

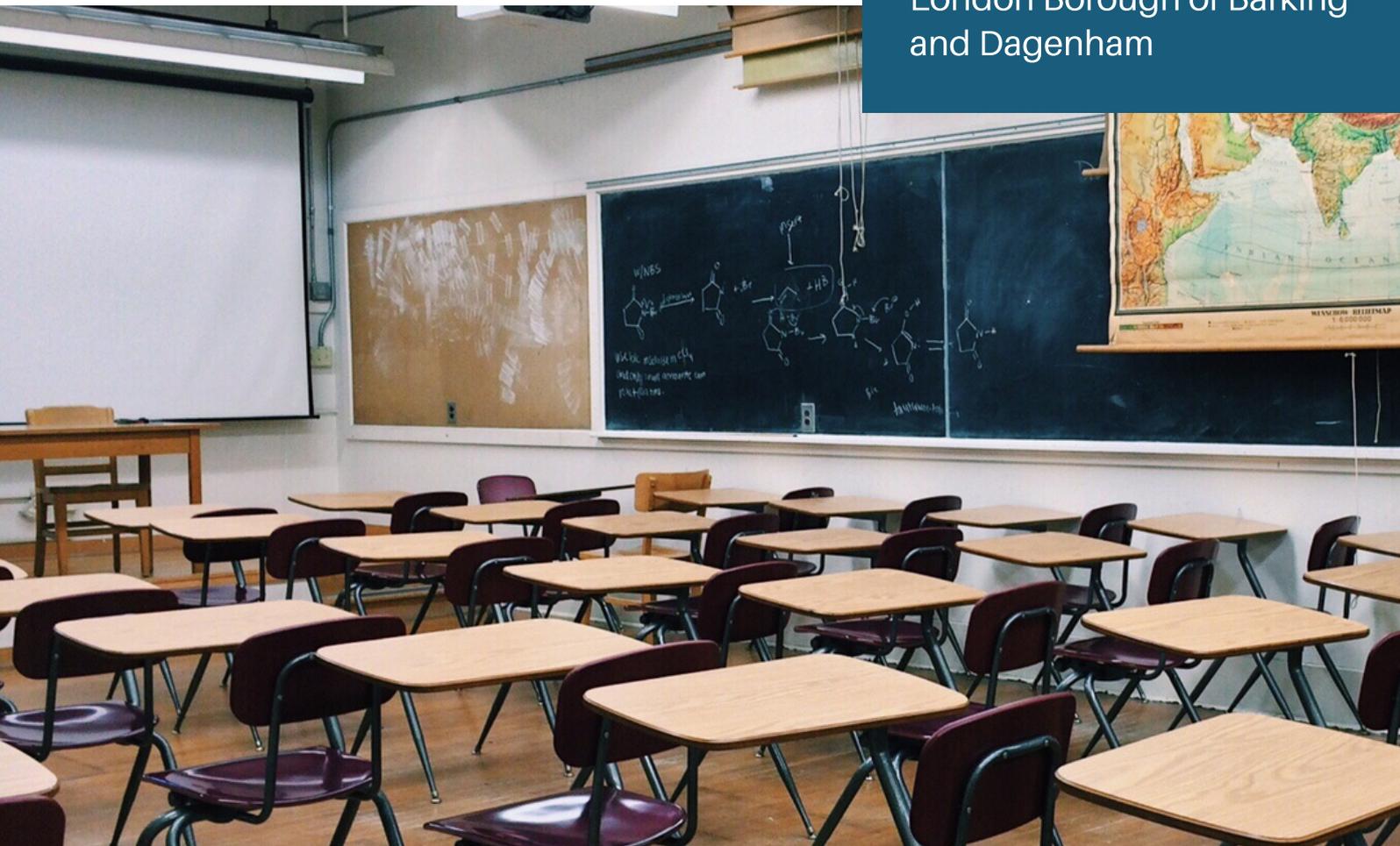
Guide for Parents

Exclusions

What should I do if my child has been excluded?

2021

London Borough of Barking
and Dagenham



WHAT ARE EXCLUSIONS?

Only the Headteacher has the legal power to exclude your child, or exceptionally, the deputy Headteacher acting in the Headteacher's absence, with his/her authority. Headteachers have been advised that a decision to exclude a pupil should be taken only:

- in response to a serious breach or persistent breaches of a school's behaviour policy
- and, if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

TYPES OF EXCLUSION

Suspension

Suspension means that your child is not allowed to attend school for a specified period, with a date given for his/her return to school. Headteachers may suspend a pupil for up to 45 school days in any school year.

Lunchtime Exclusion

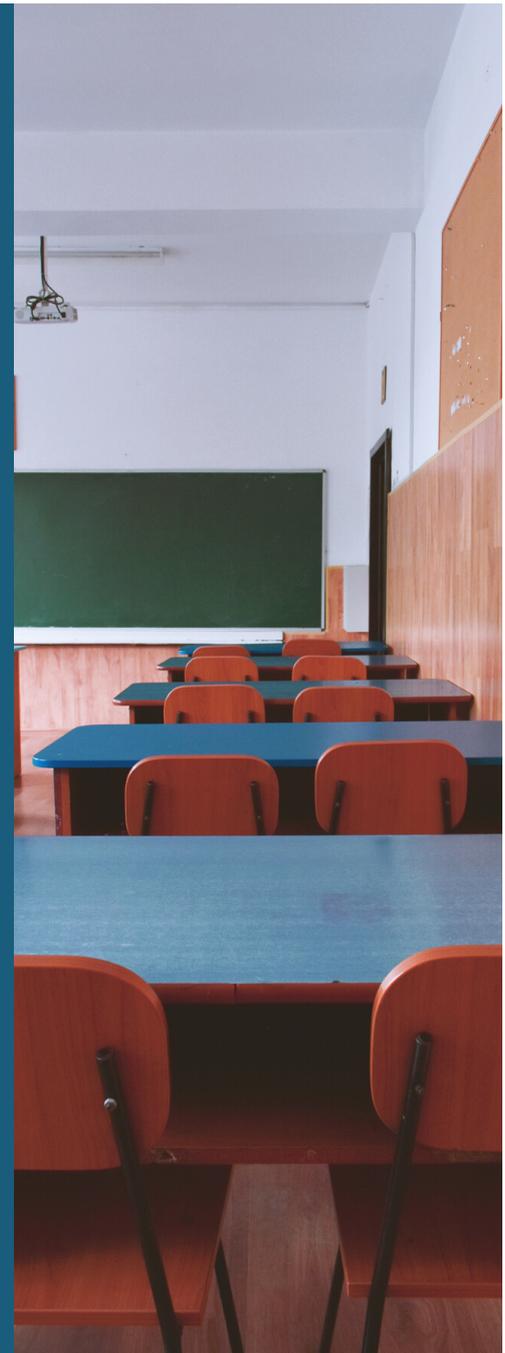
Lunchtime exclusions mean that your child cannot attend school for a lunchtime. Each lunchtime exclusion counts as if they were excluded for half a day although they are allowed to attend in the afternoon. Your child cannot be excluded for more than 45 days in a year.

Permanent Exclusion

Permanent exclusion means that your child can no longer attend the school and his/her name will be removed from the school roll. However, the Headteacher must not remove a pupil's name from the school register until the outcome of any review process has been completed.

Unofficial Exclusions

Only the Headteacher (or acting Headteacher) has the power to exclude a child. Schools cannot ask parents to keep their child at home for a "cooling off period" or because the school cannot meet their needs. This would be an unofficial exclusion and is unlawful, even if the parents agree to it. If the Headteacher does not want the child in school for disciplinary reasons, they must go through the formal exclusion process.



WHAT HAPPENS WHEN MY CHILD IS SUSPENDED OR EXCLUDED?

5 DAYS OR LESS

Work will be set by the school which should be completed and returned for marking. You must ensure that your child is not present in a public place during his/her suspension unless there is reasonable justification for this.

