



Llywodraeth Cymru
Welsh Government

www.gov.wales

**Are you being
excluded from
school?**



When should schools exclude you?

Your school should only exclude you if:

- a serious incident happens where you break the school behaviour policy
- to keep you at school would seriously harm the education and welfare of other pupils.

Exclusions can be for a set length of time, permanent, or even for just over lunchtime. The headteacher should always tell you how long you are going to be excluded for.

If you are excluded permanently your school has made a serious decision. Exclusion is usually the last step in dealing with disciplinary offences where your school has tried other things without success.

If you are permanently excluded for a first-time offence it could be because of exceptional circumstances, for example, you have assaulted someone or supplied somebody with drugs. Your school may have to tell the police.

When it is not appropriate to exclude you

Schools should not exclude you for the following reasons:

- minor incidents, for example not doing your homework
- poor performance at school
- being late or playing truant
- poor attendance
- being pregnant

- your parents' behaviour (for example, if they are unable to come to meetings).

Also schools should not send you home to protect you if you are being bullied.

What are unlawful exclusions?

If a headteacher is satisfied that you have misbehaved badly, have broken the school rules and need to be removed from the school, a formal exclusion is the only legal way of removing you.

Unlawful exclusions, also known as 'informal' or 'unofficial' exclusions (for example, when you are sent home for disciplinary reasons but the school is not following the procedures for formal exclusion) are not allowed.

These or other circumstances, such as 'cooling-off periods' or 'extended study leave' where you are sent home for a short time, must be formally recorded as an exclusion.

Every school in Wales must, by law, have a policy on school behaviour. This policy should encourage good behaviour and prevent poor behaviour.





Telling your parents or carers you have been excluded

Headteachers must be fair when they deal with exclusions.

If they exclude you, your headteacher must tell your parent or carer immediately. They must do this by phone, and send a letter on the same day they phone. If you are aged 11 or over, the headteacher must also tell you.

If you are being excluded for longer than 15 days, local authorities (councils) have to make sure that you receive full-time education from the 16th day, at another school, at a pupil referral unit or somewhere else.

What happens next?

All school governing bodies should have a discipline committee. One of the jobs of the discipline committee is to look at exclusions in your school and in some cases the discipline committee will meet to review your exclusion. This happens when:

- You have been permanently excluded,
- You have been excluded for more than five days in one term, or
- Your exclusion means you will miss an exam

The committee is made up of members of the governing body, but does not include the headteacher.

The members of the committee must receive training to allow them to do their job properly. The discipline

committee must meet if you have been excluded for more than 15 days.

If a member of the committee has a connection with you or the incident which may mean they cannot be impartial (fair), they should not be at your hearing.

The committee may consider more than one exclusion at a meeting, as long as they keep within the legal time limits for each case.

When your headteacher tells the discipline committee that you have been excluded, the committee must consider any written statements from you, or your parent or carer (that is, anything that you may want to say). The chairperson of the committee may

agree to meet with your parent or carer if they want to discuss your exclusion. Although there is no legal time limit to this, the chairperson should try to answer these requests as soon as they can.

If the discipline committee agrees with your headteacher that you should be permanently excluded, in the decision letter they send to your parents or carers (and possibly you), they must:

- give the reasons for their decision
- give the last day your parent or carer can appeal against the decision
- explain when you can appeal.



What is an independent appeal panel?

Parents and carers have a right to an independent appeal panel hearing if they do not agree with the discipline committee's decision.

The local authority must set up the independent appeal panel and appoint a clerk.

The independent appeal panel is there to decide, on a balance of probabilities, whether you did what you are said to have done. This means that, when investigating more serious allegations, your headteacher should have gathered and taken into account a wide range of evidence when deciding, whether it was more likely than not, that you committed the offence.

The independent appeal panel must meet to consider an appeal no later than the 15th school day after the day on which the independent appeal was made.

The majority of the independent appeal panel must agree on their decision. The panel may:

- agree with the decision to exclude you
- overturn the decision to exclude you and tell the school you must be allowed back
- decide that, due to exceptional circumstances or other reasons, it is not practical to allow you back to school.

Once the independent appeal panel has made its decision, it cannot be changed.

You can see guidance from the Welsh Government on exclusions from schools and pupil referral units by visiting gov.wales/topics/educationandskills/schoolshome/pupilsupport/exclusion/?lang=en

