

**What is a school exclusion?**

School exclusion is when a headteacher decides that a child can no longer attend school on disciplinary grounds due to an incident or series of incidents that breach the school behaviour policy.

There are 3 types of exclusion from school:

- fixed-term: for 15 school days or less, including exclusions for parts of the school day e.g. lunchtime exclusions where 1 lunchtime is counted as half a day in exclusion terms
- fixed-term: for 16- 45 school days
- permanent

**Why would a child be excluded?**

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. Only the head teacher of a school can exclude a pupil permanently or for a fixed term and this must be on disciplinary grounds. 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”. This includes behaviour outside of school.

When reaching the decision to exclude a child, the head teacher must apply the civil standard of proof, i.e. ‘on the balance of probabilities’ and it must be lawful, rational, reasonable, fair and proportionate.

**Who can be excluded?**

Any child can be excluded if the headteacher decides that there are grounds to do so and this is the appropriate decision to take. Under the Equality Act 2010 schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, pregnancy / maternity or gender reassignment. For disabled children, this includes a duty to make ‘reasonable adjustments’ to policies and practices.

**When will I find out that my child has been excluded?**

The headteacher should notify the child’s parents without delay, including: (i) the reason/s for the decision; (ii) whether it is a fixed-term or permanent exclusion; (iii) the parents’ right to make representations about the exclusion to the governing board and how the pupil may be involved in this; (iv) how any representations should be made and; (v) where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

## **Guidance for Parents / Guardians:** Frequently asked questions about school exclusion

**September 2021**

**Version 1**

**My child has been excluded; what about my child's education?**

Exclusion from school does not mean exclusion from education.

For the first 5 school days of exclusion, schools are required to supply work to be completed during this time. As parent, you should ensure that appropriate adult supervision and an appropriate place to do schoolwork is available. You are also legally required to ensure that your child is not present in a public place during school hours without reasonable justification. If you fail to do so, you may be given a fixed penalty notice or prosecuted.

For fixed period exclusions longer than 5 school days the school is required to make arrangements for your child to receive appropriate full-time provision.

From the sixth day of a permanent exclusion, the Local Authority will make appropriate arrangements to provide education for your child. You will be contacted directly by the City of Manchester Learning Partnership who are commissioned by the local authority to provide education from this point for children of both primary and secondary school age pending the outcome from the governing body hearing.

**My child has been excluded; can the exclusion be overturned?**

The governing body has a duty to consider parents' representations about an exclusion. The extent of this duty and how it is exercised depend on the length and nature of the exclusion. Only the headteacher can rescind the decision to exclude prior to this meeting taking place.

The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in term; or
- it would result in a pupil missing a public examination or national curriculum test.

**What will happen at the governing body hearing?**

The following will be invited to attend a meeting of the governing body and allowed to make representations:

- parents;
- the head teacher; and
- a representative of the Local Authority (in the case of a maintained school or pupil referral unit)

When considering the exclusion, the governing body must consider:

- the interests and circumstances of the excluded pupil;
- the circumstances in which the pupil was excluded; and
- the interests of other pupils and people working at the school.

When establishing the facts in relation to an exclusion decision, the governing body must apply the civil standard of proof – i.e. 'on the balance of probabilities', it is more likely than not that a fact is true.

In the light of their consideration, the governing body can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

The governing body must notify parents, the head teacher and the Local Authority of its decision, and the reasons for its decision, in writing and without delay. The governing body should set out the reasons for its decision in enough detail to enable all parties to understand why the decision was made.

**Can I bring representation?**

Yes, you can be accompanied by a representative in the governing body hearing.

**The exclusion has been upheld, can I appeal the decision after the governing body hearing?**

Yes, details of how to appeal the governing body decision will be explained in the written communication sent from the local authority in the event that the exclusion decision has been upheld.

**The exclusion has been upheld; what happens next?**

You will be contacted directly by the City of Manchester Learning Partnership who are commissioned by the local authority to provide education from this point for children of both primary and secondary school age who have been permanently excluded and where the decision has been upheld at the governing body hearing.

**The exclusion has been overturned; what happens next?**

Your child will be able to return to the school.