

Challenging Exclusions

Parents Handbook



.....Every African Caribbean Child Matters



Partnership for
Achievement

Partnership for Achievement



Partnership for
Achievement

Partnership for Achievement (PFA) is a strategic, self-determining, solution focused organisation which was set up in January 2006. PFA aims to:

- Ensure Birmingham's Caribbean community achieves their full potential socially, economically and politically through educational attainment and employment,
- Challenge the current climate of under achievement due to social disadvantage, low expectation, exclusion, and institutionalised racism,
- Support the drive forward in educational attainment at all levels including: SATs, GCSEs, 'A' level, NVQs (and other vocational qualifications), undergraduate and post graduate levels,
- Provide empirical baseline research information about Birmingham's Caribbean community in terms of educational attainment, employment and business development and
- Promote responsible stakeholding.

PFA works strategically in two key areas: Education and Employment. In Education PFA focuses on:

- **Exclusions** – PFA seeks to ensure that no child spends a day out of education as a result of exclusion.
- **Supporting parents** – PFA advocates the creation of a safe and supportive environment so parents can engage confidently with the education system concerning their children's education and welfare.
- **Supplementary schools** – PFA calls for greater support for their work and development.

2nd Principle



2nd Principle is a partnership of consultants from education, criminal justice and health. The team consists of Rosemary Campbell-Stephens, Joan Campbell, Professor Gus John, Jackie Ranger and Paulette Wisdom. 2nd Principle provides a range of services including consultancy, research, evaluation, development of resources and publications, conferences, events and training. Their work includes:

- leadership training for statutory and voluntary organisations, parents and young people
- network meetings which explore a variety of issues that are faced by African Caribbean people,
- work with parents and young people around range issues of parenting including, personal development, relationships, gangs, drugs and crime,
- International development and collaboration.

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Background

In 2007 **Partnership for Achievement (PfA)** commissioned 2nd Principle to:

- Collaborate with key existing community providers to either directly facilitate or build their capacity to facilitate a **Parent Forum** so they can come together to share issues and concerns and generate collective action in terms of solutions;
- Produce a **Parents' Exclusion Handbook** which is designed to provide parents with information, advice and guidance about the exclusion process; and
- Produce a good practice **Exclusions Protocol**.

The **Parents' Forum** has been developed and is now coordinated by Ishango Science Club, a ten year project that provides educational support to African Caribbean Children and encourages them to aspire to careers in science and technology. Ishango also works with parents with children who have been excluded or who may be at risk of exclusion.

This Parent Handbook, Challenging Exclusions is designed to provide parents with information, advice and guidance about the exclusion process (fixed term and permanent and sign post you to a range of support. It attempts to answer questions such as: What can I do if my child is at risk of exclusion? What procedures should schools follow throughout the exclusion process? And where can I go for help with exclusions?

106 parents and professionals contributed to the development of this handbook over a period of 6 months. During a series of Parent Forum consultation meetings participants discussed and reviewed a selection of existing parent handbooks and considered what information they thought should be included in a culturally sensitive, up-to date handbook. Parents and professionals raised concerns about complicated, unclear government guidance which was inconsistently implemented therefore causing further disadvantages for parents and young people.

“The need most identified by parents encountering problems with their children's schools seem to be for information, advice, support and representation,
namely a comprehensive advocacy service”

“Pressure should be put on the authority to fund an independent advocacy service to undertake preventive work, intervention, advocacy and reintegration of 'excluded' students”

“Only a fraction of parents of excluded students actually appeal, most without experienced advocates to represent them. Just over 1% of excluded students' parents succeed at appeal”

Gerry German, CEN, April 2008

African Caribbean Exclusions

The underachievement of African Caribbean pupils coupled with their high exclusion rate has been of major concern to the Black community since the 1960s.

Over the past decade, the number of pupils permanently excluded from schools fell, over four in every 1,000 Black pupils were permanently excluded, which is twice as many as White British pupils. The picture is very similar for fixed-term exclusions.

Interventions to close the 'exclusion gap' have been promoted through a range of measures, including KS3 and Primary Behaviour Strategy, Learning Support Units, police in schools, the Behaviour Improvement Project (BIP) and the Behaviour Education Support Team (BEST). However, the exclusion gap continues to seriously threaten and undermine efforts to extend equality of opportunity to all children and learners.

In 2006, the Department for Children, Schools and Families (DCSF) (then the Department for Education and Skills the [DfES]) conducted an investigation into the exclusion of Black pupils, the results of which indicated that a disproportionate number of Black Caribbean and White and Black Caribbean mixed heritage pupils were excluded from school.

The DfES Wanless Report Getting it Getting it Right (2006)

This report found that *'Black pupils are routinely punished more harshly, praised less and told off more often in schools than other pupils'*. The report further stated that, *'staff in many schools are 'unwittingly' racist'*. The report confirmed what the Black community had been saying for years.

The Statutory Code of Practice on the Duty to Promote Race Equality gives clear guidance and highlights the need to assess the impact of behaviour, discipline and exclusion policies on different ethnic groups. It emphasises the need to involve pupils, parents and communities in policy making and consultation about their needs and opinions. Schools failing to establish the best practice suggested may well be in breach of their legal duties under the Race Relations Amendment Act 2000.

In developing a forward-looking strategy the DfES made the following recommendations: –

That local authorities with high proportions of Black Caribbean and mixed White and Black Caribbean pupils are assisted in helping take a key role in developing suitable targeted and strategic interventions to include: -

- Support for school leaders and staff to equip them with knowledge and understanding
- Focussed work with relevant organisations to strengthen race equality awareness in school leadership management programmes
- Focussed work with relevant organisations to strengthen coverage of race equality issues (and their relationship to effective behaviour management) in performance management and initial teacher training
- Production of guidance in effective practice materials on exclusions available to both primary and secondary phases
- Sharpening the awareness of bodies like OFSTED.

Getting it! Getting it Right, DfES 2006

How can exclusions be prevented?

Below is a list of things that pupils parents and schools can do to prevent exclusions:

Pupils	Parents	Schools
<ul style="list-style-type: none"> • <i>Attend school on time every day</i> • <i>Follow the school rules and all school policies</i> • <i>Set your self high standards for discipline, behaviour, learning and appearance</i> • <i>Organise yourself for learning - prepare for lessons and bring the correct equipment to all lessons</i> • <i>Make sure you are aware of all important dates such as coursework deadlines</i> • <i>Complete work on time and ensure it is of an high standard</i> • <i>Treat others with respect</i> • <i>Ask for help and support when you need it</i> • <i>Get involved with extra curricular activities and support the school and the community in every way you can</i> 	<ul style="list-style-type: none"> • <i>Make education your priority and talk to your child about their learning and school every day</i> • <i>Access and discuss school policies and the Home School Agreement with your child</i> • <i>Promote high standards of achievement and discipline and help your child to organise themselves for school and personal study</i> • <i>Ensure you are aware of all important school events such as parents evenings</i> • <i>Attend all parent meetings, make yourself known and keep up to date with your child's progress</i> • <i>Discuss any emotional, social or behaviour difficulties your child is experiencing</i> • <i>Form a support group to address issues affecting your child's schooling</i> 	<ul style="list-style-type: none"> • <i>Develop partnerships with parents and provide opportunities for parents to become more involved with the school and their child's learning</i> • <i>Ensure parents and pupils are aware of all school policies and procedures</i> • <i>Give an honest assessment of children's academic and social progress</i> • <i>Invite parents into school to discuss issues early on and work together to help children to improve</i> • <i>Meet the learning needs of all children, have high expectations and encourage all children to have high aspirations</i> • <i>Ensure all pupils are supported to achieve high standards of achievement and discipline</i> • <i>Have due regard to all guidance on behaviour, race relations and discrimination</i>

DCSF Guidance states that effective policies, procedures and training minimise the number of pupils at risk of either permanent or fixed period exclusion. For those at risk, additional measures could include:

- The school engaging with parents
- A change of teaching set or class
- Temporary placement in an in-school Learning Support Unit as part of a planned positive programme for pupils
- Temporary or part-time placement in a Pupil Referral Unit, alternative provision or further education college where the pupil can receive support to improve their behaviour
- A managed move to another school, with the consent of all parties involved
- Consideration by the Special Educational Needs Co-ordinator (SENCO), with colleagues, of possible interventions within the school
- Assessment of special educational needs, including possible placement in a special school
- Allocation of a key worker such as a Learning Mentor, Connexions Personal Adviser, Education Welfare Officer or member of a Behaviour and Education Support Team
- Referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service

It is useful to remember that the behaviour of pupils at risk of exclusion is sometimes driven by a very complex combination of social, emotional and health problems. The involvement of the Local Authority (LA) and other services should be co-ordinated in all cases where a child is receiving support from more than one agency, one practitioner should act as the 'lead professional' to coordinate support and provide a single point of contact for the child and family.

Exclusions guidance and the law

In *Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units* (2008), the Department for Children, Schools and Families (DCSF) explain the law and what the government expects from schools and governing bodies when pupils are excluded from school. By law this guidance must not be ignored and should be followed unless there is good reason not to.

In this handbook we use:

- **Must** when the law says something must happen.
- **Should** when the government expects something to happen.

The schools' behaviour policy

Schools must have a behaviour policy which it publishes to parents and pupils annually. It should include the order of severity of their punishments and should be available to parents on request.

My child should not be excluded for:

'Minor' incidents such as:

- Not doing homework or not bringing dinner money
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaking school uniform rules or rules on appearance including jewellery, body
- Piercing and hairstyle (except where persistent and in open defiance of these rules)
- The behaviour of parents such as refusal or inability to come to a meeting
- For their own protection from bullying by sending them home

You cannot be asked to keep your child at home unless he/she is ill, working at home as part of study leave or has been excluded.

Before the head teacher makes the decision to exclude

The Head teacher should not have excluded your child in the heat of the moment, unless there was an immediate threat to the safety of your child or others. The Head teacher should:

- Carry out a thorough investigation and ensure all the evidence is available
- Allow and encourage your child to say what happened
- Take into account the school's behaviour and equal opportunities policies and if relevant the Race Relations Act and Disability Discrimination Act (Head teachers and others involved in exclusion procedures have a positive duty to promote equality)
- Check if bullying, racial or sexual harassment of your child led to your child's actions
- Keep a written record of actions taken, including interviews (wherever possible witness statements must be dated and should be signed)
- Consider alternatives

The Exclusions Guidance suggests that schools could try the following alternatives instead of excluding:

A restorative justice process

Allows your child to put right any harm done

Mediation

A trained person to help sort out any conflict between your child and other pupils or teachers.

Internal exclusion

Moving your child temporarily to somewhere else within the school with appropriate support, or to another class. Internal exclusion may continue during break periods

A managed move

if it is in the best interest of your child, with your and the LA's full knowledge and co-operation, your child could be moved to another school. You should not be pressured into removing your child from school under threat of a permanent exclusion

Educated 'off-site' or Alternative Provision

Your child will be educated elsewhere on a full time or part time short term or long term programme

When can my child be excluded?

Exclusions are used as a last resort when all other alternatives have been exhausted.

Your child should only be excluded for a fixed period if:

- The school can prove that they are more likely than not to have breached the school's behaviour policy, including persistent disruptive behaviour *and*
- The breach is not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

Children can be excluded for incidents which occur outside the school if the Head teacher feels that there is a clear link between the incident and maintaining good behaviour and discipline within the school.

Your child should only be permanently excluded if:

- They have seriously broken the school's behaviour policy *and*
- It would seriously harm the education or welfare of your child or others if they stayed in school.

Serious offences:

A Head Teacher may permanently exclude for a first or one-off serious offence where such behaviour can affect the discipline and well-being of the whole school for example:

- **Serious actual or threatened violence against a pupil or a member of staff**
- **Sexual abuse or assault**
- **Supplying an illegal drug**
- **Carrying an offensive weapon**

Who can exclude?

Only the Head Teacher, Deputy or Senior Teacher acting on behalf of the Head Teacher can make the decision to exclude.

How many days can my child be excluded for?

If your child is excluded it will be either for a fixed term or permanently.

A Head Teacher can only exclude a child on fixed term exclusions for a total of 45 days in any one year (weekends, and school holidays don't count). The Head Teacher cannot exclude your child for an unspecified period e.g. until a meeting can be arranged with you.

The Exclusions Guidance says exclusions of more than a day or two make settling back into school difficult. 1–3 days, it says, is often long enough and avoids seriously affecting a child's education. In exceptional cases an exclusion may be made longer or permanent. If this happens, the Head must write to you again giving the reasons for the change.

If your child is excluded at lunchtimes this is the same as being excluded for half a day. If your child has free meals, the school must make other arrangements such as a packed lunch.

What will happen if my child is excluded from school?

This can be a difficult and worrying time for you, your child and your family.

The Head Teacher makes a decision to exclude – This must be reported to the Governing Body and the Local Authority (LA).

Being informed of the exclusion – The Head Teacher must inform you of their decision and your rights immediately or within one school day, ideally by telephone followed up by a formal letter.

What should the letter to exclude from the Head Teacher include?

- The date the exclusion starts and the date and time for your child to return to school
- Whether it is a fixed term or a permanent exclusion
- The reason for the exclusion and relevant previous history
- Your rights to make representation and see your child's records
- The latest date for the governors to meet (if applicable)
- The school days on which you will be required to ensure that your child is not present in a public place during school hours without justification, and that you may be prosecuted, or may be given a fixed penalty notice, if you do not do so
- What arrangements the school has made for your child to continue his or her education during the first five school days of an exclusion, including setting and marking work (it is your responsibility to ensure that work sent home is completed and returned to school)
- The school days on (or school day from) which your child must attend alternative suitable full time education (these details can be sent separately and later if more time is needed)

- If you must attend a reintegration interview, the arrangements for this and the consequences if you do not attend it
- How your child can be involved in the process. It can be often helpful if your child attends the meeting to express their views.
- The phone number and details of someone in the LA who can advise you
- The telephone number for the Advisory Centre for Education (ACE) exclusions information line — 020 7704 9822, their website address: **www.ace-ed.org.uk**, and the fact that a text 'Ask ACE' can be sent to 68808. ACE is a long established independent national charity providing advice to parents.

If your first language is not English, letters may need to be translated into your home language

Stop Press!

