

MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to info@clanchildlaw.org, or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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Legal Services provided by Clan Childlaw Ltd, Company Limited by Guarantee (SC479226). Registered Office for Community Law Advice Network and Clan Childlaw Ltd: Norton Park, 57 Albion Road, Edinburgh, EH7 5QY.

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LAWYERS FOR CHILDREN
& YOUNG PEOPLE

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Aberdeen CHARITABLE FOUNDATION



Checklist



School & Work 09

- What is "over school age"? ✓
- When can I leave school? ✓
- What age can I start working? ✓
- School exclusion ✓
- Challenging an exclusion ✓



Aberdeen CHARITABLE FOUNDATION

WHAT IS "OVER SCHOOL AGE"?

If you turn 16 between 1 March and 30 September, you are over school age from the summer leaving date (31 May) of that year.

If you turn 16 between 1 October and the end of February, you are over school age from the winter leaving date (start of the Christmas holidays) in that school year.

✓ When can I leave school?

If you turn 16 between 1 March and 30 September, you can leave school after 31 May that year.

If you turn 16 between 1 October and the end of February, you can leave school at the start of the Christmas holidays in that school year.

✓ At what age can I start working?

14 AND OVER:

You can get a job but you can only do work which is safe, won't be bad for your health, and will not affect you going to school

You can't work more than 12 hours in one week during term time.

You can't work during school hours.

You can't work for more than 4 hours without a rest break of one hour.

During your school holidays you must have a full fortnight when you don't work.

You can't work before 7am or after 7pm.

You can't work for more than 2 hours on any school day.

You can't work for more than 2 hours on a Sunday.

You can't work for more than 8 hours in one day.

You can't work for more than 35 hours in one week in the school holidays.

IF YOU ARE STILL UNDER 15 then you also can't

Work for more than 5 hours in one day.

Work for more than 25 hours in any week.

✓ School Exclusion

What are the rules about being excluded from school?

You can only be excluded if:

- The school have decided that if you are at school it will be very damaging to order and discipline in the school or will cause a problem for the education of other pupils at the school

OR

- Your parent does not follow (or does not allow you to follow) the rules of the school

✓ Can my school just send me home but tell me I'm not being excluded?

Sending you home is still exclusion. If the school send you home, or use words like "temporary exclusion", "suspension", "informal exclusion", or "cooling off period" they still have to follow the rules on exclusion.

✓ What are the rules for the school if they are excluding me?

On the day the school decides to exclude you they have to write to or speak to your parent(s)/ those with parental rights and responsibilities for you to tell them about their decision to exclude you.

The school has 7 days from the day you are excluded to arrange a meeting to talk about the exclusion.

They have 8 days from the day you are excluded to write to your parent(s) (or to you if you are over school leaving age) telling them:

- The reasons for excluding you
- What you have to do before you are allowed back to school
- The right to appeal against the decision to exclude you
- Where to send an appeal

- Any other appropriate information

If you have been allowed back to school within 7 days of being excluded and if you or your parents tell the school that you won't appeal against the decision to exclude you, then the school does not have to send a letter.

✓ What happens about my education while I am excluded from school?

Local authorities must make sure you still get an education if you are excluded from school. This can be in another school, or through teaching at home or somewhere out of school.

✓ Challenging an exclusion

If you are unhappy with the decision to exclude you, you can appeal to your local Education Appeal Committee. If you are over 16 you can appeal yourself. If you are under 16 and you can understand what it means to instruct a solicitor then you can appeal yourself. If you are under 16 your parents can appeal for you.

Once you have put in an appeal the Education Appeal Committee have a month to decide on it. They can:

- Confirm the exclusion.
- Change the conditions for returning to school, although they can't change the length of time you will be excluded for

OR

- cancel the exclusion.

If you are not happy with their decision then you can appeal further through the courts. You will need to speak to a lawyer about this.

Useful further information:

- National guidance for schools and local authorities in managing school exclusions <http://www.scotland.gov.uk/Resource/Doc/345984/0115162.pdf>