

# **Gloucestershire County Council Supplementary Guidance points and paperwork for Governors on:**

***‘Suspension and Permanent  
Exclusion from maintained schools,  
academies and pupil referral units in  
England, including pupil movement  
Guidance for maintained schools,  
academies, and pupil referral units in  
England, August 2024’***

**August 2024**



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## Introduction:

This exclusion pack was compiled by Gloucestershire County Council to:

- help schools apply Government statutory guidance:  
**Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England, August 2024**  
<https://www.gov.uk/government/publications/school-exclusion>
- provide additional information about Gloucestershire's policies and procedures relating to preventing and managing exclusions.
- Please note a technical update has been made to this guidance in 2024 to reflect  
[The School Attendance \(Pupil Registration\) \(England\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

**Please note: GCC guidance supports the information within the Government guidance and must not be read as a standalone document.**

The government exclusion guidance relates to the exclusion of pupils from: maintained schools, pupil referral units (PRUs), academy schools (including free schools, studio schools and university technology colleges) and alternative provision academies (including alternative provision free schools) in England.

Head teachers can download this pack, the DfE exclusion guidance and other supporting materials via the following link: [Exclusions \(gloucestershire.gov.uk\)](https://www.glosesci.org/exclusions)

## Advice available for schools regarding exclusions:

### Education Inclusion Service

Each school has a designated Locality Inclusion Lead within the Education Inclusion Service who, along with the Inclusion officers, monitor school exclusions and provide challenge, advice and support to schools relating to:

- school-based strategies for preventing exclusions including My Plan/My Plan+ (Following the 'Assess – Plan – Do – Review Cycle' on the Gloucestershire Graduated Pathway)
- alternatives to exclusion
- Managed Moves
- the legal framework surrounding exclusions and inclusive 'best practice' in Gloucestershire.

Head teachers can take advice from the team regarding the exclusion process.

Head teachers and clerks to Governing boards can also contact the Education Inclusion Service for advice regarding the procedures following a decision to exclude.

In addition, **The Education Inclusion Service:**

- collates information on all exclusions (suspensions and permanent exclusions) in Gloucestershire maintained schools (including sixth forms), academies, free schools, alternative provision academies and alternative provision schools.
- compiles annual county exclusion reports including analysis of exclusions by type, reason, SEND, ethnicity, age and gender.
- co-ordinates the attendance of a LA representative at Governing board meetings. (GBM)

**Gloucestershire County Council also:**

- notifies the relevant Alternative Provider of all reported permanent exclusions.
- co-ordinates the educational provision for CYP who have been permanently excluded.
- co-ordinates the Fair Access Panel (FAP) procedures to provide mainstream educational provision for CYP who have been permanently excluded.

## **Supplementary Guidance Notes:**

### **Part three: The headteacher's power to suspend or permanently exclude for headteachers, academy principals and teachers in charge of pupil referral units (p11)**

#### **The headteacher's powers to use exclusion (p11)**

1. The Governing board must ensure role of Acting Headteacher is clearly identified in line with section 579(1) of the Education Act 1996.
2. The Governing board must ensure the school's behaviour policy includes information on exclusions for behaviour outside school.

#### **Permanent exclusions (p13)**

Support services in Gloucestershire include:

- Education Inclusion Service (EIS)
- The Educational Psychologist Service (EPS)
- The Advisory Teaching Service (ATS)
- Speech and Language Therapy Service (SALT)
- Families First Plus
- Youth Support Services
- Children and Adolescent Mental Health Services – CAMHS
- Alternative Provision School or another Alternative Provider
- Voluntary Sector Support Services.

This list is not exhaustive and further advice can be found from Education Inclusion Service (EIS).

#### **Cancelling exclusions (p13)**

13. The governing board should be notified, without delay, of any cancelled exclusion. In addition, the school should report to the governing board once per term on number of exclusions cancelled to enable appropriate oversight.

Any days spent out of school prior to cancellation will count towards the maximum amount of school days permitted within a school year. Governors may wish to review processes to ensure they are made aware of any child this may apply to.

#### **Setting a clear process for exclusions (p14)**

15. The governing board may wish to ensure the school has a clear process for exclusions including having a formal process for arranging, at short notice, suitable full-time

18. The governing board may wish to ensure the school has appropriate processes in place to ensure off-rolling does not occur.

**Please note:** Schools are legally required to provide Free School Meals (FSM) to eligible children on their roll. This includes providing FSM when a child has been excluded. As children are not on-site during periods of exclusion, schools can use alternative arrangements to provide FSM, such as the provision of food parcels or vouchers.

### **Suspension**

The school is responsible for providing education for the first 5 days and therefore responsible for providing FSM for this period. From the 6<sup>th</sup> day the school must arrange suitable full-time education. If the chosen Alternative Provider can offer FSM, the school can pass this duty to them. If, however, the Alternative provider cannot offer this the school must continue to provide FSM.

