

Exclusion Guidance

Following a recent Serious Case Review in Calderdale, this guidance and flowchart have been provided to emphasise the need for robust arrangements for children at the point of exclusion, either Fixed-Term or Permanent. It is imperative to remember that the Head teacher has a legal duty of care when sending a pupil home following exclusion.

This guidance should be used to review and update current policies and procedures. This guidance should be read in conjunction with statutory guidance – ‘Exclusion from maintained schools, academies and pupil referral units in England’ (DfE 2012), from which salient points have been drawn. *The DfE guidance is due for review however no publication date has thus far been confirmed.*

- Permanent exclusion is a last resort and only be considered where there has been a serious breach or persistent breach of the school behaviour policy and if the child was to remain in school this would cause serious harm to the education or welfare of themselves or others.
- The decision to exclude for any period must be lawful, reasonable and fair.
- Pupils who are excluded should be collected by parents/carers and must not be allowed to leave the school site until this happens, or an appropriate alternative is agreed.
- If a Child is a Child Looked After (CLA) then the Virtual School Head needs to get kept informed throughout the exclusion process, and likewise if the child is either CLA or on a Child Protection Plan then the Lead Social Worker (SW) should be kept informed.
- Disruptive behaviour can be an indication of unmet needs, thus schools should give consideration to a multi-agency assessment that goes beyond educational needs, if this is a persistent problem.
- Following any period of exclusion there must be a strategy for reintegration and managing future behaviour.
- School should set and mark work provided for the first five days of a period of exclusion, unless or until alternative provision is provided. Alternative provision must be in place from the sixth day.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, relevant to their age and understanding.
- Only the Head teacher has the authority to exclude and this must be on disciplinary grounds.
- Lunchtime exclusions must follow the same exclusion process and count as half day exclusions.

- 'Informal' or 'Unofficial' exclusions are unlawful regardless of whether they occur with the agreement of parents/carers – all exclusions must be formally recorded.
- Consideration should be given to children who present with additional needs, and Head teachers should, as far as possible, avoid excluding permanently any pupil who presents with additional needs, such as Special Educational Needs (SEN) or Children Looked After (CLA).
- Schools should engage proactively with parents, foster carers, children's homes and the local authority in supporting the behaviour of pupils with additional needs.
- Head teacher must inform the governing body and local authority if a child is permanently excluded or if exclusions result in more than five school days (or ten lunchtimes) in a term or if a period of exclusion will mean that they miss a public examination or national curriculum test.
- All fixed term exclusions should be reported to the governing body and local authority once a term.
- If a pupil lives in a different authority to that of the school they attend, the Head teacher must inform the 'home authority' without delay if a child is permanently excluded.
- If a child has a fixed term exclusion the correct codes should be used on the register; Code E whilst not attending any provision, then Code B (educated off-site) or Code D (dual-registration) once attending alternative provision. It is the school's responsibility to ensure that the alternative provision provides the adequate number of hours.
- When sending written confirmation of exclusion to parents/carers, consideration should be given to ensure that this information is clear and easily understood. Where English is not the first language, a translated letter should be considered.
- If parents wish to make representation to the governing body and an independent panel is used, consideration should be given to including a SEN Expert, even if the child has no identified Special Educational Needs.

Flowchart at point of Exclusion