Schools should set and mark work for exclusions of more than one day and must provide suitable full time education from and including the sixth school day of any fixed period exclusion.

Local authorities (LA's) must provide suitable full time education from the sixth school day of any permanent exclusion

Making Representation

If your child's exclusion is more than six days in one term or if your child will miss a public examination (not SATs), you have the right to ask for a meeting with the Governing Body to discuss the exclusion or make representation. If the total exclusion for that term is five school days or less: the governors do not have to meet with you, but it is good practice for them to do so, particularly if you request it.

Letter to the Chair or Clerk of the Governing Body

Dear Sir/Madam

*My child **[give name and form]** has been excluded. I would like to make representation in person to the governors.*

*Please send me copies of my child's school record, the school's behaviour/discipline policy and **(if relevant)** the special educational needs, race equality and equal opportunities policies and any witness statements, including my child's statement.*

*Please inform me of the agenda for the meeting, who will be attending the meeting, what role they will play and responsibility they have. I will be bringing a friend or adviser with me **[insert name]**. Thank you.*

Yours faithfully,

Parent/carer

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(Keep copies of letters)

This meeting can sometimes occur after your child has returned to school but it is important to ensure that your views are heard. Even if you do not want to meet the governors, it can help your child if you meet to discuss the exclusion and your child's future with a teacher.

If your child has been permanently excluded

You have the right to put your case in person and/or in writing to the school's governing body. A discipline committee may act on behalf of the governing body. The governors can return your child to school (this is reinstatement). If the governors do not reinstate your child, you can put your case to an independent appeal panel. The panel can also reinstate your child. The LA will set up an independent appeal panel of three or five members that must include a set number of past or present Head Teachers and governors. Panels must not include people whose connections may cast doubt on their impartiality.

Letter to the Chair or Clerk of the Governing Body

Dear Sir/Madam

*My child **[give name and from]** has been excluded. I would like to state my case in person to the governors.*

*Please send me copies of my child's school record, the school's behaviour/discipline policy and **[if relevant]** the special educational needs, race equality and equal opportunities policies and any witness statements, including my child's statement.*

*Please inform me of the agenda for the meeting, who will be attending the meeting, what role they will play and responsibility they have. I will be bringing a friend or adviser with me **[insert name]**. Thank you.*

Yours faithfully,

Parent/carer

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(Keep copies of letters)

Things to consider when putting your case together for the exclusions hearing

Contact relevant organisations that can offer support at this stage.

Ensure the evidence is clear

Ask your child to explain exactly what happened as soon as possible. Write down or record exactly what they say. Then go back to the beginning and question them carefully.

Questions you could ask your child:

- *“Show me exactly where you were.”*
- *“Where was everyone standing?”*
- *“Did anything lead up to this?”*
- *“What did the teacher say exactly?”*
- *“What did you say or do?”*

Check out the exclusion

Should my child have been excluded?

- *Was this a breach of the school’s behaviour policy?*
- *If the exclusion is permanent, if your child were back in school (rather than excluded) would this seriously harm their education or welfare or the education and welfare of others? If not, give your reasons.*
- *Have others at the school, or other local schools, recently been treated differently? The LA may be able to tell you this.*

Find out information provided by others You should be sent all the statements that the Head Teacher took into account when deciding whether to exclude.

- *Were statements taken from your child and witnesses?*
- *Note any inaccuracies between the statements that you want to raise at the meeting. Has there been a misunderstanding?*
- *If your child’s account differs from the schools statement will anyone support your child’s statement? If not already provided try to get a statement from them.*
- *If others were involved, was their punishment in line with that of your child?*
- *If your child wants to apologise for something, they could do so in writing.*

Strategies to improve behaviour

DCSF web guidance gives examples of how schools can help pupils improve their behaviour. It says pupils who have had several fixed period exclusions and are in danger of permanent exclusion should have a Pastoral Support Programme (PSP).

- *If the governors or an appeal panel believe that a child’s misbehaviour is persistent and defiant they should not normally reinstate the child.*

- *Has the school tried a wide range of strategies?*
- *Did staff need advice on dealing with your child's behaviour?*
- *Is the behaviour really persistent and defiant?*

Provide an overview of your child

What are their good points? Was anything significant happening at the time of the exclusion? Was peer pressure involved? Could anything else have affected their behaviour?

- *Describe your child and add anything that explains their behaviour and/or shows that the exclusion may be wrong.*
- *Could someone like a church pastor, sports coach, mentor, or youth worker write a letter about them which shows the kind of person they are?*

Check your child's school record

You are entitled to a full copy of your child's record, not just the academic record. You must request it through the Governing Body and you must allow the school reasonable time (15 days) to prepare the records. Head Teachers are encouraged to respond promptly in the interest of resolving the matter quickly. Young may be asked to pay for the costs of photocopying

- *Does it reveal misunderstandings?*
- *Does it reveal new information which may affect your case?*

Is your child at particular risk?