You may be prosecuted or receive a penalty notice from the local authority if your child is in a public place during the suspension period.

6 DAYS OR MORE

By the sixth day of the suspension (if not earlier) the school will arrange for your child to attend alternative provision for the remainder of the suspension.

If your child is in secondary school, he may attend Mayesbrook school which is a Pupil Referral Unit in Arden Crescent. However, the Headteacher could arrange for your child to attend another school or other provider. It is your responsibility to make sure your child attends for the period of the suspension.

PERMANENT EXCLUSION

By the sixth day of the exclusion (if not earlier), London Borough of Barking and Dagenham will arrange for your child to attend an alternative school provision. Someone from your child's new school provision will contact you to arrange an appointment for you and your child to meet the Headteacher.

ARE THERE ANY ALTERNATIVES TO SUSPENSIONS AND EXCLUSIONS?

Maintained schools have the power to direct a child to an off-site provision to improve their behaviour and to avoid exclusion and suspension. The school can also arrange a managed move to a new school to allow the child to have a fresh start.

A managed move is a formal agreement between the child's current school, the child, his/her parents, and the proposed new school. It usually takes place when the child is presenting with low level behaviours but may need a fresh start.



SUSPENSIONS

MY CHILD HAS BEEN GIVEN A SUSPENSION

Your Headteacher will notify you immediately, ideally by telephone and follow up with a letter. The letter will confirm the date and time that the suspension begins and ends, as well as the reason for the suspension.

HOW DOES THIS AFFECT ME AND MY CHILD?

- Your child's suspension will normally begin on the next school day.
- You have responsibility for your child from the first to the fifth day and are required to ensure that he/she is not present in a public place during school hours without justification. You may be prosecuted, or given a fixed penalty notice, if you fail to do so.
- Your child has a right to access educational provision from the sixth day of any suspension. We aim to ensure that Looked After Children (LAC) are able to access provision from day one of the suspension.
- The suspension letter will provide you with sources of advice. The LBBB inclusion team will also provide you with advice and guidance on the process.
- You have the legal right to state your case to your school's governors. Different arrangements are in place depending on the length of the suspension.

WHAT WILL THE SCHOOL DO?

The Headteacher will send you written notification of your child's suspension. This letter will include:

- The length of the suspension.
- The reasons for the suspension.
- Details of the incident which led to the suspension and reference to the school's published behaviour policy.
- The arrangements which have been made to set and mark work for your child.
- The details of any alternative provision that has been arranged.
- Relevant contact details should you wish to challenge the Headteacher's decision.
- Details of your rights and responsibilities

WHAT WILL THE GOVERNING BOARD DO?

The Governing Board often has a duty to consider parents' representations about a suspension although in some cases you have to ask for it but sometimes they have to meet whether you ask for it or not. This function is often delegated to a school Governing Board Discipline Committee.

MY CHILD HAS BEEN SUSPENDED FOR A PERIOD TOTALING FIVE DAYS OR LESS THIS TERM

WHAT WILL THE GOVERNING BOARD DO?

The Governing Board do not have to review this matter unless you ask them to do so. If you ask the Governing Board to review the suspension, they must do so.

The Governing Board is not required to meet with parents and has no power to reinstate your child for an suspension of five days or less in one term but they can still consider any written statement from you about the suspension.

WHAT HAPPENS NEXT?

The Governing Board must consider any representations you make and may place a copy of their findings on your child's school records. There are no time limits for the meeting of the governors to consider such suspension.

WHAT CAN I DO?

You can make a written statement about your child's suspension to the Discipline Committee of your school's Governing Board but you may not be able to meet with them.

MY CHILD HAS BEEN SUSPENDED FOR BETWEEN SIX AND FIFTEEN DAYS IN ONE TERM

WHAT WILL THE GOVERNING BOARD DO?

They have the legal power to either re-instate your child or decide against it before the suspension is due to end. If they meet after your child has returned to school, they must still consider whether the suspension was fair and record their views on your child's file.

