



**Nottinghamshire
County Council**



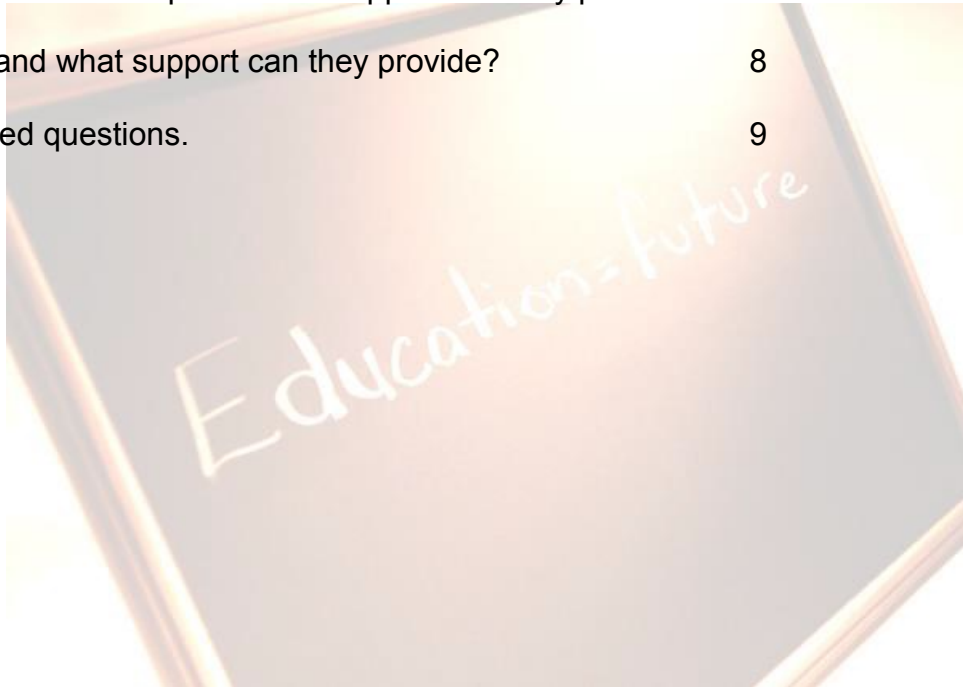
Permanent Exclusions

Information and Guidance for Parents and Carers

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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 and in accordance with the school behaviour policy he/she can no longer attend the school.

What happens now that my child is excluded?

Step 1 – Head Teacher’s Decision

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.

Step 2 – Parent’s responsibility between Day 1-5

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.

Failure to comply with this requirement could result in you receiving a fine.

Step 3 – Setting School Work

The school will set and mark work for your child for the first 5 days of the exclusion.

Step 4 – Schools & County Council responsibility between Day 1-5

Following permanent exclusion the County Council will contact you to discuss your child’s needs and educational options

From the sixth day of exclusion the County Council must ensure that suitable full-time education is provided.

Step 5 – Parental representation and Governors’ Meetings

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 must be held within 15 school days of the exclusion.

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.

Q: What is the Discipline Committee?

A: The Discipline Committee is formed of 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.

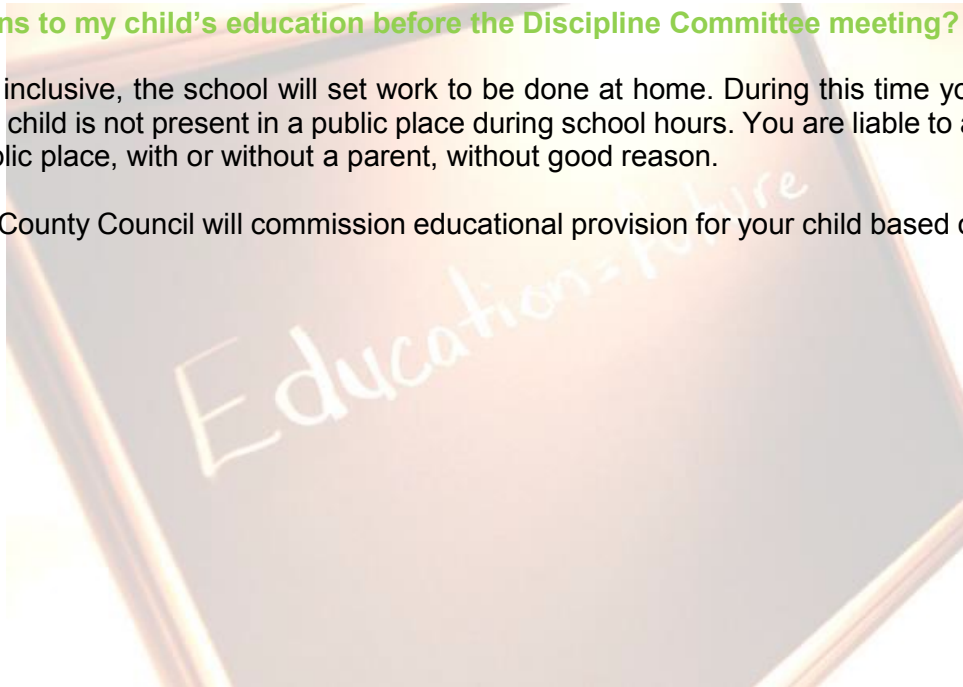
Q: If the Discipline Committee upholds the exclusion, what happens to my child's education?