### **Permanent Exclusion**

The school is responsible for providing education for the first 5 days of a permanent exclusion and therefore responsible for provision of FSM. From Day 6 the Local Authority is responsible for provision of education and takes over responsibility for FSM.

### **Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse) (p16)**

23. Highlights duty to have regard to 'Keeping Children Safe in Education'

#### **Gloucestershire Safeguarding in Education Team**

- <https://www.glosescoupe.org.uk/gscpe/>

#### **GCC Safeguarding leaflet**

- <https://www.glosescoupe.org.uk/media/cx2ctanm/exclusion-safeguarding-flyer-2023-24.pdf>

#### **GCC Peer on Peer leaflet**

- [child-on-child-leaflet-for-staff-v6-august-23.pdf \(glosescoupe.org.uk\)](https://www.glosescoupe.org.uk/media/cx2ctanm/exclusion-safeguarding-flyer-2023-24.pdf)

### **Reintegration after a suspension or off-site direction (p17)**

27. The governing board should ensure the school have an effective reintegration strategy in line with the guidance.

30. The governing board should be aware of the school's use of part-time timetables and ensure it is in-line with statutory guidance.

## **Part four: Factors to consider before making a decision to exclude (p19)**

### **Preventative measures to school exclusion (p19)**

32. Governors should be familiar with 'Behaviour in Schools (Feb 2024) with regard to preventative measures.

[Behaviour in Schools - Advice for headteachers and school staff Feb 2024 \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/behaviour-in-schools-advice-for-headteachers-and-school-staff)

Headteachers and governing boards must comply with their statutory duties in relation to pupils with Special Educational Needs (SEND) having regard for 'The Special Educational Needs (SEND) Code of practice - Jan 2015 '

[SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/send-code-of-practice-2015)

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for exclusion.

In this situation, schools should consider a multi-agency assessment that goes beyond the pupil's educational needs. To achieve effective assessment and planning, the Gloucestershire Graduated Pathway (My Plan /My Plan+) is the recommended approach. Additional guidance for Reasonable Adjustments can be found at: [Technical Guidance for Schools in England | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com)

### **Off-site direction (p20)**

43. Governors to note their role in monitoring and holding review meetings

### **Managed Moves (p22)**

52. The governing body within their oversight role should be familiar with processes in regard to Managed Moves within school and ensure parents are never pressured to agree to a Managed Move.

### **Variation in exclusion rates (p23)**

53. It is important that schools, local authorities and local partners work together to understand what lies behind local trends.

### **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans) (p23)**

54. The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. Refer to guidance point 31.

Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN. GCC recommends governing boards ensure members have suitable understanding of this duty and, at a minimum, the designated SEND link Governor undertakes appropriate training.

57. The governing board should be aware of the requirement, that where a pupil has an EHC plan the school should contact the local authority about any behavioural concerns and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

#### **Pupils who have a social worker, including looked-after children, and previously looked-after children (p24)**

60. For Children in Care in Gloucestershire, the CIC Transfer Protocol provides an alternative to Permanent Exclusion. It allows the Head Teacher to withdraw the Permanent Exclusion and decisions about the next steps for the child to be made quickly.

Details for the Virtual School Head in Gloucestershire can be found here-

<https://www.goucestershire.gov.uk/vschool/>

#### **Part five: The headteacher's duty to inform parties about an exclusion (p26)**

##### **Duty to inform parents about an exclusion (p26)**

- 64 & 68. The governing board should be aware of the statutory content of parental notification letters with requirements around AP provision from 6<sup>th</sup> day.

##### **Informing social workers and Virtual School Heads about an exclusion (p29)**

78. There is a requirement to inform social worker or virtual school where relevant.
79. Social worker and virtual school must be informed when a governing board meeting is taking place, in order to share information.

##### **Informing the local authority about an exclusion (p31)**

83. There is a requirement that the local authority must be informed **without delay** of all school exclusions **regardless of the length of the exclusion**.

## **Guidance to the headteacher on informing the governing board about an exclusion (p31)**

**86 & 88.** The governing board should have clear processes in place for considering suspensions and permanent exclusions. Where these are not in place and further support is required the Education Inclusion Service can offer support.

## **Part six: The governing board and local authority's duties to arrange education for excluded pupils (p33)**

### **The education of pupils from the sixth day of an exclusion (p33)**

**89.** The governing board must arrange suitable full-time education for any pupil of compulsory school age unless a pupil is in their final year of compulsory education and does not have any further public examinations to sit.

*Compulsory school age in England: A child must have started full-time education by the prescribed day after their fifth birthday. The prescribed days are currently September 1st, January 1st and April 1st. A child can leave school on the last Friday in June (the school leaving date) if they will turn 16 before the end of the summer holidays.*

### **The education of pupils prior to the sixth day of an exclusion (p34)**

**94.** It is always beneficial to start full-time educational provision before the 6<sup>th</sup> day and if a child has a social worker or is Child in Care then the school and local authority should work together to arrange alternative provision from the first day.

## **Part seven: The governing board's duty to consider an exclusion (p35)**

### **Guidance for governing boards on considering an excluded pupil's reinstatement (p35)**

**97.** While current government guidance makes no reference to governor training on exclusions, it is very important that governors / committee members who are called upon to review exclusions receive training to equip them to discharge their duties properly. Gloucestershire Governor Services organises training sessions for governors on exclusion issues.

**98.** The guidance states governing boards can delegate to smaller sub-committee of at least 3 governors. GCC recommend ensuring the number is an 'odd' number to allow for majority decisions. In addition, it is recommended that the governing board are aware of any perception of bias when allocating governors to panels, e.g., staff governors should never serve on exclusion panels and parent governors only where that can clearly declare there are no conflict of interests.

**100&101.** When calculating the period for governor exclusion review panels and independent review panels:

A school day is a day when there is at least one morning or afternoon session. The bank holidays, school holidays, inset days and weekends are not counted as school days and, therefore, do not count when calculating:

- the exclusion period
- the 15 days in which the governing board is required to meet
- the 15 days in which an application must be lodged to the Independent Review Panel
- the 15 days in which representations must be considered by the Independent Review Panel

Where notice is sent by first class post it is treated as having been given on the second working day after it was posted. If sent by second class post it is treated as having been given on the fourth working day after it is posted.

**104.** The local authority representative will attend in the case of maintained school or PRU. In the case of academies, the LA representative attends where the parents have made a request and can only make representations with the boards consent. In addition, where an academy makes a request for a LA representative to attend where parents have not requested the LA will endeavour to support this.

At the GDM the representative from the Education Inclusion Service will not give a view on the merits of the particular exclusion but may draw the attention of governors to:

- issues where there is a lack of clarity
- where more information may be needed
- where guidance appears to have been ignored.

#### **Guidance for governing boards on using data on suspensions and permanent exclusions (p37)**

**108.** Governing boards should have processes in place to regularly review exclusion data, pupil movements and the characteristics of those pupils. For example: Gloucestershire data shows that pupils with SEND and certain ethnic minority cohorts are disproportionately represented in exclusion data.

**109.** Governing boards should consider what changes are required within their schools in light of data to remove the disproportionate risk for specific identified cohorts. This could include working with partner agencies to review the school's processes.

## **Preparing for the consideration of a suspension or permanent exclusion (p41)**

112. The governing board should not discuss the suspension or permanent exclusion with any party outside the meeting. This means they should not have any communication or present with any party without all parties being present; including prior to the meeting and if any party needs to leave the meeting.

The Headteacher must provide written evidence in advance of the meeting. This should include information in relation to the incident/incidents which can include witness statements:

All witness statements should be attributed, signed and dated.

In exceptional circumstances the school may have good reason to wish to protect the anonymity of the witness, in which case, the statement should be dated and labelled in a way that allows it to be distinguished from other statements. *Appendix C Witness Statement*. In these circumstances the Head teacher must make it clear, in their Headteacher's statement, why information has been redacted. The following advice is taken from Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008.

If an adult is writing down the statement of a young person, or asking a pupil to write their own statement, they must avoid using leading questions. Useful questions might include:

- When did the incident take place?
- Where was the witness at the time and what was he or she doing?
- Who was the witness with and what did the witness see?
- What did each person say or do?

Statements should be factual and in the words of the witness: 'I did this...', and 'I saw...'

Statements could also include photos, maps, sketches or diagrams.

When the decision is made to 'anonymise' witness statements by pupils, the school should contact the pupil's parents of the witness to explain that the 'anonymised' statement will be presented to the governors' disciplinary panel. Governors can read the original statements and decide whether to lift the 'veil of anonymity' to ensure fairness. In this case all parties at the meeting will see the names of the witnesses. Parents of the witness will need to agree to this in advance of the meeting otherwise the evidence may be discounted.

In addition, the Headteacher should provide other relevant information which can inform the governors of the context for the child, this includes information on SEND, mitigating circumstances, the pupils voice etc.

**Pupils who may miss a public examination or national curriculum test if they are suspended or permanently excluded (p42)**

113. We recommend, where possible, an excluded child is supported to complete public exams or national curriculum tests on site. This can be in a separate room with the child attending only for the duration of the exam. Where exam access arrangements are in place this is even more essential as these are non-transferable so the child will be significantly disadvantaged if taking the exam elsewhere.

**Guidance on considering the reinstatement of a suspended or permanently excluded pupil (p43)**

121. GCC recommend the governing panel include in the minutes the steps taken to ensure all parties have been supported to participate in its consideration and have their views heard.

