

POLICY TITLE: Exclusion Policy

STATUS: Statutory

DATE OF REVIEW: May 2026



1.0 Latimer's approach to exclusion

1.1 Latimer believes that exclusion can be an appropriate sanction when certain behaviours have been exhibited. Typically, exclusions are the result of persistent breaches of the School's Behaviour for Learning and Anti-Bullying Policy (referred to as Behaviour Policy). In those cases, exclusions should only be instigated when all other routes have been exhausted and when behaviour is in direct conflict with the School's Behaviour Policy. Where exclusions are as a result of a serious one-off breach of the Behaviour Policy, the school will still need to show that the response is proportionate. This will involve justifying the sanction in all the circumstances of the case and demonstrating why a lesser sanction would not have been appropriate. This is particularly important where a Permanent Exclusion is issued and/or the student has SEN, including those with an EHC Plan or a disability, or if the student has a social worker, including looked-after children and previously looked-after children.

2.0 SEND

2.1 The school will, in partnership with others (including, where relevant, the local authority), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a student's SEN or disability (with reference to the Equalities Act section 149). It is important to recognise that a formal diagnosis is not required to establish that a child has a disability if the school knew, or could reasonably have known, that the child had a disability (see paragraphs 53-56, DfE Guidance for further information).

3.0 LAC and Previously LAC

3.1 Where a student has a social worker and they are at risk of suspension or permanent exclusion, the social worker, Designated Safeguarding Lead (DSL) and the student's parents must be informed to involve them as early as possible in relevant conversations. Where a LAC is likely to be subject to a suspension or permanent exclusion, the Designated Teacher should work with the Virtual School Head (VSH) to consider what additional assessment and support needs to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Similar safeguards apply to previously LAC (see paragraphs 57-61, DfE Guidance for further information).

3.2 If students from the above groups are suspended or permanently excluded, evidence that the above steps have been implemented will need to be shown in order to justify the exclusion.

3.3 Please refer to Appendix 1 of this Policy, and the Permanent Exclusion Checklist (Appendix 2) and also Appendix A of the Behaviour Policy (Individual Reasonable Adjustments to the Behaviour Policy). The requirements given in Part 4 of the DfE Exclusion Guide must be followed in relation to those students. The School will ensure that its policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Regular monitoring of exclusions by the school's leaders and governors is mandatory to help mitigate this risk.

3.4 During suspensions, the Principal (or designated member of school staff) should remain in contact with the pupil to monitor and ensure the safety and welfare of the pupil.

3.5 Permanent exclusion on the grounds of persistent breaches of the school's behaviour policy must only be used as a last resort when a range of other strategies have been tried and exhausted. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen on rare occasions, as detailed in the Behaviour Policy.

4.0 Who can exclude?

4.1 **DFE guidance 2024** ([Suspension and permanent exclusion guidance](#)) makes clear that only the Headteacher/Principal of a school, or the acting Headteacher/Principal in their absence, can exclude a pupil (see page 11). Our School's own exclusion policy makes clear which leadership roles can carry out an exclusion, reflecting the leadership structure in the school and whether, for example, in the absence of the Principal, the Vice Principal will do this. In both of their absence the Assistant Principal for Behaviour will assume this role with support from Governors.

5.0 Exclusion from school

The decision to exclude a pupil must be lawful, reasonable, and fair. There are two types of official exclusion:

5.1 Suspensions

This is an exclusion for a **fixed number of days**. The pupil must remain at home up to the first 5 days (during which time the School will take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full time education provision commences from the 6th day and must be organised by the school. A pupil may not be excluded for more than 45 days in any school year. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

Repeated use of suspension for children with an EHCP or disability (and potentially those on SEN Support – especially those undergoing statutory assessment and likely to get an EHCP) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, the school will ensure that the SENDCO is involved as part of a behaviour intervention and planning process to elicit different approaches with the aim of improving the child's behaviour. This may involve advice from colleagues and specialists such as an educational psychologist, speech and language therapist etc.

