



## Excluded or at Risk of Exclusion From School

**Exclusion** from school means that a pupil is not allowed in school<sup>1</sup> for disciplinary reasons (to punish a pupil for breaking rules). The exclusion can be either a **fixed** period (short term) exclusion or a **permanent** exclusion and these can both be stressful and emotional for the parents, as well as for the child or young person.

Only a head teacher (or acting head teacher if the head teacher is off site) can exclude a pupil. It is important that parents, carers, children and young people have the right information and support so they can ask the right questions about options for the future.

SEND and You, Special Educational Needs Information and Advice Service (SENDIAS) can help children and young people with special educational needs and/or disability (SEND) and their parents and carers when they:

- are at risk of exclusion
- have a fixed period exclusion or
- have a permanent exclusion
- have been unofficially excluded (illegal exclusion)
- have been told they need a “managed move”
- have been “internally excluded”.

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<sup>1</sup> The DfE guidance refers to maintained schools, academies, free schools, alternative provision and pupil referral units. It does not apply to independent schools, city technology colleges, city colleges for the technology of the arts, sixth form colleges or 16-19 academies, all of which have separate exclusion procedures. Local authorities are, however, required to arrange educational provision for pupils of compulsory school age who are excluded from these institutions if they would not otherwise receive such education.

## Exclusions and Special Educational Needs and/or Disability (SEND)

The Government is aiming to reduce the number of exclusions of all pupils and particularly those with SEND. Schools have to, by law, provide access to full time education for all children.

Behaviour issues can sometimes be a sign that a child has undiagnosed SEND or that their needs are not being met.

Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

DfE Statutory Guidance (section 2)

If you are asked to keep your child at home because the school cannot manage their special needs rather than for disciplinary reasons, it is an unofficial exclusion and therefore unlawful.

This can lead to children missing considerable amounts of education and your child will miss out on the additional support they may be entitled to. If you have concerns about your child being sent home, discuss these with the school so that you can work together to resolve the issues.

Anytime you are asked to pick up your child from school for disciplinary reasons the school must record this as an exclusion and must follow the Government guidelines around exclusions.

**'Informal' or 'unofficial' exclusions**, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

DfE Statutory Guidance paragraph 14

## At risk of exclusion: What does it mean?

The school may talk to you about your child being **at risk of exclusion** if their behaviour does not improve, they continue to break the school's behaviour policy or they have already been excluded.

Schools have a responsibility to make sure necessary provision is made and to make reasonable adjustments to support your child's needs to try and prevent exclusion.

### The school may arrange:

- a change in the level or type of support your child has during the school day to avoid the circumstances that may lead to, or have already led to, an exclusion
- a Pastoral Support Plan (PSP) or Early Help Plan (DAF) with short term goals to improve behaviour
- mentoring, counselling or behaviour support
- assessment to identify SEN if this has not already been identified
- flexible learning at Key Stage Four (Years 10 and 11)
- support through Bristol, South Gloucestershire or North Somerset Council and local area services
- discussion around a possible managed move to another school.

### What can I do?

- Meet with staff to discuss the changes to help your child to make the agreed improvements
- Take a look at our booklets, available on our website.
- Look at your child's school behaviour and special educational needs and/or disability policies - they should be available on your school's website
- Ask the school if it has involved any behaviour support, educational psychology services, or the local authority officer responsible for inclusion

### What should I do when my child is excluded?

Read the head teacher's or principal's letter which **must** explain:

- why your child has been excluded
- the type of exclusion
- when your child is due to return to school (unless they are permanently excluded)
- you and your child or young person's right to write your views to the school's governors (or board of directors).
- your right to meet with the governors (and take a friend or supporter with you) in some circumstances.

## Fixed period exclusion: What does it mean?

With a **fixed period exclusion**, your child is excluded for a specific number of days. Added together those days should not be more than 45 in a year. They will remain on the school roll during a fixed period exclusion.

For the first five days of an exclusion the school should set and mark work to be done at home. From the sixth day, the school has a duty to arrange suitable, full-time alternative education during the school term. Your child may remain at risk of exclusion after they return to school – please refer to that section of this leaflet.

The law does not allow for extending a fixed-period exclusion or ‘converting’ a fixed-period exclusion into a permanent exclusion except in exceptional circumstances where additional evidence has come to light.

### What can I do?

- Ensure that the school work is completed and returned to school
- Arrange somewhere for your child to be looked after during school hours as your child should not be in a public place without a good reason (or you could be fined)
- Ask the school if it has involved any behaviour support or educational psychology services, or the local authority officer responsible for inclusion
- Ask the school governors to review the head teacher’s or principal’s decision to exclude and set out your views in writing.

You can attend the governors’ meeting if your child is excluded for more than five days in a term (or if the exclusion would mean that your child would miss a public exam).

## Permanent exclusion: What does it mean?

If your child has been **permanently excluded**, your child will not be able to return to school.

