

**Rose Road**  
Association

Making a **positive difference** to  
the lives of young disabled people



**SENDIASS Training for  
Parents & Carers  
of children with  
Special Educational  
Needs (0-25)**

**Date: 2021**

# **Welcome**

## **Exclusion From School & Part-time Timetables**

**Your Trainers:**

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# House Keeping

- Please keep your cameras and audio off for the duration of the presentation to limit distractions
- All questions will be answered at the end. If you do have any questions, feel free to pop them in the chat, alternatively you can turn your camera/audio on and ask that way
- Please make sure that any questions you do ask try to not be case specific and non identifying of child, school or Local Authority
- If you would like more individualised help and advice then you can make a referral with us and we will discuss separately
- This presentation will be emailed to you after the training – sit back and relax!



# SENDIASS

(Special Educational Needs and Disability Information Advice and Support Service)

## Who are we?

### SEND

A service for those living or working with ages 0-25yrs with Special Educational Needs and Disabilities

### Information

Providing factual information found in SEND Law and practices as well as local knowledge and signposting

### Advice

Providing impartial advice on what steps to take in the areas of Education, Health and Social Care

### Support

Providing confidential individualised support to empower those who seek our assistance

# Exclusions

# What is an Exclusion?

In educational settings, it is where a child or young person is no longer allowed to attend that setting for a specific period of time.

# What are the Types of Exclusion?

There are only two types of exclusion which are lawful:

- A fixed term exclusion
- A permanent exclusion

Informal or unofficial exclusions, such as sending pupils home to “cool off”, are all unlawful regardless of whether they occur with the agreement of parents or carers.

# SEND and Exclusions

- Exclusion rates for certain groups of children are consistently higher than average. These groups include children with SEN.
- Schools must ensure that their policies and practices do not discriminate against pupils unfairly increasing their risk of exclusion.
- It is unlawful to exclude pupils simply because the school are unable to meet the child's additional needs or a disability
- Multiple fixed term exclusions and informal exclusions may be evidence of discrimination

# When can a child be Excluded?

A child can only be excluded on disciplinary grounds. Only the Head Teacher/Principal has the power to exclude. Their decision must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

# What should a Head Teacher consider?

- Contributing factors
- Early intervention
- Effectiveness ( short term exclusions, support )
- If the child has an EHCP the school should consider requesting an early annual review
- Use of a multi agency assessment for pupils demonstrating persistent disruptive behaviour
- Whether appropriate provision is in place to meet pupils SEN or disability

# Procedure for Exclusion

When a pupil is excluded, the parent should be notified immediately and be told:

- Whether the exclusion is permanent
- Where the exclusion is fixed term – the period of exclusion
- The reasons for the exclusion
- The parents right to make representations to the governing body
- What day education will be provided from

# When can a child be Permanently Excluded?



A decision to exclude a pupil permanently should only be taken:

*“in response to a serious breach or persistent breaches of the schools behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school”*

# The Governing Body's meeting

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- parents;
- the head teacher; and
- a representative of the Local Authority (in the case of a maintained school or pupil referral unit)

## **The Governing Body must:**

- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's special educational needs);
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 school days in advance of the meeting;
- allow parents and pupils to be accompanied by a friend or representative;
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting

# Independent Review Panel (IRP)

If the governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the [Equality Act 2010](#) in relation to the exclusion.
- These are strict deadlines and any application made outside of the legal time frame must be rejected by the Local Authority / Academy Trust.
- Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

# Application for Review by IRP

- Parents must submit written representations and, if applicable, supporting evidence, when lodging their application.
- New evidence can be submitted to the Independent Review Panel. However, when deciding whether to quash the decision, the panel should only take account of evidence available to the governing body at the time of making its decision not to reinstate.
- The Panel is able to take account of evidence that they consider would, or should have been available to the governing body, and that the governing body ought to have considered if they had been acting reasonably.

# The Role of the IRP

- The role of the Panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the Panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel can decide to:

- uphold the exclusion decision;
- *recommend* that the governing body reconsiders their decision; or
- quash the decision and *direct* that the governing body considers the exclusion again.

# Appeal to SENDIST (TRIBUNAL)

- An appeal may be made to SENDIST following a fixed term or permanent exclusion if the reason relied on by the parent is that the exclusion was an act of discrimination arising from the child's disability
- The Tribunal has a fast track for these cases as it can order reinstatement

# Part-time Timetables

# What is a Part-time Timetable?

A part-time or reduced timetable means that the number of hours spent in education are reduced for a limited time period.

# When can a Part-time Timetable be used?



A reduced timetable cannot be implemented without:

- An assessment that it will benefit the pupil
- Written agreement from a parent/carer
- An interim review for those with an EHCP

# Why might a Part-time Timetable be used?



- Reintegration for pupils
- Part of in school support package
- Medical reasons
- Southampton City Council does not consider a reduced timetable is an appropriate method of managing poor behaviour
- If a parent refuses to agree to a reduced timetable a full time timetable should remain in place

# Consideration of a Part-time Timetable

- A risk assessment must be carried out prior to the introduction of a part time timetable
- All professionals working with a pupil should be consulted when a reduced time table is being considered
- Schools should ensure that there is a named member of staff responsible for monitoring each reduced time table.
- A reduced time table can not be treated as a long term solution

# How long should a Part-time Timetable last for?

- A reduced time table should be submitted with a support plan such as an Individual Education Plan with clearly defined objectives and targets.
- A reduced time table should be agreed for no longer than 6 weeks
- It should be reviewed regularly and at the end of the six weeks
- The plan should show how the pupil will return to full time hours

# Legislation and guidance

- [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The School Discipline \(England\) \(Coronavirus\) \(Pupil Exclusions and Reviews\) \(Amendment\) Regulations 2020](#)
- Exclusions from maintained schools academies and pupil referral units in England
- Reduced timetable protocol and guidance for schools and school leaders 2019

# Legislation and guidance

- Southampton City Council Reduced timetable protocol and guidance for schools
- Guidance for schools on the use of Reduced Timetables, Portsmouth City Council.
- Department of Education, Exclusion from maintained schools academies and pupil referral units in England
- West Berkshire District Council, Parents Guide to School Exclusions
- Parents Guide to Independent Review Panel Guidance West Berkshire

# Thank you for listening. Any Questions? Contact Us



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