



Shropshire
Council



A GUIDE TO:
**PERMANENT
EXCLUSION**

This guide is based on the statutory guidance [Exclusion from schools, academies and pupil referral units in England](#) (DfE guidance 2017).

April 2021

Dear Parent / Carer,

When your child has been permanently excluded from school it can be a very difficult, upsetting and worrying time for you and your family.

This booklet explains what will happen next, what you can do and who you can contact for help and support.

Inclusion Service

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What is a permanent exclusion?

To exclude a child permanently is a very serious decision and should only be used as a last resort.

Your child should only be excluded from school:

- ⇒ If they seriously or persistently breach the school's behaviour policy.
- ⇒ Seriously harm the education or welfare of themselves or others in school if they remained in school.

Who can exclude?

The Head Teacher / Principal is the only person who can make the decision to exclude your child. (If the Head Teacher / Principal is absent the Deputy Head Teacher or most senior teacher who is acting as Head can exclude your child.)

How will I be told about the exclusion?

Ideally, the Head Teacher should phone you immediately to inform you that your child is being excluded, followed by a letter within one school day. The letter must inform you that your child has been permanently excluded and the reasons for the exclusion.

This decision must then be reviewed by the governing body. They decided whether your child can return to the school and you will be invited to attend the meeting.

Unofficial / illegal exclusions?

All exclusions must follow the correct procedure and be recorded as exclusions.

A Head Teacher **cannot** exclude a pupil from school on an informal basis, such as:

- ⇒ Sending a child home until they comply with requirements;
- ⇒ Encouraging parents to voluntarily withdraw their child from school;
- ⇒ Advising parents to keep their child at home for a period of time;
- ⇒ Placing undue pressure on parents to keep their child at home whilst seeking a transfer of school, to avoid formal exclusion.

Alternatives to exclusion & early intervention

LOOKED AFTER CHILDREN

Exclusion from school should be a last resort for children who are looked after; therefore, it is important to work with the school and carers to intervene as soon as child's behaviour becomes a cause for concern. Schools should work together with foster carers, children's homes and the local authority that looks after the child and the local authority's virtual school head to try to avoid exclusion. This might include putting in additional support or looking at whether a different school would be more suitable.

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (SEN)

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

Should my child be out of the house whilst he / she is excluded?

You have a duty to ensure that your child is not found in a public place during the first 5 days of exclusion unless there is a reasonable justification for this. This requirement applies regardless of whether your child is in the company of a parent / carer.

Your child may also be removed from the public place by the police and taken to designated premises.

If your child is found in a public place during normal school hours whilst excluded, without reasonable justification, you may receive a fixed penalty notice from the Local Authority or face prosecution.

Will the school set work?

The school must provide work for your child during the **first five days** of the exclusion. The school will give you the name of the teacher who is providing the work and the arrangements for marking the work. You should ensure that the work is returned for marking and advise the school if your child needs more work.

From the **Sixth day** of exclusion onwards the Local Authority will provide suitable supervised full-time education.

Will your child miss an exam?

If your child is excluded and will miss a public exam such as GCSE or national curriculum tests, contact the school straight away to find out what the arrangements are.

In this case the governors must meet **if reasonably practicable** before the date of the exam to consider whether to reinstate your child.

It may also be possible for a child to be allowed onto the school premises just to take an exam. In this case you might need to escort your child to and from school.

What happens next?

A representative from the Local Authority's will invite you to a separate meeting to discuss the exclusion, the process and the educational provision whilst your child is not in school.

The meeting will usually take place before the governors have met to consider the Head Teacher's decision.

The meeting is not linked in any way to the Governor's decision and is set up as soon as possible after the Local Authority is notified about the exclusion to ensure your child is not without education provision.

The Local Authority has a statutory responsibility to provide education from the sixth day of exclusion, this is called Sixth Day Provision. This will usually be provided via the alternative education provision TMBSS (Tuition Medical Behaviour Support Service).

Tuition Medical Behaviour Support Service (TMBSS)

The Tuition, Medical and Behaviour Support Service (TMBSS) teaches pupils who cannot be taught in school (for a range of reasons) aged between 5 and 16 countywide. It may be that your child only completes sixth day provision there, or that it is decided via a Specialist Placement Panel that they have a longer period of assessment. There are TMBSS education centres in Oswestry, Bridgnorth, Ludlow and Shrewsbury.