5.2 Permanent Exclusion

This is where the Principal's decision is that the pupil should not be allowed to return to the school. The decision should only be taken if:

- (a) the pupil has committed a serious breach or persistent breaches of the school's behaviour policy; **and**

- (b) allowing him/her to remain in the school seriously harms the learning or welfare of the pupil or others in the school including members of staff;

In most cases, this will be after a wide range of alternative strategies having been tried without success. However, there will be exceptional circumstances where, in the Principal's judgement, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). Examples of misconduct that might be considered as a serious breach are set out in Appendix 1.

Each case will be judged on the facts and the context taking into account:

- The degree of severity of the offence;
- The likelihood of recurrence (including a consideration of the student's previous behavioural record – taking care to be clear what behavioural incidents the pupil is actually being excluded for);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying) harassment);
- Support provided, including with specific reference to special educational needs and disabilities (see above) and LAC status (see above);
- Preventative measures to a school exclusion including an off-site direction or a managed move
- The school behaviour policy, special educational needs policy and equality law obligations.
- The pupil's views considering these in light of their age and understanding, unless it would not be appropriate to do so.

A suspension cannot be turned or "converted" into a permanent exclusion except in exceptional cases, usually where further evidence has come to light, where a permanent exclusion can be issued to begin immediately after the end of the suspension (see "Suspension or Permanent Exclusion?" below).

5.3 Unofficial exclusions

Formal exclusion is the only legal method of preventing a pupil's attendance on disciplinary grounds. If a pupil is sent home for disciplinary reasons, including lunch times, for example, to "cool off" for the rest of the day and this is not recorded as a suspension: this is an informal or unofficial exclusion which is unlawful, regardless of whether they are done with the agreement of the parent.

6.0 Stages of Exclusions

6.1 Permanent exclusions

The permanent exclusion process falls into **three stages**:

1. Decision by the Principal to exclude.
2. Consideration of the Principal's decision by the Discipline Committee made up of 3 trained governors.
3. In the case of a permanent exclusion, and only if requested by the parent, consideration of the Principal's decision by an Independent Review Panel.

The initial decision on whether to exclude is for the Principal to take.

6.2 Suspension or Permanent Exclusion (“PEX”)

The DfE Guidance is very clear that PEXs must be carefully investigated and used as a last resort. It is inevitable in some cases that it is not possible to carry out a thorough investigation the same day as the incident has occurred. However, the guidance is clear that a suspension cannot be extended or “converted” into a further suspension or a PEX. The exception is where, in exceptional circumstances, usually where new evidence has come to light, a further suspension or PEX may be issued to begin immediately after the first suspension ends. Whilst using a 5-day FTE may allow for further consideration on the same facts (and thereby making the decision a more rational and considered one) it is unlikely that this would amount to “new evidence”. As such, the distinctions between two different scenarios as set out below may be helpful:

Decision can be made immediately

- Where there is no doubt as to the facts of the incident and the Principal has been able to hear the child's version of events and to take into account relevant considerations (including support provided, the child's SEND or LAC status if appropriate and any mitigating circumstances) then a PEX should be issued that day, in line with the guidance above and statutory guidance. Headteachers/Principals should exercise caution in such circumstances.

Decision cannot be made immediately

- Where there is any ambiguity, or if the necessary information is not to hand, or emotions might be clouding voice of the child (or similar) then a full and formal investigation needs to take place. A suspension would be appropriate in these circumstances for a short period as a sanction for the behaviour as understood by the evidence available at the time (a maximum of 5 school days is advised). However, it must be made clear to the child and parent that a further sanction, including a PEX, may follow once the investigation has been completed and all the facts are known.
- In such cases, usually where significant additional evidence emerges from an investigation, a further sanction may be appropriate where the initial sanction does not fit the more serious behaviour as it is now understood. This must be issued to begin immediately after the suspension ends (i.e. the student must not return to school between the sanctions, but equally the sanctions must not overlap as this would amount to a further sanction being imposed for the initial behaviour). This further sanction may be either another suspension or a permanent exclusion.

Once the investigation is complete, a letter should be sent containing one of the following;

- notification for the pupil to return to school;
- notification of another suspension to begin immediately after the first period ends;
or
- notification of a permanent exclusion to be begin immediately after the end of the suspension.

