

Exclusion Policy

HARRIS PRIMARY SCHOOL



Approved by:	Ian Groom	Date: September 2023
Last reviewed on:	March 2023	
Next review due by:	September 2025	

Introduction (excerpt from current behaviour policy)

Harris Primary School has three rules (known as 'the three be's': Be Kind, Be Thankful, Be Ambitious. The aims, objectives and guidance in this policy below are all underpinned by the three be's and the associated behaviour expectations.

In cases of repeated, serious misbehaviour, when the above have been exhausted:

- Sending to HT or deputy HT
- HT or deputy HT contacts parents
- Implementing an agreed behaviour modification programme
- Monitoring behaviour daily
- Formal meeting with parents
- Internal exclusion
- Fixed Term Exclusion (external).

Exclusion will be used as a last resort or in exceptional circumstances. Any decision to exclude will be made by the Headteacher or Deputy in the event of the Headteacher being unavailable.

Overview

The headteacher can take a decision to exclude a pupil from the school for a fixed period of days or permanently.

There are two kinds of exclusion:

- fixed period - when a pupil is not allowed in school for a fixed amount of time (including exclusions over lunch time)
- permanent - when a child is permanently barred from the school premises and their name removed from the school roll.

Alternative education arrangements and procedures for challenging the exclusion will depend on the type of exclusion.

The excluded child cannot attend their school during any period of exclusion.

If a child is found in a public place during normal school hours during the first five school days of exclusion, then parents may be prosecuted or given a fixed penalty notice. It is the parent's responsibility to ensure that their child is not in a public place during any exclusion.

The excluded child should not be sent to school when they have been excluded. If parents send their child to the school when they have been excluded, they will be supervised but not educated. The school will make efforts to contact parents to collect the child. If this is not possible, the matter may be referred to a social worker and treated as a supervision issue. In these circumstances, the head teacher may increase the exclusion in view of the non-compliance.

The school must inform parents of any alternative education arranged. It's the parents' responsibility to make sure their child attends any alternative education that has been arranged for the child.

Reasons for exclusion

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

The headteacher can take a decision to exclude a pupil:

- In response to serious breaches of the school's behaviour policy;
- Where allowing the child to remain in school would seriously harm the education and welfare of the child in question or others in the school.

All exclusions will be enacted for disciplinary reasons only and in conjunction with the current behaviour policy.

Any decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. The responsible person will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

The behaviour of a pupil outside of school can be considered grounds for an exclusion. This can include behaviour on school trips and travelling to and from school. Cyber-bullying outside of school can also lead to an exclusion.

Before deciding to exclude, the school should also take into account any factors that might have affected the child's behaviour, for example:

- Bullying
- Mental health issues
- Bereavement
- Unidentified special educational needs

When exclusion is not allowed

It is unlawful to exclude a child for a non-disciplinary reason such as:

- If the child has special educational needs and the school says it can't meet those needs. It should look at putting more or different support in place instead.
- If the child is not doing well in school or is not as able as other children. A child cannot be excluded because they are not likely to get good exam results.
- Because of something a parent has done. That might be something like making a complaint, or not going to a meeting at school.
- Not allowing a child back into school after a fixed period exclusion unless they meet particular conditions. Once the exclusion is ended, the child must be allowed to go back. For example, the head teacher can't extend the exclusion because the child won't admit they are 'guilty.'

School must not suggest an 'informal' or 'unofficial' exclusion, for example sending the child home and the school without following the correct exclusion procedure. Presenting it as doing the parent and child a favour by not making it official is an unlawful exclusion, no matter how short the period of time, and it should be formally recorded as an exclusion.

Examples of 'informal' exclusions might be if your child is sent home:

- until a meeting is arranged;
- over lunchtimes;
- to cool off or while another school is found;
- while an incident is being investigated.

Children should not be asked to stay at home because the school cannot provide for their special educational needs. This amounts to an unlawful, unofficial exclusion.

Fixed period exclusions

The headteacher can exclude a pupil for a fixed period (up to a maximum of 45 school days in a school year). Most fixed term exclusions are for periods of up to 5 school days, but they can be for longer. A pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year. The headteacher will decide about the length of each exclusion.

Pupils can sometimes be excluded at lunchtimes only. They each count as half a day of exclusion. Parents will be expected to collect and supervise the pupil. Usually, lunchtime exclusions should not be for more than five school days. Pupils who are entitled to receive free school meals should still receive this entitlement.

Within one day of the child being excluded, the headteacher should provide a letter to the parents detailing the reasons for the exclusion, the length of the exclusion (in school days) and the date and time when the child must return to school. If the child has been excluded from school for more than one day, the school should provide work for parents to collect and return for marking. Details of these arrangements should be included in the letter from the school.

