

EOTAS **EDUCATION
OTHER THAN
AT SCHOOL
TEAM**

**Guide for Headteachers
Considering Excluding
a Pupil**

The following information is taken from the DfE 2012 'Exclusion from maintained schools, Academies and pupil referral units in England'. This is statutory guidance and it is expected that Head Teachers have regard to it when carrying out their functions in relation to exclusions.

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Permanent Exclusion Timeline

A. Persistent Disruptive Behaviour

- Meetings with young person and parents regarding behaviour and consequences
- Explore possible reasons behind behaviour (changes/problems at home, bereavement etc)
- Change teaching set/consider curriculum alternatives
- Pastoral Support Plan or other support e.g. CAF, LIST referral, PRU offered/reviewed
- Review IEP or Intervention Sheets - possibly request SEN assessment?

I

B. Incident

Is it a serious breach of school's behavioural policy **and**
Would allowing the pupil to remain in school seriously harm the education and welfare of pupils/others?

Head should carry out investigation (not in the 'heat of the moment') of events which should:

- consider all evidence to support different accounts and allow the pupil to give his/her account
- consider all relevant school policies e.g. Behaviour, SEN, Disability, Drugs
- investigate whether incident was provoked - homophobic/racist bullying, sexual harassment
- if necessary consult impartial 'other' (e.g. a member of governing body)
- keep written records of all actions taken

Case for exclusion should then be decided on *balance of probabilities*, although the more serious the case, the stronger the evidence needed. **Exclusion should normally be used as a last resort.**

Alternative solutions explored

Internal exclusion, restorative justice, mediation, managed move, alternative provision etc
Document meetings and keep written records of decisions and reasoning

Permanent Exclusion

Parents informed immediately – preferably by telephone, followed up in writing

Within ONE school day

Letter sent home (based on model letter) which **must** include:

- the fact the exclusion is permanent and the reason for the exclusion
- parents right to make representations to the governing body
- arrangements for young person to continue with their education
- date of permanent exclusion and relevant previous history
- LA contact details for advice
- Children's Legal Centre phone line / web address for advice

Within 15 school days

Governing Body, or its Discipline Committee must:

- invite the parent, head teacher and LA officer to the meeting at a mutually convenient time
- ask for any copies of relevant written statements in advance
- circulate to all any relevant written statements and a list of those attending at least 5 days before the meeting

GB decide to reinstate

GB upholds decision – no appeal

GB must inform parent of decision in writing without (model letter)

Independent Review against a Governing Body decision to uphold

All relevant paperwork/evidence sent to LA as soon as possible

Exclusion Checklist

Relevant Guidance/Legislation:

- Exclusions Guidance 2012:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

- Behaviour and Discipline in Schools
<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

Supporting paperwork

SEN status.....

- Evidence and paperwork (SA, SA+, Statement)

IEP or Intervention Sheets - planned with parent and child, and signed/dated.....

- Reviews of targets.

PSP – planned with parent and child, and signed/dated.....

- Reviews of PSP.

Evidence of other pastoral support (other professionals, outside agencies, meetings, provisions, reviews, minutes, plans etc).....

Reintegration Plan – signed/dated.

- Minutes sent to parents
- Evidence of follow up work.

Exclusion paperwork

Witness statements, signed/dated.....

Review of previous conduct (where relevant to the decision) - does this support decision to exclude.....

- Collation of evidence which supports exclusion on these grounds

Alternatives to exclusion considered (Managed Move, internal exclusion, mediation, restorative justice etc).....

Contact LA (e.g. LIST, PRU, EOTAS for advice and support).....

Consider inviting parent/family in for meeting to discuss exclusion/alternative options.....

Exclusion letter sent (with all relevant info).....

Witness Statement Pro forma

| | |
|-------------------------|--|
| Name | |
| Date of Incident | |
| | |
| Signature | |
| Date | |

Top Tips

These tips all arise from recent examples and have been compiled in an effort to help head teachers with what can be a complex process.

Exclusions

- Always follow the guidance – unless there are very good reasons not to. Whenever guidance is not followed, explain clearly why this is so.
- Keep the investigation and dialogue as objective as possible. Regardless of how poor you perceive the young person's behaviour, the exclusion is about processes (*breaking of rules*) not personalities (*'he is a bad child'*).
- Try not to interview in the heat of the moment, and don't ask leading questions.
- Ensure **all** documents prepared during the investigation (witness statements etc) are clearly signed and dated.
- When contacting the family don't leave messages about the exclusion – always try to speak directly to parents.
- When meeting to discuss exclusions with parents and children and preparing your case, try to avoid jargon and confusing language.
- Consider all alternatives to exclusion and, if you reject them explain why.
- How recent is the school Behaviour Policy? Are students and parents aware of this policy? Have they helped construct it?
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Governor Review and Exclusion Appeal Hearings

- Try to respond as quickly as possible to requests for paperwork and evidence from families and their representatives.
- If the parent/carer requests that the meeting is adjourned, the chair can agree this and the re-arranged meeting should then take place as quickly as possible but it does not have to be within 15 days of the exclusion: the panel has discharged its duties by arranging the initial meeting within this timescale. (Should the meeting go ahead, even though the parent/carers have requested an adjournment, the panel should bear in mind the fact that the parents were not present will be taken into account if the case then goes to Independent Review).
- Be aware of what families go through during the exclusion process. If they chose to go to Independent Review, don't take it personally.
- If you make statements regarding the incident/child make sure you have evidence to back these up.
- Whenever citing interventions carried out by the school ensure there is evidence to back this up, e.g. '*Counselling by Head of Year*' should mean just that (with accompanying notes in the file), not sporadic chats after lessons.
- Play Devil's Advocate when preparing your case – if you don't prepare for the challenging questions and arguments beforehand you risk being surprised on the day.
- No elements of the support you have offered should come as a surprise to parents – you should have signed copies of plans and letters to evidence all interventions.
- Don't include unnecessary information/evidence. Unless it is directly related to the exclusion, attendance records, academic achievements etc are not relevant.