Permanent Exclusions

Information and Guidance for Parents and Carers
Permanent Exclusion Information for Parent/Carer. 1
What happens now that my child is permanently excluded? 1-2
What happens at the Discipline Committee meeting? 3-4
Independent Review for permanent exclusions. 4
Flow chart of the permanent exclusion process. 5
If your child receives a second permanent exclusion 6
Documents you will receive from Nottinghamshire County Council. 7
Who are Parent Partnership and what support can they provide? 8
Who are ACE and what support can they provide? 8
Frequently asked questions. 9
Permanent Exclusion: Information for Parent/Carer

The permanent exclusion process can be a distressing and confusing time, for both you and your child. This booklet aims to explain the exclusion process and answer some of the most frequently asked questions associated with exclusion. It also contains contact details of additional support available to you.

Q: What does “Permanent Exclusion” mean?
A: The head teacher has decided that as a result of your child’s behaviour in accordance with the governing bodies’ behavioural policy he/she can no longer attend the school.

What happens now that my child is excluded?

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<tr>
<th>Step 1 – Head Teacher’s Decision</th>
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<tr>
<td>The school will notify you immediately, ideally by phone. This will be followed up with a letter which will outline the reasons for exclusion and give advice on the next stage of the process.</td>
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<tr>
<th>Step 2 – Parent’s responsibility between Day 1-5</th>
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<tr>
<td>For the first 5 days of the permanent exclusion, you must ensure that your child is not present in a public place during school hours without reasonable justification. This applies whether or not the child is with you.</td>
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<td>Failure to comply with this requirement could result in you receiving a fine (starting at a £50 penalty notice)</td>
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<th>Step 3 – Setting School Work</th>
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<td>The school will set and mark work for your child for the first 5 days of the exclusion.</td>
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<th>Step 4 – Schools &amp; County Council responsibility between Day 1-5</th>
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<td>Following permanent exclusion the County Council will contact you to discuss your child’s needs and educational options</td>
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<td>From the sixth day of exclusion the County Council must ensure that suitable full-time education is provided.</td>
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<th>Step 5 – Parental representation and Governors’ Meetings</th>
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<td>As a parent/carer you have the right to represent your views on the exclusion in writing to the school governors. You will also get the opportunity to attend a Discipline Committee Meeting where the exclusion will either be upheld or reinstated. The Discipline Committee meeting will be held within 15 days of the exclusion.</td>
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If you wish to represent your views then you should address the letter in the following way:

For attention of: The Clerk to Governors, C/O name of your child’s school
School Address

The envelope should be marked confidential. The clerk will respond to you and advise you of the next steps of the process. These meetings are important since everybody has an opportunity to present their views. It is strongly advised that parents attend or send in written representation.
The Advisory Centre for Education (ACE) provides useful guidance on writing and presenting your case to governors. You can also contact The Parent Partnership Service (PPS) who give advice and support to parents who consider their child has special educational needs.

Q: What is the Discipline Committee?
A: The Discipline Committee is formed from 3 or 5 school governors. Its role is to examine the head teacher’s decisions to exclude pupils and decide whether those decisions were correct.
   There will also be a clerk present to take notes and advise on procedures.

Q: If the Discipline Committee decides to overturn the exclusion, will my child return to the same school?
A: Yes.

Q: If the Discipline Committee upholds the exclusion, what happens to my child’s education?
A: Nottinghamshire County Council will continue to commission education for your child and an officer will support you with longer term options for your child.

Q: What happens to my child’s education before the Discipline Committee meeting?
A: For days 1-5 inclusive, the school will set work to be done at home. During this time you have a duty to ensure that your child is not present in a public place during school hours. You are liable to a fine if your child is found in a public place, with or without a parent, without good reason.
   From Day 6 the County Council will commission educational provision for your child based on their individual needs and age.
What happens at a Discipline Committee Meeting?