If parents/guardians disagree with the exclusion

The headteacher should provide information in writing, noting how parents or guardians can challenge the decision if they disagree with the exclusion.

If the child has been excluded for **five days or fewer**, parents/guardians can ask the Governors' Discipline Committee to hear your views. There does not have to be a meeting of the committee and the headteacher's decision cannot be overturned, but the governors' views will be placed on your child's record.

For all fixed period exclusions of **over five school days** in a term the Governors' Discipline Committee can overturn the headteacher's decision and can reinstate the pupil. The committee can reinstate a pupil either immediately or from a specified date. This may not be possible where the meeting is held after the exclusion has ended but a note of any decision will be placed on the pupil's record.

For exclusions of **more than five and up to 15 school days** in a term parents/guardians can ask for a meeting of the Governors' Discipline Committee. This must take place within 50 school days.

For exclusions of **over 15 school days** in a term there **must** be a meeting of the Governors' Discipline Committee. This will be within 15 school days.

Parents/guardians are entitled to attend the meeting and can take a supporter or friend. The school should write to parents/guardians with details and the arrangements for this meeting.

If an exclusion means that a child would **miss a public exam or national curriculum test**, the governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion. However, the governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

Details of a child's exclusion will be entered on their school records. Parents/guardians have a right to see their child's school record, and can contact the school to arrange this.

Challenging a fixed period exclusion

If those with parental responsibility want to challenge the decision, they need to show that the exclusion was not reasonable, fair or appropriate.

Parents/guardians can ask to see incident reports and witness statements - the school should have compiled a report of the incident. The school behaviour policy and the school SEN policy/local offer/SEN report should be available on the school website.

To see a child's school record, parents/guardians will need to request this in writing.

Education during a fixed period exclusion

For short exclusions it may not always be possible for work to be provided, for example a single, one day exclusion.

Generally, however, work will be provided to be completed at home for the first five school days. Parents/guardians will need to collect this from the school and deliver it back for marking. Alternatively, work may be provided through the school's online learning platform, Google Classroom.

From day six of any fixed period exclusion, full-time alternative education will be provided. For children in care (looked after children) provision should be from day one. The school or academy should contact parents/guardians to confirm what arrangements have been made.

Return to school

It can be difficult going back to school after an exclusion. Children may have missed work and parents/guardians may be worried about the possibility of further exclusions. Schools should have a strategy for reintegrating pupils after exclusion. There should be a reintegration meeting when the child returns to school. At this meeting it's important to look at how parents/guardians, the child and the school can all work together to avoid problems in the future.

Parents/guardians must attend the meeting. Parents/guardians may ask for a meeting if one is not arranged.

Pupils with particular needs or disabilities

Pupils with disabilities can be excluded but there must not have been discrimination. If parents/guardians believe that their child has been discriminated against because of their disability, and that this has been a significant factor in their exclusion, they can raise concerns with the governors (Pupil Discipline Committee).

If parents/guardians feel that the exclusion was a result of unmet special educational needs (SEN), on return to school they can make a request for:

- more or different support;
- assessment by an educational psychologist;
- an early or interim review if the child has an EHC Plan;
- 'reasonable adjustments' if the child is disabled.

If the child is already receiving SEN support at school for their additional needs, a meeting should be arranged to discuss if further intervention is needed, such as specialist advice or to explore the possibility of an education, health and care (EHC) plan.

If the child has an education, health and care (EHC) plan and is receiving fixed period exclusions, a review of the EHC plan should be arranged as soon as possible to consider if the agreed support is being provided and is still meeting the child's needs.

The school's special educational needs co-ordinator (SENCO) must be involved in any meetings.

Looked after children should only be excluded as an absolute last resort.

Permanent exclusions

Permanent exclusions are when a child is permanently barred from the school premises and their name removed from the school roll.

Permanent exclusions should normally be a final (last resort) sanction following a range of other support strategies and disciplinary measures.

Permanent exclusion should only happen:

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

Permanent exclusion may, however, occasionally be in response to a single, serious, one-off incident. Some examples could be a child who:

- Has had a history of persistent disruptive behaviour, and the school feel they cannot do anymore to enable the child to stay in school through constructive means;
- Has committed a single serious one-off offence, even if they have never been in trouble before. That might be something like assaulting a pupil or member of staff, or bringing a knife or drugs into school. However, it is up to the headteacher to define what counts as a serious offence.

Pupils can be permanently excluded for behaviour outside school and this must be conducted in line with the school's behaviour policy.

Head teachers must inform parents/guardians without delay of the decision to permanently exclude a child from school and the reasons why.

The child must not return to the school or enter the school site. The only exceptions are if they are specifically asked to attend a meeting or if the head teacher has agreed limited re-attendance for exams.

