

### Exclusion from school

This factsheet explores what exclusion from school means and what it may include.

#### What is exclusion:

- Exclusion from school means being removed from school either for a fixed number of days or permanently. If a pupil is excluded permanently, they will be removed from the school roll. Any exclusion will be recorded on a pupil's educational records.

There are **two grounds** on which a pupil may lawfully be excluded from a local authority school. These are:-

- where the pupil's continued attendance at the school is likely to be seriously detrimental to the order and discipline of the school or the educational wellbeing of the pupils there; or
- where the pupil's parent refuses or fails to comply with (or allow the pupil to comply with) the rules, regulations or disciplinary requirements of the school.

Almost all exclusions are based on the first of these grounds. Exclusions based on the second ground are very rare.

Pupils with additional support needs and/or a disability can be excluded from school, but there are further considerations to be taken into account.

#### What happens when a child is excluded?

- On the same day that a child is excluded from school, their parents must be contacted in writing or verbally to let them know. A date and time for a meeting should be agreed and this should take place within seven days of the exclusion. In practice, this meeting will often be at the end of the period of exclusion and will be called a readmission meeting.

- Within eight days of a child being excluded the school requires to write to parents and explain why they have been excluded and any conditions for readmission. This letter should also provide details of your right to appeal (to the education appeal committee).
- For pupils aged 16 or over (if they have legal capacity), this information should be sent to them directly. All pupils should be included in discussions relating to their exclusion.
- Both national and local guidance indicates that exclusion should only be used as a last resort.
- Parents and pupils aged twelve or over have a right of appeal (if they have legal capacity). The appeal is heard by an education appeal committee set up by the local authority. There is a further right of appeal from the appeal committee to the Sheriff Court. Legal Aid may be available for the Sheriff Court, but not for an appeal to the education appeal committee.

### Returning to school

- Following the end of a period of exclusion, where any conditions for readmission have been complied with, a pupil is entitled to return to school on a full-time basis and to receive an adequate and efficient education.
- If a child has been out of school for a lengthy period or the child requires an enhanced transition back to school, part-time attendance for a limited period may be put in place with parental agreement (in consultation with the child).

### Informal exclusions

- There is no such thing in law as an **informal exclusion** but it is a term that is used often and describes a child being sent home to “calm down” or “cool off” without

being formally excluded. Scottish Government guidance is clear that this should not take place.

- A decision taken by the education authority to move a child from one school to another without agreement is effectively an exclusion.
- It is important that exclusions are formally processed so that the pupil's rights are protected and to ensure that the pupil is receiving the education that they are entitled to.
- Pupils who are excluded for even a few days should receive work from school to be completed and returned. Pupils who are excluded from a particular school on a permanent basis should be offered and provided with alternative education "without undue delay".