

Exclusion from an academy

This leaflet explains what exclusion from an academy means and how you can expect the academy, governors and local authority to act if your child is excluded.

This information applies to academy schools, alternative provision academies and free schools.

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What is an exclusion?

There are two different types of exclusion:

1. **Fixed term** meaning your child will not be allowed into their academy for a fixed period of time.
2. **Permanent** meaning your child will not be allowed to return to their academy.

What is a fixed term exclusion?

A fixed term exclusion is an exclusion from an academy for a fixed number of days. The academy will notify you of the exclusion without delay (usually by way of a telephone call). They will also advise you of the reason for the exclusion and the number of days it will last.

For recording purposes, a lunchtime exclusion is classed as a half-day fixed term exclusion. If your child is entitled to free school meals, the academy should make arrangements for this (for example provide a packed lunch).

My child has been given a fixed term exclusion—what happens now?

The academy must send you a letter without delay outlining:

- reason for exclusion
- length of exclusion
- details of how you can make representations to the governors, including how your child can be involved.

How do I express my views about an exclusion?

You have the right to express your views about an exclusion to the governing body. This is called making representations.

You can make representations by writing to the chair of the governing body at the academy address.

What happens during an exclusion?

As a parent or carer, you are responsible for supervising and ensuring your child is not present in a public place for the first 5 days of the exclusion (even if you are supervising your child).

You may be issued with a penalty notice or prosecuted, if your child is found in a public place during school hours without a justifiable reason (even if they are with you).

The academy will set work to be completed during the initial five days of the exclusion. If the fixed term exclusion is for more than 5 school days, and your child is of compulsory school age, the academy must provide alternative suitable education for your child from day 6 of the exclusion. If you have any questions or concerns, contact your child's academy directly.

What happens after a fixed term exclusion?

Your child's academy will have a strategy for reintegrating pupils on their return to school following a fixed term exclusion. The academy might ask you to attend a reintegration meeting to discuss any future support for your child. If a reintegration meeting has been offered to you, it is important you (and if appropriate your child) attend the meeting so that you and the academy can work together in the best interests of your child. You may be asked to sign a parenting contract to formalise any future support for your child.

What is a permanent exclusion?

A permanent exclusion means that the principal has decided that your child will not be allowed back into the academy.

My child has been permanently excluded from an academy—what happens now?

The academy must notify you of the exclusion without delay. They will usually contact you initially by telephone and then formally by letter. The letter must give:

- enough information so you understand the reason for the exclusion
- advice about your rights
- information about who will contact you to discuss your child's future education.

As a parent or carer, you are responsible for supervising and ensuring that your child is not present in a public place for the first 5 days of the exclusion.

You may be issued with a penalty notice or prosecuted, if your child is found in a public place during school hours without a justifiable reason.

The principal will advise the local authority of your child's permanent exclusion. The local authority is responsible for providing education from day 6 of the exclusion. This education should be full-time and appropriate to your child's needs.

You will be invited to a governors meeting (often called a proprietor or governor disciplinary panel hearing). This hearing will take place within 15 school days of the permanent exclusion. This panel meeting will give you and your child the chance to have your views heard. The panel meeting is usually attended by three governors, the principal and a representative from the local authority, if requested. **If you require local authority representation you must make this clear to the academy in advance of the meeting.** You may take your own support to the meeting, which may be a friend or relative or even your solicitor.

What decisions can governors of academies make?

Governors can either agree (uphold) the principal's decision to permanently exclude your child or disagree (overturn) the exclusion. If they uphold the principal's decision, the local authority will still be responsible for providing ongoing education for your child. If the governors overturn the exclusion, your child will be allowed back into their academy.

Governors will let you know their decision in writing (usually within two school days). If they uphold the principal's decision, their letter will include details of your right to request an Independent Review Hearing.

My child's permanent exclusion has been upheld—how can I have the decision reviewed?