If parents/guardians disagree with the exclusion

Parents/guardians could ask for a meeting with the head teacher to discuss the exclusion and try to find an alternative solution.

Before the meeting, think about what might be the best for the child, for example:

- a managed move to another school;
- additional support for the child.

Challenging a permanent exclusion

The school will provide a letter to parents/guardians detailing the reasons for the exclusion. Parents/guardians should also be provided with something in writing informing them of how they may challenge this decision if they disagree with the exclusion.

For permanent exclusions, the School Governors' Pupil Discipline Committee must meet to consider the head teacher's decision. The meeting must be held within 15 school days of a headteacher's decision. Parents/guardians are entitled to attend this meeting so the school must write to them with details. They may attend and give their views to the governors, or parents/guardians can send in their written views for the governors to consider.

If the exclusion means a child would miss a public exam or national curriculum test, the committee must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

If parents/guardians want to challenge the decision, they need to show that the exclusion was not reasonable, fair or appropriate.

Parents/guardians can ask to see incident reports and witness statements - the school should have compiled a report of the incident. The school behaviour policy and the school SEN policy/local offer/SEN report are available on the school website.

Parents/guardians have the right to see their child's school records. They will need to contact the school direct if they wish to see these records.

The Pupil Discipline Committee can confirm the head teacher's decision or else can overturn the decision and reinstate the pupil (they will set a date for this to happen).

After the Pupil Discipline Committee's meeting, the chair must without delay send parents/guardians a letter stating the decision reached by the Committee. This will include the reasons for their decision and, where the permanent exclusion has been upheld, confirm the right to have the decision considered by an independent review panel (IRP).

Children with particular needs or disabilities

If the child is in public care (a looked after child) matters must be discussed with the appropriate social worker (who may wish to attend any relevant meetings). Looked after children should only be excluded as an absolute last resort.

Pupils with disabilities can be excluded but there must not have been discrimination. If you consider that your child has a disability you can raise any issues in your representations to the governors (Pupil Discipline Committee).

Schools should, as far as possible, avoid permanently excluding a child with an education, health and care (EHC) plan or a looked after child.

If a child has an EHC plan then the school may present evidence about a child's educational ability, behaviour and social background as well as the facts surrounding the incident which led to the permanent exclusion. The county council may provide a view or comments about whether it feels that permanent exclusion is appropriate or not. Parents/guardians should receive copies of this information in advance of any meetings.

Independent review panels

If the Governors' Pupil Discipline Committee agree with the head teacher's decision and a child is to be permanently excluded, parents/guardians are entitled to make a request for the decision to be reviewed by an independent review panel (IRP).

The role of the IRP is, as an impartial body, to review the head teacher's decision to permanently exclude a child.

In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances under which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

Parents/guardians should be provided with a form which asks them to indicate whether or not they wish to have a review. This should be included in the letter from school or academy confirming the Pupil Discipline Committee decision. Parents/guardians have **15 school days** from receipt of the letter to request a review. Where any request is received after 15 school days then it will be treated as late and there will be no review of the decision.

The child's name cannot be removed from the school roll until after the outcome of the review (unless parents/guardians have formally waived their right to request a review at an earlier date).

IRPs will meet within 15 school days of receipt of the review request. The panel is usually held at a local venue, not at the school or academy. Generally, hearings last around one to one and a half hours.

The outcome of the review (IRP)

Following the review, the panel may:

- uphold the exclusion decision;
- recommend that the governing body reconsiders its decision;
- quash the decision and direct that the governing body considers the exclusion again.

An independent review panel does not have the power to reinstate an excluded pupil. Nor does it have the power to remove the exclusion from a pupil's record.

The Independent Review Panel's decision is binding upon the pupil, parents, governing board, head teacher and local authority.

If the school or academy governors are asked or directed to re-consider they must arrange to do this within ten school days of the decision of the panel. If they have been directed to reconsider and do not

re-instate the pupil then the school or academy may have an additional budget deduction of £4,000 imposed by the panel.

If the panel upholds the permanent exclusion and parents/guardians disagree with the decision, the Local Government Ombudsman can consider any procedural anomalies which they feel may have occurred. A Judicial Review of the decision can be sought if parents/guardians feel that it is unreasonable.

The Ombudsman or the Courts cannot reinstate the pupil to the school or academy. The Secretary of State cannot change the decision of the panel.

Children with particular needs or disabilities

The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to a permanent exclusion does not preclude an Independent Review Panel from considering issues of discrimination in reaching its decision.

Pupils at risk of permanent exclusion

The school should liaise with the relevant professionals and agencies if they feel that a given child is at risk of permanent exclusion. This is intended to try to prevent the child from being excluded. The school should draw up a Pastoral Support Programme (PSP), or a similar support strategy, which outlines ways of helping a child.