122. Minutes of the meeting should also be taken during the deliberation – setting out which areas were discussed and the outcome of the discussion. The chairperson of the exclusion board can adjourn meetings if required and this should be clearly explained in the minutes. Where adjourned for longer periods of time the same set of minutes should be continued.

127. Governing bodies should note requirement to retain any records and evidence for at least six months in case a claim is made to the First-Tier tribunal.

**Guidance to social workers and Virtual School Heads on attending the governing board meeting (p44)**

129. When considering whether an exclusion is lawful, reasonable, rational, fair and proportionate the governing board are expected to consider the context of the child as well as the incident/s. Where a child has a social worker or is in care education is a key protective factor (par.57) and as such the information from social worker or virtual school is crucial in coming to a decision.

**The governing board's duty to notify people after its consideration of reinstatement (p45)**

131. The Governing board **must** notify Gloucestershire County Council of the outcome of the Governing Board Meeting by emailing [schoolexclusions@gloucestershire.gov.uk](mailto:schoolexclusions@gloucestershire.gov.uk) .

## **Part eight: The governing board's duty to remove a permanently excluded pupil's name from the school register (p47)**

### **Guidance for governing boards on removing an excluded pupil's name from the school register (p47)**

**141.** Governors should be identifying the 15<sup>th</sup> day deadline for applying for an IRP after the Governor Board Meeting allowing notification time (2 days if notification provided via first class postage).

The deadline for parents apply for an IRP expires at midnight on the 15<sup>th</sup> day.

### **Guidance to schools on sharing child protection information when a child is permanently excluded (p49)**

**149.** Governing boards should ensure there are clear procedures in place for transfer of a child protection file as per the guidance.

## **Part nine: The local authority/academy trust's duty to arrange an independent review panel (p50)**

### **Arranging a date and venue (p50)**

**150.** An Academy Trust must, at their own expense, arrange for an IRP hearing. Within Gloucestershire Academy trusts may pay to use the Democratic Service IRP provision as a traded service. For information on this contact: [DemocraticServices@gloucestershire.gov.uk](mailto:DemocraticServices@gloucestershire.gov.uk)

**Please inform school exclusion of the date of the IRP by emailing**  
[schoolexclusions@gloucestershire.gov.uk](mailto:schoolexclusions@gloucestershire.gov.uk)

If an Academy Trust is arranging own IRP hearing, it is essential the information in paragraphs 159 – 172 and paragraph 186 are followed in regard to panel members and clerk. In addition, 187 – 196 sets out requirements for SEN expert.

## **Part ten: The roles of independent review panel members, the clerk, the SEN expert, the social worker, and the Virtual School Head in the conduct of an independent review (p59)**

### **Guidance to independent review panel members on the financial readjustment/payment (p63)**

**231.** Where the panel has made a financial readjustment order and the excluding school is an Academy GCC will issue invoices directly for the sum of £4000.

## **Guidance to the clerk and local authority/academy trust on the record of the proceedings of a review panel (p65)**

**239.** The governing board should note the requirement to retain minutes for at least 5 years

## **Guidance to the independent review panel and clerk on notifying parties of the outcome of the review (p65)**

**241.** If the IRP panel upholds the governing board's decision not to reinstate, the clerk should immediately notify Gloucestershire County Council of the outcome of the Governing Board review by emailing [schoolexclusions@gloucestershire.gov.uk](mailto:schoolexclusions@gloucestershire.gov.uk).

## **Part eleven: Requests for remote access meetings for governing board meetings or IRPs (p66)**

**249.** Consideration should be given to the requirements set out within the supplementary guidance provided around the use of remote meetings in **Annex A: Key principles when conducting meetings via the use of remote access.**

**251.** Social Workers or VSHs **must** be allowed to join via the use of remote access should they wish to do so.

## **Part twelve: The governing board's duty to reconsider reinstatement following a review**

### **Guidance on the governing board's duty to reconsider reinstatement following a review (70)**

**263.** In the case of either a recommended or directed reconsideration, the governing board must notify Gloucestershire County Council by emailing [schoolexclusions@gloucestershire.gov.uk](mailto:schoolexclusions@gloucestershire.gov.uk).

## **Appendices:**

### **Appendix- A- Clerk to governors' checklist**

### **Appendix B- Governing board meeting meeting– Governor check list**

Governors can use this document to record their findings when examining the paperwork prior to a Governor Disciplinary Hearing. Governors should plan questions to the head teacher based on the paperwork.

### **Appendix C- Governing board meeting – Questions and Evidence**

The form is designed to help governors

- plan to ask the head teacher questions that match the conditions set out in government exclusion guidance
- record the evidence used as part of the governors' deliberations about whether to uphold or overturn the head teacher's decision to permanently exclude the pupil
- compile a comprehensive report in the event of any subsequent Independent Review

### **Appendix D- Governing board meeting - Sample Agenda**

The chair of the disciplinary committee should explain the role of governors at the meeting. It is good practice for the chair of the panel to explain to parents (and for the minutes of the meeting to show) that the panel members

- received the same paperwork as all other parties.
- will be making their decision based on the pack and the points made during the meeting.
- have had no previous involvement or knowledge about the pupil that might affect their ability to act impartially as part of the panel.

