



## **Statutory and SET Guidance for fixed-term and Permanent Exclusion**

SET recognises and supports the need for and application of fixed-term and permanent exclusion. However, we also recognise that there is a relentless pressure to sanction fixed-term or permanent exclusions for serious or persistent breaches of the school behaviour policy that demonstrates support for staff, students and families. The guidance in this document assists your decision making, whilst ensuring your leadership team provide you with the essential information you need to make the decision to exclude.

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Please see <https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak> for statutory guidance:

# Changes to the school suspension and expulsion process during the coronavirus (COVID-19) outbreak

Updated 17 March 2022



## Protocol for Considering Fixed-Term and Permanent Exclusion



**Does your school have a disciplinary panel that is available to provide support and challenge around exclusion?**

**Is the child persistently disruptive?**

**Excluding a student.**

**Does the child have an EHCP**

### Statutory Guidance

Referenced from -Exclusions from maintained schools, academies and PRU's in England 2017

The SET's articles of association enables you to form a sub-committee delegated from the governing board.

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"Informal" or "unofficial" exclusions such as sending a pupil home "to cool off" are unlawful.

See page 10

Only the Principal (or Acting Principal) can exclude a pupil. A pupil may be excluded for one or more fixed periods (maximum of 45 days in a single academic year), or permanently. Page 8

Follow DfE guidance of notifying parents/ carers

(page 12-14).

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.

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### SET Guidance

A disciplinary panel must consider the re-instatement of a pupil with 15 days of exclusion if:

- The exclusion is permanent
- It is a fixed period which would bring the pupil's total period of days excluded to more than 15 in a term; or
- It would result in a pupil missing a public examination or national curriculum test

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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

Have underlying factors (SEND, family issues, bullying, access to quality first teaching) been identified?

Refrain from excluding for fixed periods beyond 5 days, unless you and your disciplinary panel can provide full-time education in an appropriate alternative setting.

Request the formation of a disciplinary panel that includes members of you Governing Body and School Council.

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 you pastoral, SEN and safeguarding team to provide you with this information.

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 fixed-term exclusion, ( and or managed move)?**

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).

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?

Have the SEN team assessed student need and evidenced level of student engagement with curriculum and support changes?

**Has the child been excluded for more than 5 days.**

Notify your disciplinary panel, the local authority and parents, detailing plans for alternative full-time education from the sixth day.

You have a duty to arrange education from the sixth day of a fixed period of exclusion or consecutive periods of fixed term exclusion totally more than 5 days.

Due to increased safeguarding risks and difficulties linked to securing appropriate 6th day provision, try to avoid exclusions that exceed 5 consecutive days or consecutive periods totalling more than 5 days.

A lead professional should be identified for the student and contracts are agreed and signed which detail a clear support plan and clear sanctions if the contract is broken. You should consider the use of a case study template that captures all interventions and the ongoing narrative associated to the pupil.

**Has the incident been serious enough to warrant a 15 day exclusion?**

The headteacher must notify the local authority and school disciplinary panel and SET regional Director without delay, detailing plans for alternative full-time education from the sixth day.

The disciplinary panel must review the exclusion and all evidence before the 15th day lapses. This review cannot be delayed due to ongoing police investigation or criminal proceedings.

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A clear intervention strategy must be outlined prior to pupils return. Your disciplinary panel should facilitate a meeting where parents/carers and pupil are supported by relevant professionals who can help outline support (this could include multi-agency meeting, assessment of SEN need and referral to the local authorities inclusion panel).

Your school systems must track updates and evidence about how the pupil's emerging needs have been explored and matched with appropriate intervention and sanction (Pastoral, SEN and Welfare, local authority). You should consider the use of a case study template that captures all interventions and the ongoing narrative associated to the pupil.

**Deciding to permanently exclude.**

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 and SET Regional Director without delay.

The disciplinary panel should take into account any contributing factors that have been identified after the incident of poor behaviour has occurred.

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.

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.

## A summary of the disciplinary panel's duties to review the head teacher's exclusion decision

(Annex A-Exclusion from maintained schools, academies and pupil referral units in England September 2017)