6.3 Rescinding a PEX

The purpose of the investigation is to ensure that the right decision is made. However, in very rare cases it is possible that further evidence comes to light, once a PEX has

been issued, that had it been known at the time would have led to a different decision. Should the school find itself in this position, a PEx *can* be rescinded, providing it is done so within the 15 school days before the GB is required to consider it. In such circumstances, the Principal will ensure a letter is issued and placed in the student's file. The Principal will notify parents, the GB and the Local Authority without delay, and if relevant, the social worker and VSH. The Principal should offer parents the opportunity to meet them to discuss the circumstances that led to the exclusion being cancelled. A termly report should be made to the GB on the number of exclusions which have been cancelled. This paragraph also applies to suspensions.

6.4 Behaviour outside School

Subject to the requirements of this guidance, the Principal (or designated teacher in charge) may exclude or otherwise sanction students even if the circumstances giving rise to exclusion occur when the student is out of school, provided that behaviour is relevant to the maintenance of good behaviour in the school. Our School's Behaviour Policy makes clear how this operates in practice, in line with the DfE guidance.

6.5 Police Involvement and Parallel Criminal Proceedings

The process of exclusion from school and criminal proceedings can, and should, run parallel. The Principal need not postpone taking a decision on an exclusion solely because a police investigation is underway or because criminal proceedings may be brought. In such circumstances, the Principal will need to take a decision on the evidence available to them at the time. In all cases, school should follow general safeguarding principles as found in Keeping Children Safe in Education. Where the evidence is limited by a Police investigation or criminal proceedings, the Principal will consider any additional steps they need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the Principal to make. It is also critical that a school does not undermine the evidence gathering in a parallel Police investigation: the school will consult with Police before carrying out its own investigation.

7.0 Responsibilities of the Principal

- 7.1 The Principal will follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions. Following the guidance will reduce the chance of any successful legal challenge to the exclusion at a later stage.

When the Principal is out of School: the role of the acting Principal

- 7.2 The DfE Exclusion Guidance is clear that only the Principal, or the acting Principal, can exclude a pupil. If the exclusion is made by another person it risks being challenged on the grounds that it is unlawful (i.e. the decision was taken by someone who did not have the legal power to do so). The DfE Exclusion Guidance is clear that an acting Principal **can** carry out an exclusion in the scenario whereby the Principal is not in school. It is essential that this person has been appointed to carry out the function of the Principal in their absence, and it does not follow that this is automatically the Vice Principal: it requires affirmative action rather than a default position.

- 7.3 Where the Principal's absences are short term, the necessary 'appointment' can be documented by way of a scheme of delegation which makes clear which post-holder (rather than named individual) assumes the acting Principal role and under what circumstances e.g. the Principal is off site for a specified period and cannot be contacted or will not return within a meaningful period of time. This should be cross-

referenced in the relevant job description and contract of the post holder. As such, when the Principal is then absent in defined circumstances, the appointment of an acting Principal has automatically been triggered once it has been established that the circumstances apply and without any further action.

7.4 For longer term absences, e.g. where there is no Principal in post or for long periods or foreseeable absence which may not be covered in the scheme of delegation, the school should look at a more formal appointment to cover the specific situation. Again, this should be formally documented by the Clerk to the Governors.

7.5 The School must be clear on how the position of acting Principal is appointed so as to avoid challenge on the grounds of illegality to any exclusion decisions made in the Principal's absence.

8.0 Role of the Governing Body (GB)

8.1 Latimer GB has the job to review exclusions and the GB must consider any representations about an exclusion made by the parent of the excluded pupil. The GB usually delegates some or all of its functions in respect of exclusions to a committee. Any such committee must consist of at least three governors, who are independent and have had no direct involvement with the case; such a committee may be called the Behaviour Committee.

8.2 The GB's role is to review exclusions, either on parental request or because required to do so by law and the following different requirements apply to different types of exclusion. It is essential that GBs receive regular training on reviewing exclusions.