### **Appendix E- Sample letters**

### **Appendix F- Child in Care Transfer Process**

## Checklist for Clerk to Governors when arranging a Governing Board Meeting

Arranging the Governing Board Meeting		
Points to consider	Circle as appropriate	Notes
Has a convenient time and date been identified that the parent, other relevant parties, the local authority representative (if relevant) and headteacher can attend, within the legal time limits?	Yes / No	
Has the local authority, social worker/VSH if applicable been notified of the date of the Governing Board Meeting (GBM)?	Yes / No	
When sending the invitation to Governing Board Meeting		
Have the parents been informed that they can bring a friend/representative? (Was this in the HT notification letter?) If not, include within invitation to the GBM. NB. guidance does not set out any limitations on the number or role of these representatives. (p27, 64)	Yes / No	
Has the excluded pupil been invited and have steps been taken to enable and encourage the child to make a representation on their own behalf, should they wish to do so? If not, check how the pupil may feed in their views by other means, if attending the meeting is not possible? (Was this in the HT notification letter?) If not, include within invitation to the GBM. (p42, 116)	Yes / No	
Have the social worker/VSH if applicable been invited to attend and make representations? Check provision is in place for attendance remotely if they wish to attend this way.	Yes / No	
Prior to the Governing Board Meeting		
Have the parents/carers requested a Local Authority Representative attend? If so have you informed GCC of this?	Yes / No	
Do parents/carers require any reasonable adjustments to support their attendance at the GBM, e.g. translator? (p41, 112)	Yes / No	
Have parents made a request for a remote meeting? - Can the meeting be held fairly and transparently via remote access? If no- consult with parent around face to face meeting (p67, 250. <i>NB not be default option if no parental request is received.</i>	Yes / No	
Has the Head Teacher's evidence pack, including list of all those who will be present, been shared with all parties at least 5 school days in advance of the meeting?	Yes / No	
During the Governing Board Meeting		
Check that clear minutes of the meeting are kept as a record of the evidence that was considered by the Governing Board. This should include minutes of the Governor's deliberations which a clerk should be present for. (p43 122).	Yes / No	
Check that during the deliberation the clerk remains to help the governing board by referencing their notes of the meeting	Yes / No	
Following the Governing Board Meeting		
Has the Governing board all appropriate information to support with the wording of the decision letter?	Yes / No	
Check that minutes are made available to all parties on request. (p43, 122)	Yes / No	
Has the outcome letter been sent to all relevant parties, including the parents, head teacher, local authority and social worker/VSH/home LA if applicable? (p45, 131)	Yes / No	
Has all the statutory information required been included in the notification letter to parents? (p45, 132)	Yes / No	
Has the guidance around how notification can be provided to parents following the GBM been followed? (pg46, 135)	Yes No	

## Governing board meetings 1 – Governor check list

Current government guidance states that any decision to exclude, must be **lawful, rational, reasonable, fair, and proportionate**.

Exclusion for a 'one off' incident		
Evidence	Appropriateness of headteacher response	
Was a thorough investigation carried out?	Does the offence represent a serious breach of the school behaviour policy? Did the headteacher take into account any extenuating circumstances when considering the exclusion? Has the Headteacher considered alternative options to exclusion, given one off nature of incident? Has the headteacher taken due account of the Equality Act 2010 and SEND Code of Practice Jan 2015?	
Was sufficient evidence gathered?	Has the Headteacher given a clear reason for exclusion, in line with DfE exclusion categories and does the evidence provided relate to this? Do witness statements include any victim and the excluded pupil? Are the witness statements signed and dated? If redacted has Headteacher explained why?	
Did the headteacher inform parents in writing?	Have parents have been informed in person or by telephone in first instance and letter including all statutory information has been sent without delay?	
Were all other relevant parties informed	Has a social worker (were involved) been notified and invited to the governing board meeting? Has the virtual school (if CiC) been notified and invited to governing board meeting? Has the Local Authority been notified as per statutory guidance?	
Is there a My Plan/My Assessment/My Plan + (with review/s) in place?		
Has the school:	<ul style="list-style-type: none"> <li>Considered if there is any previously unidentified SEND?</li> <li>Sought advice from the SENDCO as required?</li> <li>Incorporated any new needs and outcomes in the current My Plan/My Plan+?</li> </ul>	
Is there an Education Health and Care Plan (EHCP) of SEND in place? Yes / No	<ul style="list-style-type: none"> <li>If yes, has this been subject to a recent review (emergency/early Annual review) and have changes in needs and/or provision considered?</li> </ul>	
Are there any extenuating circumstances that might reasonably mitigate exclusion for the pupil?		
Was the pupil asked for their view <b>prior</b> to the decision to exclude?		

