



Statutory and SET Guidance for Suspensions and Permanent Exclusions

Please refer also to the DfE Guidance on Exclusions:

<https://www.gov.uk/government/publications/school-exclusion>

Decision Making Flow Chart for Permanent Exclusion

The decision to suspend or permanently exclude a pupil can only be made by the Headteacher/Principal (or a designated deputy in their absence). Unofficial suspensions/cooling off periods are illegal and should not be used under any circumstances.



Statutory Guidance and SET protocol when considering Exclusion

	Statutory Guidance	SET Guidance
Does your school have a disciplinary panel that is available to provide support and challenge around exclusion?	<p>A disciplinary panel must consider the re-instatement of a pupil with 15 days of exclusion if:</p> <ul style="list-style-type: none"> •The exclusion is permanent •It is a fixed period suspension which would bring the pupil's total period of days suspended to more than 15 in a term; or •It would result in a pupil missing a public examination or national curriculum test 	<p>The SET's articles of association enable you to form a sub-committee delegated from the academy council.</p> <p>SET guidance allows that members of the panel can also be from the SET Pool, Headteachers/Deputy Headteachers from other SET Schools and should include a member of the senior SET Central Team.</p>
Is the child persistently disruptive?	<p>"Informal" or "unofficial" exclusions such as sending a pupil home "to cool off" are unlawful.</p>	<p>You must have systems in place to ensure you are aware of any pupils showing persistently poor behaviour and how they are responding to low level sanction and strategic interventions.</p> <p>Schools should consider links to safeguarding and possible unmet needs here.</p> <p>Refrain from suspending for fixed periods beyond 5 days, unless you and your disciplinary panel can provide full-time education in an appropriate alternative setting.</p> <p>Have underlying factors (SEND, family issues, bullying, access to quality first teaching) been identified?</p>
Excluding a student	<p>Only the Headteacher / Principal (or Acting Principal) can exclude a pupil. A pupil may be suspended for one or more fixed periods (maximum of 45 days in a single academic year), or permanently. Follow DfE guidance of notifying parents/ carers.</p>	<p>Are parents aware of behaviours? Has a SEN assessment, multi-agency assessment or external support been actioned. Is the use and effectiveness of any support and sanction properly recorded and regularly reviewed. Ask The pastoral, SEN and safeguarding team to provide you with this information.</p>

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Does the child have an EHCP?	In partnership with others (including the local authority SEN team), consider what additional support or alternative placement may be required. Consider requesting an early annual review or interim/ emergency review.	Ask your lead for SEN to provide a documented evidence trail of agreed strategies and how they are embedded for this pupil?
Has the child previously been sanctioned with a suspension (and/or supported with managed move / alternative provision placement)?		<p>Do your school systems provide updates and evidence about how the pupil's emerging needs have been explored and matched with appropriate intervention and sanction (requests this from you pastoral, SEN and safeguarding leaders).</p> <p>Was a reintegration meeting held with parents?</p> <p>Are parents/ carers fully aware of their child's behaviour, have they recently been involved in a review meeting to discuss emerging needs and concerns raised? Who can provide you with this information?</p> <p>Have the SEN team assessed student need and evidenced level of student engagement with curriculum and support changes?</p>
<p>Has the incident been serious enough to warrant a 15-day suspension?</p> <p>OR does the suspension take the amount of days the student has been suspended within a term to 15 days or more?</p>	<p>The headteacher must notify the local authority and school disciplinary panel without delay, detailing plans for alternative full-time education from the sixth day.</p> <p>The disciplinary panel must review the suspension and all evidence before the 15th day lapses. This review cannot be delayed due to on- going police investigation or criminal proceedings.</p>	<p>SET National Director notified. A clear intervention strategy must be outlined prior to pupil's return. Your disciplinary panel should facilitate a meeting where parents/carers and pupil are supported by relevant professionals who can Outline support (this could include-multi-agency meeting, assessment of SEN need and referral to the local authority's inclusion panel).</p> <p>Your school systems must track updates and evidence about how the pupil's emerging needs have been explored and matched with appropriate intervention and sanctions (Pastoral, SEN and Welfare, local authority). You should consider the use of a case study template that captures all interventions and</p>