The Department for Children, Schools and Families (DCSF) web guidance says these groups are "at particular risk" and explains special action that schools should take to support them.

Children 'at particular risk include those who: are starting primary, middle or secondary school; are from minority ethnic backgrounds; are in care (looked after); are Travellers; are young carers; are from families under stress; are pregnant schoolgirls/teenage mothers; have changed schools or who have special educational needs (including emotional and behavioural difficulties)and/or a disability).

- *If your child is in one of these groups, describe any help you think they need. This could be very important if your child is disabled.*
- *Has the school followed its Special Educational Needs (SEN) policy?*
- *What support was in place for your child to manage their behaviour or anger better and could the incident have been avoided if your child had received the right support?*
- *Was a Pastoral Support Programme (PSP) in place?*
- *Who was involved in supporting your child? E.g.: mentors, Educational Psychologist, Behaviour Support Services, etc,*
- *Was the support effective?*
- *Was the exclusion right given their age, health and any personal issues?*

Serious offences

A Head Teacher may permanently exclude for a first or one-off serious offence where such behaviour can affect the discipline and well-being of the whole school. If the basic facts of the case have been clearly established on the balance of probabilities and the governors or an appeal panel believe that your child has carried out such an offence they should not normally reinstate your child.

- ***Does the accusation accurately describe what your child has done or does it exaggerate the severity?***
- ***If you believe it will not happen again, explain why not***

Have relationships broken down?

If you think the school may say that there has been a breakdown in relationships between your child and others, try to show how relations can be improved with goodwill on both sides. This is very important because, in exceptional circumstances, on appeal, even where the appeal panel disagrees with the exclusion, they will not reinstate your child if such a breakdown exists and cannot be put right. The panel must balance your child's interests against the interests of everyone else in the school. This is not a finding open to the governors.

- ***Explain how this exclusion will affect your child now and in the future.***
- ***Why will your child be better off if they return to school?***

If discrimination is a factor

Race relations law covers the need to avoid unlawful **racial discrimination** and to encourage equality of opportunity and good relations between people of different racial groups. Schools must also have a race equality policy and monitor how policies affect different racial groups. If you feel that your child's exclusion was linked in some way to their racial group, the Race Relations Act as amended might apply. Concerns about these issues can be referred to the Equality and Human Rights Commission (EHRC). If you feel that your child's exclusion was related to their **disability**, the Disability Discrimination Act as amended might apply. You will need to show that the school treated your child less favourably because of their disability and without a lawful reason. This is a complex area. Contact Advisory Centre for Education (ACE) or the EHRC helpline. If your child's exclusion was for the way they reacted to **bullying or harassment**, check the school's behaviour policy which must include how the school deals with bullying and should include harassment. If you feel bullying, discrimination or harassment were involved in your child's exclusion, explain why.

If drugs are a factor in the exclusion – get a copy of the schools drugs policy. The Head should consult the school's drug coordinator (if there is one) and take account of the policy

Finally, check that all parts of the Exclusions Guidance or the DCSF web guidance has been followed? Remember, the guidance should be followed unless there is a good reason not to. You could include the relevant pages with the sections highlighted. Use the outline on the next page to help you with your case summary. Pick out the sentences which apply to your case. Read it out clearly at the meeting so that nothing is accidentally missed out. You do not have to send in your case or case summary before the meeting, but you can if you wish.

Your Case Summary, things to include.....

- *I feel the school, without good reason, has not acted in line with some of the government guidance on exclusion or DCSF web guidance...pages... [say how this affected your child's exclusion].*
- *I understand that a child should only be excluded for a fixed period if the school can prove that they are more likely than not to have breached the school's behaviour policy, including persistent disruptive behaviour and the breach is not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate **or***
- ***I understand that a child should only be permanently excluded for a serious breach of the behaviour policy and if their being in school would seriously harm the education or welfare of themselves or others and that exclusion should not be used if there is an alternative***
- *In my child's case: the school has not proven that this was a breach of the school's behaviour policy the breach is not serious enough to warrant permanent exclusion and there are lesser sanctions that would be appropriate [give examples] **or***
- ***In my child's case this was not a serious breach of the school's behaviour policy and s/he would not seriously harm the education or welfare of themselves or others in the school or there was an alternative solution etc. [give examples]***
- *I disagree with my child's exclusion, or feel it is too long because s/he [pick relevant points and give brief details]*
 1. *Did not do what s/he is accused of...*
 2. *Did something that should not lead to exclusion...*
 3. *Was affected by discrimination, bullying and/or harassment...*
 4. *Has special educational needs but is not getting all the help that s/he needs...*
- *I also feel that: there may have been misunderstandings...*
- *The exclusion is not for the shortest time necessary and/or is harmful to my child...**or***
- ***This was a one-off/first offence and not serious...***
- ***The school has not exhausted all alternative strategies to improve my child's behaviour before resorting to exclusion...***
- ***There may have been misunderstandings...***
- ***If my child cannot return I am worried that...***

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(Reference to permanent exclusion in brown)

The meeting time and place

The meeting should be at a time and place convenient to you as far as possible.