8.3 In the case of a suspension which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Board must consider all representations made by the parent.

- If the pupil has been excluded for more than five but not more than 15 school days in the term, and only if the parent makes representations, the GB must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations the GB can consider reinstatement on their own.
- The GB / Behaviour Committee must (whether the parent requests it or not) consider the reinstatement of an excluded pupil within 15 school days of receiving notification of the exclusion if:
 - The exclusion is permanent; or
 - It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - It would result in a pupil missing a public examination or national curriculum test.

8.4 The Behaviour Committee can only uphold or overturn the exclusion imposed by the Principal. It cannot extend a suspension or substitute it with a permanent exclusion.

8.5 The Behaviour Committee must inform the parent, Principal and the Local Authority of their decision, in writing without delay, preferably within 2-3 school days, stating their reasons. Where the pupil resides in a different Local Authority to the one in which the school is based, they must also inform the pupil's 'home' authority.

- 8.6 A note of the Behaviour Committee's views on the exclusion should be placed on the pupil's school record with copies of relevant papers.
- 8.7 If the Behaviour Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil save that the Committee can direct reinstatement on a particular date. However, the Behaviour Committee should not use this as a way of effectively imposing an alternative sanction, (e.g. FTE in place of a PEx). Future dates should be for purely practical purposes and be reasonable in all the circumstances.
- 8.8 Where the Behaviour Committee upholds a permanent exclusion, there are specific requirements for what information should be included in the letter to the parent.

9.0 Role of the Clerk to the Behaviour Committee

- 9.1 The Behaviour Committee may appoint a Clerk. The Clerk must not be a member of the Governing Body or the Principal.
- 9.2 The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not have taught the pupil or been involved in any of the incidents involved in the case and should not contribute to the meeting other than in an administrative capacity. Where possible the Clerk should be experienced in exclusion matters so that the meeting can progress smoothly.
- 9.3 It is strongly advised that the Clerk receives regular training on their role in the exclusions process.

10.0 The role of the Local Authority

- 10.1 The Local Authority does have input for Latimer's processes. A representative from the LA can attend the Behaviour Committee or the Independent Review Panel if requested by the parent. They can only make representations if invited to do so by the Chair of the respective bodies.

11.0 Education of excluded pupils

- 11.1 The school's obligation is to ensure education continues while the pupil is on roll. In all cases of exclusion, work should be set from day one and marked. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered. During a suspension, the school's legal duties to pupils with disabilities and SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Where a pupil is given a suspension of six school days or longer, the school will arrange full time educational provision from and including the sixth day of exclusion.
- 11.2 The Local Authority is required to arrange full time educational provision for permanently excluded pupils from the sixth day of a permanent exclusion. Once the Principal has decided to permanently exclude a pupil, the Local Authority will arrange to assess the pupil's needs and how to meet them (even though the exclusion might still be overturned by the Behaviour Committee). The pupil's name will be deleted from the school roll only if:
- (i) the pupil was permanently excluded; and
 - (ii) 15 school days have passed since the parent was notified of the Behaviour Committee's decision to uphold the permanent exclusion and no application has been made for an independent review panel; or

- (iii) the parent has stated in writing they will not be applying for an independent review panel.

It is the responsibility of the Local Authority to offer an alternative school place.

12.0 Independent Review Panels (IRPs)

- 12.1 Each GB must take responsibility for ensuring any Independent Review Panel is appropriately set up and trained. It is strongly recommended that GBs either commission an external provider who offers this service or make arrangements to use the service provided by the Local Authority. This is because the requirements for panel membership are very specific and extensive and must meet strict timelines. Support and advice can be provided by the Centre on IRPs and the use of external providers if required.
- 12.2 It should be noted that the independent review panel is only involved in reviewing permanent exclusions and only if requested by the parent of the excluded pupil.

12.3 Notification of Governors' Decision

- 12.3.1 In cases where the Governors consider either a permanent exclusion, or a suspension above 15 days' suspension for the term, or suspension between 6-15 days where the parent makes representations the Behaviour Committee, must notify parents (or the pupil if they are 18 years or over), the Principal, and where relevant, the pupil's social worker and/or the VSH of its decision, and the reasons for it, in writing and without delay. The Behaviour Committee's decision letter to the parent must also give the last day for lodging a review (within 15 further school days¹) and explain that the grounds for the review should be set out in writing. If a parent does not request a review within the timescales the GB must reject the application.