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.

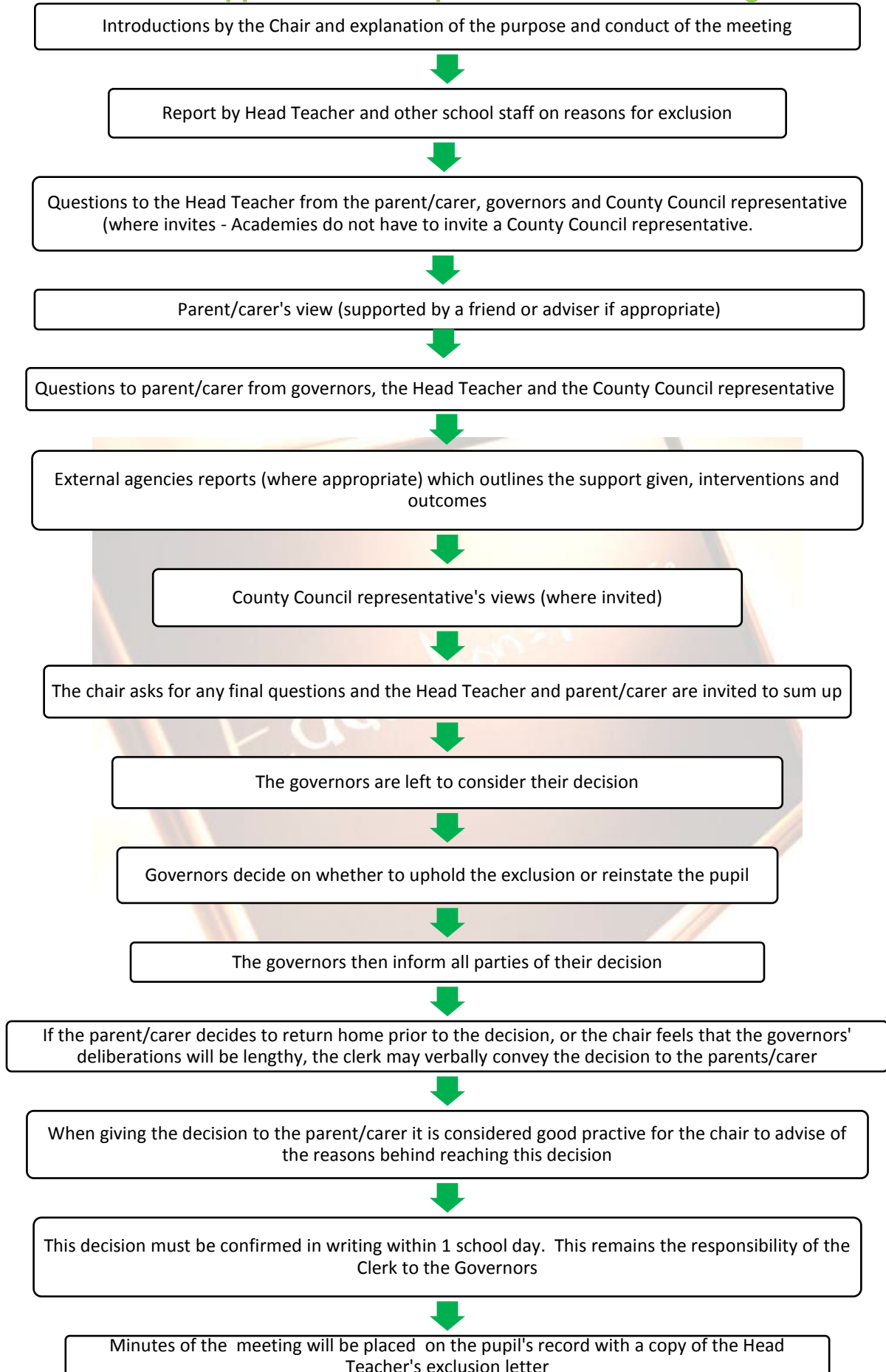
Q: What happens to my child's education before the Discipline Committee meeting?