The key purpose of TMBSS is to assess and identify individual educational needs and to prepare them for their next step, whether it be a return to a mainstream school or to another provision. This will enable them to make good progress in their learning and personal development and restore self-confidence and enjoyment. TMBSS support the (re)integration back into the most appropriate education provision at the earliest opportunity.

The governors disciplinary committee meeting (GDC)

The governing body must meet within 15 school days of the exclusion to consider the decision made by the Head Teacher to permanently exclude your child. You will be invited to attend the meeting.

The Head Teacher will provide you and the governors with written evidence / information (report) at least 5 days in advance of the meeting outlining the reasons why your child has been excluded and the evidence collected during the school's investigation of the incident(s) for which your child has been excluded.

The governors will consider the evidence provided in the Head Teacher's report and any information that you provide at the meeting. They can decide to end the exclusion and allow your child to return to the school if they believe that the exclusion was not appropriate or uphold the decision of the Head Teacher to permanently exclude your child.

CAN I TAKE SOMEONE WITH ME?

You can take anyone of your choice with you; a friend, partner, relative, other supporter or legal representative to help you at the meeting.

If you need an interpreter, you can bring someone with you or the person who invited you to the meeting can arrange for someone to help you; however, you will need to let them know in advance.

WHO ELSE WILL BE AT THE MEETING?

- × **3 or 5 governors** who act as the Disciplinary Committee.
- × **The Head Teacher** and possibly additional staff who may be called as witnesses.
- × **A Clerk** to take notes and advise the governors on procedure.
- × **A Local Authority representative** may be invited.

PREPARING FOR THE MEETING

You should read through the Head Teacher's report and make a note of any questions that you may wish to ask or anything that you do not understand, or you do not agree with. You can then raise these at the meeting.

You do not have to attend the meeting as the exclusion can be considered without you. If you are unable to attend, you can send a letter to the governors with any information or points you would like them to consider.

However, we strongly encourage you to attend so that you can support your child and you can both give your views about the exclusion and ask any questions you may have.

Governors usually ask questions about your child and it can be difficult to make the best decision without all the information.

Preparation for the governor's disciplinary meeting

Information / questions that may help you prepare for the governor's meeting

- ⇒ How do you feel about the exclusion and are there any points that you disagree with?
- ⇒ Does your child have a view about what happened?
- ⇒ Has the school kept you fully informed about your child's behaviour?
- ⇒ Does your child have special educational needs?
(If yes, do they have a support plan and when was it last reviewed?)
- ⇒ What support has the school put in place to help your child before deciding to exclude?
- ⇒ Was excluding your child reasonable given your child's age, health and any personal issues?
- ⇒ Was anything upsetting your child?
- ⇒ Was there pressure from others?
- ⇒ Could anything else have affect their behaviour?
- ⇒ Have they been bullied, racially or sexually harassed or faced discrimination inside or outside of school?
- ⇒ The school's policies must include how they deal with bullying and harassment. How well does the school deal with this, in general, and for your child?
- ⇒ If others were involved, were their sanctions in line with your child's?

Tell the governors about your child's good points.

Example letter to send to the governing body meeting

An example of a letter you can send if you are **unable to attend** the Governors' meeting:

To the Clerk of Governors' Discipline Committee c/o (the school's address)

Date

Dear Sir/Madam,

Child's Name:..... DOB:.....

I will not be attending the governors' meeting to consider my child's permanent exclusion. I would like the governors to know the following: **(write down the good things you want them to know)** about my child.

And / or

My child disagrees with some / all the evidence presented. My Child's views of what happened are as follows: **(write down everything your child has told you about the incident)**

I would like to complain about the following: **(this may include anything that you consider unfair or not managed properly)**

I would like this information to be considered when the Pupil Discipline Committee meeting is held.

