

Information Series

What is a School Exclusion?

An exclusion is when a headteacher decides that for disciplinary reasons relating to a child's behaviour, the child is no longer allowed to attend that school.

What is the difference between an exclusion and suspension?

Exclusions can be temporary, for a fixed period. These are known as suspensions. Exclusions can also be permanent. In either case there are steps which schools must follow. Permanent exclusions should only be used when they are absolutely necessary, as a last resort.

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What are grounds for exclusion?

What behaviour can be considered?

A pupil's behaviour both inside and outside school can be considered grounds for a suspension or permanent exclusion. A series of incidents or one very serious incident that is against the school's behaviour policy can lead to suspension or exclusion.

Does the decision to exclude have to be fair?

Yes. Any decision of a headteacher, including suspension or permanent exclusion, must follow administrative law. It must be: lawful (in line with legislation about suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and "proportionate" (balanced).

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What should be considered?

What factors should be considered?

All the circumstances of the case and any special circumstances relevant including the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them. The headteacher should take account of the child's views, and if relevant the child should be supported to express their views.

The standard of proof

The standard of proof is the 'balance of probabilities'. Is it more likely than not that a child or young person did what they are accused of? This is a lower standard of proof than the criminal standard of proof which is 'beyond reasonable doubt'.

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**If a child has SEND,
can they still be
excluded?**

Yes. A child with SEN and/or a disability can be excluded. The behaviour guidance says:

A school should not assume that because a pupil has SEND, it must have affected their behaviour on a particular occasion – this is a question of judgement for the school on the facts of the situation...

Schools should consider whether a pupil's SEND has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil. In considering this, schools should refer to the Equality Act 2010 and schools guidance...

The school should also consider whether reasonable adjustments need to be made to the sanction in response to any disability the pupil may have.

It is also important for the schools to seek to try and understand the underlying causes of behaviour and whether additional support is needed.

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Excluding a child with SEN and/or a disability

Special considerations for pupils with SEN or a disability

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual prior to making the decision to suspend or permanently exclude.

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What work should be set during a suspension and how long can the suspension be?

Education

Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

How long can suspensions be?

A suspension can be for parts of the school day. A suspension can't be open ended. It must have a defined end date that is fixed when the suspension is first imposed. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. Any suspension of a pupil, even for short periods, must be formally recorded.

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**Notifying parents
and recording
exclusions**

Duty to notify parent of suspension/exclusion

Whenever a head teacher suspends or excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

Unofficial exclusions are unlawful exclusions

Any time a pupil is sent home due to disciplinary reasons should always be recorded as a suspension. It is unlawful to send a child home for a disciplinary reason without following the formal exclusions process, regardless of whether parents agree with the decision.

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Part-time timetables and off-rolling

Part-time timetables

Schools can use temporary part-time timetables in particular circumstances. For example, a pupil might need gradual reintegration into school following absence, or they may not be well enough to attend school full-time. Schools should not use part-time timetables as a way of managing a child's behaviour.

What is Off-rolling?

Off-rolling is the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. This includes pressuring a parent to remove their child from the school roll.

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**What can you do
about an exclusion?**

If you feel pressured into electively home educating or that the suspension or permanent exclusion procedures have not been followed, you can follow the school's complaints procedure.

**You may also wish to contact the local authority's Education and Welfare Support Service.
You can also contact us for help.**

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**Who to contact for
further information
and help**

Contact Sendias Bathnes

**If you need any help or have any questions about
suspensions or exclusions, get in touch:**

sendiasbathnes.org.uk

Contact Form: sendiasbathnes.org.uk/form/get-in-touch

Advice Line: 01225 394 382

Text Message: 07530 263 401

Email: sendias@bathnes.gov.uk

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**Who to contact for
further information
and help**

Further resources:

You can look at the behaviour and other policies on the website of your child or young person's school.

Government Guidance:

gov.uk/government/publications/school-exclusion

gov.uk/government/publications/school-exclusions-guide-for-parents

gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies