



Liverpool
City Council

FIXED PERIOD EXCLUSIONS
ADVICE TO PARENTS / CARERS

Advice to Parents / Carers

Introduction

If your child has been excluded from school then it means that he or she will not be allowed to attend school for a period of time because of difficulties that have arisen concerning your child's behaviour.

This can be a worrying time for pupils and their families, and this booklet gives answers to the questions, which are most often asked about fixed period or lunch time exclusions.

As a parent you have certain rights and responsibilities and these are clearly explained. This booklet gives guidance about what these are.

Exclusion is a legal procedure and part of the behaviour policy for each school. You can ask the Head teacher for a copy of this policy

A list of useful addresses and telephone numbers is given at the end of this booklet.

Children and Young People in Public Care

If you are involved with a child or young person in Public Care who has been excluded from school for a fixed or lunch time period you should follow the advice in this booklet.

You can also contact the at the Social Inclusion Team, Children's Services, on **0151-233 5992**.

SOME QUESTIONS PARENTS MAY ASK

Why do schools exclude pupils?

Sometimes pupils, for a variety of reasons, behave in ways, which disrupt, offend or cause distress to others, both other pupils and staff. As a last resort, Head Teachers may use exclusion from school as a means to try to resolve the difficulties which may have arisen.

What is meant by Fixed Period exclusion?

There are three types of exclusion.

1. LUNCH TIME - Short term exclusion for the lunch time session. Each lunch time counts as a half day exclusion.
2. FIXED PERIOD - Short term exclusion for one or more periods up to a maximum of forty five days in any one school year OR
3. PERMANENT - For a serious breach of school discipline when it is not intended that the pupil should return to the same school.

See separate guidance for permanent exclusions.

The Head Teacher is required to notify Parents/Carers, the Local Authority and the School Governors if a pupil is excluded. Should your daughter/son be excluded from school you should first make every attempt to resolve the problem with the school in order to avoid further exclusions.

Whilst your child is excluded from school (except for lunch time exclusions), they must NOT enter the school premises unless requested to do so by the school or if your child is reinstated by the School Governors Committee.

If your child is in receipt of free school meals and is excluded for a lunch time then a lunch should be provided. Your child should return to school at the end of the exclusion period/lunch time.

Can my child be excluded informally?

Your daughter/son cannot be sent home or excluded informally from school. The Head Teacher should notify you in writing with the reasons for any exclusion.

Who can exclude my child?

Only the Head Teacher is able to exclude a pupil from school. If the Head Teacher is absent from school, a senior member of staff will be nominated to act in her/his absence.

How will I be informed that my child has been excluded from school?

The Head Teacher will try to contact you personally by telephone or email/text message to let you know your daughter/son has been excluded from school. A letter will also be sent to your home confirming the exclusion and setting out the reasons why this action has been taken.

The letter should contain the number of days of exclusion and the date and time of return to school should be indicated.

The letter sent to you by the Head Teacher will advise you of your rights (as appropriate) to make representations regarding the exclusion to the School Governors Committee.

Your daughter/son will know that they have been excluded from school, but you will need to make sure they understand what this means.

What should I do next?

You should contact the Head Teacher to discuss the exclusion. By working with the school you can quite often help to resolve problems that have arisen. Depending on the length of the exclusion, you may be invited to the school to attend a meeting with the School Governors Committee.

You are entitled to a copy of your child's school record. To receive a copy you should put your request in writing to the Head Teacher as soon as possible. There may be a charge to cover photocopying costs.

What you need to do

For pupils of compulsory school age - You have a duty to ensure that your child is not present in a public place at any time in school hours during the first five days of exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during normal school hours on those days. It will be for you to show reasonable justification. This applies whether or not your child is with you.

Issues to consider if your child has been excluded from school

- You may have only heard your child's side of the story. Be prepared to consider the school and other people's version.
- It is in your child's best interest to attend any meeting in school to discuss any problems or possible additional support on your child's return to school.
- The school would welcome your support in trying to resolve any behavioural issues.