WHAT CAN I DO?

You can ask the school's Governing Board to re-instate your child. You have the right to meet with them if you disagree with the suspension, or make any other views known. You must make a written request to do this. The school must ensure that this meeting takes place up to 50 school days following the suspension.

WHAT HAPPENS NEXT?

You will be provided with the relevant contact information to request a meeting of the Discipline Committee. For further information about these meetings go to page 8 and read 'What happens at meetings of the Governing Board's Discipline Committee?'



MY CHILD'S SUSPENSIONS TOTAL MORE THAN FIFTEEN DAYS IN ONE TERM

WHAT WILL THE GOVERNING BOARD DO?

The Discipline Committee of your school's governing body must meet to consider the Headteacher's decision to suspend your child. They will contact you to arrange a meeting to discuss the suspension. The meeting should take place within 15 school days of the suspension. They have the legal power to either uphold the decision or overturn the decision and reinstate your child before the suspension is due to end.

WHAT CAN I DO?

You do not have to request this meeting as it must be arranged whether you ask for it or not. You should prepare for this meeting as soon as you become aware of the suspension. Even if the latest suspension is for less than 5 days but it takes your child over 15 days in total for the term, a Governors review meeting must be convened. For further information on how to prepare, go to page 10 - 'How do I prepare for a Governing Board's Discipline Committee?'

WHAT HAPPENS NEXT?

Please read page 8 to find out 'What happens at meetings of the Governing Board's Discipline Committee?'

MY CHILD HAS BEEN SUSPENDED AND WILL MISS A PUBLIC EXAM OR NATIONAL CURRICULUM TEST

WHAT CAN I DO?

You have the right to meet the Governing Board. If it is not practical for a panel of governors to meet before the date of the exam, the Chair of Governors can consider the suspension and decide whether to reinstate the pupil. However, this is the only time that a Chair of Governors can act alone on a suspension. You will still have the right to make representations to the Governing Board when the meeting is arranged.

WHAT WILL THE GOVERNING BOARD DO?

A panel of governors or the Chair of Governors must consider the decision to suspend. They have the legal power to uphold or overturn the decision and reinstate your child before the exam begins.

MY CHILD HAS SPECIAL EDUCATIONAL NEEDS

If a child with SEN is showing poor behaviour or is at risk of suspension, the school should look at what additional support is needed or whether an alternative placement would be more appropriate to your child's needs. If your child has an Education, Health and Care Plan, the school should consider bringing forward the annual review or holding an emergency review as soon as suspension is a possibility.

Parents can contact the London Borough of Barking and Dagenham (LBBD) for advice and support. LBBD will also be able to provide details of voluntary agencies that offer support to parents of children with special educational needs.

MY CHILD IS LOOKED AFTER

Suspension from school should be a last resort for children who are looked after. In the extremely rare event of a looked after child being suspended from school, the school should work with the Local Authority to secure full-time education from the first day.

MY CHILD HAS BEEN PERMANENTLY EXCLUDED

The decision to exclude a child permanently is a serious one and should only be used as a last resort following a serious incident or persistent breaches of the school's behaviour policy.

HOW DOES THIS AFFECT ME AND MY CHILD?

Your child's permanent exclusion will normally begin on the next school day.

- You have responsibility for your child from the first to the fifth day and are required to ensure that he/she is not present in a public place during school hours without justification. You may be prosecuted, or given a fixed penalty notice, if you fail to do so.
- Your child has a right to access educational provision from the sixth day of any permanent exclusion.
- We aim to ensure that Looked After Children (LAC) are able to access provision from day one of the permanent exclusion.
- The permanent exclusion letter will provide you with sources of advice. The Inclusion Team can provide you with advice and guidance on the process, contact details can be found on page 13 of this booklet.
- You will be invited to attend the Governing Board's Discipline Committee meeting set up to review your child's permanent exclusion.

WHAT WILL THE SCHOOL DO?