- Introductions by the Chair and explanation of the purpose and conduct of the meeting.
- Report by Head Teacher and other school staff on reasons for exclusion.
- Questions to the Head Teacher from the parent/carer, governors and County Council representative (where invited – Academies do not have to invite a County Council representative.)
- Parent/carer’s view (supported by a friend or adviser if appropriate)
- Questions to parent/carer from governors, the Head Teacher and the County Council representative
- External agencies reports (where appropriate) which outlines the support given, interventions and outcomes
- County Council representative’s views (where invited)
- The chair asks for any final questions and the Head Teacher and parent/carer are invited to sum up
- The governors are left to consider their decision
- Governors decide on whether to uphold the exclusion or reinstate the pupil.
- The governors then inform all parties of their decision
- If the parent/carer decides to return home prior to the decision, or the chair feels that the governors’ deliberations will be lengthy, the clerk will contact and verbally convey the decision to the parent/carer
- When giving the decision to the parent/carer it is considered good practice for the chair to advise of the reasons behind reaching this decision.
- This decision must be confirmed in writing within 1 school day. This remains the responsibility of the Clerk to the Governors.
- Minutes of the meeting will be placed on the pupil’s record with a copy of the Head Teacher’s exclusion letter.
The Outcome of the Discipline Committee Meeting

There are two possible outcomes following the discipline committee meeting:

If the governors’ decision is to **uphold** the exclusion your child would not be allowed back to the excluding school. Nottinghamshire County Council will commission suitable short term education for your child until another school place has been agreed, or longer term alternative provision.

If the governors decide **not to uphold** the exclusion your child would return to school.

**Q:** If the Discipline Committee upholds the exclusion and I disagree, is there anything else I can do?

**A:** You may ask for an independent review. You will be given details of how to do this by the academy or the County Council in the case of a maintained school, following the outcome of the discipline committee meeting.

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### Step 6 - Independent Review for Permanent Exclusions

If the governors’ decision was to uphold the exclusion then you have the right to appeal to an independent review. This should be lodged within 15 school days. You will receive a letter from the academy or County Council notifying you of this date and a copy of the appeal form.

The independent review will be heard within 15 school days of your request and will consider evidence from you, the Head Teacher, Governing Body and County Council representative before reaching their decision.

There will be 1 of 3 possible outcomes of an independent review:

1. **Uphold the exclusion** – your child would not return to the excluding school
2. **Recommends that the governing body review their decision** – They may choose to change their original decision (i.e. re-instate) or uphold their original decision
3. **Quash the decision and direct the governing body to reconsider** – The governing body may still choose to uphold the decision but your child’s record would not show a Permanent Exclusion.

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The decision of the review panel is binding on the school, parent/carer and the County Council and brings the exclusion process to an end. However if it is felt that the review panel had acted improperly in any way, parents do have further rights to complain to the **Local Government Ombudsman**. Another avenue open to parents and the school Governing body is **Judicial Review**. This would establish whether the decision made by the review panel was unlawful or legally unreasonable.
Permanent Exclusion issued by the school

Child remains on school roll and work is set by the school for the first 5 days. From day six of the exclusion education will be commissioned by Nottinghamshire County Council

Letter to parent/carer from the County Council giving the opportunity to give details of who to contact and provide information regarding the child's education during the interim period of the exclusion

Discipline Committee meeting to be held within 15 days of the exclusion

Exclusion upheld

Learner reinstated to current school

Letter to parent/carer from the Academy or County Council offering the right to a review.

Nottinghamshire County Council will work with you to identify possible educational pathways for your child
If Your Child Receives a Second Permanent Exclusion?

If your child receives a second permanent exclusion then education will be commissioned by Nottinghamshire County Council. You have the right to nominate another school place. However the County Council is not required to comply with this for a period of 2 years following the second permanent exclusion.

Permanent Exclusion issued by the school

Child remains on school roll and work is set by the school for the first 5 days. From day six of the exclusion education will be commissioned by Nottinghamshire County Council.