Parents/guardians should be given the opportunity to be involved and the plan may set targets for the pupil, parents, school and other support agencies.

Special educational needs and disabilities

Schools should try to identify any potential unmet needs and intervene early, to try to prevent subsequent exclusions.

If a child is already receiving SEN support at school for their additional needs, a meeting should be arranged to discuss if further intervention is needed, such as specialist advice or to request an education, health and care (EHC) plan.

Education, health and care plans

If a child has an education, health and care plan, and is at risk of exclusion, a review of the plan should be arranged as soon as possible to consider if the agreed support is being provided and is still meeting the child's needs.

Education after permanent exclusion

The school should provide work to be completed at home for the first five school days. Parents will need to collect this from the school and deliver it back for marking. Alternatively work may be provided via the school's online learning platform, Google Classroom.

From school day six, after a permanent exclusion, full-time alternative education will be provided. The county council should consult with parents/guardians when deciding where to place a child. They will contact to confirm what arrangements have been made. For children in care (looked after children) provision should be from day one.

Second permanent exclusions

A child can be excluded for a second time; decisions about exclusion are made by the individual headteachers.

If a pupil is permanently excluded for a second time, then the county council will continue to provide education and will consider parents'/guardians' preferences for the future.

Often pupils stay on the roll of the short stay school so that they can return there if the placement at the new school or academy breaks down. The pupil can continue their education there without further exclusion.

Exclusions advice

For information or advice: [area education office](#).

Special Educational Needs

For information or advice about special educational needs or disability: [Inclusion Service area team](#).

Or: [Information, Advice and Support \(IAS\) Team](#).

Independent advice

Independent advice is available from the [Advisory Centre for Education \(ACE\)](#). ACE is not connected to the county council.

Coram Children's Legal Centre

The [Coram Children's Legal Centre](#) is a national charity and provides advice on exclusions.

Policy Responsible Person: Ian Groom

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Education and Children's Services

Suspension from a School or Academy

Information given refers to all Lancashire's Maintained Schools, Academies, Free Schools, Special Schools and PRUs

The Headteacher/Principal can suspend a pupil for a fixed period (up to a maximum of 45 School days in a school year). This can comprise a series of short suspensions or a single 45-day suspension. Headteachers/Principals decide about the length of each suspension.

How will I/we be notified about suspensions?

The school or academy must contact you immediately. A letter of confirmation should then be sent within one school day.

Can pupils be suspended at lunchtimes only?

Yes. They each count as half a day of suspension. Parents will be expected to collect and supervise the pupil. Pupils who are entitled to receive free school meals should still receive this entitlement (the school will make arrangements for this).

What do I/we need to do?

The pupil cannot attend his/her school or academy during any period of suspension.

You should be aware that if the pupil is found in a public place in normal school hours without reasonable justification during the first 5 school days of a suspension then you may be prosecuted or a fixed penalty notice fine may be incurred (each time the pupil is found).

It is your responsibility to ensure that the pupil is not in a public place during any suspension.

What about my/our views about the suspension?

Parents and/or the suspended pupil can make representations to the Governing Board. These can be in writing or made verbally at a meeting (usually of the Pupil Discipline Committee). You can bring a friend or representative to the meeting.

What decisions can the governors (Pupil Discipline Committee) make?

For suspensions of 5 school days or fewer in a term any representations made will be considered. There does not have to be a meeting. The Headteacher/Principal's decision cannot, however, be overturned, but the governors' views will be placed on the pupil's record.

For suspensions of **more than 5 and up to 15 school days** in a term a meeting will only be arranged at your specific request.

For suspensions of **over 15 school days** in a term there must be a meeting.

For all suspensions of over five school days in a term the governors can overturn the Headteacher/Principal's decision and can reinstate the pupil. This may not be possible where the meeting is held after the suspension has ended but a note of any decision will be placed on the pupil's record.

What is the role of the Local Authority (LA)?

The LA can provide information and advice and will also recommend other sources of information and support depending upon your circumstances. The LA cannot overturn any suspension decision made by a Headteacher/Principal.

What happens about the pupil's education during a suspension?

For short suspensions it may not always be possible for work to be provided, for example a single one day suspension.

Generally, however, work will be provided to be completed at home for the first five school days. You will usually be required to collect this from the school or academy and deliver it back for marking. The pupil must not do this as he/she is not permitted on the site during a suspension. It is expected that parents should co-operate about arrangements for work during this initial period.

From day 6 of any suspension, full-time alternative education will be provided. For children in care (Looked After Children) provision should be from day 1. The school or academy should contact you to confirm what arrangements have been made for this.

Some will provide full time education from day one and you will be notified what arrangements for this to happen can be made.

