

What leads to an exclusion?

There are only 2 circumstances in law where a pupil **can** be excluded. These are:

- where the parent of a pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school
- where a pupil's continued attendance at the school is likely to be seriously detrimental to order and discipline at the school or the educational well being of the pupils

Notification Process

The school will always inform the parents of the length of exclusion and the reasons for the exclusion in writing. In these letters you will be asked to come into school to discuss the exclusion.

It is extremely important that you attend such meetings, or telephone to make other arrangements. Parents and teachers are partners in this respect, and parents play a vital role in helping their children with problems at school.

Regardless of such invitations parents are always very welcome to approach the schools directly to discuss issues which are important to themselves and their children. Please feel free to do so should there be anything you want to talk over.

Appeals Process

Any decision to exclude can be appealed by pupil or parent. Young people over the age of 12 or the parent of any pupil have a right of appeal against exclusion. If you do wish to appeal against an exclusion details of this process will be contained within the letter of exclusion. If you feel you need support you may wish to contact Children 1st [0800 169 4394] who can put you in touch with a young person's rights worker. You may also wish to make contact by email via moray@children1st.org.uk

Appeals should be made in writing and addressed to:

The Clerk to the School Placings and Exclusions Appeals Committee
Legal & Committee Services
The Moray Council
Council Offices, High Street
Elgin
IV30 1BX

The telephone number for the Clerk is 01343 563079.

The following details should be provided in your appeal letter:

- name, address and date of birth of the pupil
- name of the school
- year group
- explanation of why you disagree with the exclusion

The appeal will usually be held within 28 days of the Clerk to the Appeals Committee receiving your letter.

The Appeals Committee is usually made up of 5 people but never less than 3. It is a formal process and the Education Authority will be represented by a solicitor. You can take up to three people to give you support or to speak on your behalf. This could be a friend, relative, social worker, children's rights officer or a legal representative (solicitor). You may be entitled to legal aid if you are on low income.

The Education Authority's solicitor will call witnesses and you, or your representative will be able to ask them questions. You can then tell your side of the story and call witnesses if you wish. You and your witnesses can then be questioned by the authority's solicitor and by members of the Appeals Committee.

You will receive the decision of the Appeals Committee and their reasons in writing within 14 days. They will either agree your appeal and

remove the exclusion from your child's record or, turn down your appeal, in which case the exclusion will stand.

If the appeal is turned down by the Committee and you are still not happy you can appeal the decision to the Sheriff Court within 28 days. The procedures for this are more complicated and you should seek legal advice if you have not already done so.

A successful appeal in the case of a temporary exclusion will mean that all mention of the exclusion will be removed from the child's record. In cases where exclusion was to have been permanent (that is the child's name was to have been removed from the school roll), a successful appeal will mean that the child will return to his/her school, and again all reference to exclusion will be removed from the child's record. If an appeal is lodged the child's name will not be removed from the register during the period of appeal, and alternative educational provision will be put in place over that period.

Additional Support Needs Tribunal Scotland (ASNTS)

Appeals in relation to Co-ordinated Support Plans (CSPs), including some placing request appeals, are heard by the Additional Support Needs Tribunal Scotland rather than the Council's Appeals Committee.

The ASNTS can hear some exclusion appeals, for example if the alleged ground of exclusion is disability discrimination under the Equality Act 2010. There is some overlap here as parents have a choice between appealing an exclusion decision to the Exclusions Appeals Committee or to the ASNTS on the grounds of disability discrimination.

The ASNTS website provides contact details and information on the rules and procedures relating

to the hearings undertaken by that organisation – see www.asntscotland.gov.uk.

Fresh Start

Even when a child is excluded and his/ her name is removed from the register of a school the education authority and the parents continue to have a duty to educate the child. It is often the case that when this happens, the child can be quickly settled into another school and still make good educational progress.

The parents, child, Head Teacher of the proposed new school and an Education Officer will all be involved in this process. Where the new school which is finally agreed is outside the child's home area, the Moray Council will pay appropriate travel expenses to cover the journey to and from school.

Young People Over 16

It is law that in cases of exclusion of pupils who are 16 years or over, all letters etc from the school will be addressed directly to the young person, and parents will only be informed if the young person wishes.

**FOR FURTHER INFORMATION
PLEASE CONTACT**

THE HEADTEACHER

OR

**EDUCATION & SOCIAL CARE
TEL. 01343 563374**

Email
educationandsocialcare@moray.gov.uk

**The Moray Council
High Street
ELGIN
IV30 1BX**

www.moray.gov.uk

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Phone: 01343 563319

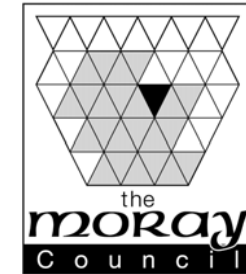
Email: equalopportunities@moray.gov.uk

This leaflet is one of a series of leaflets produced for parents and carers.

**EXCLUSION FROM SCHOOL:
APPEAL AGAINST EXCLUSION**

**INFORMATION FOR
PARENTS & CARERS**

produced by



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