

Exclusion from school

This factsheet provides information about when a school can exclude your child, the procedures the school should follow and what to do if you disagree with the exclusion.

My child has been excluded. What does this mean?

Exclusion means your child has been removed from school and is not allowed to go there for a certain number of days. If your child is excluded permanently, this means their name will be removed from the school register and they will not be allowed to return to that school at all.

Schools must keep a record of all exclusions and must follow a set of procedures when they exclude a pupil. This means the school should always tell you the procedures it will follow before your child returns to school.

Why has my child been excluded?

There are only 2 reasons a school can give for exclusion:

- The school thinks order and discipline in the school and the education of the other pupils will be badly affected if your child continues to attend.
- The school thinks you, the parents, have not followed the school's rules and have allowed your child to break the school rules.

Schools should only exclude a child as a last resort and for as short a period as possible. The time during and after the exclusion should be used to resolve the situation and make sure the right support is in place.

You may already have been talking to the school about your child's behaviour and support. If your child already has a learning plan, it would be worth reviewing the plan as part of the return-to-school meeting. If your child does not have a learning plan, you can discuss whether your child would benefit from one in light of the exclusion.

You can find information on educational plans in **Enquire factsheet: Planning children's and young people's learning.**

My child has additional support needs. Can they be excluded?

Yes. The reasons used to exclude a pupil with additional support needs are the same as for any other pupil, as given in the previous section. However, a school should take great care when deciding to exclude a pupil with additional support needs and consider the impact of the exclusion on their wellbeing. If your child is excluded, any additional support they need during this time should be provided.

The school has to make sure that by excluding a disabled pupil it is not discriminating against them. If your child is excluded because of behaviour connected to their disability, this may be unlawful discrimination. The Equality Advisory and Support Service can provide further information on disability discrimination (contact details are at the end of this factsheet).

Schools must also take particular care when considering and managing the exclusion of looked after children. More information about support for looked after children can be found in **Enquire factsheet: Additional support for learning: A guide for parents or carers of looked after children.**

What happens next?

If your child is excluded, the school must follow certain procedures.

On the day your child is excluded

The school must contact you, verbally or in writing, to do the following:

- tell you that your child has been excluded
- make sure there are proper arrangements for your child's care before they are sent home
- arrange a meeting with you to discuss the exclusion. The meeting should take place within 7 calendar days. If your child is excluded at the end of a term, the meeting must take place in the holidays.

Within 8 days of your child being excluded

The school should write to tell you:

- why your child was excluded, using one of the reasons mentioned on page 1
- any conditions that must be met before your child can return to school.
- about your right to appeal against the exclusion.

Schools often draw up a plan of action for a pupil that they and their parent must agree to before admitting them again, but this is not a legal requirement.

Children and young people with legal capacity also have a right to appeal against an exclusion.

It is important that your child is involved in any meetings about their exclusion, if you and the school think this is appropriate.

Pupils aged 16 or over

If your child is aged 16 or over, information about their exclusion will be sent directly to them unless they would not be able to understand the process because of their additional support needs. It would be good practice for the school to keep you informed and allow you to attend any meetings that your child would like you to be there for.

My child was sent home for a cooling-off period. Is this an exclusion?

Schools may use various phrases to describe removing a child from school, including:

- informal exclusion
- cooling-off period
- sending a pupil home early
- short-term suspension
- the child cannot cope with a full day.

Although these are all examples of exclusion, some schools do not always treat them as such. If schools do not record these and follow the proper procedures, they might be regarded as unlawful exclusions. The school should not send your child home as a way of managing their additional support needs.

If you think your child has been excluded and the school has not followed the correct procedures, you should ask the school why your child has been removed and ask for proper procedures to be followed. It may be useful to ask for a copy of the school's and local authority's policies on exclusion.

What about my child's right to education?

Your child still has a right to education when excluded, whether for a few days or if removed from the school register permanently.

If your child is excluded for only a few days, they may not receive any teaching but they may be sent school work to complete at home and return to school for marking.

If your child is excluded for a longer period or is removed from the school register, Government guidance states that alternative education should be in place "without undue delay".

The local authority must arrange the alternative education. This may happen in another school. A pupil with additional support needs must be placed in a school that can meet those needs. For a pupil in a special school, it may be that a suitable special school is only available in a neighbouring authority.

If your child cannot attend another school, their education may be provided elsewhere, such as a community centre or at home. The local authority must make special arrangements to provide, as far as possible, the same amount, type and quality of education they received in their own school before they were excluded. This is particularly important if your child has additional support needs.

If your child has additional support needs, support from other agencies such as speech and language therapy or social work should continue during their exclusion.

What if my child is offered part-time education?

A very short period of part-time education may be acceptable, after discussions with you. This can allow the school to get measures and resources ready to meet your child's needs. Part-time education often identifies the fact that your child may need a different curriculum or type of support.

If your child is on a part-time timetable, the school should work with you and your child to consider what support they need to attend full-time.

How long should my child receive part-time education for?

Long-term part-time education should only be maintained with your agreement. Everyone involved in supporting your child must consider whether this is meeting their needs and allowing them to develop their full potential. If the school cannot provide appropriate full-time education for your child, alternative school placement options may be considered.

My child has been excluded several times. What can I do?

A number of exclusions may suggest there need to be changes to your child's education and the support they are receiving. At the re-admission meeting, you could ask for a review of the support and strategies the school has in place to meet your child's needs. You could also ask for a review of their individualised educational

programme (IEP), Child's Plan or any other educational plan they have in place. This would enable changes to be made to your child's education and support to take account of all their needs.

I disagree with this exclusion. What can I do?

You have the right to appeal against the exclusion. A child or young person also has the right to appeal, as long as they fully understand the process. This appeal would go to your local authority's Education Appeal Committee.

You can find information on how to appeal an exclusion in **Enquire factsheet: Resolving disagreements**.

When your child is excluded, details of the exclusion are entered on their school records. If you successfully appeal against an exclusion, the record is changed to show this. This means information about that exclusion cannot be disclosed, such as to a future employer.

Where to get more information

Publications

The parents' guide to additional support for learning (Enquire guide)

Enquire factsheet: Planning children's and young people's learning

Enquire factsheet: Resolving disagreements

Enquire factsheet: Additional support for learning: A guide for parents or carers of looked after children

Scottish Government guidance
Included, engaged and involved part 2: a positive approach to managing school exclusions available at
www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school/

The local authority's exclusion policy.

The school's exclusion policy.

Organisations

The Equality Advisory Support Service (EASS) can give information and guidance on discrimination and human rights.

Telephone: 0808 800 0082

Textphone: 0808 800 0084

www.equalityadvisoryservice.com

ENQUIRE

Helping you understand additional support for learning

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

www.reach.scot offers advice to young people struggling at school. With practical tips on what can help and young people sharing their views and experiences on all sorts of life issues, Reach offers the 'go-to' source of advice to help pupils make the most out of their education.

This factsheet has been awarded the Clear English Standard.



Contact details

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