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?



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.

Step 6 - Independent Review for Permanent Exclusions

If the governors' decision was to uphold the exclusion then you have the right to an independent review panel (IRP). You must request this within 15 school days of the governors hearing. You will receive a letter from the academy or County Council notifying you of this date and where to write to.

The independent review panel 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. You may also request the presence of an independent SEN expert.

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.

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 (or your home local authority if you live outside of Nottinghamshire)

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 school days of the
exclusion

Exclusion upheld

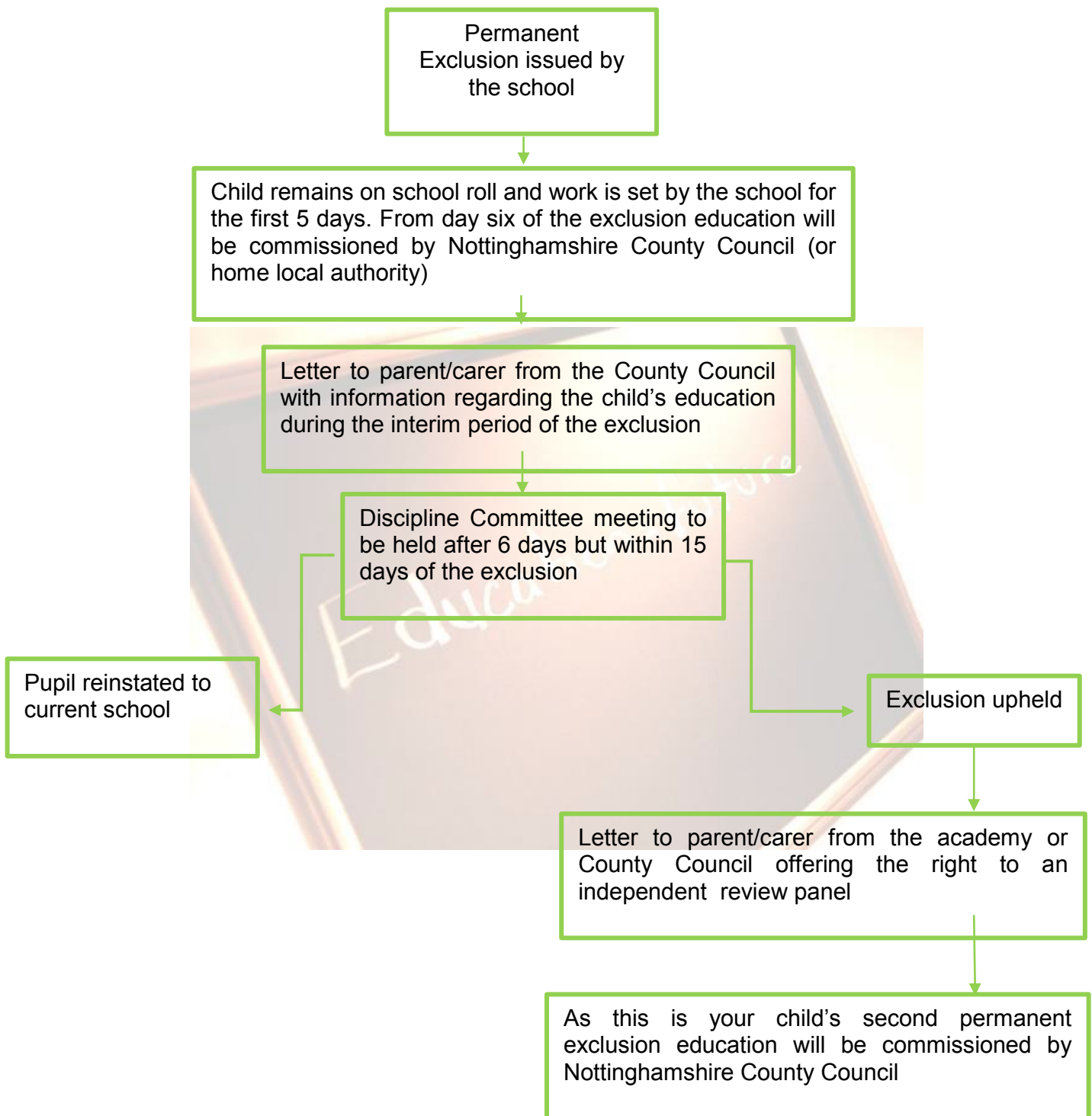
Learner reinstated to
current school

Letter to parent/carer from the Academy
or County Council offering the right to an
independent review panel.

Nottinghamshire County Council will work
with you to identify future 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 apply for another school place. However, schools do not have to consider such an application for a period of 2 years following the second permanent exclusion.



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 applying to other schools.