<b>Exclusion as a response to ongoing serious behaviour concerns</b>	
<b>Evidence of early identification and possible alternative strategies used</b>	
Is there clear evidence of the behaviour in question occurring over a period of time?	
<b>Have notification procedures been followed in line with statutory guidance:</b>	<ul style="list-style-type: none"> <li>• Have parents been informed in person or by telephone in first instance and letter including all statutory information has been sent without delay?</li> <li>• Has a social worker (were involved) been notified and invited to exclusion panel?</li> <li>• Has the virtual school (if CiC) been notified and invited to exclusion panel?</li> <li>• Has the Local Authority been notified as per statutory guidance?</li> </ul>
<b>Is there evidence that:</b>	<ul style="list-style-type: none"> <li>• The school followed their behaviour policy and any other relevant policies?</li> <li>• Parents and pupil have been informed about these policies – Parent School Agreement or equivalent?</li> <li>• Has the headteacher taken due account of the Equality Act 2010 and SEND Code of Practice 2015?</li> <li>• Has the Headteacher given a clear reason for exclusion, in line with DfE exclusion categories and does the evidence provided relate to this?</li> <li>• The pupil was asked for their view <b>prior</b> to the decision to exclude?</li> </ul>
<b>Did the school evidence:</b>	<ul style="list-style-type: none"> <li>• Ongoing pattern of disruptive behaviours, for example behaviour log with behaviours relevant to exclusion, but not including safeguarding issues?</li> <li>• Identification of the pupil's additional needs using the My Plan/My Plan+ "assess – plan – do review" cycle?</li> <li>• If there is any previously unidentified SEN?</li> <li>• Has the school undertaken an assessment of needs?</li> <li>• Advice from the SENCO as required?</li> <li>• Incorporation of any new needs and outcomes in the current My Plan/My Plan+?</li> <li>• Plan and review of outcomes and strategies to support the child's development and lead to improved behaviours (My Plan/My Plan+ or equivalent)</li> <li>• Consultation with relevant outside agencies to help develop support strategies for the school staff and the child to use e.g., Educational Psychology Team, Advisory Teaching Service, Health or Social Care Services?</li> </ul>
For a pupil with an EHCP	<ul style="list-style-type: none"> <li>• Has the school called an early/emergency Annual Review in light of the child's deteriorating behaviour?</li> </ul>
<b>Did the school:</b>	<ul style="list-style-type: none"> <li>• Follow the My Plan/My Plan+/Pastoral Support Plan (PSP) process and identify additional support from the school, parents and any other relevant agency to prevent the exclusion?</li> <li>• Have an appropriate risk assessment in place where school has identified behaviours are a risk to themselves or others?</li> <li>• Meet their commitments as identified in the My Plan/My Plan+/PSP?</li> </ul>
<b>Did the headteacher:</b>	<ul style="list-style-type: none"> <li>• Consult the Education Inclusion team about proportionate alternatives to the permanent exclusion e.g., fixed period exclusion or a Managed Move?</li> <li>• Take into account any extenuating circumstances when considering permanent exclusion?</li> </ul>

## Governing board meetings 2 – Questions and evidence

**Date of meeting** **Pupil**

**Governors** **Panel Chair**

<p><b>Lawful</b>  <b>legally sound – exclusion procedures followed including informing parents, witness statements as well as any broader legal considerations, Child Protection, SEN Code of Practice, Equalities Act etc</b></p>	
Questions to ask	Evidence
<p><b>Rational</b>  <b>time taken to consider the evidence and advice sought from any relevant professionals before decision made to exclude. Pupil given the opportunity to express their view</b></p>	
Questions to ask	Evidence

<p><b>Reasonable</b>  <b>based on expectations or demands within the realms of what is possible and achievable for that pupil. Alternatives considered and support provided to reduce the risk where appropriate</b></p>	
Questions to ask	Evidence
<p><b>Fair</b>  <b>that any extenuating circumstances were considered as well as any differences in response to other pupil in the same or similar situation - not biased</b></p>	
Questions to ask	Evidence
<p><b>Proportionate</b>  <b>why permanent exclusion rather than suspension was appropriate.</b></p>	
Questions to ask	Evidence

## Sample Agenda

### **Governing Board Meeting to consider the Permanent Exclusion of *pupil's name and date of birth***

**Date**  
**Time**  
**Venue**

Head teacher, parents, parents' friends or representatives, pupil, social worker/virtual school (where required) Local Authority representative enter the room together.

