

West Sussex SEND Information,  
Advice and Support Service (SENDIAS)

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# Exclusions from School



## Types of exclusions

There are two types of permitted exclusions:

- Fixed Term Exclusions
- Permanent Exclusions

These are serious actions for schools to take and neither should be considered before other options have been exhausted.

Exclusion from school, even short term, should be viewed as a last resort.

## What happens when a child is excluded?

Permanent exclusion should only be resorted to in situations where the child has seriously breached the schools behaviour policy and the child remaining in school could seriously harm the education or welfare of other pupils. As a parent you can request a copy of this policy so that you are aware of its contents. You should be able to find this policy on the school's website. You can also request a copy of your child's school records to look at any incidents and witness statements that are related to the incident. You will need to give the school up to 10 school days to provide the school record, and they may charge for photocopying. This may help if you want to appeal the decision.

Only a Head Teacher (or senior member of staff in their absence) can exclude a pupil.

The parent should receive a telephone call immediately from the school informing them of the incident that has resulted in the decision to exclude their child.

A letter must then be sent to the parent from the school as soon as possible (within 24 hours of the exclusion) stating:

- The type of exclusion
- The reason for the exclusion
- The length of time that the exclusion will be
- The date and time when the child can return (unless it is a permanent exclusion).
- Your rights as a parent to make representations to the school governing body.
- The arrangements that will be made to ensure your child can continue their education
- Contact details for the Fair Access Team. It is recommended that you contact this team as they will be able to advise the school and ensure that the school is acting lawfully.

## Pupils with Special Educational Needs and/or Disabilities (SEND)

The Government's exclusion guidance states that pupils with SEND should only be permanently excluded from school in exceptional circumstances. However, schools should take into account children's special educational needs and how they affect individuals' behaviour, for example if the child has Autism or ADHD, learning disabilities or social and communication difficulties.

For a pupil with SEND, schools should take into account the need to identify the child's needs and provide additional support. This could include an putting in place a Pastoral Support Plan (PSP)

## Fixed Term Exclusions

- Fixed term exclusions can range from a half day up to 45 days and can include lunchtime exclusions (a lunch time exclusion equates to a half day). If the number of fixed term exclusions exceed 45 days in any school year, the child can be permanently excluded.
- Fixed term exclusions cannot be given for an unspecified period of time or extended.
- Work should be sent home for the pupil and marked on return. If the exclusion is longer than 5 days then the school must arrange suitable full-time education from (and including) day 6.
- If the pupil is currently in the middle of sitting exams/SATs then arrangements should be made so that they can continue to do this during the exclusion period.
- It is good practice for a school to hold a re-integration meeting on the pupil's return to school, however a Secondary school is not obliged to if the exclusion is less than 5 days. A reintegration meeting should be held on or before the pupil's return to school – the exclusion cannot be extended if there are reasons that the meeting does not take place. On occasions a reintegration meeting has happened at the time of exclusion if the child is anxious.
- If there have been a number of fixed term exclusions schools should set up a Pastoral Support Programme (PSP) to include pupil and parents. It should be short, practical and set precise and realistic behaviour outcomes in working towards positive behaviour. Where necessary it is good practice to involve other agencies at this meeting, but it is not a requirement.

## Permanent Exclusions

- The decision to permanently exclude a pupil can only be made by the school's Headteacher, and only after what s/he considers to be a serious breach of the school's behaviour policy/code of conduct, or if the child exceeds 45 days of fixed term exclusions in the school year.
- In making the decision to exclude or not, the Headteacher must consider carefully whether allowing the pupil to remain in school would seriously harm the education or welfare of the pupil concerned or other pupils in the school. Early intervention to address underlying issues should be evidenced.
- The Local Authority must make arrangements for full time education from the 6th day of the exclusion onwards.
- The governors must meet between the 6th and 15th school day after receipt of notice of the exclusion and inform you and the Local Authority as to their decision whether they agree or overturn the exclusion. You will be invited to the meeting to put your case across.
- The Local Authority's Fair Access Team will be informed and will talk with the parent about the process and their rights. They will also inform the parent as to how the SEND Information, Advice and Support Service (SENDIAS) may be able to support them.
- A Local Authority Officer from the Fair Access team will attend all Governor Discipline Committees at mainstream schools and would hopefully be invited by Academies. If an Academy has not invited a representative from this team then you are able to request for this to happen.

If you disagree with the Headteacher's decision you should write immediately to the chair or clerk of the governing body. They will then give you an opportunity to put your case to the Governor's Discipline Committee. Make sure you have your case written down to refer to and have copies of any witness statements so you are clear as to why you feel the decision to exclude was incorrect. For a child with special educational needs and/or disabilities check whether there was any indication of being provoked, bullied or discriminated against.

If the Governors uphold the Head Teachers decision then you are able to appeal to an Independent Review Panel. If you would like to do this then please call the SENDIAS or the Fair Access Team for further advice.

## Incidents which may lead to exclusions

- Serious or actual threatened violence against another student or member of staff
- Sexual abuse or assault
- Supplying illegal drugs
- Carrying an offensive weapon
- Persistent or defiant breaches of behaviour (including bullying or drug offences)

### Schools cannot exclude pupils for:

- Minor incidents
- Failure to do homework
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaches of school uniform rules (unless persistent breach of school rules)
- Parental behaviour

### Other forms of “exclusions” are not permitted. These include:

- Reduced timetables (unless this is part of a joint, planned strategy between school and parent)
- Requests for parents to remove children from the premises on an ad-hoc basis
- Requests that parents keep their child home from school for a period
- ‘Lunchtime exclusions’ – these should be formally recorded as half-day fixed term exclusions

## How SENDIAS may be able to help:

- We can advise you further with the exclusions process
- Inform you of your rights and responsibilities as a parent carer
- Assist you in preparing your appeal case
- Accompany you to meetings if necessary
- Signpost to other organisations that may be able to support and help you

## Where can I get further advice?

### Child Law Advice

phone: 0300 330 5485 | website: [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

### Fair Access Team

email: [acdexclusions@westsussex.gov.uk](mailto:acdexclusions@westsussex.gov.uk)

This team is able to provide detailed advice to parent carers, schools and Governing bodies on exclusions.

## How to contact us

Helpline: **0330 222 8555**

By Post: **SEND Information, Advice and Support Service  
St James Campus  
St James Road  
Chichester  
West Sussex  
PO19 7HA**

Email: **[send.ias@westsussex.gov.uk](mailto:send.ias@westsussex.gov.uk)**

Website: **[www.local-offer.org/services/7](http://www.local-offer.org/services/7)**

**SEND:** Special Educational Needs and/or Disabilities



The role of the SENDIAS service is to ensure that all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their SEND. Any information that is shared with the service is in confidence unless permission has been obtained to share this with other individuals, services and agencies that may be able to help the family with their circumstances. To view our policies, and our privacy notice, please look at the SENDIAS pages on the Local Offer: [www.local-offer.org](http://www.local-offer.org)