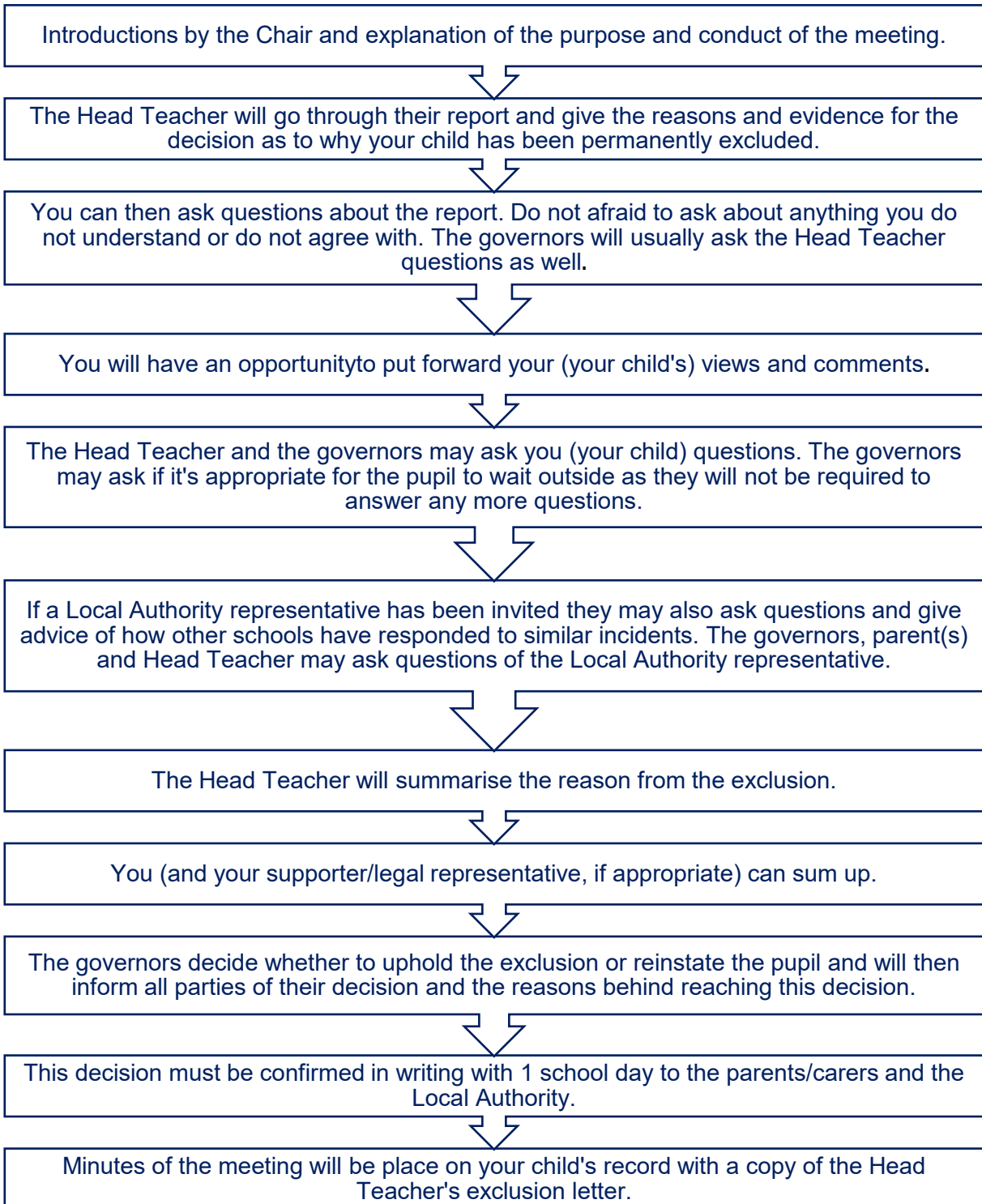
Yours sincerely,

.....

What will happen at the meeting?

The meeting will be held in private and will be as informal as possible but will follow a set procedure to make sure that every school deal with exclusion in the same way. The Head Teacher can decide to withdraw the exclusion at this stage if they wish.

Governors understand that this is a difficult and stressful time for you. They are used to dealing with parents and carers at this difficult time, so don't worry if you need extra time to think about all the things that you want to say.



The outcome of the governor's meeting

There are two possible outcomes following the PDC meeting:

1. Governors decide to reinstate your child

This means that the governors have decided that your child can return to the school.

You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

2. Governors decide to uphold the exclusion

This means that they governors have decided that your child should be permanently excluded from the school. In such circumstances, your child's education will continue to be provided by the appropriate learning centre given by the Head Teacher in the letter informing you of the exclusion.

Can I appeal against the decision?

You do not have the right of appeal against the decision; however, you do have the right to ask for the decision to be reviewed by an independent review panel.

In order to ask for an independent review, you must send your request in writing within 15 school days of the governing board decision otherwise you will lose your right to do so.

What is the independent review panel (IRP)?

The IRP's role is to review the decision of the governing body to check that it was properly made. The IRP cannot reinstate a child but can quash (reject) the decision and direct the governing body to look at the exclusion again.

The letter from the governors will advise you of the name and address to whom an application for a review should be made.

How do I request an independent review?

You must give your reasons why you want the decision to be reviewed (and provide any written evidence).