You should expect:

- for the **first five days** the school should set and mark work to be completed at home
- **from the sixth day** the local authority has a duty to arrange suitable, full-time alternative education during the school term.

Following a meeting with the school governors, your child could be taken off the school roll.

A decision to exclude a pupil permanently should only be taken:

- 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.

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## What can I do?

- Ensure that the school work is completed and returned to school
- Arrange somewhere for your child to be looked after during school hours as they should not be in a public place without a good reason (or you could be fined)
- Ask the school if it involved any behaviour support or educational psychology services, or the local authority officer responsible for inclusion before the permanent exclusion
- Ask the school for a copy of your child's school record
- Ask the school governors to review the head teacher's or principal's decision to permanently exclude – you and your child or young person can put your views in writing and/or attend the governors' meeting
- Ask for the school governors' decision to uphold the head teacher's decision to permanently exclude your child, to be reviewed by an Independent Review Panel (IRP). The IRP can uphold the decision, quash the decision and order the governors to review it or recommend the governors to reconsider - but the IRP cannot order them to re-instate your child at the same school.
- Ask for an SEN expert to be at the IRP
- Liaise with the Local Authority regarding suitable alternative education for your child.

If you ask for a review by an IRP the head teacher must not remove a pupil's name from the school Admissions Register until the outcome of the Independent Review Panel.

## Discrimination:

The Government recognises that exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups.

The head teacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion.

The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.

DfE Statutory Guidance paragraph 23

Under the Equalities Act 2010 all schools have a duty to make **reasonable adjustments** to policies and practices for disabled students. It is unlawful to exclude or increase the severity of an exclusion for non-disciplinary reasons e.g. if the school can't meet a child's special needs.

You can appeal to the First Tier (SEND) Tribunal if you believe there was disability discrimination involved in the exclusion of your child under the Equalities Act 2010. This Tribunal has the power to re-instate a child.

## Managed Move

A **managed move** is a **voluntary agreement** between schools, parents/carers and a pupil, for that pupil to change school or educational programme. These are often used as an alternative to exclusion. Managed moves can only be done with the consent of all parties involved.

Maintained schools (council run schools rather than academies or free schools) have the power to “direct a pupil off site” under [section 29\(3\) Education Act 2002](#) for the improvement of their behaviour for a time limited period.

If your child has been told they have to go to another school (or pupil referral unit or Alternative Provision) for behaviour reasons, check whether your school is maintained and whether it is a managed move or direction off site.

Managed moves can be helpful if the school or pupil referral unit has resources to support your child. Make sure you speak to both schools to find out what support will be offered before making any decisions.

## Internal Exclusion

**Internal exclusion** is an internal process within the school where the pupil is removed from class, not from the school site, for disciplinary reasons. It is not a legal exclusion if the child doesn't leave the site. In this case exclusions legislation and the department's guidance on exclusion from school do not apply.

Internal exclusion may involve some form of isolation e.g. “time out space” or “calm down room”. Their use should be clearly outlined within the school behaviour policy.

According to ‘statutory guidance<sup>2</sup> to Schools’, schools **must** “act reasonably in all circumstances”, and any use of isolation that prevents pupils from leaving a room “of their own free will should only be considered in exceptional circumstances”.

The school should ensure that pupils are kept in seclusion or isolation “no longer than is necessary” and that their time spent there is used as constructively as possible. Schools should ensure the health and safety needs of pupils are met and allow pupils time to eat or use the toilet.

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<sup>2</sup> Behaviour and discipline in schools Advice for headteachers and school staff January 2016

## How can SEND and You SENDIAS service help?

This leaflet has been written to give you a brief overview about exclusions but if you contact us directly we can support you in your particular situation. Our service is free and confidential; we provide independent information and impartial support.

### We can support you by:

- **Explaining the roles of people** involved
- **Outlining options for you and your child**
- **Describing** how the **Local Authority and its statutory services** may be able to support you
- **Preparing for meetings** or the IRP (Independent Review Panel) explaining the role of the SEN expert
- **Discussing options** in how to **challenge** the exclusion
- **Explaining** what **disability discrimination** is
- **Outlining** the **First Tier (SEND) Tribunal**
- **Explaining alternative learning provision**
- **Signposting** to professionals and services
- **Explaining documents and letters**
- **Explaining** your child's **pupil record**
- **Explaining exclusion law.**

### Further Information

DfE Statutory Guidance: Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion  
<https://www.gov.uk/government/publications/school-exclusion>

Behaviour and discipline in schools Advice for headteachers and school staff January 2016

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

<https://childlawadvice.org.uk/information-pages/managed-moves/>

<https://contact.org.uk/advice-and-support/education-learning/exclusion/>

[NAS School Exclusions Service](#)

<https://www.ipsea.org.uk/pages/category/exclusion-from-school>

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If you would like this factsheet in another language or format please let us know.

For information, advice or support on issues relating to a child or young person's special educational need please contact our support line on:

0117 989 7725 or email [support@sendandyou.org.uk](mailto:support@sendandyou.org.uk)



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