	Statutory Guidance	SET Guidance
		the ongoing narrative associated to the pupil.
<p>Deciding to permanently exclude. (A decision as a last resort)</p> <p>A Permanent Exclusion might be put in place after a 5 day suspension to enable rigorous and robust investigation.</p>	<p>Decision is based on serious/persistent breaches of school behaviour policy or where allowing the pupil to remain on site will seriously harm the education or welfare of other pupils in the school. Notify the Local Authority and school disciplinary panel, parents without delay.</p>	<p>Discuss with the relevant National Director without delay.</p> <p>The disciplinary panel should take into account any contributing factors that have been identified after the incident of poor behaviour has occurred.</p> <p>Evidence of all strategies and interventions accessed by the pupil and family should be available for the disciplinary panel to review. Except in the case of serious one-off incidents, the pupil's case study should provide the disciplinary panel with all the information they need to support their decision.</p> <p>The use of established and quality assured alternative provision and support from your local authority, disciplinary panel and school team leaders should be considered as an alternative to permanent exclusion.</p>

Appendix 1

Permanent Exclusion Documentation Checklist Support for Headteachers

The purpose of the PEX Pack is to provide the Governor Disciplinary Panel with robust evidence to support their decision making (ie whether to uphold your decision to PEX or to reinstate the pupil). Information provided should ensure that they have a clear understanding, supported by evidence, of why you have made the decision to Permanently Exclude the child. By going to a Disciplinary Panel you are asking Governors to uphold your decision to PEX: it is the Headteacher's responsibility to provide a clearly articulated, thorough and evidenced account to enable the Panel to uphold the PEX.

The pack is also intended to ensure that parents and other stakeholders understand the reason for the PEX so that they have the opportunity to challenge your decision in an informed way, should they wish to do so.

Parents have the right to appeal if a Governor Disciplinary Panel uphold the PEX. This is then referred to an Independent Review Panel (IRP). The Headteacher should be clear that, if this is the case, the PEX Pack is the only evidence that will be reviewed and therefore it should also stand up to external scrutiny.

Check of item(s) to be included in the pack	Additional notes
<p>Headteachers Statement: This should summarise the reason for the PEX and summarise all aspects thoroughly chronologically and accurately so that it is very clear on the reasoning for the PEX.</p> <p>Introduction: Set out details re. child — DOB, when joined school, year group, whether the pupil is in receipt of PP, FSM, is LAC, has SEND as well as nature of review — PEX arising from serious breach or persistent breaches of behaviour policy.</p> <p>Refer to extracts of behaviour and exclusion policies. If relevant set out transition information from previous school.</p>	<p>Check reason for PEX: Paragraph 15 DfE guidance provides acceptable reasons for suspension or exclusion. The list is not exhaustive. Also check the school's Behaviour Policy covers the reason for PEX.</p> <p>Throughout document – check for accuracy and any errors in dates etc.</p> <p>Consider and state any protected characteristic and how this has been taken into account when making the decision.</p>
<p>In the case of persistent breaches: documentation sets out details of behaviour over school period and sanctions imposed.</p> <p>Look for a clear chronology and a graduated response.</p> <p>Behaviour log (names of other children redacted) and any records of reintegration strategy meetings where behavioural expectations were reiterated.</p> <p>(Do not include full My Concern/CPOMs profiles but extracts can be used if relevant with redacted names. Be sensitive to the wording used which may cause upset/offense/anxiety to parents or the student).</p>	<p>Check: 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)?</p> <p>(Wording: The decision to exclude a pupil permanently should only be taken: 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 such as staff or pupils in the school).</p>

Check of item(s) to be included in the pack	Additional notes
	Also need to add the bit about legal, fair proportionate (not sure that's the right wording sorry)
<p>If the exclusion is for a one-off serious incident, background to incident is explained referring to witness and any other evidence in support.</p> <p>Explain</p> <p>how the pupil knew the behaviour exhibited was contrary to the behaviour policy and that it could result in exclusion e.g. how the behaviour policy's expectations are communicated to pupils etc.</p> <p>Do not include other information about other behaviours, i.e. behaviour log as these are not relevant to the reason for exclusion.</p>	Ensure the child concerned has provided a statement and that witnesses have also provided statements. Aim to identify student witnesses who are 'independent' eg are not close friends with any involved party.
Document explains impact of behaviour on the pupil and others (staff and fellow pupils) in the school.	Do not include specific names, be sensitive to the wording used.
<p>Support:</p> <p>-what has been put in place internally and externally to support the pupil with a clear timeline — details of all family and pupil support and interventions offered;</p> <p>- comment on effectiveness/engagement including any referrals e.g. for Early Help, CAMHS, EP etc.</p> <p>-If the pupil has SEND, reference to the SEND policy and any evidence of the graduated approach of assess, plan, do, review.</p> <p>-If the pupil has an EHCP document explain whether a review of that plan was called. Level of communication/dialogue with parents.</p>	<p>Where a pupil does not have SEND, is it clear how and when the school explored this to rule out the possibility.</p> <p>Good practice suggests that some form of external 'agency' support should be in evidence to support work done in school, e.g. Ed Psych input, local inclusion hub etc. before an exclusion for persistent disruption is decided on.</p> <p>Even if you have assessed that the pupil is not SEND, it is worth indicating why possible SEND interventions were considered even if not used.</p>
Alternatives to PEX considered (for example different sanctions, direction to be educated off-site at an alternative provider, time spent in Pupil Support Unit, managed moves).	<p>Is suspension or permanent exclusion the last resort?</p> <p>Have other alternatives to exclusion been considered?</p>
<p>Check that a thorough investigation has been carried out.</p> <p>Are the witness statements signed and dated?</p>	
Check that the exclusion does not discriminate / breach the equality act.	
<p>Pupil's version of events obtained and considered?</p> <p>Any mitigating factors?</p>	Even in very clear examples of an incident meaning a permanent exclusion, it is good practice to ensure the pupil has had an opportunity to give a statement.