Continuing your child's education

Whilst your child is out of school, if the exclusion is for 5 days or less, the school should provide work for your child to complete. You should contact the school direct to make arrangements for work to be provided and returned to school for marking purposes. If the exclusion is for more than 5 days then the school will provide work for the first 5 days of the exclusion then from the sixth day until the expiry of the exclusion the school should provide suitable full-time education with an alternative provider. Any transport requirements should be discussed with the school. The school will write to you to confirm all these details.

If you are the parent/carer of a pupil in Public Care you should contact your Social Worker or Social Inclusion to discuss this issue further.

How do I make representations?

Making representations means you can give your view about the exclusion to a Committee of the School Governors or in the case of a Pupil Referral Unit, to the Management Committee.

In the case of a lunch time or fixed period exclusion, if the total number of days of exclusion when added together in one term is 5 or less the School Governors Committee does not have to arrange a meeting to hear your representations although you can request they do so. You should put your request in writing to the School Governors Committee at the school as soon as possible.

If the total number of days in one term of a lunch time or fixed period exclusion is more than 5 days and up to 15 days in one term or if your child would miss a public examination, you have a right to make representations to the School Governors Committee and you should put your request in writing to the School Governors Committee, at the school as soon as possible.

In the case of a fixed period or lunch time exclusion of more than 15 days in one school term, the Governors Committee should automatically meet to review the exclusion and you must be invited to the meeting. The procedure would be similar to that explained on the next page.

Schools have to have regard to the Equality Act 2010 when excluding a pupil and cannot treat a pupil less favourably under the act. If you feel that this may be the case then you may have a right of appeal to First Tier Tribunal or the County Court. If you wish to discuss this further, please contact the Social Inclusion Team on 233 5992 and/or SEND IASS for information, advice and guidance on 0800 012 9066.

In making representations you may be invited to give your views at a meeting of the School Governors Committee. These representations can be given verbally and/or in writing. This is an opportunity for you to present your child's case in the best possible way, and to explain why you think he/she should be reinstated.

If your child attends an Academy then you have the right to request a

member of the local authority attend with you as an observer. They may only make representations if the *Governors'* committee consent.

If they think it is appropriate the *School Governors Committee* has the authority to re-instate your child to the school (only in the case of fixed period exclusions of more than 5 days in one term).

In some cases your child may have already returned to school before the *School Governors Committee* have met, you still have the right to make your views known to the *School Governors Committee*.

You will be advised by letter of the decision of the *School Governors Committee*.

Stating your Case to the School Governors Committee

You can make your representations in writing but you can also attend the meeting of the *School Governors Committee* in person. You can take a friend or representative to the meeting and have the right, if you wish, to be legally represented.

You do not have to attend the meeting, the exclusion can be considered without you. However this is your opportunity to state your case and give your views.

If you do not wish to or are unable to attend, you can send a letter stating your case. There is an example of a letter you could use at the end of this booklet.

Prepare your case before the meeting. You should also receive any papers made available to the *School Governors Committee* before the meeting which may help you in considering and preparing your case.

At the meeting of the School Governors Committee

For exclusions of more than 5 days and up to 15 school days in one term, if you request, the *Governor's Committee* will meet on or before the 50th school day after they receive your request to review the Head teacher's

report/decision and any information that you may provide.

The Governors can -

- Reinstate your child or
- If they believe that the exclusion was not justified this can be noted on your child's school record or
- Uphold the Head teacher's decision

The Governors cannot -

- Increase the severity of an exclusion

The Committee is usually made up of 3 or 5 School Governors who have not been involved with the exclusion. A clerk should be present to take notes and ensure the procedure is followed.

No one party, which is parent/carer, Headteacher or witnesses, should be alone with the Committee before, during or after the meeting.

The Head Teacher should be present to put forward the reasons why your child was excluded. There may also be witnesses present.