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 request for an independent review panel. If your child attends an academy you will receive this information from them.

Q: Can anyone else offer me support with the exclusion?

A Nottinghamshire County Council officer will support you through the exclusion process and in securing appropriate education for your child.

You could also seek advice and support from Ask Us Nottingham (formerly Parent Partnership) or the ACE Advisory Centre.

Further information can also be found at www.nottshelpyourself.org.uk

Who Are Ask Us Notts and What Support Can They Provide?

Ask Us Notts work in partnership with schools, parents and the County Council to support young people to have a positive educational and life experience.

For more information see www.askusnotts.org.uk or call the helpline on 0800 121 7772

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 can be 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 apply for another school?

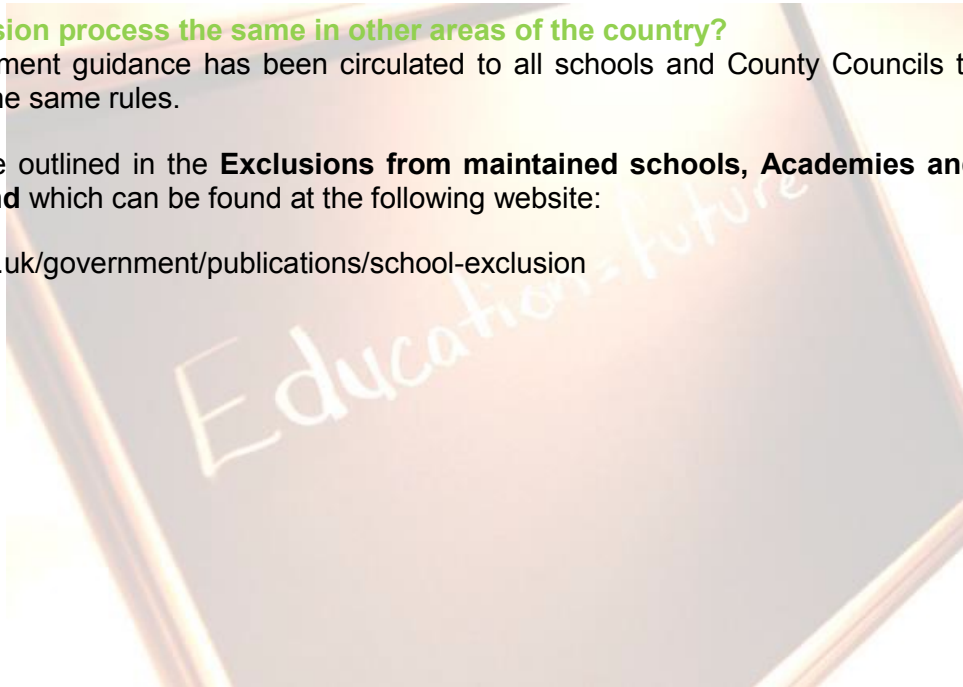
A: The school or academy you apply to will need to respond to your application under normal admission code guidelines (unless your child has had 2 permanent exclusions)

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:

<https://www.gov.uk/government/publications/school-exclusion>



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