12.4 The timing of the hearing

- 12.4.1 An independent review panel must meet to consider an exclusion no later than the 15th school day after the day on which the review was requested. However, only if strictly necessary, the IRP may then decide to adjourn the hearing to a later date.

12.5 Composition of Independent Review Panels

- 12.5.1 Review panels must consist of 3 or 5 members.
- 12.5.2 A five-member panel must be constituted with two members from each of the categories of School Governors and the Principal.
- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
 - School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers/Principals during this time.
 - Headteachers/Principals or individuals who have been a Headteacher/Principal within the last five years.

² Or within 15 days of the final determination of a claim of discrimination in relation to the exclusion to the first tier Tribunal.

12.5.3 All panel members, including the clerk, must have received training within the two years prior to the date of the review. The DFE statutory guidance details what this training must have covered.

12.5.4 A person may not serve as a member of a review panel if:

- They are a member / director of the local authority / Academy Trust or governing body of the excluding school,
- are the Headteacher/Principal of the excluding school or anyone who has held this position in the last five years,
- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a Headteacher/Principal at another school),
- have, or at any time have had, any connection with the local authority / Academy Trust; school; parent or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a Headteacher/Principal at another school) or
- have not had the required training within the last two years (see paragraph 116 of Exclusion from maintained schools, Academies and pupil referral units in England guidance)

12.6 Request for a SEN Expert (see section 8.5 of Exclusion from maintained schools, Academies and pupil referral units in England guidance). If requested by the parent, the person convening the panel must appoint a SEN Expert to attend the independent review panel. The parent has a right to the above, regardless of whether their child has recognised or identified SEN.

13.0 Role of the Clerk to the Independent Review Panel

13.1 It is strongly advised that the independent review panel has a Clerk. The Clerk, if appointed, provides an independent source of advice on procedures and law for all parties.

14.0 Conduct and role of the Independent Review Panel

14.1 The role of the panel is to review the Behaviour Committee's decision not to reinstate a permanently excluded pupil. The panel must take account of the circumstances of the excluded pupil and all others in the school. The panel must apply the civil standard of proof (the balance of probabilities).

14.2 Reaching a decision

Information on what the panel should consider when coming to their decision can be found in section 9 of the [DFE Guidance on Exclusions](#).

14.3 The decision

14.3.1 An independent review panel can decide to:

- uphold the Behaviour Committee's decision;
- recommend that the Behaviour Committee reconsiders reinstatement; or

- quash the decision and direct that the Behaviour Committee reconsiders reinstatement.

14.3.2 The panel's decision can be decided by a majority vote. The panel can request that a copy of the decision letter is placed on the pupil's record and the school must comply with this request.

14.3.3 The panel may only quash a decision and direct reconsideration where it considers that the exclusion was flawed when considered in the light of one or more of the principles applicable on an application for judicial review, which are illegality, irrationality and procedural impropriety.

14.4 Financial Penalties

14.4.1 Where a panel directs the GB to reconsider its decision it has the power to order that a readjustment of the school budget be made if the governing body does not offer to reinstate the pupil within 10 school days of receiving notification. The sum of this adjustment must be £4000, payable within 28 days, and will be in addition to other monies that follow permanently excluded pupils.

14.5 After the Independent Review Panel

14.5.1 The independent review panel's decision is binding on the parent, the GB and the Principal. The IRP cannot revisit its decision once made.

14.5.2 The IRP must let all parties know its decision without delay. The decision letter should give the IRP's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

14.5.3 The summary of the findings from the IRP must be given due consideration by Governors.

14.5.4 If the IRP upholds the permanent exclusion, the Clerk should immediately report this to the Local Authority (who should in turn inform the social worker and VSH, where a pupil has one). If the pupil lives outside the area of the Local Authority, the Clerk should make sure that the home Authority is also informed immediately of the position. If the pupil is of compulsory school age, it is for the Local Authority in whose area the pupil lives to make arrangements as quickly as possible for the pupil to continue in suitable full-time education.