Your school's Headteacher will send you written notification of your child's permanent exclusion. This letter will include:

- The date the permanent exclusion starts
- Details of the incident which led to the permanent exclusion and reference to the school's published behaviour policy.
- Details of any relevant previous warnings, suspensions or other disciplinary measures taken before the incident which led to the permanent exclusion (if this takes time to collate it will be contained in a prompt follow-up letter).
- Details of how you will be invited to the meeting of the Governing Board's Discipline Committee.
- Details of your rights and responsibilities (as set out in this booklet).
- Details of arrangements for educational provision made for the sixth day onwards.
- Sources of advice that you may wish to access.

WHAT HAPPENS AT MEETINGS OF THE GOVERNING BOARD'S DISCIPLINE COMMITTEE?

This will be your opportunity to state any views you have on your child's exclusion. Therefore, it is in your interest to make every effort to attend the meeting. If you are unable or unwilling to attend the meeting, you can still put your views in writing.

The meeting will be arranged at a time and place convenient to you within reason and you will be allowed to bring someone with you to the meeting. Your child is encouraged to attend and present his or her case, taking into account their age and understanding. You should receive any written evidence and information 5 days prior to the meeting.

Coram Children's Legal Centre can provide advice on how to prepare for the meeting. Governors have been advised to try and ensure that the meeting is not too intimidating for you. Any written statements and names of all those attending will be shared with you in advance of the meeting.

WHO WILL BE THERE AND WHAT ROLE WILL THEY PLAY?

PARENT/GUARDIAN

Your role is to state your child's case, and the reasons why you disagree with the exclusion. You may be accompanied by a friend or representative.

YOUR CHILD

Your child, if present, will be given the opportunity to give their view.

THE HEADTEACHER

The Headteacher's role is to explain the reasons for excluding your child, which may involve calling staff as witnesses.

YOUR SCHOOL'S GOVERNING BOARD

Where governors meet for exclusions over six days, the Discipline Committee has to make the decision to reinstate or refuse to reinstate your child at a specified date.

THE CLERK TO THE COMMITTEE

The Clerk to the Committee will keep an accurate record of the meeting and will remain with the Discipline Committee once the meeting has concluded, however, the Clerk does not take part in the decision making process.

LONDON BOROUGH OF BARKING AND DAGENHAM (LBBD) REPRESENTATIVE

A local authority representative from LBBD must be invited to meetings convened by maintained schools. Where the school is an Academy a parent may invite a representative of LBBD as an observer who may make representations with the Governing Board's consent. Where a local authority representative does attend they may make a statement regarding how other schools have dealt with similar incidents, advise on alternative arrangements and draw the governors' attention to issues relating to the process or the statutory guidance. However, it is not their role to try to persuade the Discipline Committee to reach one outcome rather than another.

THE GOVERNING BOARD PROCESS

The meeting is likely to follow a similar process to the one described below:

1. The Chair will welcome you, introduce the panel and ensure you have had at least 5 days to read the school's case.
2. The Headteacher will state the school's case and then be open to questions from all present.
3. You will state your child's case, and the reasons why you disagree with the exclusion and then be open to questions from all present. You may take as long as you want to present your case. If you need to do so, you may ask for a short adjournment. You can refer to your notes and you can arrange to bring a friend.
4. Your child, if present, will also be given the opportunity to comment.
5. Governors will ask questions to all parties throughout the proceedings.
6. You and the Headteacher will both be asked to sum up.
7. The LBBD representative may highlight relevant points from Department for Education Exclusion Guidance.
8. The governors will ask all parties other than the clerk to leave to make their decision.

HOW WILL THE GOVERNING BOARD DISCIPLINARY COMMITTEE (GBDC) MAKE ITS DECISION?

