

## EXCLUSIONS

When your child is suspended or permanently excluded from school it can be a very worrying and upsetting time for your child and your family.

Although it is often recommended that additional measures be explored before suspending or excluding a student, the Head Teacher may need to act right away in some circumstances.

There are two types of exclusions:

- Suspension (previously known as a fixed term exclusion) which means that a pupil is not allowed in school for a specified number of days because they have breached the school's behaviour policy. Most fixed term exclusions are for short periods of 5 days or less but they can be for longer. A pupil cannot be given more than 45 days fixed term exclusion.
- Permanent exclusion which means that a pupil is not allowed back at the school because of a one-off serious breach or a persistent breach of the school's behaviour policy and allowing the pupil to remain at the school would harm the education or welfare of the pupil or other pupils in the school.

Pupils can only be excluded for disciplinary reasons and not because the school are unable to meet their needs.

Any exclusion must be formally recorded, and the two types of exclusion listed above are the only lawful exclusions. Informal exclusions, such as being sent home from school early, even if the parent/carer agrees to it, are unlawful.

Even if your child is not allowed in school, they are still entitled to receive an education and schools are responsible for setting and marking work for the first 5 days of an exclusion. If your child has been given a fixed period exclusion of more than 5 days or consecutive fixed period exclusions that total more than 5 days, the school has a duty to provide suitable full-time alternative education no later than day 6. Schools do not have to provide this for children who are below or above compulsory school age.

After a fixed term exclusion there is usually a reintegration meeting and the purpose of this meeting is to look at what steps can be taken to avoid future exclusions, for example looking at what additional support could be put in place. If your child has been permanently excluded the Local Authority has a duty to provide suitable full time alternative education from day 6. This will likely be in a pupil referral unit or other alternative provision, such as home tuition.

You can then apply for a place at another school through the normal admissions system. If your child has an Education Health and Care Plan (EHCP) the Local Authority will be responsible for naming a new school in Section I of the plan.

If you do not agree with the decision to exclude your child what you can do depends on the length of the exclusion and the Governors of the school have responsibility for reviewing exclusions. For further information on challenging the exclusion please see the below links:

[ACE Education Advice CIC & ACE Education Training LLP | Exclusion from school | Fixed Period Exclusion \(ace-ed.org.uk\)](#)

[ACE Education Advice CIC & ACE Education Training LLP | Exclusion from school | Fixed Period Exclusion \(ace-ed.org.uk\)](#)

## **EXCLUSIONS IF YOUR CHILD DOES NOT HAVE AN EHC PLAN**

If you believe that your child has been excluded because their special educational needs have not been met, there are several steps you can take:

- 1.** If they aren't already receiving SEN support through a one plan, ask for your child to be assessed for SEN Support (see our Factsheet on one planning for more information);
- 2.** If your child is already receiving SEN Support, ask for an urgent review of this support
- 3.** Check the school's SEN information report (this is about SEN provision the school says it provides and should be on the school's website). See whether there is anything else which could help your child, which the school is able to provide.
- 4.** If you believe your child needs more support to meet their SEN than the school can provide, you may wish to request an EHC needs assessment (see our factsheet on making a EHC needs assessment request for more information);
- 5.** You may consider that a change of school is necessary.

Please see the IPSEA website for more information on what to do if your child is excluded and they do not have an EHC plan:

[If you do not have an EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#) (directs to an outside link)

## **EXCLUSIONS IF YOUR CHILD DOES HAVE AN EHC PLAN**

If you believe that your child has been excluded because their special educational needs have not been met, you may wish to consider the following:

- 1.** Has the provision set out in Section F of the EHC plan been arranged? If not, you should make a complaint to the LA about their failure to implement the EHC plan;
- 2.** Is the provision in the EHC plan the right kind of provision, and/or is there an adequate amount of support? If not, write to the LA asking for an early Annual Review. At the Annual Review you can request that changes are made to add more support, or make the description of the support required more specific. This is particularly urgent if your child has been permanently excluded as you will need to choose a new school to name in the EHC plan;
- 3.** If you feel that the EHC plan does not accurately reflect your child's needs or the provision they require, and that new information is required in order to work this out, you may wish to ask for a re-assessment;

Please see the IPSEA website for more information on what to do if your child is excluded and they do have an EHC plan:

[If you have an EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#)

### **Further reading:**

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)