What if I send the pupil to the school or academy when they have been suspended?

The pupil will be supervised but not educated. Efforts to contact you to collect the pupil will be made. If this is not possible the matter may be referred to a Social Worker and treated as a supervision issue.

The pupil has particular needs which are causing you concern. Who in the LA can provide advice or assistance?

Pupils with SEN and/or disabilities (SEND) can be suspended but there must not have been discrimination. If you consider that the pupil has a SEN and/or disability, you can raise any issues in your representations to the governors (Pupil Discipline Committee).

If you believe the pupil has or might have SEND, you can contact the SEND Information Advice and Support (SENDIAS) Team . SENDIAS can also be contacted on 0300 123 6706 or at information.lineteam@lancashire.gov.uk. This is a free and impartial service that works at arms length from the LA.

If the pupil is in the care of the LA (a Child Looked After) you must discuss matters with the Social Worker (who may wish to attend any relevant meetings). Children Looked After should only be excluded as an absolute last resort.

Where can I get independent advice on my options regarding the suspension?

There are a number of organisations that provide free information, support and advice to parents on suspension matters:

- <https://www.lancashire.gov.uk/children-education-families/schools/exclusions-from-school/?page=9>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on suspension:

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-suspensions-and-permanent-exclusions)

- 'School discipline and suspensions' and 'Complain about a school':

<https://www.gov.uk/school-discipline-exclusions/exclusions> and

<https://www.gov.uk/complain-about-school>

Why have the school or academy requested that I/we attend a meeting about the pupil's return from suspension?

This is not a disciplinary measure.

The purpose of a reintegration meeting is to discuss ways of successfully managing the return to school. This is important in order to avoid the need for further suspensions.

It is recommended that all parents attend these meetings if invited to do so. The parents of primary aged pupils must attend a meeting if invited.

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

☐ **01524 581148** ☐ PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

☐ **01772 532109** ☐ PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

☐ **01254 220747** ☐ Pupil.AccessEast@lancashire.gov.uk

Education and Children's Services

Permanent Exclusion from A School or Academy

Information given refers to all Lancashire's Maintained Schools, Academies, Free Schools, Special Schools and PRUs

The Headteacher/Principal can permanently exclude a pupil from school. This should normally be a final (last resort) sanction following a range of other support strategies and disciplinary measures. Permanent exclusion may, however, occasionally be in response to a single, serious, one-off incident.

How will I/we be notified about a permanent exclusion?

The school or academy must contact you immediately. A letter should then be sent within one school day.

What do I/we need to do?

The pupil cannot attend his/her school or academy following a permanent exclusion.

You should be aware that if the pupil is found in a public place in normal school hours without reasonable justification during the first 5 school days of a fixed period suspension then you may be prosecuted or a fixed penalty notice fine may be incurred (each time the pupil is found).

It is your responsibility to ensure that the pupil is not in a public place during this period.

What about my/our views about the exclusion?

Parents and/or the excluded pupil can make representations to the Governing Board. These can be in writing or made verbally at a meeting (usually of the Pupil Discipline Committee).

What decisions can the school or academy governors (Pupil Discipline Committee) make?

For permanent exclusions the Pupil Discipline Committee must meet to consider the Headteacher/ Principal's decision. The Pupil Discipline Committee can confirm the headteacher/principal's decision or else can overturn the decision and reinstate the pupil (they will set a date for this to happen). They cannot impose an alternative suspension/exclusion of their own. Only Headteachers/Principals have the power to suspend or permanently exclude (or other designated person in the absence of the Headteacher/ Principal).

What is the role of the Local Authority (LA)?

The LA can provide information and advice and will also recommend other sources of information and support depending upon your circumstances. The LA cannot overturn any suspension decision made by a Headteacher/Principal. The LA provides written comments for permanent exclusions from Community, Voluntary Controlled and Voluntary Aided Schools and may also attend the Pupil Discipline Committee Meeting. If you live outside Lancashire you are advised to contact your home Local Authority immediately about educational provision.

What happens about the pupil's education after a permanent exclusion?

The school or academy should provide work to be completed at home for the first 5 school days. You will usually be required to collect this from the school and deliver it back for marking. The pupil must not do this as he/she is not permitted on the school site following permanent exclusion. It is expected that parents should co-operate with schools about arrangements for work during this initial period.

From school day 6, after a permanent exclusion, full-time alternative education will be provided. For children in care (Looked After Children) provision should be from day 1.

Can I send the pupil to school or academy after he/she has been permanently excluded?

No. The pupil must not return to the school nor must he/she enter the school site. The only exceptions are if the pupil is specifically asked to attend a meeting or if the Headteacher/Principal has agreed limited re-attendance to allow examinations to be taken. These exceptions are entirely at the discretion of the school or academy. You should be clear that permission has been given prior to any pupil being allowed to return following a permanent exclusion.

