstate your child before the exclusion is due to end.

WHAT HAPPENS NEXT

Go to page 9 and read 'What happens at meetings of the Governing Body's Discipline Committee?'

HACKNEY PARENT PARTNERSHIP SERVICE

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MY CHILD HAS BEEN EXCLUDED AND WILL MISS A PUBLIC EXAM OR NATIONAL CURRICULUM TEST

WHAT YOU CAN DO

You have the right to meet the governing body. If it is not practical for a panel of governors to meet before the date of the exam, the Chair of Governors can consider the exclusion and decide whether to reinstate the pupil. However, this is the only time that a Chair of Governors can act alone on an exclusion. You will still have the right to make representations to the governing body when the meeting is arranged.

WHAT YOUR SCHOOL'S GOVERNING BODY CAN DO

A panel of governors or the Chair of Governors must consider the decision to exclude. They have the legal power to uphold or overturn the decision and reinstate your child before the exam begins.

WHAT HAPPENS NEXT

Go to page 9 and read 'What happens at meetings of the Governing Body's Discipline Committee?'

MY CHILD HAS SPECIAL EDUCATIONAL NEEDS

Parents can contact the Hackney Parent Partnership Service (HPPS) for advice and support.

HPPS will also be able to provide details of voluntary agencies that offer support to parents of children with special educational needs.

WHAT HAPPENS AT MEETINGS OF THE GOVERNING BODY'S DISCIPLINE COMMITTEE?

This will be your opportunity to state any views you have on your child's exclusion. Therefore, it is in your interest to make every effort to attend the meeting. If you are unable or unwilling to attend the meeting, you can still put your views in writing.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting.

Your child is encouraged to attend and present his or her case, taking into account their age and understanding. You should receive any written evidence and information 5 days prior to the meeting.

Coram Children's Legal Centre can provide advice on how to prepare for the meeting.

Governors have been advised to try and ensure that the meeting is not too intimidating for you. You should be circulated with any written statements in advance of the meeting and told the names of those who will be present at the hearing.

CORAM CHILDREN'S LEGAL CENTRE

Coram Community Campus
48 Mecklenburgh Square, London
WC1N 2QA

T. 08088 020 008

www.childrenslegalcentre.com

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www.facebook.com/CCLCUK

WHO WILL BE THERE AND WHAT ROLE WILL THEY PLAY?

Parent/Guardian

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

Your child

Your child, if present, will be given the opportunity to give their view.

The Headteacher

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling staff as witnesses.

The Clerk to the Committee

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the clerk does not take part in the decision making process.

Hackney Learning Trust representative

A local authority representative from Hackney Learning Trust must be invited to meetings convened by maintained schools. Where the school is an Academy a parent may invite a representative of Hackney Learning Trust as an observer who may make representations with the governing body's consent.

Where a local authority representative does attend they may make a statement regarding how other schools have dealt with similar incidents, advise on alternative arrangements and draw the governors' attention to issues relating to the process or the statutory guidance. However, it is not their role to try to persuade the Discipline Committee to reach one outcome rather than another.

Your school's Governing Body

Where governors meet for exclusions over six days, the Discipline Committee has to make the decision to uphold the exclusion or reinstate your child at a specified date.

THE PROCESS

The meeting is likely to follow a similar process to the one described below:

- The Headteacher will state the school's case, and then be open to questions from all present.
- You will state your child's case, and the reasons why you disagree with the exclusion and then be open to questions from all present.
- Your child, if present, will also be given the opportunity to comment.
- Governors will ask questions to all parties throughout the proceedings.
- You and the Headteacher will both be asked to sum up.
- The Hackney Learning Trust representative may highlight relevant points from Department for Education Exclusion Guidance.
- The governors will ask all parties other than the clerk to leave to make their decision.

WHAT HAPPENS NEXT

The Clerk to the Committee should send the decision of the meeting to you in writing without delay. The letter will include the reasons for the Committee's decision and any further relevant information on educational provision for your child.

