



Exclusion from school – the facts

- There are only two types of exclusion from a school which are lawful: **permanent** and **fixed-period**.

This means that **legally** a pupil is either in school full-time or they are excluded from school. They can be excluded for a fixed term (for a specific number of school days) or permanently excluded.

- Pupils can only be excluded for disciplinary reasons.

This means they **cannot** be excluded because a school, pupil referral unit (PRU) or academy cannot meet their needs or for something which their parents did or did not do.

- In some cases, excluding a pupil for behaviour related to their disability could be **discriminatory**.

This means that school records should show that the school has **taken steps** to identify needs and, where needs are identified, address them effectively. See our [SEN Support in Schools Factsheet](#) for information about the processes for identifying and meeting special educational needs.

The school **must** be able to show that the exclusion is a "proportionate means of achieving a legitimate aim". This might be, for example, if a pupil's behaviour is having an impact on the education or safety of others.

- 'Informal' or 'unofficial' exclusions are **unlawful**.

This means that any exclusion that is not formally registered, confirmed to the family in writing, and subject to the terms of the government's [Exclusions Guidance](#), is unlawful. These include **sending a pupil home** to 'cool off' or the school putting a pupil on a 'part-time timetable' or 'off-rolling', regardless of whether they occur with the agreement of parents or carers.

- Any exclusion of a pupil, even for a short period of time, **must** be formally and accurately recorded.

This means that all exclusions must be recorded by the school. Every exclusion must be confirmed to the parents **in writing** with notice of the reasons for the exclusion.

- Exclusion should be a **last resort**; it must be lawful, reasonable and fair.

What responsibilities do schools have to address SEND before exclusion?

The statutory guidance that schools **must** follow is [Exclusion from maintained schools, academies and pupil referral units in England](#) (2017). **It states that:**

Disruptive behaviour can be an indication of **unmet needs**. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a **multi-agency assessment** that goes beyond the pupil's educational needs is required. Schools should have a strategy for **reintegrating** a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

Schools must therefore act where they have concerns about a young person's behaviour. This duty extends to seeking support outside of the school environment, asking for support from the local authority and specialist services if necessary. **Paragraph 19 of the guidance states that:**

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Critically, an exclusion can never be because the school feels unable to meet additional needs.

The procedure when your child is excluded

You must be told without delay about the exclusion. The school would usually ring you first, but they must also write to you straight away. This can be sent by letter or electronically. The written information must include:

- The reason for the exclusion.
- The length of the exclusion - the number of days if fixed term, or that it is permanent.
- Information about how you can challenge the exclusion.
- The responsibility to make sure your child (if they are of compulsory school age) is not in a public place during school hours for the first five days of the exclusion.
- Arrangements for alternative provision, if relevant.

The school must always provide this information in writing if they are sending your child home for disciplinary reasons, even if the exclusion is very short.

It is not lawful for the school to tell you to just take your child home, without recording it as a formal exclusion.

Fixed-term exclusion

A school can exclude for a set number of days, up to a maximum of 45 days in a school year. A lunchtime exclusion counts as half a day.

When the exclusion has ended, your child must be allowed back to school. The head teacher cannot extend an exclusion, but they may issue a new fixed-term or permanent exclusion to begin straight after the first. This should only be done in exceptional circumstances, for example if new information has come to light.

The school should invite you and your child to a reintegration meeting on the day your child returns to school. However, your child must still be allowed in school even if you cannot attend a reintegration meeting.

Your child's education during fixed-term exclusion

During the first five days of an exclusion, the school should take reasonable steps to set and mark work for your child. For longer exclusions, the school must arrange suitable full-time alternative education to begin from the sixth day of the exclusion. This may be in a pupil referral unit (PRU).

Challenging a fixed-term exclusion

For all exclusions, you can put your views in writing to the school governors. This is called "making representations". The governors have the power to decide whether the head teacher made the right decision. In some cases they can overturn the exclusion and reinstate your child.

See the table below for information about the governors' role in considering an exclusion.

Permanent exclusion

A permanent exclusion should be issued only:

- In response to a serious breach or persistent breaches of the school behaviour policy

and

- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Your child's education during permanent exclusion

During the first five days of an exclusion, the school should take reasonable steps to set and mark work for your child. From the sixth day, the local authority must arrange suitable alternative education for your child. This may be in a pupil referral unit (PRU).

In the longer term, the local authority should find a place in another school for your child.

You can also apply to other schools. However, a school can refuse to accept a child if they have been permanently excluded twice already within the last two years, and in some circumstances they can refuse pupils with challenging behaviour.

If your child has an Education Health and Care (EHC) plan, an exclusion, or the threat of one, should trigger an emergency review of the plan. The local authority must make sure that any alternative provision is able to meet your child's special educational needs (SEN) as set out in the EHC plan.

Challenging a permanent exclusion

The governors must meet within 15 school days to review the exclusion. You have the right to attend the meeting and to put your views to the governors. The governors must consider whether the head teacher's decision was lawful, reasonable and fair. They have the power to overturn the exclusion and allow your child back to school. They can also overturn the exclusion and reinstate your child in principle, even if you do not want your child to return to the school.

If the governors agree with the head teacher and uphold the decision, they must write to you to let you know. You have 15 school days from the date of the letter to ask for an Independent Review Panel (IRP) to consider the exclusion. The IRP hearing must take place within 15 school days of your request.

You can ask for a SEN expert to attend this hearing. The SEN expert's role is to inform the panel of how SEN may be relevant to the exclusion. The IRP panel cannot overturn the decision to exclude, but they can recommend or direct the governors to reconsider the decision.

The table below sets out your rights and the governors' responsibilities according to the length of an exclusion.

Total number of days exclusion in one term	Five days or fewer	5 1/2 up to 15 days in total	More than 15 days in total or permanent	If pupil will miss a public exam
Right to make written representations	Yes	Yes	Yes	Yes
Right to meet with governors	No. Parents can request it but parents don't have to agree.	Yes, if parents request it.	Yes. Governors must meet.	Yes. Governors must meet.
Timescale for meeting	None	50 school days	15 school days	15 school days
Reinstatement possible	No	Yes	Yes	Yes, or the school can allow the pupil back just to take the exam

Where can I get more information, advice and support?

You can find more information about exclusions here:

- [IPSEA](#)
- [Contact](#)
- [School Exclusions Hub](#)
- [School Exclusions Project](#)

Milton Keynes Special Educational Needs & Disability Information, Advice & Support Service (MK SENDIAS) can give you:

- Information about SEND support, including information about SEND funding
- Advice about what to do if you are not happy with the support your school is providing
- Support to prepare for school meetings and Annual Reviews.
- Information and advice about your rights to request an EHC needs assessment and support with the process
- Help to navigate Appeals and Complaints procedures

- Information about other organisations, support groups and information services that could help

You can contact us:

- By completing a [referral form](#)
- Via our [website](#) for lots of useful information and factsheets
- To discuss your concerns by phone on 01908 254518
- By [email](#), briefly outlining your concerns
- On [Facebook](#)