You can make a request to the Independent Review Panel. A meeting will be arranged and you and your child will be invited to the hearing. Also present at the hearing will be someone from the academy and a representative from the local authority, if requested. **Note:** Parents/carers must make it clear to the academy if they require local authority representation.

An SEN (special educational needs) expert, can also attend the hearing if you so wish, even if the academy do not recognise your child as having additional needs. The role of the SEN expert is to provide impartial advice to the panel members on how special educational needs might be relevant to the exclusion. The SEN expert cannot make an assessment of any special needs that your child may have. If you make a request for an Independent Review Panel hearing and would like an SEN expert to attend, you must make this clear when making your request.

The Independent Review Panel will give everyone the opportunity to have their views heard.

Independent Review Panel

The Independent Review Panel will meet within 15 school days of your request being received.

The panel is usually made up of three people:

- Chair—this will be someone who hasn't worked in a maintained school or academy in any paid role (a lay member)
- Governor—this will be someone who has been a maintained school or academy governor (this will not be a governor from the academy your child was excluded from).
- Headteacher/Principal—again this will be someone who has had no connection with the academy your child was excluded from.

What happens after the Independent Review Panel meeting?

The Independent Review Panel can make one of three decisions:

- uphold the permanent exclusion
- recommend that the academy governing body reconsider their decision
- quash the school governors decision and direct the school governing body considers the exclusion again.

Note: The Independent Review Panel **cannot** direct the academy to reinstate your child. You will be advised of the Independent Review Panel's decision by letter.

How will my child get back into another academy/school?

An officer from the local authority will work with you and your child to ensure that your views are heard regarding their future education.

Guide to making representations to academy governors

Period of exclusion	Will governors review the exclusion?	Is there a time limit to when governors meet?	What can governors do?
5 school days or less in one term	No —Governors don't have to meet with you but they must consider your representations, which may result in a meeting	No	<ul style="list-style-type: none"> • Decide whether the principal was justified in excluding your child • Note their views on your child's records • Include copies of relevant papers in your child's record
5½ -15 school days	Yes —Governors must arrange a meeting even if you don't attend	Yes —Governors must meet within 50 school days of receiving exclusion notification	<ul style="list-style-type: none"> • Decide whether the principal was justified in excluding your child • Note their views on your child's records • Include copies of relevant papers in your child's record • Reinstate your child immediately
15½ school days or more in one term	Yes —Governors have to review the exclusion even if you don't make representations or attend the meeting	Yes —Governors must meet within 15 school days of receiving exclusion notification	<ul style="list-style-type: none"> • Decide whether the principal was justified in excluding your child • Note their views on your child's records • Include copies of relevant papers in your child's record • Reinstate your child immediately
Permanent exclusion	Yes —Governors have to review the exclusion even if you don't make representations or attend the meeting	Yes —Governors must meet within 15 school days of receiving exclusion notification	<ul style="list-style-type: none"> • Decide whether the principal was justified in excluding your child • Note their views on your child's records • Include copies of other relevant papers in your child's record • Reinstate your child immediately
Would the exclusion result in your child missing a public exam?	Yes —Governors have to review the exclusion even if you don't make representations	Yes —the meeting should take place before the date of the exam. If this is not possible, the chair of the academy governors can review the exclusion alone.	<ul style="list-style-type: none"> • Decide whether the principal was justified in excluding your child • Note their views on your child's records • Include copies of relevant papers in your child's record • Reinstate your child immediately • Allow your child into school to take an exam

This leaflet is not intended to be a comprehensive guide to the relevant law and guidance on pupil exclusions. If you need advice or assistance please contact the Inclusion Officer on 01484 456838.

Other support and advice is available by contacting:

The Children's Legal Centre (Mon-Fri 8am-8pm): 08088 020 008

Kirklees Parent Partnership Service: 01924 326646

The Advisory Centre for Education (ACE) - Exclusion Advice Line: 0808 800 0327