1. Chair makes introductions and explains the procedure, declaration of interest
2. Head teacher presents case for the exclusion
3. Questions to head teacher about the case presented by governors, parents and pupil
4. Parents/pupil give their views about the exclusion
5. Questions to parents and pupil by governors and head teacher
6. Local Authority representative invited to comment
7. Questions to Local Authority representative by all

Once there are no further questions or comments from governors, parents and Headteacher:

8. Head teacher invited to sum up
9. Parents invited to sum up
10. Chair advises the meeting about how the decision will be communicated to all
11. Head teacher, parents, parents' friends or representatives, pupil, Local Authority representative leave the room together
12. Governors make their decision. Clerk stays with them to advise on guidance and procedures

## Sample letter from the (clerk to) the governing body to parent upholding a permanent exclusion

Dear (Name of Parent or Guardian)

The meeting of the governing board at (school) on (date) considered the decision by (headteacher) to exclude your child (name of pupil). The governing board, after carefully considering the representations made and all available evidence, has decided to uphold (name of pupil)'s permanent exclusion.

The reasons for the governing board's decision are as follows: (give the reasons in as much detail as possible, explaining how governors arrived at the decision).

If you want an Independent Panel to review this decision, you must set out the grounds for your request in writing including reference to how you consider the pupil's special educational needs are relevant to the exclusion. Regardless of whether your child has recognised special educational needs or not, you have a right to require the Local Authority/Academy trust to appoint a SEND expert to attend the review.

The SEND expert can advise the panel on whether the school's policies which relate to SEND, or the application of these policies in relation to your child, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, he / she should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of your child's exclusion.

If school does not recognise that your child has SEND, the SEND expert should advise the panel on whether he/she believes the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any special educational needs that your child may potentially have, and any contribution that this could have made to the circumstances of your child's exclusion.

You may, at your own expense, appoint someone to make written and / or oral representations to the panel and you may also bring a friend to the review.

If you believe that the exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination within six months of the date on which your child was excluded.

### For maintained schools

*You must send your request for an Independent Review of the exclusion to Stephen Bace, Senior Democratic Services Adviser, Democratic Services Unit, Shire Hall, Westgate Street, Gloucester GL1 2TG by no later than (specify latest date – see page 10 for calculating date). If you have not lodged a request for a review by (repeat last date), you will lose your right to appeal. Please advise if you have a disability or special needs which could affect your ability to attend the hearing. Also, please inform Stephen Bace if it would be helpful for you to have an interpreter present at the hearing. The Local Authority will also be providing you with further information on how to appeal in the next two days.*

### For Academies and free schools

*If you want an Independent Panel to review this decision, (insert here details of clerk to the Independent Review Panel and address where an application for a review (and any written evidence) should be submitted) by no later than (specify latest date – see page 10 for calculating date). If you have not lodged a request for review by (repeat last date), you will lose your right to appeal. Please advise (name*

**of clerk) if you have a disability or special needs which could affect your ability to attend the hearing. Also, please inform (name of clerk) if it would be helpful for you to have an interpreter present at the hearing.**

I would advise you of the following sources of advice:

- Education Inclusion Service, Gloucestershire County Council Tel: 01452 427360 / 427800
- Coram Children's Legal Centre on 0345 345 4345 or through [http://www.childrenslegalcentre.com/index.php?page=education\\_legal\\_practice](http://www.childrenslegalcentre.com/index.php?page=education_legal_practice).
- The National Autistic Society (Schools Exclusion Service (England) on 0808 800 4002 or through [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk).
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- The government's guidance to schools on exclusion <https://www.gov.uk/government/publications/school-exclusion>.
- 'School discipline and exclusions' and 'Complaint about a school or childminder': <https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>.

Yours sincerely

**(Name)**  
Clerk to the Governing Board

## **Sample letter from the (clerk to) the governing board to parent reinstating a pupil following a permanent exclusion**

Dear **(Name of Parent or Guardian)**

The meeting of the governing board at **(school)** on **(date)** considered the decision by **(headteacher)** to exclude your child **(name of pupil)**. The governing board, after carefully considering the representations made and all available evidence, has decided to reinstate **(name of pupil)** in school.