You can put your case in writing but it is generally better to be there in person.

Before the meeting:

- **Write or type out your case/case summary to read at the meeting**
- **Look through your case and write down any questions you want to ask**
- **Collect any additional materials (apology, letter from a youth worker, etc.)**
- **Send your case to the clerk, even if you have missed the deadline so that enough copies for everyone at the meeting it may help the governors remember your points**
- **Think about taking a friend, relative or adviser along with you to the meeting. You can take a legal representative, but make sure they know about school issues**

Who will be at the meeting?

There are generally 3 or 5 governors (none should have an involvement which could make them biased), a clerk to take notes and advise the governors on procedure, an LA representative (who will be invited to give their comments but is unlikely to attend for short exclusions), the Head to put their case and possibly, witnesses including any alleged victim.

How will the meeting be conducted?

You should be told the order beforehand. Usually the case against your child is put first so you can reply to it. You should be sent any statements in advance.

- **Present your case calmly and provide information you think is necessary for the school to get a full picture**
- **Listen carefully to what is being said and try not to be overly defensive**
- **Make notes during the meeting to remind yourself of the important points you may wish to refer to.**

For fairness, if the Head brings new evidence or papers ask for a break to read them or for the meeting to be rearranged. You should be able to put your case without interruption. The Head should not be with the governors when you are not there. Read out your full case including the summary before giving copies out to the governors. If at the end of the meeting you are asked to “sum up”, you can read your summary out again, adding any important new points you have gained from the meeting.

Should my child attend to the meeting?

You cannot be forced to bring your child to the meeting. Children should be allowed and encouraged to attend and speak if they wish and you agree. Decide if you think it would help if they attended for all or part of the meeting and if you are happy for them to be questioned, make a statement, or apologise and leave. Let the governors know this before the meeting.

Attending the Governing Body meeting to appeal against the decision to exclude

For exclusions that total five school days or less in a term

The governors **must** consider any case you make to them, but they cannot reinstate your child.

For exclusions that total five and a half school days or more in a term, or lead to your child missing a public examination (not SATs)

Governors **must** consider:

- The circumstances in which your child was excluded
- Any representations made by you and the LA

Governors **should** consider:

- Any representations made by your child (if appropriate)
- Whether on the balance of probabilities that your child has committed a serious breach of the schools' behaviour policy and that exclusion was the right action.
- And if the Head has complied with the law on exclusion and had regard to the Exclusions Guidance.

If your child has returned to school:

Governors **must** decide:

- based on the evidence if the Head was justified in excluding your child and their views should go on your child's school record (you can ask for your written case to go on your child's school record and the governors should agree to do this).

If your child is still out of school:

Governors, in addition:

- **Should** ask the LA what support could be made available to assist with reintegrating your child.
- **Must** decide if your child should be reinstated.

If the Governors agree with the Head Teacher the exclusion stands. If they disagree with the Head Teacher then the exclusion will not remain in place and your child will be reinstated (returned) to school. The governor's decision is final and you have no right of appeal.

The Governors must inform you and the LA within one school day of their decision.

If the governors or your LA think you need support with your child's behaviour they may ask you to sign a Parenting Contract. Your agreement must not be made a condition of your child's return to school. In some cases if your child is seriously misbehaving so that it has or could have resulted in exclusion and the school or LA think you are unwilling to work with them, the school or LA may apply for a Parenting Order.

For exclusions which total no more than 15 school days in one term

Whether or not you wish to attend the meeting to 'make representations' the Governors must meet to review exclusions over 15 days in one term.

For Permanent Exclusions:

Governors **must:**

- Consider the circumstances in which your child was excluded
- Consider any representations made by you and the LA
- Decide if your child should be reinstated

Governors **should:**

- Consider any representations made by your child (if appropriate)
- Consider if, on a balance of probabilities, your child did what s/he is alleged to have done *and*
- Consider if the Head has complied with the law on exclusion and had regard to the Exclusions Guidance
- Ask the LA what support they can give towards reintegrating your child

Governors **should not normally reinstate** if they agree that:

- Your child carried out a serious offence that affects the discipline and wellbeing of the school community as a whole *or*
- Your child has persistently and defiantly misbehaved. This includes bullying or repeated possession and/or use of an illegal drug on school premises.

If the governors do not overturn the exclusion they must write to you immediately giving their reasons and details about the appeal process. Even if you do not wish your child to return to the school the governors must decide whether the exclusion was justified.

The Independent Appeal:

You cannot appeal if you miss the deadline. You have 15 school days from receiving the governors' decision letter to write back and say that you want to appeal and give your reasons e.g. the main points in your case summary plus any new points. The school's governing body or the Head Teacher should not give new reasons for the exclusion but you can all present new evidence.

