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Professional Certificate in Education Law (United Kingdom)

## Admissions and Exclusions in Schools

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Admissions and exclusions in schools are critical aspects of education law in the United Kingdom, and understanding the key terms and vocabulary is essential for professionals working in this field. The process of admission to a school can be complex, involving various stakeholders, including parents, schools, and local authorities. The Education Act 1996 sets out the framework for school admissions, emphasizing the importance of fair access to education for all children.

In the context of admissions, the term catchment area refers to the geographical area from which a school normally admits pupils. This concept is crucial as it helps in determining which school a child is eligible to attend. However, the Schools Standards and Framework Act 1998 introduced the concept of choice and diversity, allowing parents more freedom in choosing a school for their child, not strictly limited by the catchment area. This has led to a more complex admissions process, with schools and local authorities having to balance the rights of parents to choose a school with the need to ensure that all schools have a balanced and diverse intake.

The admissions criteria are the rules that schools use to decide which pupils to admit when they are oversubscribed. These criteria can include factors such as the child's home address, whether they have a sibling already at the school, and in some cases, the child's aptitude or ability. The admissions authority is responsible for setting these criteria and can be the school itself, in the case of academies and free schools, or the local authority for community and voluntary-controlled schools. Understanding these criteria and the role of the admissions authority is vital for ensuring that the admissions process is fair and transparent.

Exclusions, on the other hand, refer to the process by which a pupil can be removed from a school, either temporarily or permanently. Exclusion is a serious step and can have significant consequences for the pupil's education and well-being. The Education Act 2002 and subsequent regulations set out the procedures that schools must follow when excluding a pupil, emphasizing the need for fairness, consistency, and consideration of the pupil's and parents' rights.

There are two types of exclusions: fixed-period exclusion and permanent exclusion. A fixed-period exclusion can last from one to 45 days in any one school year, and the pupil is expected to return to school after the exclusion period ends. In contrast, a permanent exclusion means that the pupil is removed from the school's roll and will not be allowed to return. The decision to permanently exclude a pupil can only be taken by the headteacher or someone authorized by them, and it must be based on a serious breach of the school's behavior policy or when allowing the pupil to remain in school would be detrimental to the education or welfare of others.

The exclusion process involves several steps, including an investigation into the incident leading to the exclusion, a meeting with parents, and in the case of permanent exclusion, a review by the governing body or an independent review panel. The Education and Inspections Act 2006 introduced the requirement for schools to have a behavior policy that includes procedures for dealing with misbehavior and exclusions,

ensuring that pupils, parents, and staff understand the expectations and consequences.

Challenging an exclusion is a complex process, and parents or guardians have the right to request a review of the decision to exclude their child. This review is typically conducted by an independent review panel, which consists of impartial individuals not involved in the original decision to exclude. The panel will consider whether the exclusion was lawful, reasonable, and fair, taking into account the circumstances leading to the exclusion and the school's policies and procedures. If the panel decides that the exclusion was unjustified, it can order the school to reinstate the pupil.

The Special Educational Needs and Disability (SEND) system plays a crucial role in admissions and exclusions, particularly for children with special educational needs (SEN) or disabilities. The Children and Families Act 2014 introduced significant reforms to the SEND system, including the introduction of Education, Health and Care (EHC) plans, which replace the old statements of SEN and learning difficulty assessments. These plans are designed to provide a more holistic and integrated approach to supporting children and young people with SEN or disabilities, from birth to 25 years old.

In the context of admissions, schools and local authorities must ensure that they are complying with the Equality Act 2010, which prohibits discrimination against pupils or prospective pupils on the grounds of disability, among other protected characteristics. This means that schools must make reasonable adjustments to their admissions procedures and policies to ensure that they are accessible to all, including those with disabilities.

Exclusions of pupils with SEN or disabilities are subject to additional safeguards and considerations. Schools must consider whether the misbehavior leading to the exclusion was a result of the pupil's unmet needs or a lack of support, and whether making reasonable adjustments could have prevented the exclusion. The Tribunal system provides an avenue for parents to appeal against decisions related to their child's SEN provision, including the content of an EHC plan or the decision of an independent review panel regarding an exclusion.

The Office of the Schools Adjudicator (OSA) plays a critical role in ensuring that schools and local authorities comply with the Admissions Code and the law regarding admissions and exclusions. The OSA can investigate complaints about school admissions and make decisions that are binding on schools and local authorities. This includes determining whether an admission authority has acted unlawfully or unreasonably in relation to its admissions arrangements or decisions.

In practical terms, schools and local authorities face numerous challenges in managing admissions and exclusions. One of the significant challenges is balancing the rights of parents to choose a school for their child with the need to ensure that all schools have a diverse intake and that no school is over-subscribed or under-subscribed. This requires careful planning and management of the admissions process, including setting admissions criteria that are fair, transparent, and compliant with the law.

Another challenge is dealing with the emotional and educational impact of exclusions on pupils. Exclusion can lead to feelings of isolation, low self-esteem, and disengagement from education, making it essential for schools and local authorities to provide support and guidance to excluded pupils to help them

reintegrate into education. This can involve providing alternative educational provision, counseling, and support to address the underlying issues that led to the exclusion.

The role of governors and the governing body in admissions and exclusions is also critical. Governors have a responsibility to ensure that the school's admissions policy and exclusions policy are compliant with the law and that the school is acting in the best interests of all pupils. This includes reviewing the school's policies and procedures, ensuring that they are fair and transparent, and making decisions about exclusions and admissions appeals.

In terms of best practices, schools and local authorities should prioritize early intervention and preventative measures to reduce the likelihood of exclusions. This can involve providing support and guidance to pupils who are at risk of exclusion, such as those with behavioral difficulties or special educational needs. Schools should also have a clear and transparent admissions policy and exclusions policy, which sets out the procedures and criteria for admissions and exclusions.

Furthermore, schools and local authorities should ensure that they are complying with the law and regulations regarding admissions and exclusions, including the Admissions Code and the Equality Act 2010. This includes providing training and guidance to staff on admissions and exclusions procedures, as well as ensuring that parents and pupils are aware of their rights and responsibilities in relation to admissions and exclusions.

The role of local authorities in admissions and exclusions is also significant. Local authorities have a responsibility to ensure that all pupils in their area have access to a suitable school place, and that