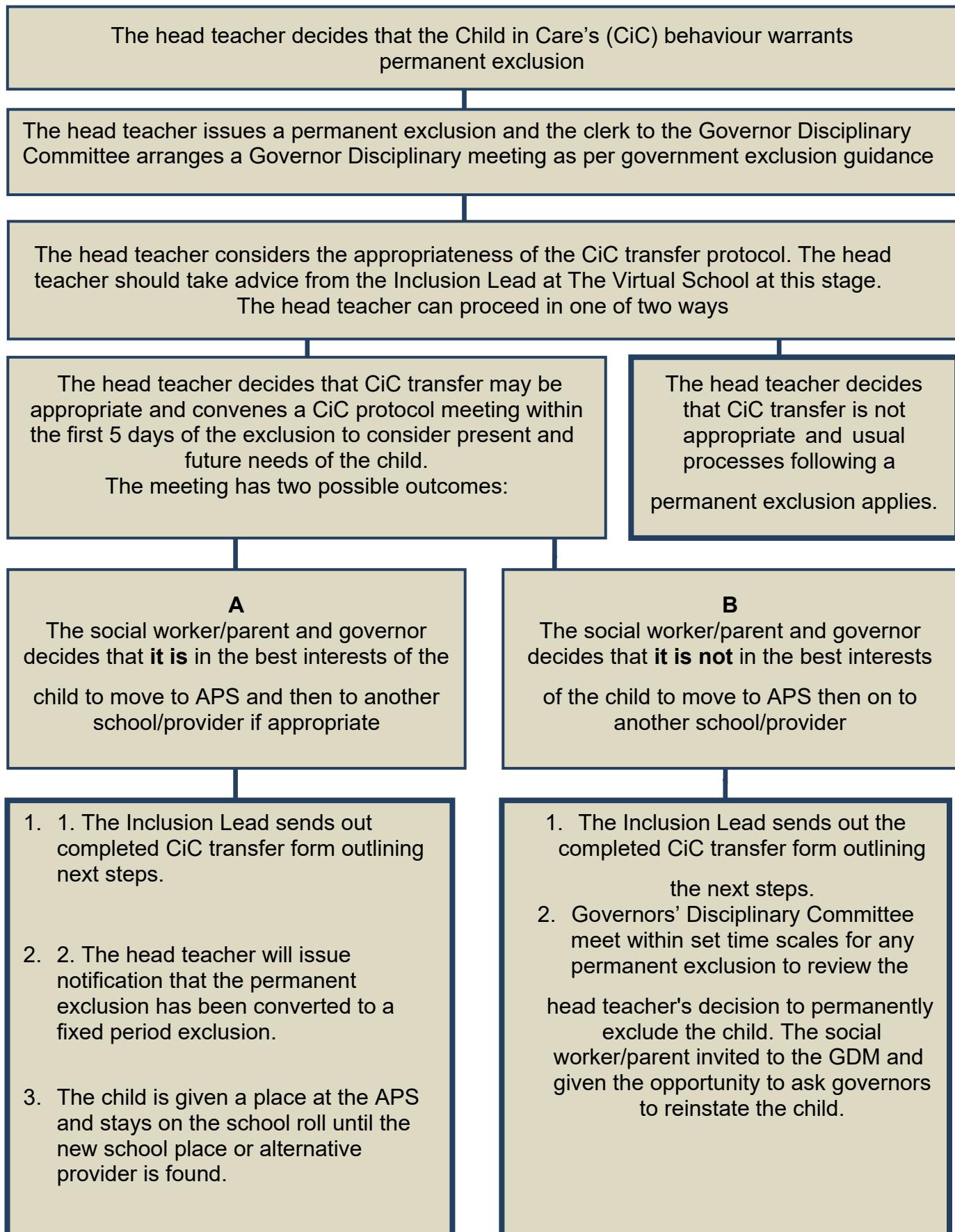
The reasons for the governing board's decision are as follows: **(give the reasons in as much detail as possible, explaining how governors arrived at the decision)**.

**(Name of pupil)** will return to school on **(date)**. **(Name of staff member)** will contact you to discuss the arrangements so that the school can support **(name)** to make a successful return to school.

Yours sincerely

**(Name)**  
Clerk to the Governing Board

## Child in Care Transfer Process



## **Useful Contacts:**

### **Education Inclusion Service**

Shire Hall, Gloucester, Gloucester GL1 2TP

Tel: 01452 427360

Email: [schoolexclusions@gloucestershire.gov.uk](mailto:schoolexclusions@gloucestershire.gov.uk)

### **Inclusion Lead, The Virtual School**

Battledown Centre, Harp Hill, Cheltenham GL52 6PZ

Tel: 01452 328360

Email: [virtualschooladmin@gloucestershire.gov.uk](mailto:virtualschooladmin@gloucestershire.gov.uk)

### **Governor Support Services**

Sandra Shepherd

Governor Services, Gloucestershire County Council, Shire Hall, Gloucester GL1 2TP

Tel: 01452 427803/427802

Email: [governor.services@gloucestershire.gov.uk](mailto:governor.services@gloucestershire.gov.uk)

### **Alternative Provision School**

#### **The Altus School**

Website: [The Altus School - Home](https://thealtusschool.org.uk/)

Email: [admin@altusschool.org.uk](mailto:admin@altusschool.org.uk)

Please see website for site specific contact information

### **SENDASS Gloucestershire**

(Special Educational Needs Disability Information Advice & Support Service)

2<sup>nd</sup> Floor, Messenger House, 35 St Michael's Sq., Gloucester GL1 1HX

Tel: 01452 389344 /389345

Freephone: 0800 158 3603

Website: <https://sendiassglos.org.uk/>

**Contact Lisa Meggs, Education Inclusion Service Lead, on 01452 328423  
if you have any questions about this pack.**