What can I/we do if the governors (Pupil Discipline Committee) confirm the Headteacher/Principal's decision to permanently exclude?

You will be informed about your right to an Independent Review Panel (IRP). Information will be provided by both the school and the LA (*see Leaflet3 - A Guide to the Review Process*).

The pupil has particular needs which are causing concern. Who in the LA can provide advice or assistance?

Pupils with disabilities can be excluded but there must not have been discrimination. If you consider that the pupil has a disability you can raise any issues in your representations to the governors (Pupil Discipline Committee).

If the pupil has an Education Health and Care Plan you can contact the Inclusion Service Team. The Information, Advice and Support Team can also be contacted on 0300 123 6706 or at information.lineteam@lancashire.gov.uk

If the pupil is in public care (a looked after child) you must discuss matters with the Social Worker (who may wish to attend any relevant meetings). Looked After Children should only be excluded as an absolute last resort.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion and suspension matters:

- <https://www.lancashire.gov.uk/children-education-families/schools/exclusions-from-school/?page=9>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and suspensions' and 'Complain about a school':

<https://www.gov.uk/school-discipline-exclusions/exclusions> and
<https://www.gov.uk/complain-about-school>

What about a return to another school or academy or educational provision in the longer term?

You can discuss this with the LA. For some pupils a quick return to education will be possible. The LA has an In Year Fair Access Protocol (see link below) which facilitates the reintegration of permanently excluded pupils. Sometimes other strategies are sought, particularly for pupils in Key Stage 4 (Years 10 and 11). Often pupils who return to a school or academy or alternative longer-term provision are temporarily dual rolled with the interim provider. This is to ensure a fallback position should the placement break down. This benefits the pupil by ensuring that there will not be a gap in provision.

Another school or academy has invited us to a reintegration meeting. What is this for?

This is to jointly plan for the pupil's admission to the new school and to maximize the chances of this being a success. It is recommended that you attend this meeting and work with the staff.

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

☐ 01524 581148 ☐ PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

☐ 01772 532109 ☐ PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

☐ 01254 220747 ☐ Pupil.AccessEast@lancashire.gov.uk

Permanent Exclusion from A School or Academy

Information given refers to all Lancashire's Maintained Schools, Academies, Free Schools, Special Schools and PRUs

The Headteacher/Principal has permanently excluded the pupil from school. The school governors (Pupil Discipline Committee) have confirmed their agreement with the Headteacher/Principal's decision. You have been informed of your right to an Independent Review Panel (IRP) hearing.

Do I/we have to go to an Independent Review?

No. The decision about whether or not to go to review is entirely your own.

You will have received a form which asks you to indicate whether or not you wish to have a review. This should be included in the letter from school or academy (or the Clerk to Governors) confirming the Pupil Discipline Committee decision.

If you do not wish to have a review you should complete the "no" section and return it to the stated address.

What if I/we do wish to have a review (IRP)?

You can only go to IRP when the school or academy Pupil Discipline Committee has upheld the Headteacher's/Principal's decision to permanently exclude. A form will be provided within three working days of the meeting. This will indicate the latest date for lodging an IRP request. Notification of your intention to go to IRP must be received by this date.

Any request made after the latest date which is indicated will be out of time and will not be allowed to proceed.

When and where will the review be heard?

IRPs should meet within 15 school days of receipt of your IRP request by the Local Authority (or Academy Trust). The IRP is usually held at a local venue (not at the school or academy).

What should I/we include in our case?

Anything which you feel is relevant. You may submit documents and/or supporting evidence. If papers are submitted in advance the panel will have more time to consider them prior to the hearing.

How long does the IRP last?

There is no defined time limit. Generally, however, hearings last around 1 to 1½ hours. The IRP will follow a set structure which will be explained. You will be given the opportunity to state your case in full, ask questions and to sum up at the end of the hearing.

Can I take a friend or representative to the IRP?

Yes, you are able to do this. It is helpful if you can indicate on the review form if you intend to do so and then the appropriate arrangements can be made (for example copies of papers/room size).

Can the pupil attend?

Yes. Again, advance notification to the clerk to the panel to is helpful in relation to making the necessary arrangements.

Who will sit on the Independent Review panel?

The panel comprises three (or very occasionally five) independent persons.

The chair of the panel will be a lay member. This is somebody who has not worked in a school or academy in a paid capacity.

The other panel members will be (or have been) a school governor and a Headteacher/Principal.

The panel will usually be drawn from outside of the geographical area of the school or academy.

Who else will be at the review?

You can attend (you can bring representation and your child may attend if you wish).

The Headteacher/Principal will attend and may bring a witness (who often will be a member of staff). There may also be a governor in attendance.

