

**A parent's guide to:**

# **Permanent Exclusion - what happens now?**

Special Educational Needs  
and Disability Information,  
Advice & Support Service

**sendiass**  
OXFORDSHIRE

**For more details about  
SENDIASS Oxfordshire, phone:**

**01865 810516**

**text:**

**07786 524294**

**[sendiass@oxfordshire.gov.uk](mailto:sendiass@oxfordshire.gov.uk)**

**[www.oxfordshire.gov.uk/sendiass](http://www.oxfordshire.gov.uk/sendiass)**

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# **Exclusion from school can be very upsetting for you and your child. This leaflet explains what you can do if you disagree with the permanent exclusion and where you can get advice.**

## **What is a Permanent Exclusion?**

A permanent exclusion means that the Headteacher has decided that your child can no longer attend their school due to his/her behaviour. Only the Headteacher (or acting Headteacher) can make this decision. The school needs to show that your child has broken the school's behaviour policy (school rules), and that allowing your child to remain in the school would seriously harm the education or welfare of your child or others in the school.

Permanent exclusion should only be used as a very last resort, after your child had been offered a range of support with their behaviour or Special Educational Needs (SEN).

Some groups of children, including those with SEN, are more likely to be excluded than others. Headteachers should, as far as possible, avoid permanently excluding any pupil with a Statement of SEN. If the school is worried that a pupil with a Statement of SEN is at risk of permanent exclusion they should call an emergency review of the Statement.

In exceptional circumstances your child might be permanently excluded for a one-off offence if it is for a very serious incident.

## **What happens now about my child's education?**

During school days 1-5 inclusive following the Headteacher's decision to permanently exclude your child, the school should set work to be done at home and mark it. You as a parent/carer are responsible for keeping your child out of public places during school time. If they are found in a public place, you may be liable to a penalty notice and a fine.

From school day 6 the Local Authority (LA) is responsible for providing the equivalent of full time education for your child. They will arrange a short-term programme through Meadowbrook College. Staff from there will be in touch with you to discuss this.

A Social Inclusion Officer (SIO) from the LA will make contact with you to offer advice on the permanent exclusion process and help to identify the next placement for your child. This is usually another mainstream school.

If your child has a Statement of SEN, the LA has to find an appropriate full-time place for your child. The SEN Officer will work with the SIO to offer you advice and make arrangements for your child. You have the right to express a preference for a school just as you did when the Statement was first written.

**For more information on exclusions visit: [www.oxfordshire.gov.uk/exclusions](http://www.oxfordshire.gov.uk/exclusions); email the Social Inclusion Team on: [social.inclusion@oxfordshire.gov.uk](mailto:social.inclusion@oxfordshire.gov.uk) or phone 01865 328 575.**

## **Can I challenge the exclusion?**

If any pupil is permanently excluded, the school's governing body has to meet within 15 school days to look at the reasons for that permanent exclusion and whether the Headteacher made the right decision based on what happened. As a parent/carer you can attend this meeting to have your say and to put your case across. Your child can also attend and speak if they are old enough and able to do so.

A Local Authority SIO will attend the meeting to give advice to the governors about whether legal guidance has been followed, and talk about what other schools might do in a similar situation.

N.B If your child attends an Academy, the SIO can only attend if you ask for it. They can only speak at the meeting if the Academy governors agree but they can offer their advice to you.

After the meeting, the governing body has to let you know in writing without delay what they have decided about the exclusion and why. If the permanent exclusion has been 'upheld', i.e. they agree with the Headteacher's decision, the letter will also tell you about how you can go about asking for the decision to be reviewed by an Independent Review Panel (IRP).

## **The role of the Independent Review Panel (IRP)**

The IRP's role is to check that the governing body's decision about the exclusion was properly made. Even if the IRP think the decision wasn't properly made, it cannot make a school take a child back. It can only a) recommend the governors look again at the decision or b) tell them that they must reconsider, this option is called "quash and direct".

You have 15 school days from the date of the governing body's decision letter to ask for a review. It is important to send in your response in good time. If you miss the deadline, you will lose the right to have the decision reviewed. Phone 01865 810 180 or email [schoolappeals@oxfordshire.gov.uk](mailto:schoolappeals@oxfordshire.gov.uk)

At the same time you can ask for:

- an SEN Expert to be at the IRP. You can do this if you think your child has SEN which are related to the exclusion, even if the school do not agree that your child has SEN.
- The SEN Expert can provide impartial advice to the panel about how your child's SEN may be relevant to the exclusion. They can look at the school's Behaviour and SEN policies and explain what schools can and should do to support pupils with similar SEN in order to make exclusions less likely.
- a Local Authority SIO to be at the IRP to offer advice on whether legal guidance has been followed, and talk about what other schools might do in a similar situation. N.B. If your child is a pupil at an Academy, a LA representative will only be invited if you ask for it and may only speak with the Academy's agreement.\*
- The IRP meeting must take place within 15 school days of your request being received. The meeting may be adjourned if necessary.

## The IRP meeting – Who will be there?

- the panel members – the panel will be made up of 3 members. There are strict rules about who can be on a panel as the panel members must be independent and not be biased in any way
- the clerk – not a legal requirement but good practice. In Oxfordshire there will normally be a clerk
- the Headteacher
- someone from the governing body
- a LA SIO who will be invited if your child is at a maintained school. For Academies see above\*
- an SEN expert if you have asked for one
- your child is allowed to attend and encouraged to take part, depending on their age and how well they would cope with sitting in a meeting.

*It is really important that the panel hear your child's views about what happened and what they feel about school, so even if they don't go to either the governors' meeting or the IRP, you should get them, or help them, to write something down.*

## What happens at the IRP?

The IRP panel will look at all the paperwork that the governing body had when they were making their decision at school.

If you think that the governing body did not take into account some of the evidence you put forward or school policies they were unaware of, you should flag this up to the IRP.

There may also be completely new evidence that has come to light since the governors' meeting, perhaps a new diagnosis of a particular disability affecting your child. The panel can look at new evidence when deciding whether to ask the governing body to think again about their decision but cannot use it if deciding whether to "quash" the decision.

**If your child has SEN** and you would like help with putting your points together or have someone to support you at the governors' meeting or the IRP, you can ring Sendiass Oxfordshire for advice.

For more information on the IRP process, phone 01865 810 180 or Email: [schoolappeals@oxfordshire.gov.uk](mailto:schoolappeals@oxfordshire.gov.uk)

## **If you think your child's disability led to the permanent exclusion**

If you feel that your child's disability played a part in their being permanently excluded, you can make a claim under the Equalities Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability). Claims can be made up to six months after your child was excluded. You can also make a claim at the IRP.

## **Sendiass Oxfordshire can offer:**

- A telephone helpline: **01865 810516**
- Information, advice and support on matters to do with your child's SEN
- Help with communication between you and the Local Authority
- Trained volunteer Independent Parental Supporters and Independent Supporters
- Advice about preventing and resolving disagreements
- Training events for parents and groups – see SENDIASS website
- An informal Drop In SEN Advice session, 'Talking Points', – see website for dates

**Contact us on: 01865 810516 or  
text 07786 524294  
sendiass@oxfordshire.gov.uk  
www.oxfordshire.gov.uk/sendiass**

### **Confidentiality Code:**

Everything you tell us will be treated in strict confidence. We will not disclose our records to, or discuss the case with, a third party outside SENDIASS Oxfordshire without your consent, except if we suspect a child is at risk.