Check of item(s) to be included in the pack	Additional notes
Evidence that the circumstances of the pupil have been considered.	
Copies of exclusion letter(s)	Check notification dates to parents, social worker as appropriate; where a PEX has been issued following an initial suspension, check dates on evidence.
Evidence of liaison with the LA virtual headteacher (and/or exclusion manager where applicable). Information re. 6th day provision. Information re. work set by school in the first 5 days. Relevant safeguarding checks in place.	
Conclusion stating: legality, confirming no procedural impropriety, rationality (as per Browne Jacobson documents).	
Attach the behaviour and exclusion policies (and any other relevant policies linked to the case)	Include the agenda of the perm ex panel hearing to all parties in pack so everyone of clear of the format.

Appendix 2 Headteacher/Principal's exclusion checklist

The Department for Education's statutory guidance on exclusions requires decisions to be lawful, reasonable, fair and proportionate. As such, taking the following matters into account and recording your position in relation to them will be important evidence in showing compliance with the legal framework on exclusions.

Do you have sufficient evidence to satisfy the tests for suspension or permanent exclusion?

- What evidence do you have to show a breach of the school's behaviour policy?
- What evidence do you have to satisfy the test at paragraph 11 of the guidance for permanent exclusion (i.e. serious breach or persistent breaches of the behaviour policy and where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others such as staff or pupils in the school)?
- Does the available evidence satisfy the tests on the balance of probabilities?
- Have you taken the pupil's views into account, considering these in light of their age and understanding?
- Do you have witness statements? Are they signed and dated? If not, what is the reason for this?
- Do your reasons for suspension or permanent exclusion accord with the potential grounds for suspension or exclusion as set out in paragraph 16 of the guidance or are they of similar severity?

For suspensions

- What length of suspension is appropriate and proportionate in the circumstances?
- What arrangements have been made for work to be provided on days 1 to 5? Or has alternative provision been arranged?
- Has a reintegration strategy been organised and communicated to the parents as set out in paragraphs 27 and 28 of the guidance?

If you need to issue a permanent exclusion following a period of suspension

- Do you have new information to justify the permanent exclusion and are you satisfied it is sufficient to justify the new decision on the balance of probabilities?
- Have you sent out a new decision letter to the parents and other relevant stakeholders?

Is suspension or permanent exclusion the last resort or an appropriate sanction?

- What alternatives to suspension or permanent exclusion have been considered, including but not limited to off-site directions, managed moves, engagement with parents, provision of mentoring/coaching, use of pupil support units, assessment and support under the SEND framework, and multi-agency support under the "working together" framework?

- Have the circumstances of the pupil been considered and taken into account, including any protected characteristics?
- Are there any safeguarding concerns that require a multi-agency approach?
- Does the pupil have SEND? Is an assessment required? Have any reasonable adjustments to school practices and/or procedures been considered and implemented? If the pupil has an EHCP, have you called an interim/emergency annual review?
- If the child is looked after, has contact been made with the social worker or virtual school headteacher and has a PEP review been called?

Notification

- Is the wording of the reason for the suspension/permanent exclusion clear and sufficient to stand up to scrutiny, ie does the wording support the offence warranting the length of suspension or permanent exclusion?
- Have parents been notified of the reason and length of suspension without delay? This may be verbally then followed up in writing.
- Have you told parents that during the first 5 days of the suspension or exclusion (or until any full-time alternative provision begins) the parent must ensure that the child is not in a public place during school hours?
- Have parents received the formal written notification with reasons and length of the suspension without delay?
- Have other relevant stakeholders been notified — governors, local authority, social worker, virtual school headteacher?