There will be an independent clerk who will take notes and provide information and advice.

You may request that an independent SEN expert attends the IRP hearing. You can do this regardless of whether the child has any special needs. Please make this request when you confirm that you require an IRP.

Who decides the outcome of the review and what are the options?

The IRP make the decision. They may:-

- uphold the governing board's decision;
- recommend that the governing board reconsiders reinstatement;
- quash the decision and direct that the governing board reconsiders reinstatement.

What if the school/academy governing board is asked or directed to reconsider reinstatement?

They must arrange to do this within 10 school days of the decision of the IRP. If they have been directed to reconsider and do not re-instate the pupil then the school / academy may have an additional budget deduction of £4,000 imposed by the IRP.

The pupil has particular needs which are causing concern. Who can provide advice or assistance?

Pupils with disabilities can be excluded but there must not have been discrimination. If you consider that the pupil has a disability you can raise any issues with the IRP.

If the pupil has an Education Health and Care Plan you can contact the Inclusion Service Team. The Information, Advice and Support Team can also be contacted on 0300 123 6706 or at information.lineteam@lancashire.gov.uk

If the pupil is in public care (a Looked After Child) you must discuss matters with the Social Worker (who may wish to attend any relevant meetings).

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- <https://www.lancashire.gov.uk/children-education-families/schools/exclusions-from-school/?page=9>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion:
<https://www.gov.uk/government/publications/school-exclusion>

- 'School discipline and exclusions' and 'Complain about a school':

<https://www.gov.uk/school-discipline-exclusions/exclusions> and
<https://www.gov.uk/complain-about-school>

If you require any information or advice please contact your area education office.

North Area: (Morecambe, Lancaster, Wyre and The Fylde)

☐ 01524 581148 ☐ PupilAccessTeam.North@lancashire.gov.uk

South Area: (Preston, South Ribble, Chorley and West Lancashire)

☐ 01772 532109 ☐ PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

☐ 01254 220747 ☐ Pupil.AccessEast@lancashire.gov.uk

Education and Children's Services

Reintegration to a new School or Academy

Information given refers to all Lancashire's Maintained Schools, Academies, Free Schools, Special Schools and PRUs

The pupil was permanently excluded. A place at another school/academy is now being sought or has been secured. What happens and what should I/we do?

What happens after a pupil has been permanently excluded?

In the majority of cases the pupil is temporarily placed in a Pupil Referral Unit (PRU). A PRU is a type of short stay school that caters for children who aren't able to attend a mainstream school. Pupils are often referred there if they need greater care and support than their school can provide. This is a useful temporary measure which provides education and support while a permanent school place is found. It also allows input from professional staff who are used to dealing with permanently excluded pupils. They can provide information and advice about future education in relation to the appropriate setting and the timing of any agreed next steps.

In some cases the pupil may be able to return immediately (or very quickly) to another mainstream school or academy.

It is important that you carefully consider all available information and advice about the next school placement as a second permanent exclusion must be avoided (see information in this leaflet about a second permanent exclusion).

Who will assist in relation to a return to school / academy or other educational options?

If the pupil is offered a place in a PRU, the staff at this establishment will be able to give initial information and advice about the processes and likely timeframe for a further placement.

The Area Pupil Access Team (based at the Area Education Office) will co-ordinate the initial negotiations and administrative arrangements.

Permanently excluded pupils are usually returned to education via the agreed In Year Fair Access Protocol. This protocol operates separately from other admission and appeal processes.

What should I/we do?

You will still be asked about your preferences for any future placement, although there is no guarantee what you will be offered. It is advised that you consider a number of options if this is possible.

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Can the pupil be excluded again?

Yes, if another qualifying incident occurs. Make sure you are familiar with the school's policy on this. It will be available on their website or via the school office. Decisions about exclusion are for individual Headteachers/Principals.

Where pupils are returning to a school / academy from a PRU, they will normally be dual rolled for an initial period. This means that they will be temporarily on the roll of both establishments. During this period the placement will be reviewed.

If all goes well, then, at an agreed point, the pupil will be taken off the PRU roll and be put on the roll of the new school / academy. If, however, the placement waivers or is withdrawn, the dual roll arrangement will provide a fallback position to the PRU where provision can continue while other placement options are explored.

What if the pupil receives a second permanent exclusion?

This is relatively rare and most pupils do succeed in another school / academy or other provision after a permanent exclusion.

If, however, a pupil is permanently excluded for a second time, then the Local Authority (LA) will continue to provide education and will consider your preferences for where the pupil will be educated in the future.

You will not, however, be automatically entitled to access a place at a *preferred* school / academy for a period of two years after the second permanent exclusion.

