

When your child has been permanently excluded.

Guidance for parents

Step 1. Preparing for the governing body meeting



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Step 1. Preparing for the governing body meeting

It is very distressing when your child is permanently excluded from school. This leaflet is intended to help you as a parent prepare for the governing body meeting that governors' must hold to consider a head teacher's decision to permanently exclude any pupil.

It will explain the process and suggest things you might want to think about, points you might like to make and questions you could ask.

IMPORTANT: If your child has an Education Health and Care plan or is having an Education Health and Care needs assessment, get in touch with the SEN officer immediately.

As a parent you have the right to attend the meeting that governors must hold within **15 school days*** of the permanent exclusion to consider the head teacher's decision so you can give your views and those of your child or young person on the exclusion.

Your child can attend to give their views or send them in writing or you could talk to them and write it down for them. Their views are important

You need to ask the school for the paperwork and you should have it **5 school days** before the meeting.

The meeting should be at a time when you can go. If not, you can request that they change it.

When you receive the paperwork, make a note of the date it arrived and then look at the paperwork carefully and systematically.

It is also important to be aware that mostly governors will support the head teacher's decision but you making your views known might make a difference.

For example, you might be able to show that your child has unmet needs or has not received adequate support for their special educational needs (SEN) as required by the **SEN and Disability Code of Practice**. *This is statutory guidance telling schools, settings and many other agencies how they should implement the Children and Families Act 2014.*

COVID RELATED MODIFICATION TO TIME SCALES OR PROCESS

Any aspects of the process or guidance that may have been temporarily adapted during the Covid pandemic of 2020 are indicated by *.

Preparing your case for the meeting

- Check all paperwork (sometimes called 'the bundle') for dates - do they tally, are there any gaps with periods not covered?
- Check to see who will be on the governing body panel.
 - Is there someone who has previously been involved with you or your child who might have a bias?
 - It would be a good idea to raise this when you receive the letter about the meeting.
- Does the Head's letter make clear whether your child has been permanently excluded for a one-off incident – or persistent disruptive behaviour, the paperwork needs to be clear whichever it is.
 - If for a one-off incident, what was it for?
There should be witness statements to support it. If they include a long list of other incidents, you can ask why that's included as it's for a one-off incident!
 - If for persistent disruptive behaviour – there should be paperwork with incident logs and witness statements for significant incidents
 - Check that the dates of the incidents and the witness statements are the same
- Witness statements - should be dated and signed. If they are anonymised so much you can't understand what went on, or who said what, you should challenge that.
 - Ask why they have been anonymised as it is your child's right to know who is saying they did what they have been accused of as that might be important if it is someone they have fallen out with etc.
 - How were the statements taken? How soon after the incident?
 - If children's statements, are they in a child's voice or does it look like someone has helped or asked leading questions?
- Read the school's Behaviour policy. NB The Head has a duty to make it known to parents at least once a year – (not enough for it to be on school website)
 - Was it differentiated to show what is done differently if a child has SEND
 - Is your child capable of understanding it or at least the pupil's version (in their planners?)
 - Can you as a parent follow it?
- Were you told your child was at risk of permanent exclusion?

Why it is important to ask questions at the governing body meeting

The governors will be making their decision on the evidence available. They will hear from the Headteacher and will have seen the bundle provided by the school showing the things your child has done that has led to the exclusion.

It is important for you to show what the school has done or not done to support your child. You can then ask whether more appropriate support would have made a difference and avoided the exclusion.

This is your chance to let the governors hear your views and those of your child.

You can highlight if there are things the school should have done to avoid getting to the point of permanently excluding your child.

When the governors make their decision later after the meeting, they have to show how they made the decision and what they took into account. That is why it is so important they hear both sides.

Other things for you to consider/types of questions to ask the school:

- If your child has an Education Health and Care plan, did the school call an emergency annual review before permanently excluding your child?
- What reasonable adjustments were made to avoid incidents happening (if your child is disabled under Equality Act, this can include ADHD, ASC etc.) e.g. there was an agreed safe space they could go to to calm down?
- Was your child with SEND able to understand what they needed to do/should have done in the situation which resulted in their exclusion?
- How were staff informed about your child's difficulties and what to do if their behaviour becomes a concern? This would also include staff during unstructured parts of the day.
- If restraint was used – were the staff involved "Team Teach" trained, how long ago and to what level?
 - What holds were used?
 - Where is the log showing what was done?
 - What was tried in de-escalation?
 - What was said?
 - Have you discussed and agreed a handling policy about restraint?
- If your child had a 'meltdown' prior to the incident they were excluded for, how long was your child given to calm down?

