

Exclusion from school

This factsheet explains:

- when a school can exclude a pupil
- the procedures that must be followed if a pupil is excluded
- what you can do if you disagree with an exclusion.

What is exclusion?

Exclusion is when a school sends a pupil home from school and does not allow them to return for a certain number of days. Sometimes schools might use a different name for this, for example 'suspension' – this is still an exclusion. If a school permanently excludes a pupil, this means their name will be removed from the school register and they will not be allowed to return to that school.

Schools must keep a record of all exclusions and must follow a set of procedures when they exclude a pupil.

When can a school exclude a pupil?

There are two circumstances when a school can exclude a pupil:

- when the school thinks order and discipline in the school, and the education of other pupils will be badly affected if the pupil continues to attend, or
- when the school thinks that a pupil's parent(s) did not follow school rules or have allowed their child to break school rules, or if the pupil is aged over 16, when the school thinks they broke the school rules.

Schools should only exclude a pupil as a last resort and when there is no suitable alternative. The exclusion should be for as short a period as possible. The school, the pupil, and their parent(s) should use the time during and after the exclusion to resolve the situation and make sure the right support is in place.

Before making the decision to exclude a pupil, the school should think carefully about the impact it will have on the pupil. They should keep the pupil's wellbeing at the centre of decisions that they make. The aim of any exclusion should be to improve things for the pupil.

The Scottish Government guidance on exclusions¹ focuses on the importance of encouraging positive relationships and behaviour in schools to try and prevent exclusions. It recognises that all behaviour is a form of communication, and says that schools should identify issues that might lead to exclusions and address them as soon as possible.

Exclusion from nursery

You can find information about exclusion from nursery in our factsheet on [Additional support for learning in the early years](#). You can also call our helpline for advice.

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

The reasons that can be used to exclude a pupil with additional support needs are the same as for any other pupil. 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 the school excludes your child, they must continue to give them the additional support they need during the time they are excluded.

The school has to make sure that by excluding a disabled pupil they are not discriminating against them. If the school excludes your child because of behaviour connected to their disability, this may be unlawful discrimination. You can seek advice on this from the Equality Advisory and Support Service on **0808 800 0082** or via their website: www.equalityadvisoryservice.com.

Schools must also take particular care when considering and managing the exclusion of care experienced children and other pupils who have experienced, or are experiencing, difficult life circumstances.

If your child sometimes become distressed at school, staff should work with you and use their own knowledge of your child to try and predict and plan for the type of situations that can trigger their stress or frustration. This should include considering how your child's support needs affect their communication and behaviour. They can then use this information to decide how best to support your child.

¹Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017)

My child has been excluded. What happens next?

If the school excludes your child, they must follow certain procedures.

On the day your child is excluded

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

- 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 must take place within seven calendar days. If your child is excluded at the end of a term, the meeting must still take place within this time frame.

Within eight days of excluding your child

The school must write to tell you:

- why your child was excluded
- any conditions that must be met before your child can return to school
- about the right to appeal the exclusion.

The school may draw up a plan of action for your child and ask them and you to agree to and sign it before admitting them again. This is not a legal requirement.

It is important that the school involves your child in any meetings about their exclusion if appropriate.

Pupils aged 16 or over

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

What about my child's right to education?

Your child still has a right to education when excluded. If your child is excluded for only a few days they may not receive any teaching, but the school may send them work to complete at home and return for marking.

If your child is excluded for a longer period, the school or local authority must make alternative arrangements for them to continue learning without undue delay. It is reasonable to expect alternative education provision to be in place after three days of exclusion.

This could happen in another school, somewhere like a community centre or library, or at home.

The local authority should, as far as possible, make sure that your child receives the quality, quantity and range of education they were receiving before they were excluded. Any arrangements should involve contact with your child on a regular basis.

If your child has support from other agencies, for example speech and language therapy, this should continue during their exclusion.

My child was sent home from school, but not 'formally excluded'

Sometimes schools may ask parents or carers to collect their child from school early, using reasons such as:

- informal exclusion
- cooling-off period
- saying the pupil cannot cope with a full day.

These are all types of exclusion, so the school should be following the exclusion procedures described above. If schools do not record these exclusions and follow the proper procedures, they might be regarded as 'unlawful exclusions'. The school must 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 can ask the school why they sent your child home and ask for the proper procedures to be followed. You can discuss other strategies that the school could have used to help keep your child in school. If a school feels the need to send your child home from school, this is likely to be a sign that your child needs more or different support at school. It may be useful to ask for a copy of the school's and local authority's policies on exclusion.

Returning to school after an exclusion

The time during and after the exclusion should be used to resolve the situation and make sure that your child has the support they need in place.

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

Returning part-time after an exclusion

In exceptional circumstances the school may suggest a short period of part-time education for your child, but they should check that you agree this would be in their best interests. This can allow the school to get the right support in place to meet your child's needs. There should always be an agreed timescale for your child returning to school full-time. You and the school should agree how your child will be educated during the period of part-time education.

Part time education must not be used on an ongoing basis as a way of managing your child's support needs. They have a right to the support they need and should receive the same number of hours of education as their peers.

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

Regular exclusions suggest that the support your child is receiving may need to change. At the re-admission meeting, you can ask for a review of the support and strategies the school has in place for your child.

Permanent exclusions from school

Permanent exclusions are when a pupil is removed from the school register and cannot return to the school. This is rare in Scotland. If your child is permanently excluded from their school, the local authority is still responsible for their education and must find them a place at another school as soon as they can.

I disagree with my child's exclusion. What can I do?

You have the right to appeal your child's exclusion. Your child may also have the right to appeal, as long as they fully understand the process. There is no legal deadline for appealing an exclusion, but it is usually best to submit the appeal as soon as possible to try and resolve the situation quickly.

The appeal goes to the local authority's education appeals committee. The school must include details of how to appeal in the letter they send when your child is excluded.

When your child is excluded, details of the exclusion are entered on their school records. If you successfully appeal against an exclusion, the school must remove the details of the exclusion from your child's school records. This means information about the exclusion cannot be disclosed, for example to a future employer.

Find out more in our factsheet on [Education appeal committees](#).

Where can I find out more?

Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions (2017) www.gov.scot/publications/included-engaged-involved-part-2-positive-approach-preventing-managing-school

This is the Scottish Government's guidance on exclusions. It explains the processes that must be followed before, during and after an exclusion from school. Annex C has checklists for things that schools should consider at each stage of a potential or actual exclusion. The guidance also has advice for schools and local authorities on approaches for preventing exclusions.



How Enquire can help

Enquire can help you understand your child's rights to additional support for learning and how to work in partnership with their school or nursery to make sure your child gets the support they need.

Enquire can:

- explain your child's rights to additional support for learning
- listen to any questions and concerns
- advise you on the way forward
- help you find local education and support services.

You can contact our helpline on **0345 123 2303** or info@enquire.org.uk
Access to interpreters is available.

You can also find lots more information about additional support for learning, including our full range of publications, at www.enquire.org.uk

The information on our website is available in over 100 languages and with a range of accessibility tools, such as text-to-speech.

Reach is our website for children and young people. Reach helps pupils to understand their rights to feel supported, included, listened to and involved in decisions at school: www.reach.scot

Enquire is also a partner in the My Rights, My Say service. My Rights, My Say supports children aged 12-15 with additional support needs to exercise their rights to be involved in decisions about their support in school:
www.myrightsmysay.scot

Enquire factsheet: Exclusion from school

© Enquire February 2020

Enquire is funded by the Scottish Government and managed by Children in Scotland



Scottish Government