14.5.5 Where the permanent exclusion is upheld, the Clerk should also advise the parent to contact the appropriate person at the home Local Authority about arrangements for their child's continuing education. The Principal will remove the pupil's name from the school roll the day after the conclusion of the IRP.

14.6 Reconvening a Behaviour Committee

14.6.1 If the Independent Review Panel directs or recommends that the GB reconsider the exclusion, the GB must meet to reconsider within 10 school days of notification. This can be the same panel, if all members are available. The DfE Exclusion Guidance gives specific advice as to what the further meeting of the GB should involve and the requirement that the GB must have "strong justification" for continuing to support the exclusion. Where the GB has reconsidered an exclusion decision it must inform the relevant parties, the Principal and the Local Authority of its reconsidered decision and the reasons for it without delay.

14.7 Remedies after the Independent Review Panel

14.7.1 A parent can complain to the Secretary of State via the Education and Skills Funding Agency at the Department for Education.

14.7.2 Decisions of both governing bodies and independent review panels can be subject to judicial review. If this occurs, immediate legal advice must be sought.

14.8 Claims of Discrimination in relation to exclusion

14.8.1 A parent can also apply to the First-tier Tribunal (SEND) on grounds of disability discrimination. In addition, they may bring a claim on other discriminatory grounds in the County Court under the Equality Act 2010. The First-tier Tribunal has a wide range of potential remedies it could order if it finds discrimination has occurred, including reinstatement if appropriate.

APPENDICES

Appendix 1 Examples of Misconduct that May Lead to Permanent Exclusion

Permanent exclusions are extremely serious and should only be used in exceptional circumstances. Permanent exclusions should only be in response to a serious breach or persistent breaches of the school's behaviour policy and, in all but the most extreme one-off incidents, where other sanctions have been attempted and not resulted in improved behaviour and conduct.

There are a few single incidents that may lead to a permanent exclusion. These include (but are not restricted to) the follow categories:

- a serious breach of safety requirements likely to endanger other people or the pupil themself;
- possession, use or supply (or the intended possession, use or supply) of:
 - alcohol
 - tobacco
 - illegal drugs (see Home Office controlled drugs list [here](#))
 - so-called "legal high" drugs including those which are edible (and whether they are technically legal or illegal) and/or anything pertaining to be a drug
- stealing from the school, employees of the school, or from students;
- intentional damage to property;
- very serious / extreme abuse of the school's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another pupil, member of staff or worker in the school; (please read [Use of reasonable force and other restrictive interventions guidance](#) April 2026 in conjunction with any actions here);
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- very significant / extreme bullying and/or harassment including harassment on racial, sexual or homophobic (or any other Equality Act protected characteristic) grounds;
- extreme defiance of the properly exercised authority of the school and its staff.

Appendix 2 Permanent Exclusion Checklist

What questions should the governing board ask and what documents should it see?

The governing board must consider “*both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community as a whole.*” (paragraph 112 DfE Guidance)

Furthermore, when reaching a decision on whether or not to reinstate a pupil, the governing board “*should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair*” and “*should take into account...the headteacher’s legal duties.*” (paragraph 122 DfE Guidance)

Key
Questions relating to lawfulness
Questions relating to procedural fairness
Questions relating to reasonableness

