

What happens after the meeting has closed?

There are two possible decisions that the Governors can make:

1. decline to reinstate the pupil, this means that they agree with the decision to exclude; or
2. direct reinstatement. This means they do not agree with the decision to exclude.

You must be informed of the outcome of the Governors Disciplinary Meeting (GDM) meeting in writing, setting out the reasons for the decision, without delay.

If the Governors decide they do not agree with the exclusion, your child will be allowed back into school immediately or from a set date.

If the Governors do not reinstate your child, and you do not agree with their decision, you can request an independent review of the Governor's decision. This must be done within 15 school days. The letter from the Governors will tell you who to write to for requesting this.

What happens to my child's education while the exclusion process is happening?

An officer from Derby's exclusion team will contact you, usually by phone, as soon as possible at the start of the exclusion to explain the exclusion process and next steps for education. The Local Authority will organise full time education from the sixth day of the exclusion; schools set work for the first five days. The exclusion officer will give you the details of the alternative provision your child will attend, including a name and contact number of someone at the alternative provision.

Alternative provision is a temporary setting for pupils, in Derby the settings are, Newton's Walk Primary Pupil Referral Unit (PRU) and Kingsmead School Pupil Referral Unit (PRU). Newton's Walk PRU takes pupils in Key Stage one and two, this is school years one to six. Kingsmead PRU takes pupils in Key Stage 3 and 4, this is school years 7 to 11.

Where can I go for further advice?

Coram Children's Legal Centre
0808 802 0008
www.childrenslegalcentre.com

ACE Education
03000 115 142
www.ace-ed.org.uk

Advice related to special education needs and disability or making a claim of discrimination to the First-tier Tribunal:
www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability or the County Court.

Department for Education, statutory guidance on exclusions:
www.gov.uk/government/publications/school-exclusion

The School Exclusion Project provides free legal representation to challenge permanent school exclusion.
<https://schoolexclusionproject.com/>

Derby City Council Exclusions Team can also offer impartial advice.
01332 642732
IYFA@derby.gov.uk



Permanent Exclusion from School

A guide for parents and carers

In Year Fair Access
Secondary Schools



Derby City Council

This step-by-step guide has been produced to help parents/carers understand the process if your child has been permanently excluded from school, answer questions which may arise, and explain the school Governor role in the exclusion process.

What is a permanent exclusion?

A permanent exclusion means that the Headteacher has decided that the pupil cannot be in the school anymore. It is the most serious sanction that can be given to a pupil in response to a serious breach, or persistent breaches, of the school's behaviour policy, and, whereby allowing the pupil to remain in school it would seriously harm the education or welfare of the pupil or others in the school.

Permanent exclusions should always be a last resort and must not be used for non-disciplinary reasons, such as poor academic achievement, punctuality, or the actions of parents/carers. Head teachers also have to be considerate in their decision to exclude not to discriminate against a pupil due to a pupil's: special educational need, sex, race, disability, religion or belief, sexual orientation, because of pregnancy/maternity or because of gender reassignment.

How will I be told?

If your child has been involved in a serious matter in school, the Headteacher or senior leader will usually speak to you about it. If the decision is to make a permanent exclusion you will be immediately told of the decision by school, usually initially by telephone. The Headteacher must then write to you without delay telling you that the exclusion is permanent, and telling you about:

- the reason(s) for your child's exclusion;
- the date the exclusion begins;

- your right to speak to the Governing Board about the exclusion and how you and your child can be involved;
- your right to have a friend attend the meeting to support you, and your right to have someone speak on your behalf (at your own expense) and how to do this.

How will the school governors be involved?

Headteachers inform their Governing Board without delay when a pupil is permanently excluded. Governors will then arrange a Governors Disciplinary Meeting (GDM) meeting, within 15 school days, to review the decision of the Headteacher to exclude, to see if they agree or not.

To support Governors in their decision school provide them with information on the reason for excluding your child and why they believe it is such a serious matter as to warrant a permanent exclusion. Parents will also get the same pack of information provided to the Governors; this is usually at least five school days before the meeting to give everyone a chance to read it. Some parents may have information they wish Governors to have in this pack of information to consider before attending the meeting. You can submit this to the person identified on the letter from school informing you about the permanent exclusion, asking for it to be included.

At the meeting Governors follow guidance from the government on exclusions and school policies, such as, behaviour, exclusion and special education needs. The Governors listen to what you and the school have to say about why your child was excluded to decide if the decision of the Head teacher to permanently exclude your child was a lawful, reasonable, proportionate and fair response to the disciplinary breach, and, if by allowing your child to remain in school it would seriously harm the education or welfare of your child or others in the school.

Who will be at the meeting?

The Governors meeting is made up of the Chair person, who is a member of the excluding School or Trust governors, and usually two other Governors. The governors will make all reasonable adjustments to enable parents/carers, your child, and any witnesses, if applicable, to attend. There will usually be the Headteacher and another senior leader from school, an exclusion officer from the Local Authority attends for maintained schools, and, where parents/the academy have invited them in the case of an academy school, as an observer. A Clerk will take minutes. You may bring a friend to support you at the meeting and you may decide to bring a representative. A representative is someone who will speak at the meeting on your behalf.

How do I put my views to the Governors?

Prior to the meeting some parents will seek specific advice about their case from an independent source, or solicitor in some cases, to help put their case together.

The Chair will state the process for the meeting and everyone will introduce themselves. The usual agenda is for the Chair to invite the Headteacher to state their case, this means the school will talk about what has happened and why the Headteacher decided that permanent exclusion was a last resort. Governors and parents/carers can ask questions of the school. Parents can then talk about their view and what they want the Governors to consider. Governors and school may have some questions for you. The Local Authority can make a statement and ask questions for maintained schools and where invited by academy schools. After all questions and statements have been made the meeting will close and the Governors make a decision once everyone else has left the room. The Clerk usually stays to help with wording the letter that will be sent to you with the governors reason for their decision.