A guide to Education Welfare Services
for parents and carers

Exclusion from school



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In most cases exclusion from school will be the last resort after a range of measures have been tried to improve the pupil's behaviour. These notes are designed to help you during a difficult time for you, your child and your child's school.

What kinds of exclusions are there?

There are two sorts of exclusions:

- **Fixed term exclusions**
  A pupil may be excluded for any period up to 45 days in any school year. A date is given for the pupil's return to the same school.

- **Permanent exclusions**
  It is not intended that the pupil will return to the same school.



How am I told that my child has been excluded?

The school must tell you about the exclusion as soon as possible. You will receive a letter telling you:

- the reasons for the exclusion;
- whether the exclusion is fixed term or permanent;
- the arrangements for continuing your child's education. During the **first five days** of any exclusion you are responsible for your child's education. If the exclusion is **six days or longer** and **fixed term**, then the school needs to make arrangements to provide education (normally off site) from day six onwards. If the **exclusion is permanent** then the Local Authority will arrange education from day six. This does not affect your right of appeal against exclusion;
- that you have the right to appeal to the governing body's discipline committee;
- who to contact if you wish to appeal and the latest date for doing so;
- if the exclusion is fixed term, the date of return to school;
- that you have the right to see your child's school record.

Parental responsibilities during exclusions

During the first five days of any period of exclusion the parent is regarded as responsible for their child's education. The parent must therefore ensure that their child is not found in a public place in school hours during this first five days. If the child is found to be in a public place without reasonable justification then a penalty notice may be issued by the Local Authority.

Where can I get some advice?

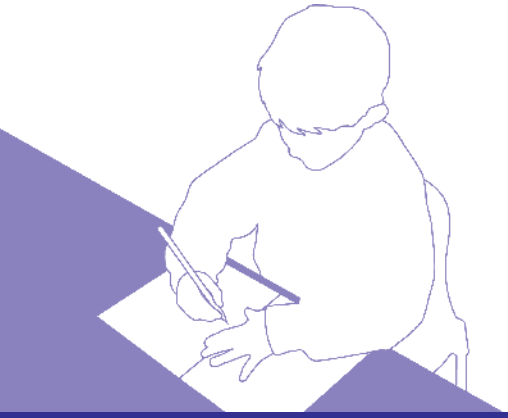
You can contact the Local Authority Reintegration Officers, based within the Education Welfare Service. You can contact them on **01872 323400**.

How many times can my child be excluded?

The law allows a head teacher to exclude a pupil for up to 45 days in an academic year. When an exclusion causes a pupil to miss more than five days in a term, the head teacher must inform the parents, the Local Authority and the Governing Body's Discipline Committee.

What happens if my child is permanently excluded?

If your child is permanently excluded the head teacher must contact the local authority to make them aware of this. The Local Authority reintegration officer will then contact you to determine whether you wish to appeal against the head teacher's decision at a Governor's disciplinary appeals hearing. Following this meeting, if the permanent exclusion has been upheld, the reintegration officer will aim to support you and your child in accessing education provision.



Can I appeal against the exclusion?

Yes, you have the right to 'state a case' to the Governing Body's Discipline Committee. If you wish to make a statement, you should tell the clerk to the committee within 6 days of receiving the letter of exclusion. The Governing Body's Discipline Committee will arrange a meeting to consider your statement. You and your child have a right to attend the meeting and may be accompanied by a friend or legal representative. You may also make your statement to the committee in writing.

What are the powers of the Governing Body's Discipline Committee?

The Governing Body's Discipline Committee can either uphold the head teacher's decision to exclude or direct reinstatement of the pupil, should they overturn the decision.



What if I disagree with the Governing Body's decision?

If your child has been permanently excluded and you disagree with the Governing Body's Discipline Committee's decision, you can appeal to an Independent Exclusion Review Panel, set up by the Local Authority. You must do this in writing within 15 days of the Governing Body's Discipline Committee's decision and you should explain the grounds for appeal. You can ask for a Special Educational Needs expert to be present on the panel if you feel this would be appropriate. The Independent Exclusions Review Panel can:

- uphold the exclusion decision, or
- recommend that the Governing Body reconsiders their decision; or
- quash the decision and direct that the Governing Body considers the exclusion again

Is there anything else I can do?

If you believe the Independent Appeals Panel has not treated you fairly, you can make a complaint to the Ombudsman. If you think the Panel acted unfairly you may ask for a judicial review. The Secretary of State has no power to intervene.



Could I send my child to a different school?

You have the right at any time to look for a place for your child at a different school. If there are no places in your preferred school, you can appeal to an Independent Admissions Panel. Please be aware that if you choose to move your child to a different school then you may be responsible for the transport costs. The School Admissions Team of the Local Authority can advise you about other schools in your area and your entitlement to transport should you choose to move schools.

Education provision following a permanent exclusion.

The Local Authority will arrange education through alternative education provision from the 6th day of the exclusion. The staff at the alternative education provision will liaise with the Reintegration Officer to help find a place in another school for your child, or negotiate an individual programme of study.



Where to find us

For further information please contact the Education Welfare Service Office.

Education Welfare Service
One Stop Shop
39 Penwinnick Road
St Austell
Cornwall
PL25 5DR

Telephone: 01872 323400

If you would like this information in another format or language please contact:

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Telephone: 0300 1234 100

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

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