

Hartlepool SEND IASS



SPECIAL EDUCATIONAL NEEDS AND DISABILITY INFORMATION, ADVICE AND
SUPPORT SERVICE

Fixed Period Exclusion

What is a Fixed Period Exclusion?

This is where an exclusion is set for a specific period of time.

A fixed period of exclusion should be for the shortest appropriate time. Fixed Period exclusions may be used for period of up to 45 school days per year and does not have to be a continuous period. Lunchtime exclusions are counted as half day exclusion. If a child is receiving free school meals these must still be provided.

Any exclusion from school can have serious implications for a pupil and should only be used as a last resort. Before deciding to exclude, the school must have tried all other methods of help to support your child in school.

During the first 5 days you as a parent are responsible for your child's whereabouts, you must make sure that they are not out in a public space without reasonable justification during school hours. You could be prosecuted if your child is found in a public place when they're not supposed to be.

Who decides to issue exclusions?

Only the Head teacher or acting head has the power to exclude a child but this must be upheld by the governors to be effective. You should be informed of the exclusion as soon as possible (usually by telephone). You should also be given a letter explaining the reasons for the exclusion, the date your child will return to school and your right to make representations without delay. It will also inform you of your right to attend a meeting where the school governors have a duty to consider the exclusion.

Schools should set and mark work for the first 5 days and must also provide suitable fulltime alternative education from and including the 6th day of exclusion.

Unofficial exclusions which ask you to keep your child at home to "cool off" without excluding them are not lawful, even if you agree to it. Children should not be asked to stay at home due to the school not being able to provide for their special educational needs. If your school raises concerns about meeting your child's needs,

you may wish to speak to the Special Educational Needs Coordinator (SENCO). It may also be useful to see our factsheets on SEN Support and EHC Assessments.

Meeting with School

You may not agree with the reasons behind the exclusion. You can put your views in writing to the school governors. If your child is excluded for less than 15 days in a school term, the school governors will not normally hold a meeting; however, if you want to make your views known you can request an opportunity to do so.

The Governors Meeting

The meeting consists of:

- Panel of at least 3 Governors
- Yourself and your child (you can be accompanied by a friend, Independent Parental Supporter or legal representative, if you wish)
- The Head Teacher
- A representative of the Local Authority
- Any witnesses to the incident
- A person to take the minutes

Procedure at the Meeting

At the start of the meeting, the Chair (a Governor) will introduce everyone present.

The Head Teacher will explain the reason(s) he/she decided to exclude your child and you will have the opportunity to ask questions.

You will have an opportunity to speak on behalf of your child, they may wish to speak themselves or provide their views in writing. The Head Teacher may ask you questions. If you feel their exclusion relates to their special educational needs or disability our service may also offer support for you as a parent/carer.

The Governors can ask questions of both parties.

The Local Authority representative will then give their view of the exclusion.

After both the Head Teacher and parents/carers have been given the opportunity to summarise, everyone except the Governors will be asked to leave the room to allow them to reach a decision.

If the exclusion amount to 5 days or fewer the Governors have no power to reinstate your child at school but for exclusions that amount to more than 5 days they can either confirm the Head Teacher's decision to exclude your child or allow him/her to return to school. You will be informed of their decision in writing without delay.

What happens when the exclusion is finished?

Schools should have a strategy for reintegrating pupils following exclusion and this may take the form of a reintegration meeting. This could be with the Head of Year and provides the opportunity to work together to look at strategies to avoid future exclusions and you may wish to discuss additional support for your child.

If your child has a disability this should be taken into account when making the decision to exclude as schools are under a duty to make reasonable adjustments to ensure that children who have a disability are not placed at a disadvantage to other pupils who don't under the Equality Act 2010. Disability Discrimination claims has to be made within 6 months of the exclusion.

Find out more

The link to statutory guidance on exclusions:

<http://www.gov.uk/government/publications/school-exclusions>

The link to sources of impartial advice for parents such as:

Coram Children's Legal Centre (www.childrenslegalcentre.com)

ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on: 03000 115 142 (Monday to Wednesday from 10am to 1pm term time)

The National Autistic Society (NAS), School Exclusion Service (England) Tel: 0808 800 4002 or email: schoolexclusions@nas.org.uk

Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

Have your Say

Please let us know any comments you may have about this leaflet by contacting the Information, Advice and Support Service using the contact details below.

Alternatively you can write to us at:

Hartlepool SEND Information, Advice and Support Service
Centre for Excellence in Teaching & Learning
Brierton Lane
Hartlepool
TS25 4AF

Further copies of this and other leaflets are available from the Information, Advice and Support Service

This leaflet is also available in large print on request

Privacy Notice

We will only store and use the information you supply to us for the purpose of providing you with a service based on your consent. The information you provide will be handled in accordance with the General Data Protection Regulation and the Data Protection Act 2018.

For information on how the council processes your information please see our privacy notice at www.hartlepool.gov.uk/privacy-notice. It is important that you read our privacy notice so that you are aware of how and why we process your personal information.

If you have any questions on how we process your data please contact the Data Protection Officer, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY. Tel: 01429 523087 or by email: dataprotection@hartlepool.gov.uk

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