

14. Permanent Exclusion

What is a Permanent Exclusion?

A permanent exclusion means your child is no longer allowed to attend their school. This is a serious decision and should only be used as a last resort when all other options have been tried.

A headteacher can only permanently exclude a child for disciplinary reasons, such as:

- A serious one-off incident (e.g. a serious assault, violence or bringing a weapon or illegal drugs to school)
- Persistent disruptive behaviour that hasn't improved despite support
- When allowing the pupil to remain in school would seriously harm the education or welfare of the pupil, or others in the school.

It is unlawful to exclude a child for:

- Having special educational needs or a disability the school feels unable to manage
- Not meeting academic targets
- The behaviour of parents.

What Happens Next?

Notification

The headteacher must inform you of the permanent exclusion without delay, usually by phone and then followed by a formal letter. This letter will state the reason for the exclusion and provide details about the next steps. It will also inform you of your right to make representations to the school's governing body.

Education During Exclusion

- **For the first five school days:** The school is responsible for providing and marking work for your child. As a parent, you have a legal duty to ensure your child is not in a public place during school hours without a reasonable justification. Failure to do so can result in a fine.
- **From the sixth school day:** The local authority takes on the responsibility to provide suitable, full-time education for your child. This can be a temporary educational placement to start with while a long-term placement is found through the allocation processes.



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Challenging the Exclusion

You have the right to:

- Make representations to the school's governing body
- Attend a governors' meeting to present your case (this must happen within 15 school days). The meeting will include:
 - A panel of at least three governors
 - The headteacher
 - A local authority representative
 - You and your child (if you wish).

The governors will consider all the evidence and decide whether to uphold the headteacher's decision or direct the school to reinstate your child.

If the governors uphold the exclusion, you can request an Independent Review Panel.

Challenging the Decision

If the governors uphold the permanent exclusion, you have the right to request an **Independent Review Panel (IRP)**. This panel will review the governing body's decision. You must request this within 15 school days of receiving the governors' decision. The IRP can make one of three decisions:

1. Uphold the exclusion
2. Recommend that the governing body reconsiders its decision
3. Quash the decision and direct the governing body to reconsider the exclusion.

It is important to note that the IRP cannot directly reinstate your child.

Special Educational Needs and Disabilities (SEND)

Schools have a duty to not discriminate against pupils with disabilities. If your child has an Education, Health and Care Plan (EHCP), or a disability, this should be a key consideration in any exclusion decision. The school must ensure that any alternative provision can meet your child's needs as outlined in their EHCP.

If you believe the exclusion is related to your child's disability, you have the right to challenge the decision on grounds of discrimination. To do this you will need to make a claim within 6 months of their exclusion to the First-tier SEND Tribunal (SENDIST).

Key Legislation and Guidance

The process of school exclusion is governed by a number of laws and pieces of guidance, ranging from The Education Act 2002 to the Equality Act 2010



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Further Information

You can access further information on the websites below:

- The Department for Education's statutory guidance (DFE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England](#)
- IPSEA: [Exclusion from school](#)



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