MY CHILD HAS BEEN PERMANENTLY EXCLUDED

The decision to exclude a child permanently is a serious one and should only be used as a last resort following a serious incident or persistent breaches of the school's behaviour policy.

YOU AND YOUR CHILD

- Your child's permanent exclusion will normally begin on the next school day.
- You have responsibility for your child from the first to the fifth day and are required to ensure that he/she is not present in a public place during school hours without justification. You may be prosecuted, or given a fixed penalty notice, if you fail to do so.
- Your child has a right to access educational provision from the sixth day of any exclusion.
- We aim to ensure that Looked After Children (LAC) are able to access provision from day one of the exclusion.
- The exclusion letter will provide you with sources of advice. Hackney Learning Trust Exclusion Team can provide you with advice and guidance on the process.
- You will be invited to attend the governing body Discipline Committee meeting set up to review your child's exclusion.

WHAT YOUR SCHOOL WILL DO

Your school's Headteacher will send you written notification of your child's exclusion. This letter will include:

- The date the exclusion starts.
- The reasons for the exclusion.
- Details of the incident which led to the exclusion and reference to the school's published behaviour policy.
- The steps taken by the school to try to avoid the exclusion where relevant.
- Details of any relevant previous warnings, fixed term exclusions or other disciplinary measures taken before the incident which led to the exclusion (if this takes time to collate it will be contained in a prompt follow-up letter).
- The arrangements which have been made to set and mark work for your child for the first five days of the exclusion.
- Details of how you will be invited to the meeting of the Governing Body's Discipline Committee.
- Details of your rights and responsibilities (as set out in this booklet).
- Details of arrangements for educational provision made for the sixth day onwards.
- Sources of advice that you may wish to access.

WHAT HAPPENS AT MEETINGS OF THE GOVERNING BODY'S DISCIPLINE COMMITTEE?

In order to carry out their legal duty the governing body Discipline Committee will arrange a special meeting to review the exclusion.

The Clerk to the Discipline Committee will invite you to the meeting. This will be your opportunity to state any views you have on your child's exclusion.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting to help you.

You should receive any written evidence and information 5 days prior to the meeting.

Governors have been advised to try and ensure that the meeting is not too intimidating for you. You will be circulated with any written statements in advance and told the names of those who will be present.

Your child should also be allowed to attend and present his or her case, taking into account their age and understanding.

It is in your interest to make every effort to attend the meeting. However, if you are unable or unwilling to, you can still put your views in writing.

Coram Children's Legal Centre can provide advice on how to prepare yourself for the meeting.

WHO WILL BE THERE AND WHAT ROLE WILL THEY PLAY?

Parent/Guardian

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

Your child

Your child, if present, will be given the opportunity to give their view.

The Headteacher

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling staff as witnesses.

The Clerk to the Committee

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the clerk does not take part in the decision making process.

Hackney Learning Trust representative

A local authority representative from Hackney Learning Trust must be invited to meetings convened by maintained schools. Where the school is an Academy a parent may invite a representative of Hackney Learning Trust as an observer who may make representations with the governing body's consent.

Where a local authority representative does attend they may make a statement regarding how other schools have dealt with similar incidents, advise on alternative arrangements and draw the

WHAT IS AN INDEPENDENT REVIEW PANEL?

If a permanent exclusion is upheld by the School Discipline Committee, you have the right to request a review of this decision by an Independent Review Panel.

You will need to do so in writing within 15 school days. Any applications received after 15 school days have passed will be automatically rejected.

Hackney Learning Trust Exclusion Team can provide you with guidance on the information you should include in this written request.

You will be notified by the clerk to the panel of the time and place for the review. It is important for you to attend, but if you are unable or unwilling to, only the written statements you submitted will be considered.

New evidence may be presented to the panel, though the school may not introduce new reasons for the exclusion and panels must disregard any new reasons that are introduced.