The members of the School Governors Committee will meet to consider the Head Teacher's decision. They will consider the information in the Head Teacher's report and any information that you provide at the meeting.

The School Governors Committee will understand that this may be a difficult time for you.

The School Governors Committee can ask questions about the information put forward by the Head Teacher and/or witnesses.

You will be able to state your case to the School Governors Committee and they can ask you questions about your information.

Unless there are reasons against this, you should be able to bring your child to the meeting but this is not compulsory.

Procedure at the meeting of the Governors

The meeting will follow a set procedure to make sure that, as far as possible, every school deals with exclusion in the same way although the

order of the meeting can be amended.

- The Head Teacher will read the report and give reasons/ evidence for the decision to exclude for a fixed period.
- You can ask questions about the report. Do not be afraid to ask questions about anything you do not understand or do not agree with.
- The Governors may ask the Head Teacher questions as well
- You will have the opportunity to put forward your views and comments
- The Governors and Head Teacher may wish to ask you questions.
- Your child should have the opportunity to talk at the meeting.
- The Head Teacher could withdraw the exclusion at this stage if he/she wishes.
- The Head Teacher will summarise the reason(s) for exclusion.
- You or your friend or legal representative should have the last word.
- Everyone, except the Governors' Committee and the clerk will be asked to leave the room for the Committee to consider their decision in private.

You should be informed in writing as soon as possible of the decision of the School Governors Committee.

If the Governors decide to reinstate your child, the letter should contain the date for their return.

The Authority does not have any power to overturn the exclusion decision from a school.

Will the exclusion be recorded?

Yes, it will be recorded on your child's school records and records held by the Local Authority.

Further advice is available from

Social Inclusion Team
Liverpool City Council
Cunard Building
Water Street
LIVERPOOL
L3 1AH

The Local Authority, Social Inclusion Team - Telephone : 233 5992

- If your child has SEN or disability further advice is available from **Liverpool & Knowsley Sen & Disability Information Advice & Support Service - 0800 012 9066**
- For further information you may wish to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or www.childrenslegalcentre.com. The advice line is open from 8.00am to 8.00pm Monday to Friday, except Bank Holidays and 24 December to 1 January.
- Statutory Guidance on exclusion is available at: www.gov.uk/government/publications/school-exclusion.
- If you believe that the exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs & Disability) in the case of disability discrimination or the County Court in the case of other forms of discrimination. This should be lodged within 6 months of the date of exclusion. You can access further information on this issue and how to make an appeal at www.justice.gov.uk/tribunals/send/appeals.

**Example of a letter which could be sent to the Governors Committee
to request a meeting**

To: The Clerk of the School Governor's Committee
C/o (School address)

Date:

Dear ,

Child's Name:

Date of Birth:

Number of days excluded:

I wish to request a meeting of the Governors' Committee to consider the
exclusion of (put in your child's name) from (put in name of school)

Yours sincerely,

Example of a letter you could send to the Governors' Committee if you are not attending a meeting

To: Clerk of the Governors' Committee,
C/o (school address)

Date:

Dear Sir/Madam,

Child's Name:

Date of Birth:

Number of days excluded:

I will not be attending the meeting to consider my child's exclusion. I would like the Governors to know the following about my child -

My child's account of what happened is -

I would like the Governors to consider this representation when the Governors' Committee meeting is held.

I look forward to hearing from you.

Yours faithfully,

Signed:

Name:

Address:

Contact Number:

If you would like information in another language or format, please ask us.

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

اگر این اطلاعات را به زبانی دیگر و یا در فرمتی دیگر میخواهید لطفا از ما درخواست کنید

Si vous souhaitez des informations dans une autre langue ou sous un autre format, veuillez nous le demander.

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایه داوامان لی بکه

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

Se deseja obter informação noutro idioma ou formato, diga-nos.

Если вы хотели бы получить информацию на другом языке или в другом формате, просим обращаться в администрацию.

Haddii aad rabtid in warar lagugu siyo hab luuqadeed o kale, fadlan na soo waydiiso.

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