The GBDC must consider:

- On a balance of probability whether the child did what he/she is alleged to have done and what behaviour policies were not followed;
- Whether the correct procedures and timescales have been adhered to by the headteacher;
- If your child has been excluded for behaviour outside school, this has to be included in the behaviour policy, referring to wearing the school uniform when the incident took place, i.e. impacting on the reputation of the school community
- The seriousness of the incident, and the appropriateness of the length of the sanction;
- The likelihood of the incident being repeated if the child was allowed to return;
- The fairness of the exclusion in relation to any other children involved in the same incident;
- Any relevant previous misbehaviour;
- The support provided by the school and for how long it was provided;
- Parental involvement;
- Any special educational needs and disabilities the child may have;
- Any mitigating circumstances (e.g. being bullied, close family bereavement);
- That the school's behaviour policy states that permanent exclusion is a possible consequence of behaviour such as that alleged;
- How the school's discipline policy is disseminated to children and parents.

The decision to exclude a child permanently should only be taken under the following circumstances:

- a) In response to serious and/or persistent breaches of the school's behaviour policy; and,
- b) If allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school.

THE GOVERNING BOARD PROCESS

WHAT HAPPENS NEXT?

The Clerk to the Committee should send the decision of the meeting to you in writing without delay. The letter will include the reasons for the Committee's decision and any further relevant information on educational provision for your child.

The Discipline Committee can either uphold the decision to exclude or direct the Headteacher to reinstate the pupil at a specified date. Where the Governing Body decide to reinstate your child, the decision letter will include the date your child should return to school. If your child has not been reinstated, the letter will tell you the name and details of the new school that will educate your child.

The Headteacher may provide further information on any arrangements to support your child's successful re-integration. If the Governing Body decides not to reinstate your child, the decision letter will also explain that you have the right to request a review by an independent Review Panel. In addition, if you believe discrimination has taken place then you may make a claim under the equality act to the First Tier Tribunal or County Court. For further information please see page 13.



HOW DO I PREPARE FOR A GOVERNING BOARD DISCIPLINE COMMITTEE?

- It's important that you speak to someone you trust. As soon as you learn that your child has been excluded, you can contact any of the sources mentioned in this guide or someone else you trust.
- Talk to your child to get his/her impression of what this is all about. Write down what they say and make a note of the date and time you spoke to them.
- If you are due a Governing Board disciplinary review you must receive a pack detailing the school's case. You should read this pack carefully and make notes.
- Prepare what you want to say in the meeting by writing it down. Remember that you might need your notes when the meeting takes place because its not often easy to remember what you want to say.
- Think about who you would like to take with you. You can take a family member, friend or you might want to pay for a representative to attend with you. You should write to the school or clerk to tell them who you would like to take.

INDEPENDENT REVIEW PANELS

WHAT IS AN INDEPENDENT REVIEW PANEL?

If a pupil is not reinstated from a permanent exclusion by the School Discipline Committee, you have the right to request a review of this decision by an Independent Review Panel. The panel cannot reinstate the child but can review the decision of the Governing Board of the excluding school. Where a panel decides that a Governing Board's decision is flawed, it can direct them to reconsider their decision.

You will need to request the review in writing within 15 school days after receiving the decision letter. Any applications received after 15 school days have passed will be automatically rejected. London Borough of Barking and Dagenham Inclusion team can provide you with guidance on the information you should include in this written request.

You will be notified by the clerk to the panel of the time and place for the review. It is important for you to attend, but if you are unable or unwilling to, only the written statements you submitted will be considered. New evidence may be presented to the panel, though the school may not introduce new reasons for the permanent exclusion and panels must disregard any new reasons that are introduced.

Special Educational Needs Expert

You have the right to request the attendance of a Special Educational Needs (SEN) expert at the review, regardless of whether the school recognises your child has special educational needs. The SEN expert's role is to provide impartial advice to the panel on how special needs may be relevant to the exclusion. The SEN expert will advise the panel on whether he/she believes the school acted in a legal, reasonable and procedurally fair manner with respect to any identification of SEN, and any contribution this could have made to the circumstances of the permanent exclusion. However, the SEN expert can only base their advice on the evidence provided to the panel.