- Are staff trained to spot the triggers for behaviours/meltdowns?
- If the incident involved another pupil or a staff member, is there a history of difficulties between them? Have you ever told the school about concerns over their relationship?
- Is your child on SEN register? If no, why not? If yes, what for? And how long? If they were previously and are not now, why were they taken off?
- Have you been able to review their support with school?
- Were you told that school were having difficulties before the incident?
- Were your concerns or views taken seriously?
- Was outside advice sought by school e.g. Educational Psychologist, support services – if yes who? What did they advise? How long has the school tried it? If no, why not?
- Does your child have a Pastoral Support Plan? (PSP) If yes, was it reviewed? If no, why not?
- Were all the targets set for your child on PSP or in reintegration meeting paperwork SMART (Specific, Measurable, Achievable, Realistic, Time-bound). Were they setting your child up to fail? (e.g. I will avoid all negative behaviours)
- Does your child have an Individual Behaviour Plan (IBP)? If yes, was it reviewed? If no, why not?
- Was a risk assessment (RA) done for your child? Was it reviewed? Dates? If your child has a PSP/IBP/ RA in place but you haven't seen them, ask why not?
- If there has been a sudden deterioration in your child's behaviour, what has changed? Has school tried to find out what is the cause of the deterioration?
- Are the incidents teacher or subject specific? E.g. is it always the same teacher or same subject?
- What alternatives to permanent exclusion did they consider? And why were they not chosen?
- If there has been a recent diagnosis of your child's SEN, are school staff surprised to hear that is the case?
- If your child is on SEN register, how often have you had reviews? What are the outcomes set out on paperwork? Where is the support timetable?
- Has the school contacted the LA to say your child was at risk of p/ex?
- Has a request for additional funding been made? (this only applies to primary)
- Have they sent in a request for an Education Health & Care Needs Assessment?
- Child's voice – were they given chance to tell their story?
- What does your child feel about it now? What has been the impact of the permanent exclusion on him/her?

IMPORTANT

It's a good idea to ask your child about it and write it down and send it to school to be included in the paperwork.

Is your child an adopted child?

If so, there are additional points to consider:

Does the school know your child is adopted? If so:

- Have the staff been trained in the special requirements of an adopted child by the ATTACH team?
- Were school aware of the advice that no adopted child should be put into 'isolation'?
- Were school aware of the advice that they should avoid laying hands on an adopted child unless they are endangering themselves or others?

What happens at the governors' meeting?

Please note: It is helpful if you have someone with you to jot down the Headteacher's answers to any questions for future use if you need to apply for a review by the Independent Panel if the governors do not reinstate your child. You can give them a copy of your questions with plenty of space in between where they can jot down the answers.

The headteacher speaks first and explains the incident(s) and the reason for the decision to permanently exclude your child.

You have to wait to ask your questions about what they have said or what's in the paperwork until after the head has spoken. The governors may also ask questions before or after you.

- Ask your questions slowly.
- It is a good idea to read them from your prepared case so you don't miss anything out and you have a record of what you asked.
- If the school avoid answering a particular question, don't leave it, go back and ask for clarification or evidence of what they have said.
- It helps if you set out your paperwork so that you have your questions, then your case, then your summary.

You then can make your case. Then you may be asked questions

Finally, the governors should ask you whether you have had chance to say all that you wanted and then give you chance to have the last word.

You might want to end by summing up your key points and include the impact on your child of the permanent exclusion.

What else to be aware of?

- Make a note of the time the meeting starts and ends.
- Make a note of the time someone telephones you to let you know the governors' decision.

IMPORTANT: The only person who can be in the room alone with the governors both before, during and after the meeting is the governors' clerk.

It is important that the meeting is fair, and we suggest you look out for these common issues:

- The governors provide more time to one side (e.g. the headteacher) than the other (you as parent) to present arguments;
- The governors provide too little time for all the issues to be fully heard so you feel rushed;
- You think from things said in the meeting that the head or other staff members have had conversations with the governors about the exclusion before the meeting, (for example "we were talking about this earlier"), or because the headteacher or other school staff are already in the hearing room when the family is invited in;
- The governors seem hostile or more aggressive towards you or your supporter, or are less accommodating of you than towards the headteacher or school staff;
- The governors do not let you make your arguments on a particular topic.

If you see something which you think is unfair you should question it.

You can do this simply by speaking up and politely but firmly explaining why it is that an action of the governors is likely to be unfair.

If you do have to make an objection, make a careful note of it and of the response from the governors. Ask the note-taker to make sure that the minutes include your objection and the governors' response. This is particularly important as you may want to rely on the records at a tribunal or independent review panel (IRP)* if the governors uphold the headteacher's decision.

If governors uphold the permanent exclusion:

- If the governors' do decide to uphold the Headteacher's decision, there is a review process when you can ask that an Independent Panel reviews the governors' decision.

For guidance on this please read Step 2.

Sendiass Oxfordshire can offer all year round:

- A telephone helpline, 9.30-2.30 weekdays with answerphone outside these hours:
01865 810516
- Information, advice and support on matters to do with a young person's SEND
- Help with communication between you, the school and the Local Authority
- Trained volunteer Independent Parental Supporters and Independent Supporters
- Advice about preventing and resolving disagreements
- Training events for parents and groups – see SENDIASS website
- An informal Drop In SEN Advice session, 'Talking Points', – see website for dates:
<https://sendiass-oxfordshire.org.uk/>

**Contact us on: 01865 810516 or
text 07786 524294
sendiass@oxfordshire.gov.uk
<https://sendiass-oxfordshire.org.uk/>**

Confidentiality Code:

Everything you tell us will be treated in strict confidence. We will not disclose our records to, or discuss the case with, a third party outside SENDIASS Oxfordshire without your consent, except if we suspect a child is at risk.