Questions to ask Headteacher (HT)	Evidence/Questions for Governing Board (GB)
Did the HT take the decision to exclude in accordance with the two-stage test at paragraph 11 (serious breach or persistent breaches of school behaviour policy AND where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school)?	<ul style="list-style-type: none"> • Behaviour policy • Other relevant school policies (safeguarding, SEND, anti-bullying, drugs etc) • Evidence relating to the incident(s) — HT’s report, investigation report, witness statements from pupils, staff or other students, physical evidence
OR	
Did the HT take the decision to suspend following a breach of the behaviour policy?	<ul style="list-style-type: none"> • Relevant background information if persistent disruption — behaviour logs etc
Do the reasons for suspension or permanent exclusion align with the potential reasons for action under paragraph 15 DfE guidance?	<ul style="list-style-type: none"> • Paragraph 15 DfE guidance provides acceptable reasons for suspension or exclusion. The list is not exhaustive.
Did the HT make the decision on the balance of probabilities?	
Are the witness statements signed and dated? If not, what is the reason for this?	
If a further period of suspension or the imposition of a permanent exclusion is decided by the HT to be appropriate, what is the new evidence to support the decision and has new notification been given to the parents?	<ul style="list-style-type: none"> • Check for new evidence — dated/received after original exclusion • Check for notification of decision to parents
Has the HT given due consideration to the duties under the Equality Act 2010, in particular the Public Sector Equality Duty?	<ul style="list-style-type: none"> • HT’s report into potential equality issues • Parental representations • Equal Opportunity/Equalities policy
Is suspension or permanent exclusion the last resort?	
Have other alternatives to exclusion been considered?	
If alternatives have not been considered, what is the reason for this?	<ul style="list-style-type: none"> • Look for evidence to remedy the behaviour and avoid suspension and/or permanent exclusion. Options could include off-site directions, managed moves, SEND support, support from other agencies, mentoring, coaching, internal support in pupil support units etc

Questions to ask Headteacher (HT)	Evidence/Questions for Governing Board (GB)
<p>Have the circumstances of the pupil been considered?</p> <p>Are there any mitigating factors?</p> <p>Was the pupil's version of events obtained and considered?</p> <p>If not, why not?</p>	<ul style="list-style-type: none"> • Look for evidence in HT's report or exclusion pack • Evidence of support offered to pupil • Witness statements from pupil • Parental evidence
<p>Does the pupil have SEND?</p> <p>If so, what support has been made available internally and externally?</p> <p>Have appropriate steps been taken, including requesting an emergency review where the pupil has an EHCP.</p>	<ul style="list-style-type: none"> • Look for evidence in HT's report or exclusion pack • Evidence of support already offered to pupil and its impact • Where there is evidence of previous fixed-term exclusions, the support offered through the reintegration strategy • Evidence of consideration of other options e.g. managed move, AP placement • Behaviour log
<p>Is the pupil looked after or is there involvement with social care?</p> <p>Has the social worker been informed?</p> <p>Has the VSH been informed?</p> <p>Has there been a PEP review?</p>	<ul style="list-style-type: none"> • Look for evidence in HT's report or exclusion pack • Evidence of support offered to pupil and its impact • Evidence of steps taken to access other support
<p>Were parent(s) and the pupil made aware of the school's behaviour policy and the likely consequences which might arise from the pupil's behaviour?</p>	<ul style="list-style-type: none"> • HT's report on communication of behaviour policy to parents and pupils, assemblies, curriculum content • Any communication with parents about behavioural incidents/warning letters • Pupil's behavioural record if persistent disruptive behaviour
<p>Had the pupil been treated fairly compared with other pupils involved in the other incident(s) or in terms of similar behaviour from pupils previously?</p>	<ul style="list-style-type: none"> • HT's report • Behaviour policy
<p>Was the HT's decision to suspend or permanently exclude reasonable?</p>	<ul style="list-style-type: none"> • From the evidence presented can you understand why the decision to suspend/exclude was appropriate?
<p>Did the HT ensure that a robust investigation was carried out? Were witness statements properly taken? Were they signed and dated?</p>	<ul style="list-style-type: none"> • HT's report as to thoroughness of investigation • Witness statements
<p>Did the HT inform parents immediately of exclusion and follow up with guidance-compliant letter?</p>	<ul style="list-style-type: none"> • HT's report on incident and consequences • Letter to parents
<p>Did the HT inform the GB, local authority, social worker and VSH without delay?</p>	<ul style="list-style-type: none"> • Copy of letter to parents and others • Other contact with clerk to GB
<p>Did the GB hold the meeting (where required) within relevant timescale for type of exclusion?</p>	<ul style="list-style-type: none"> • Correspondence from clerk around arranging date