SPECIAL EDUCATIONAL NEEDS EXPERT

You have the right to request the attendance of a Special Educational Needs (SEN) expert at the review, regardless of whether the school recognises your child has special educational needs.

The SEN expert's role is to provide impartial advice to the panel on how special needs may be relevant to the exclusion. The SEN expert will advise the panel on whether he/she believes the school acted in a legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion. However, the SEN expert can only base their advice on the evidence provided to the panel.

THE DECISION

The Independent Review Panel cannot overturn the decision of the Headteacher to permanently exclude, however, following its review the Independent Review Panel can decide to:

- uphold the exclusion decision;
- recommend that a governing body reconsiders their decision; or
- quash a decision and direct the governing body to reconsider its decision.

AFTER THE MEETING

If the Independent Review Panel has directed or recommended reconsideration, the governing body must meet again within ten school days. They must notify you of their decision in writing; the letter must also tell you about any information that will be added to your child's school record to reflect the decision.

WHAT HAPPENS AFTER PERMANENT EXCLUSION?

If your child lives in Hackney you and your child will be invited to attend a meeting with the Headteacher, who is responsible for commissioning a range of suitable alternative provisions.

The meeting is designed to plan the best way forward for your child.

PUPILS LIVING OUTSIDE HACKNEY

If your child does not live in Hackney it will be the responsibility of the Exclusion Team in the borough in which you live to ensure that your child receives appropriate education.

DISCRIMINATION CASES

If you believe that your child's exclusion has occurred as a result of discrimination then you may:

- make a claim under the Equality Act 2010 to the First-tier (Special Educational Needs and Disability) in the case of disability discrimination, or
- the County Court, in the case of other forms of discrimination.

FOR FURTHER INFORMATION AND ADVICE PLEASE VISIT

For disability discrimination please go to www.justice.gov.uk/tribunals/send

For other types of discrimination please go to www.equalityhumanrights.com/advice-and-guidance

ALTERNATIVE PROVISION

If your child is excluded for more than five days or permanently the school or local authority will make arrangements for your child to attend alternative education provision.

Hackney's main alternative provider New Regent's College which is based on two sites and organised by age. New Regent's College may also commission a range of alternative providers to meet a pupil's individual needs.

All children attending New Regents' College are given the opportunity to engage with a personalised learning programme suitable to their needs. They work with an experienced team of teachers and other professionals, in order to choose the most appropriate pathway which will ensure achievement and success for the future.

For the majority of young people this will often mean a return to a mainstream educational environment. For others, a smaller educational setting, with a higher level of support may be more suitable.

OTHER FORMS OF ALTERNATIVE EDUCATION

There are a number of independent alternative providers offering an education for children and young people. Your school should choose the most appropriate provision to meet the needs of your child during a fixed term exclusion.

WHERE TO GO FOR FURTHER ADVICE

If you require further advice from Hackney Learning Trust, you can contact:

Exclusions Team

Hackney Learning Trust
1 Reading Lane, London E8 1GQ

T. 020 8820 7279

E. exclusions@learningtrust.co.uk

www.learningtrust.co.uk

Other organisations you can contact include:

First-tier (Special Educational Needs and Disability)

Mowden Hall, Staindrop Road,
Darlington DL3 9BG

T. 01325 392760

www.justice.gov.uk/tribunals/send

Hackney Parent Partnership Service

Hackney Ark
Downs Park Road (Corner of Cecilia Road), London E8 2HY

T. 020 7014 7123

E. Parent.Partnership@homerton.nhs.uk

www.learningtrust.co.uk

Equality and Human Rights Commission (EHRC)

London office
3 More London, Riverside Tooley Street,
London, SE1 2RG

T. 0800 444 205

Textphone: 0800 444 206

Monday to Friday, 9am–8pm
Saturday, 10am–2pm

Post: FREEPOST Equality Advisory
Support Service FPN4431

www.equalityhumanrights.com

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[www.youtube.com/user/](https://www.youtube.com/user/EqualityHumanRights)

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