If you are worried about SEN and you would like to request an SEN expert, contact the LBBD Inclusion team who can help you: <https://www.lbbd.gov.uk/special-educational-needs-and-disability-send>

THE DECISION

The Independent Review Panel cannot overturn the decision of the Headteacher to permanently exclude, however, following its review the Independent Review Panel can decide to:

- uphold the permanent exclusion decision;
- recommend that the Governing Board reconsiders their decision; or
- quash a decision and direct the Governing Board to reconsider its decision.

AFTER THE MEETING

If the Independent Review Panel has directed or recommended reconsideration, the Governing Board must meet again within ten school days.

They must notify you of their decision in writing; the letter must also tell you about any information that will be added to your child's school record to reflect the decision.



WHAT HAPPENS AFTER PERMANENT EXCLUSION?

If your child lives in Barking and Dagenham, you and your child will be invited to attend a meeting with the Headteacher of the new school or provider, who is responsible for commissioning a range of suitable alternative provisions. The meeting is designed to plan the best way forward for your child.

PUPILS LIVING OUTSIDE BARKING AND DAGENHAM

If your child does not live in Barking and Dagenham, it will be the responsibility of the Exclusion Team in the borough in which you live to ensure that your child receives appropriate education.

DISCRIMINATION CASES

If you believe that your child's permanent exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

OTHER USEFUL INFORMATION

ALTERNATIVE PROVISION

If your child is suspended for more than five days or permanently excluded, the school or local authority will make arrangements for your child to attend an alternative education provision. In the case of secondary pupils, Barking and Dagenham's main alternative provider is Mayesbrook Park school which is based in Arden Crescent in Dagenham.

Mayesbrook Park school may also commission a range of alternative providers to meet a pupil's individual needs. All children attending Mayesbrook Park school are given the opportunity to engage with a personalised learning programme suitable to their needs. They work with an experienced team of teachers and other professionals, in order to choose the most appropriate pathway which will ensure achievement and success for the future. For the majority of young people this will often mean a return to a mainstream educational environment. For others, a smaller educational setting, with a higher level of support may be more suitable.

OTHER FORMS OF ALTERNATIVE EDUCATION

There are a number of independent alternative providers offering an education for children and young people. Your school should choose the most appropriate provision to meet the needs of your child during a suspension.

WHERE TO GO FOR FURTHER ADVICE

If you require further advice from the London Borough of Barking and Dagenham, you can contact the Inclusion Team on 07968 521 217 or email pupilexclusions@lbbd.gov.uk

OTHER ORGANISATIONS YOU CAN CONTACT INCLUDE:

School

You have the right to see a copy of your child's school record. Due to confidentiality restrictions, you need to notify the Headteacher in writing if you wish to be supplied with a copy.

Government Department of Education

National guidance published by the Department of Education is available online at <https://www.gov.uk/government/publications/school-exclusion>

First Tier Tribunal

First-tier (Special Educational Needs and Disability) Mowden Hall, Staindrop Road, Darlington DL3 9BG
01325 392760
www.justice.gov.uk/tribunals/send

Carers of Barking and Dagenham

If your child has special educational needs, then a local, independent service is also available to advise you. The service is provided by Carers of Barking and Dagenham (Information Advice Support Service (IASS), 334 Heathway, Dagenham, RM10 8NJ.

T. 020 8593 4422
Email: carers@carerscentre.org.uk
Online: <https://www.carers.org/local-service/barking>

Equality Advisory and Support Service

The EASS helpline is open Monday to Friday 9am to 7pm and Saturday 10am to 2pm.

Freephone Telephone 0808 800 0082
Text phone 0808 800 0084
Email us <https://www.equalityadvisoryservice.com/app/ask>
Freepost address: FREEPOST EASS HELPLINE FPN6521

Coram Children's Legal Centre

Coram Community Campus 48 Mecklenburgh Square, London WC1N 2QA
T. 0300 330 5485
<http://www.childrenslegalcentre.com>
<http://www.childlawadvice.org.uk>