You should also include, if appropriate, any reference to how your child's special education needs are relevant to the exclusion.

Special educational needs (SEN)

Regardless of whether your child has any recognized special educational needs, you have the right to request the attendance of a Special Educational Needs expert at the independent review and you must make clear in your written request if you wish a Special Education Needs expert to be present.

What is a Special Educational Needs Expert?

The Special Educational Needs (SEN) expert is a professional with first-hand experience of the assessment and support of special educational needs, as well as understanding of the legal requirements on schools in relation to special needs and disability.

Examples of individuals who may be a SEN expert include educational psychologist, specialist SEN teachers, special educational needs coordinators or behaviour support teachers.

Applying for an independent review panel

If you apply for a review within 15 school days of being given the Governors' decision not to reinstate your child, the local authority or (in the case of an Academy) the Academy Trust must arrange for an independent review panel hearing to review the governors' decision.

You may request an independent review panel even if you did not make a case to, or attend, the governors discipline committee meeting. The review must be held within 15 school days of receiving your application and you will be invited to attend the meeting.

WHAT WILL HAPPEN NEXT?

The clerk to the review panel will provide you with a copy of the relevant papers 5 school days in advance of the review. These papers must include:

- ⇒ **The governing body's decision.**
- ⇒ **Your application for review.**
- ⇒ **Any policies or documents that the governing body was required to have in regard to making their decision.**

CAN I TAKE SOMEONE WITH ME?

You can take anyone of your choice with you, a friend, partner, relative or other supporter. Alternatively, you may, at your own expense, appoint someone to make written and or oral representations to the panel such as a legal representative.

WHO ELSE WILL BE AT THE MEETING?

- ⇒ **3 – 5 panel members** who act at the review panel.
- ⇒ **Representatives of the governing body;**
- ⇒ **The Head Teacher;**
- ⇒ **A Clerk** to take notes and advise the panel on procedure, legislation and guidance which may **be relevant to exclusion.**
- ⇒ **An SEN expert**, if requested by parent / carer.
- ⇒ **A Local Authority representative** may be invited (if they were present at the Pupil Discipline Committee Meeting)

WHAT WILL HAPPEN AT THE MEETING?

The meeting will be held in private and will be as informal as possible but will follow a set procedure. The role of the panel is to review the governor's decision not to reinstate your child to the school following permanent exclusion.

The panel must consider the interests and circumstances of your child, the reasons why your child has been excluded and consider the interests of other pupils and people working at the school.

WHAT CAN THE REVIEW PANEL DECIDE TO DO?

- 1) Uphold the exclusion decision
- 2) Recommend that the governing body reconsiders their decision
 - a. the panel directs or recommends that the governors reconsider their decision, the governors must reconvene to do so within 10 school days of being given notice of the panel's decision.
- 3) Quash (reject) the decision and direct that the governing body considers the exclusion again.
 - a. The panel may only quash the decision where it considers that it was flawed. The panel will apply the following tests:
 - i. **Illegality** – did the Head Teacher and / or governors act outside the scope of their legal powers in taking the decision to exclude?
 - ii. **Irrationality** – was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
 - iii. **Procedural impropriety** – was the process of exclusion and the governing body's consideration so unfair or flawed that justice was clearly not done?

WHAT WILL HAPPEN NEXT?

The governors must notify you in writing of their reconsidered decision and the reasons for it. The governors can decide to:

- ⇒ **Reinstate** your child, which means that your child can **return** to the school. The letter informing you of the decision will give a date when your child should return.
- ⇒ **Uphold the exclusion**, which means **that your child will** remain permanently exclude from the school and their name removed from the school roll.

Discrimination and the Equality Act

In addition to the right to apply for an independent review panel, if you believe that the exclusion has occurred as a result of discrimination (disability, race, sex, religion / belief, pregnancy, sexual orientation or gender reassignment) then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court in the case of other forms of discrimination.

Any claim of discrimination should be lodge within 6 months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

Returning to school after an exclusion

You and your child may be required to attend a reintegration meeting at the school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

Staff at school appreciates the support that you can give and do understand that it may not always be easy for you to attend the meetings when you have to take time off work or because of family commitments. It will help your child a great deal if you and the school can work closely together, to support your child and to avoid any difficulties in the future.

Further information and help

You can find further information about the Exclusion process the [GOV.uk Website](#)

Or if you want to talk to someone about your concerns please contact:
Inclusion Services on [01743 254397](tel:01743 254397) or email inclusion@shropshire.gov.uk

Inclusion Service – Contact details

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