Following notification during the two-year period that the LA had decided to place the pupil in a different school, then the school / academy Governing Board could decline admission and/or opt to appeal against the proposed placement.

The pupil has particular needs which are causing concern. Who in the LA can provide advice or assistance?

If you consider that the pupil has a disability and you feel that a particular school / academy would be more appropriate, then you should pass your views and reasons to the Area Pupil Access Team.

If the pupil has an Education Health and Care Plan you can contact the Inclusion Service Team. The Information, Advice and Support Team can also be contacted on 0300 123 6706 or at information.lineteam@lancashire.gov.uk

If the pupil is in public care (a looked after child) you must discuss matters with the Social Worker (who may wish to attend any relevant meetings).

In addition, there are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <http://www.childrenslegalcentre.com/get-legal-advice/education/>

- ACE education runs a limited advice service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through schoolexcusions@nas.org.uk
- Independent Parental Special Education Advice <https://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on exclusion:
<https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and exclusions' and 'Complain about a school or childminder':
<https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

If you require any information or advice please contact your area education office.

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☐ 01772 532109 ☐ PupilAccess.South@lancashire.gov.uk

East Area: (Hyndburn, Ribble Valley, Burnley, Pendle and Rossendale)

☐ 01254 220747 ☐ Pupil.AccessEast@lancashire.gov.uk

APPENDIX 5 - MODEL LETTER 1 – FROM THE HEADTEACHER OF A SCHOOL/ACADEMY NOTIFYING PARENTS (This includes guardians and carers) OF A SUSPENSION OF FIVE DAYS OR FEWER IN ONE SCHOOL TERM (WHERE A PUBLIC EXAMINATION IS NOT MISSED).

Dear [parent's name]

I am writing to inform you of my decision to suspend [pupil's legal name] for a fixed period of [number] days. This means that he/she will not be allowed in this school/academy for this period. The suspension begins/began on [date] and ends on [date].

A leaflet about suspensions is enclosed and it is advised that you note this information. In particular please note the information about parental supervision during the first 5 school days of any suspension.

Parents are required to ensure that suspended pupils are not present in a public place without reasonable justification during normal school/academy hours during the first 5 school days of any suspension. Parents may be prosecuted or receive a fixed penalty fine where they fail to comply with this requirement. The fixed penalty may be incurred each time a pupil is found in a public place during this period.

I do realise that this suspension may well be upsetting for you and your family, but the decision to suspend [pupil's legal name] has not been taken lightly. [Pupil's legal name] has been suspended for this fixed period because of [reason for suspension].

You have the right to make representations to the governing board. If you wish to make representations please contact [name of contact] on/at [address/telephone number/e-mail]. The governing board has no power to direct a re-instatement and cannot overturn the head teacher's decision. They can however consider your representations and make a note of their findings on [pupil's legal name]'s record.

If you think that the suspension relates to a disability which your child has, you may raise these concerns in any representations which you choose to make to the school/academy governing board.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you also have the right to appeal, and/or make a claim, to the SEN and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington DL1 1RU.

If you wish, [pupil's legal name] may also make representations to the governing board.

You also have the right to see a copy of [pupil's legal name] record. Because of confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The school/academy will set work for [pupil's legal name] to complete at home during the period of suspension [detail the arrangements for this]. Please ensure that work set by the school/academy is completed and returned for marking.

You may wish to contact the Local Authority who can provide information and advice (see contact details below).

Model suspension Letter 1 – Revised September 2022

In addition, there are a number of organisations that provide free information, support and advice to parents on suspension matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through <https://www.childrenslegalcentre.com/get-legal-advice/education/>
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You may also wish to access the following sources of advice from the Department for Education:

- The Department's guidance to schools on suspensions: <https://www.gov.uk/government/publications/school-exclusion>
- 'School discipline and suspensions' and 'Complain about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

The SEND Information, Advice and Support Service [formerly Parent Partnership] can provide advice in relation to pupils who have special educational needs – telephone 0300 123 6706 or e-mail information.lineteam@lancashire.gov.uk

[Pupil's legal name] suspension expires on [date] and he/she should return to school on [date] at [time].

It would be helpful for us to meet to discuss [pupil's name]'s return to [name of school/academy] before they are due back or on their return date. The purpose of this meeting is to discuss ways of successfully managing [pupil's name]'s return. Please could you contact [name and telephone number] to arrange a convenient time and date.

Please advise if you have a disability or special needs which would affect your ability to attend a meeting. Also you should confirm if it would be helpful for you to have an interpreter present at any meeting which is arranged.

Yours sincerely

[Name] Headteacher

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Local Authority Contact Details

If you require any information or advice please contact your area education office.

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☐☐01524 581148 ☐ PupilAccessTeam.North@lancashire.gov.uk

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