

Minimising Exclusions

Frequently asked questions

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1. When should a permanent exclusion be considered?

Permanent exclusions must only be considered where there has been a serious or persistent breach of the school's 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.

Only a head teacher or principal can exclude.

When a decision has been made to permanently exclude a pupil, the head teacher or principal must immediately notify the parents, the local authority (LA) and the governing board or academy trust. If the pupil lives outside the local authority the pupil's 'home authority' must also be notified.

It is essential that the LA is informed immediately, as they have a statutory duty to arrange suitable provision no later than the sixth day of the permanent exclusion.

It is also important to notify the governing body because they have a responsibility to meet within 15 school days of the decision to permanently exclude. At least three governors and a chairperson must be present at the meeting. If it is a maintained school or PRU, an LA representative also needs to be present.

Where possible, written evidence and information including a list of those who will be present should be circulated to all parties at least five school days prior to the meeting.

When establishing facts in relation to an exclusion decision, the governing body must apply the 'civil standard of proof', ie on the balance of probabilities, it is more likely than not that a fact is true rather than criminal standard of 'beyond reasonable doubt'.

When governors are satisfied that appropriate questions have been asked by attendees and they have received all the information, the chairperson should ask parents, LA representatives, head teachers and any other school staff to leave the meeting whilst they deliberate over the decision.

Minutes of the meeting need to be taken by a clerk and must be made available to all parties on request.

2. What could be included in the behaviour management policy?

Before permanent exclusion is considered, the head teacher or principal has a duty to

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provide support for the individual. This should be outlined in your behaviour management policy and could include things such as:

- individualised behaviour plans with specific targets/rewards
- time-out and other positive behaviour management strategies
- choices and consequences
- counselling/mentoring support
- smaller groups focussing on behaviour management techniques
- involvement of external support specialists such as an educational psychologist, behaviour support specialist or education welfare officer if available
- short time accessing outreach from or at an alternative provider to support behaviour modification
- specific CPD to skill up staff internally to better meet the needs of children with behaviour support needs
- referrals to other agencies
- completion of an 'Early Help Assessment' (EHA)* to identify unmet needs in a holistic way with parental involvement
- an Education Health Care Plan (EHCP)

*These types of assessments may pick up unidentified special educational needs and/or identify mental health or family problems, which can then be addressed.

Note that this is not an exhaustive list – the schools behaviour policy should detail these and other approaches, be signed off by governors, and then monitored to ensure it is implemented effectively.

3. What is the role of the governors in relation to permanent exclusions?

Governors (at least three) must meet (exclusion panel) within 15 days of the exclusion, even if a parent or carer doesn't want their child reinstated. The governing board must review in detail whether the head teacher's decision to take the serious and last resort step to exclude was justified, based on careful consideration of the evidence provided.

Governors should think about the potentially incredibly negative impact the decision to exclude might have in making a vulnerable young person or child, even more at risk. Andy did not seem especially vulnerable on the surface: this is often the case with those children and young people whose behaviour is constantly a challenge to our hardworking staff in

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school, who may not have, but need, adequate training and support in order to prevent the further damage to the lives of these individuals.

The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's 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.

In reaching a decision on whether to reinstate a pupil, the governing body must consider:

- if the decision to exclude was lawful, reasonable and procedurally fair, taking account of the headteacher's legal duties
- if the school has given the pupil appropriate support for their needs before resorting to exclusion
- if an emergency review has been held where the pupil has a 'statement' or EHCP
- if it would be appropriate to exercise discretion and allow a permanently excluded pupil to return to the school to sit public examinations/tests
- Head teachers should, as far as possible, avoid permanently excluding any 'looked after' or 'statemented' child

If you find yourself having to attend an exclusions panel, here are some questions you might want to ask.

- In what way did the excluded pupil seriously or persistently breach the school's behaviour policy?
- What evidence is there to support this?
- What evidence is there of the school intervening and supporting the excluded pupil to prevent
- serious and or persistent breaches of the school's behaviour policy?
- In what way were the specific needs and circumstances of the pupil taken into account before the decision was made to exclude them?
- What advice has been sought on the appropriateness of the exclusion, and does the advice support the decision and view it to be lawful and reasonable in the circumstances?
- What is the likely impact on the pupil of the decision to exclude them?
- How would allowing the excluded pupil to remain in school seriously harm the

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education and/or welfare of the excluded pupil and/or others in the school?

4. What should governors or trustees do once a decision has been agreed?

Governors or Trustees can either uphold the exclusion or direct reinstatement of the pupil immediately or on a specific date.

When governors are satisfied that a decision has been made, all parties should reconvene, and an 'outcome' statement read. The statement needs to be placed on the pupil's school record.

The governing board must notify parents, head teacher and the LA of their decision and the reasons for the decision in writing and without delay. This will also include the home LA if this is different.

Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting, if it is sent first class.

Parents can appeal this decision within 15 school days and this appeal will be heard by an independent review panel.