The hearing must be held no later than 15 school days after your letter is received. You should be told the order of the hearing and it should be fair and not too formal. The same points apply as for the governors' meeting except that a governor can also put the governing body's case. They and the Head Teachers can have a legal representative. Also any alleged victim can attend as a witness and may put their views in writing, in person or through a representative.

The panel **should**:

- Decide on the balance of probabilities if your child did what the school ordered and think carefully about whether the Head Teacher and governors followed the law and guidance. They must not reinstate a child just because procedures in the law or guidance have not been followed. But the panel could reinstate if important factors were not taken account of, or justice was not done at the governors' hearing, for example, because procedures were not followed
- Consider any claims of racial or disability discrimination you make
- Think carefully about the Head Teacher's decision taking into account school policies covering behaviour, equal opportunities, anti-bullying, special educational needs and race and disability equality
- Consider the fairness of the exclusion compared to the treatment of other pupils involved in the same incident
- Decide if permanent exclusion of your child was proportionate, i.e. was it reasonable or too severe in relation to your child's actions?

The panel may decide:

1. To uphold the exclusion
2. To reinstate your child on a specific date
3. That while reinstatement is justified it is not practical

To decide whether to reinstate your child, the panel **must**:

- Take into account the interests of your child and the interests of all the rest of the school community *and*
- Balance the interests of your child against those of the school community.

The panel should **not normally reinstate** if they agree that:

- Your child carried out a serious offence that affects the discipline and wellbeing of the school community as a whole (*see step 9*) *or*
- Your child has persistently and defiantly misbehaved.

The panel decides reinstatement is justified but not practical

The panel may decide that reinstating your child is justified but not practical because there are exceptional circumstances where it is not sensible, or in the best interests of all concerned. Exceptional circumstances can include where there has been an irretrievable breakdown in relations: between the child and teachers or between the child and other pupils involved in the exclusion or appeal.

The panel may also decide that reinstating your child is justified but not practical because you have said that you do not want your child to go back to the school or because your child is now too old for the school. If the panel decides that reinstatement would have been justified but is not practical, they **must** indicate this in their decision letter and explain why they decided not to reinstate. The letter should be added to your child's school record. Before deciding this the panel should ask what efforts have been made to improve relations. You should be allowed to give your views.

If the permanent exclusion is upheld, the school or LA may offer you a Parenting Contract. Generally this is when they think you need support with your child's behaviour. Signing a contract must not be used as a condition of admission to another school. In some cases where the school LA believe you are unwilling or unable to deal with your child's behaviour, they may apply to a magistrate's court for a Parenting Order which could require you to attend parenting classes.

Exclusions Protocol:

Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units (DSCF 2008) explains the law and lays down the governments expectations of schools, governing bodies, LAs and Independent Appeal Panels (IAPs).

This good practice **exclusions protocol** builds on government and local authority guidelines with additional input from parents and professionals involved in the Parent's Forum. It aims to promote effective working relationships between pupils, schools, families and the Local Authority (LA) as a fundamental strategy to reduce exclusions.

- The behaviour of pupils at risk of exclusion is sometimes driven by a very complex combination of social, emotional and health problems. In all cases **where a child is receiving support from more than one agency, one practitioner should act as the 'lead professional' to coordinate support and provide a single point of contact for the child and family**
- **Develop parent partnerships** Provide opportunities for parents to become more involved with the school and their child's learning. Inform parents about all school policies, procedures, important dates and events and think creatively about how to engage families who are 'Hard to Reach'.
- **Meet the learning needs of all children** Ensure that all children's learning needs are met and that they are supported to achieve high standards and to have high aspirations
- **Give an honest assessment of children's academic and social progress** Ensure that parents are aware of their child's ability and behaviour and what they can do to help your child to improve. Ensure that parents are informed, particularly in Y10, if their child is not on track to achieve their parent's expectations for their child post 16.
- **Ensure there are effective whole school policies, procedures, training and support** To meet the needs of school leaders, staff, parents and pupils in order to minimise the number of pupils at risk of either permanent or fixed period exclusion.