Letter to parent/carer from the County Council with information regarding the child’s education during the interim period of the exclusion

Discipline Committee meeting to be held after 6 days but within 15 days of the exclusion

Learner reinstated to current school

Exclusion upheld

Letter to parent/carer from the academy or County Council offering the right to a review

As this is your child’s second permanent exclusion education will be commissioned by Nottinghamshire County Council.
Documents you will receive from Nottinghamshire County Council

First Letter you will receive - This letter will ask you to contact Nottinghamshire County Council to arrange education for your child from day 6 of their exclusion. We will discuss with you longer term options for continuing education, including the right to nominate another school.

Second Letter you will receive (for a maintained school) - This letter will confirm the decision made by the governors, notify you of the date by which you need to lodge your appeal to a review and also include a copy of the review forms. If your child attends an academy you will receive this information from them.

Q: Can anyone else offer me support with the exclusion?
A: A Nottinghamshire County Council officer will support you through the exclusion process and in securing appropriate education for your child. The Parent Partnership Service (PPS) gives advice and support to parents who consider their child has special educational needs.
Web: www.ppsnotts.org.uk
Email: enquiries@ppsnotts.org.uk
Tel: 0115 9482888

Who Are Parent Partnership and What Support Can They Provide?

The Parent Partnership Service (PPS) work to support, resolve and prevent disputes between schools, parents and the County Council. They can provide an independent parental supporter who can assist with writing letters, support you at meetings and help your child express their views.

Who Are ACE and What Support Can They Provide?

The Advisory Centre for Education (ACE) is an independent national advice centre for parents to answer questions on all aspects of education. ACE offer a practical guide to parent’s legal rights on the exclusion process and an exclusion advice line 0800 800 0327 is available for further independent support.
Frequently Asked Questions

These frequently asked questions give some brief answers to queries you may have, in what is a very difficult and upsetting time for your family.

Q: What happens if my child has to travel further than previously to their new school?
A: If it is the school designated by the County Council and the distance is greater than the permitted walking distance for your child's age, the County Council will pay for transport, usually a bus pass. If the school is your preferred school, you may be responsible for getting your child to and from the school.

Q: Can I be issued with a penalty notice if my child is seen in a public place with me during the first 5 days of the exclusion?
A: Yes. You must ensure that your child is not present in a public place during school hours without reasonable justification. This applies whether or not the child is with you.

Q: What happens if I nominate another school?
A: District fair access panels met every few weeks to consider school applications.

Q: Is the exclusion process the same in other areas of the country?
A: Yes. Government guidance has been circulated to all schools and County Councils to ensure that all schools follow the same rules.

More details are outlined in the **Exclusions from maintained schools, Academies and Pupil Referral Units in England** which can be found at the following website:

Secondary Partnership Development Officers
Alison Blackmore (Exclusions from Gedling, Broxtowe & Rushcliffe)
Martine Smedley (Exclusions from Ashfield, Mansfield, Bassetlaw & Newark)
Meadow House
Littleworth
Mansfield
Nottinghamshire
NG18 2TB
Tel: 01623 433327
exclusions.ed@nottscc.gov.uk

Primary Partnerships and Primary Social & Emotional Development Team
Lin Armitage
Meadow House
Littleworth
Mansfield
Nottinghamshire
NG18 2TB
Tel: 01623 433327

Local Education Bases
Meadow House (Ashfield, Bassetlaw, Mansfield & Newark)
Littleworth
Mansfield
Nottinghamshire
NG18 2TB
Tel: 01623 433433

Home Brewery Building (Broxtowe, Gedling & Rushcliffe)
Sir John Robinson Way
Arnold
Nottingham
NG5 6DA

Nottinghamshire Transport Services
Communities Department
Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ

Phone/Minicom: 0844 9808080
Fax: 0115 977 4353
Email: travel.assistance@nottscc.gov.uk
Education = future