

DfE Exclusion guidance can be found [here](#)

# Child Permanently Excluded

The head teacher will notify...

Gloucestershire County Council (GCC) of the permanent exclusion

GCC arrange suitable full-time education provision for child starting on 6<sup>th</sup> school day

Alternative provision school contact family to provide starting details

GCC organise local authority representative to attend GDM

School governing board of the permanent exclusion

Clerk to governors arranges Governors Disciplinary Meeting (GDM) to consider the reinstatement

Clerk to governors invites parents/carers to attend GDM and notifies them of their rights to make representations, to be represented and to bring a friend

Clerk notifies GCC of GDM and invites a local authority representative to attend

Clerk circulates any written evidence and information including a list of those attending to all parties at least five school days in advance of the meeting

Within 6 School days

Within 15 School days

Parents/carers of the permanent exclusion and the reason(s) for it

Child collected from school by parent/carer

Parents/carers receive written confirmation of the of the permanent exclusion

School set and mark work for the first five school days of the exclusion

Parents/carers receive invitation from clerk to attend the GDM

Child on roll at suitable full-time education at alternative provision school (APS) on 6<sup>th</sup> school day of exclusion

Parents/carers confirm attendance with the clerk and submit written evidence to be circulated prior to the GDM. **Please note-** parents/carers may need to request a LA representative to attend if the child's school is an academy

**What structure will the meeting follow?**  
A sample agenda can be found [here](#).

**Who will be attending the GDM?**  
You and your child will be allowed to bring a friend and/or representative to support you in this meeting.  
  
The governing panel and the following people will be attending; head teacher, other appropriate school staff like the Special Educational Needs Coordinator (SENCO), clerk to governors and a Local Authority representative.

**What is the role of the Local Authority representative?**  
The Local Authority representative's role is to provide advice and guidance to all parties. They are also available to answer questions from all parties and provide clarification.

## Governor Disciplinary Meeting (GDM)

Chair of Governors introduces the meeting and explains the process to all

Following the attached meeting agenda all parties have the opportunity to make representations and explore the reason(s) for the exclusion. All parties have the opportunity to ask questions and seek clarification

All parties have the opportunity to give a closing statement or provide a summary

GDM ends and all parties leave to allow the governing panel to make their deliberations and a reach a decision

## Governing panel reach their decision

Governing panel notify parents, head teacher and local authority of their decision in writing with reasons

Uphold head teachers decision

Decide to reinstate

GCC Fair Access Process (FAP) officer contacts family to discuss next steps for the child (pending an IRP appeal).

Parents/carers informed about their right to appeal the governors' decision at an Independent Review Panel (IRP) in the GDM decision letter and their right to request a SEN expert is present to advise the review panel. **Please note-** A SEN Expert is provided at no cost to the family and can be requested regardless of whether the school recognises the excluded child to have special educational needs (SEN)

Child remains in suitable full-time education at alternative provision school (APS)

Child leaves the APS and returns to the school on an agreed date

Permanent exclusion removed from the child's education record

Parents/carers make written request to appeal the governors' decision at an IRP within 15 days\* of receiving governor's letter. Parent/carers must state whether they would like a SEN expert to attend.

Parents/carers decide not to appeal the governors' decision at an IRP **and/or** no appeal is received within 15 days\* of the governors making their decision

Child remains in suitable full-time education at alternative provision school (APS) and is removed from school roll

Permanent exclusion remains on the child's education record

Child enters the Fair Access Protocol (FAP) process to determine next steps

Within 15 school days of request being made

## Independent Review Panel (IRP)

**Representations you could make**

It is important you feel comfortable to give your input into the GDM. Information you might want to include:

- Why you agree/disagree with the decision to exclude.
- What impact the exclusion will have.
- What the school has done that has helped.
- What more you feel the school could have done.
- Any needs or contributing factors you feel were unaddressed or need consideration.
- Any concerns or queries you have.

It is important that your child also feels they can give their views if they wish to. They could include:

- What happened and why they think it did happen.
- What could be different if they are allowed back to school.

\* The deadline for applications for an independent review in relation to exclusions occurring between **1 June 2020 and 24 March 2021** will be **25 school days** from the date on which notice in writing of the governing board's decision is given to parents.

## Independent Review Panel (IRP)

When considering the governing board's decision in light of the principles applicable in an application for judicial review, the panel should apply the following tests:

- Illegality – did the governing board act outside the scope of its legal powers in deciding that the pupil should not be reinstated?
- Irrationality – did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?
- Procedural impropriety\* – was the governing board's consideration so procedurally unfair or flawed that justice was clearly not done?

### Review panel reach their decision

Quash the decision and direct that the governing board reconsiders reinstatement

Recommend that the governing board reconsiders\*\* reinstatement

Uphold the governing board's decision

Within 10 school days of receiving notice of decision

Child remains in suitable full-time education at alternative provision school (APS) and is removed from school roll

Permanent exclusion remains on the child's education record

Child enters the Fair Access Protocol (FAP) process to determine next steps

### Governing board meet to reconsider

Governing panel notify parents, head teacher and local authority of their decision in writing

Decline to reinstate child

Decide to reinstate child

Child remains in suitable full-time education at alternative provision school (APS) and is removed from school roll

Permanent exclusion remains on the child's education record

Child leaves the APS and returns to the school on an agreed date

Permanent exclusion removed from the child's education record

An adjustment may be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school would be required to make an equivalent payment directly to the local authority in which the school is located within 28 days of notification. This payment will be in addition to any funding that would normally follow an excluded pupil.

The clerk must also note, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice.

Child enters the Fair Access Protocol (FAP) process to determine next steps

If a review panel has made a financial adjustment order and the excluded pupil is given a place at another school, including a PRU, ('the admitting school'), the local authority may, if it chooses, pass any or all of the amount of the financial adjustment (i.e. up to £4,000) to the admitting school.

\***Procedural impropriety** means not simply a breach of minor points of procedure but something more substantive, that has a significant impact on the quality of the decision-making process. This will be a judgement for the panel to make, but the following are examples of the types of things that could give rise to procedural impropriety: bias; failing to notify parents of their right to make representations; the governing board making a decision without having given parents an opportunity to make representations; failing to give reasons for a decision; or being a judge in your own cause (for example, if the head teacher who took the decision to exclude were also to vote on whether the pupil should be reinstated).

\*\* Where the criteria for quashing a decision have not been met, the panel should consider whether it would be appropriate to recommend that a governing board reconsiders its decision not to reinstate the pupil. This should not be the default option, but should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision, but which the panel believe justify a reconsideration of the governing board's decision. This could include when new evidence presented at the review hearing was not available to the governing board at the time of its decision.

Further sources of advice and guidance can be found here-

Gloucestershire County Council- <https://www.gloucestershire.gov.uk/education-and-learning/school-attendance-and-exclusions-and-welfare/what-to-do-if-your-child-is-excluded-from-school/>

SENDIASS Gloucestershire ([www.sendiassglos.org.uk](http://www.sendiassglos.org.uk)),

Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com))

ACE Education (<http://www.ace-ed.org.uk>)

National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk))

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