- **Convene meetings requested by parents at your earliest convenience** Invite parents into school to discuss issues early on and work together to help their child to improve. Ensure that all meetings are focussed on listening to both sides and making a decision in the best interest of the child.
- **The Head teacher should not exclude in the heat of the moment** Before deciding to exclude the Head Teacher should: Make sure that a thorough investigation has been carried out and all available evidence considered; Allow and encourage the child to say what happened; Take into account the school's Behaviour and Equal Opportunities Policies and if relevant the Race Relations Act and Disability Discrimination Act as amended; Check if bullying, racial or sexual harassment of the child led to the child's actions; Keep a written record of actions taken, including interviews; Consider alternatives.
- **Have due regard to all guidance on behaviour, race relations and discrimination and their relationship to effective behaviour management** and strengthen their impact through whole school performance management targets, INSET, and whole school practice.
- **Provide proactive, preventative support for children at risk** Consider alternatives to exclusions such as: A change of teaching set or class, Temporary placement in an in-school Learning Support Unit, Temporary or part-time placement in a Pupil Referral Unit, Alternative provision or further education college; A managed move; Assessment of special educational needs, Allocation of a key worker, Referral to a specific support service.
- **Ensure parents are informed promptly of any decision to exclude and ensure that all communications are dealt with sensitively and efficiently.** Appoint a 'lead person' to be the main contact between the family and the school. There should be ongoing communication with parents to update them as necessary.
- **Where a child is permanently excluded ensure there is a rapid return to education** A rapid return to mainstream education is in a child's best interests.

For things that pupils, parents and schools can do to prevent exclusions please see page 4 of this handbook.

References:

African and Caribbean Parents Handbook Birmingham Partnership for Change, 2005;

Ask ACE, the magazine of the advisory centre for education Advisory Centre for Education, 2007

Born to be Great, A Charter on Promoting the Achievement of Black Caribbean Boys, NUT/Professor Gus John

Education, Parents and children rights at school Community Legal Services

Exclusion of black pupils: Getting it. Getting it right, DfES, 2006

Fixed Period Exclusion, A practical guide to parent's legal rights Advisory Centre for Education

Fixed Term Exclusions a guide for parents and Carers CEA Islington

Having A Say, a young person's guide to exclusion Advisory Centre for Education, 2007

Help your children to learn, formal meetings with teachers DfES

Improving Behaviour and Attendance: Guidance on Exclusions from Schools and Pupil Referral Units, DCSF, September 2007

Permanent Exclusion a guide for parents and carers CEA Islington

Permanent Exclusion, A Practical Guide to Parents legal rights Advisory Centre for Education, 2007

Raising African Caribbean Achievement RACA, BASS, 2003

Statutory Code of Practice on the Duty to Promote Race Equality Commission for Racial Equality

The Duty to Promote Race Equality, A Guide for Schools Commission for Racial Equality

Young Gifted and Black and that's a fact RACA 2 Project, BASS, 2003

Useful Websites, Contacts and Advice:

ACE 1C Aberdeen Studios, 22 Highbury Grove, London N5 2DQ www.ace-ed.org.uk , Email: enquiries@ace-ed.org.uk, ACE: Advice lines - Exclusion: 0808 800 0327; All other matters: 0808 800 5793. Publications include guides on school admissions, bullying, disability discrimination, special education needs, attendance, and complaints.

Birmingham Grid for Learning BGfL - Exclusionsservices.bgfl.org/services/exclusion

Black Boys Can 6 beacon Court, Birmingham Road, Great Barr, B43 6NN. Tel: 0121 358 8618, Fax 0121 358 8617, Email:Blackboyscan@hotmail.com.
www.blackboyscan.co.uk

Communities Empowerment Network CEN Gerry German/Paulette Douglas, Office 20, Boardman House 64 Broadway, Stratford, London E15 1NT, Tel: 0208 432 0532 / 07944 557272 www.compowernet.org

Community Legal Service produces a FREE booklet 'Education - parents and children's rights at school'. Tel: 0845 345 4 345 or www.clsdirect.org.uk

Drugs: Guidance for Schools (DCSF/0092/2004), www.teachernet.gov.uk/whole-school/behaviour/drugs

Guidance on Education Related Parenting Contracts, Parenting Orders and Penalty Notices (00530-2007BKT-EN), www.dcsf.gov.uk/schoolattendance/uploads/Parenting%20Contract-Guidance%20PNsPCsPOs%20FINAL2007.pdf

Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units 2007 (00611-2007BKT-EN), DCSF: Publications line/Prolog: 0845 60 222 60 or www.teachernet.gov.uk

Kwesi, Malika House, 81 George Street, Lozells , Birmingham. B19 1NS. Tel: 0121 523 4376

Local Authority responsibility to provide full time education and reintegrate permanently excluded pupils
www.dcsf.gov.uk/behaviourandattendance/guidance/LA_responsibility_FTE_reintegrate_permexclpupils/index.cfm

SEN Code of Practice (DCSF/581/2001),
www.teachernet.gov.uk/wholeschool/sen/sencodeintro Tel: 0845 604 6610.

The Equality and Human Rights Commission www.equalityhumanrights.com

Web based School Discipline and Pupil Behaviour Policies guidance
www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007, www.teachernet.gov.uk/wholeschool/behaviour/schooldisciplinepupilbehaviourpolicies

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For a copy of The Exclusions Handbook please visit, Partnership for Achievement's website: www.p4a.org.uk

For details about the Parents Forum contact - Ishango Science & Technology Club Tel: 0121 666 6261