

## Exclusions Checklist

### Principal's authority to exclude, responsibilities to inform others and what the governing body panel will consider

#### 1. Reference

[DfE Exclusion from maintained schools, academies and pupil referral units in England](#), in particular:

Section 3 The headteacher's power to exclude

Section 4 The headteacher's duty to inform parties about an exclusion

Section 6 The governing board's duty to consider an exclusion

#### 2. Key points (from DfE Exclusions Guidance Section 3)

- Only the principal has the authority to make the decision to exclude a pupil from the academy and this must be on disciplinary grounds. This may be fixed term exclusion (FTE) (up to a maximum of 45 school days in a single academic year) or permanent exclusion (PEX).
- A decision to exclude a pupil permanently should only be taken:
  - In response to a serious breach or persistent breaches of the academy's behaviour policy; and
  - Where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.
- Where practical, the principal should give the pupil an opportunity to present their case before taking the decision to exclude.
- Whilst an exclusion may still be an appropriate sanction, the principal should take account of any contributing factors, for example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether the appropriate provision is in place to support any SEN or disability a pupil may have. The principal should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.
- Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of FTE in a year, the principal should consider whether an exclusion is providing an effective sanction.

#### 3. Exclusions checklist for principal - see Appendix A

#### **4. Principal's duty to inform parties about an exclusion**

See **Appendix B** for a more detailed breakdown of who to inform and when and **Appendix C** for a flow chart.

The principal has a duty to inform the parents, governing body and local authority about an exclusion as set out in Section 4 of the [DfE exclusions guidance](#).

Whenever the principal excludes a pupil they must, without delay, notify the parents of the period of exclusion and the reasons for it. Section 4 of the DfE exclusions guidance sets out what information should be provided to parents about the exclusion, alternative provision (if relevant) and sources of information.

The principal must, without delay, notify the governing body and the LA of:

- any permanent exclusion;
- any exclusion which would result in the pupil being excluded for a total of more than 5 school days in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test.

Notification to the governing body can be in the form of an email informing the chair and clerk that a pupil has been excluded for x days (or permanently) and the reason. If FTE, include if the exclusion will result in the pupil missing a public exam or National Curriculum test, or if it takes their total to between 5 and 15 days or above 15 days for the term. This is so the clerk knows what action they need to take (if any).

The principal must also notify the governing body and LA once per term of any other exclusions not already notified. This can be done through a collated report.

#### **5. Documentation for the governing body panel hearing**

This should be sent securely at least 5 days in advance of the hearing to the parents and the governing body panel members. It is the clerk's responsibility to ensure the paperwork is sent out though they may ask the academy to copy or post it if it is agreed that this is the most convenient way.

#### **6. What the governing body panel may consider**

The questions listed in **Appendix D** are suggested in the Trust Panels Guidance Document and provided to governors in advance of a panel hearing. During the hearing the panel should explore these through the written information and verbal presentations they are given by the academy management and the parents/pupil and by the answers to questions asked by management, parents/pupil and panel during the hearing.

The checklist in **Appendix A** takes these questions into account.

## **APPENDIX A: Exclusions Checklist for the Principal**

<b>Investigation and evidence gathering</b>		
1	Has sufficient evidence been gathered?	
2	Do you have witness statements from any victims (if relevant)? Are they signed and dated?	
3	Do you have witness statements from any staff and students who witnessed the incident (if relevant)? Are they signed and dated?	
4	If you have not taken statements from all witnesses, do you have a rationale for that?	
5	Do you have a statement from the excluded pupil? Is it signed and dated?	
6	If not, was the excluded pupil given sufficient opportunity to give a statement and do you have evidence of this? <i>For example, emails requesting a statement, asking the parents to submit one on the pupil's behalf, giving clear timeframe to do so.</i>	
7	Do the statements corroborate?	
8	If not, have you decided which version you believe on the balance of probabilities and why?	
9	Did the academy follow its behaviour policy and any other relevant policies (if relevant)?	
10	Were correct academy procedures followed when dealing with the incident/behaviour? <i>For example, de-escalation techniques, physical restraint.</i>	
11	Do you believe that the pupil was clear about the academy expectations as set out in the behaviour policy and the potential outcomes?	
12	Do you have a record of strategies and sanctions the academy tried before the exclusion, including internal support and outside agency support? <i>For example, tutor group change, lesson/timetable changes, regular check ins with a member of staff, restorative justice, anger management sessions, counselling, alternative provision, internal/FTE exclusions, managed moves.</i>	
13	Was the impact of these strategies and sanctions reviewed and evaluated? <i>Collect any evidence of evaluations, signed and dated.</i>	
14	Have the parents been involved in (and kept informed about) these strategies and sanctions? <i>Collect any records of meetings or contact with parents.</i>	
15	Do you think the academy exhausted all support strategies and interventions for the pupil? <i>Usually a consideration for PEX for persistent breaches.</i>	
16	Does the pupil have any identified SEND?	
	a. If yes, does the pupil have an EHCP in place and has appropriate provision been put in place?	
	b. In no, might the pupil have SEND that to date have not been recognised? If so, have any steps been taken to assess?	
17	Have you complied with statutory duties in relation to SEN when administering the exclusion process (if relevant)?	

18	Are there any extenuating circumstances that might reasonably mitigate exclusion for the pupil? <i>For example, family situation, mental health concerns, bereavement, bullying.</i>	
19	Have you included any extenuating circumstances in your considerations?	
20	If you discounted any extenuating circumstances, do you have a rationale for this?	
<b>Making the decision</b>		
21	Do you believe, based on the balance of probabilities, that the pupil has done what is alleged?	
22	Was there a serious breach or persistent breaches of the academy's behaviour policy? <i>(for PEX)</i>	
23	Will allowing the pupil to remain in the academy seriously harm the education or welfare of the pupil or others in the academy? <i>(for PEX)</i>	
24	Do you have a rationale for your answers to questions 21 to 23?	
25	Will this exclusion result in the pupil missing a public exam or National Curriculum test?	
26	Do you consider that the decision to exclude this pupil is lawful, rational, reasonable, fair and proportionate? <i>This judgement will be based on your responses to all the previous questions.</i>	
<b>Checking paperwork and previous exclusions</b>		
27	Have you (or a colleague) checked the exclusion paperwork for accuracy before issuing?	
28	Have you checked previous exclusions to establish the total for term and year including this exclusion? <i>Note that you cannot exclude for more than 45 days in a year.</i>	
<b>Informing parties about the exclusion (ref Appendix B)</b>		
29	Inform the parents immediately, ideally initially in person or by telephone	
30	Send letter to parents	
31	<b>Exclusion resulting in the pupil missing a public exam or National Curriculum test</b> - notify chair, clerk and LA immediately. Clerk will arrange a panel to review the decision.	
32	<b>Permanent exclusion</b> - notify chair, clerk and LA immediately. Clerk will arrange a panel to review the decision.	
33	<b>Exclusion taking the pupil's total days of exclusion above 15 days for the term</b> - notify chair, clerk and LA immediately. Clerk will arrange a panel to review the decision.	
34	<b>Exclusion taking the pupil's total days of exclusion above 5 days but below 15 days for the term</b> - notify chair, clerk and LA immediately. If the parents request a reconsideration of the exclusion, notify the clerk who will have to arrange a panel to review the decision.	
<b>Paperwork for panel (if panel hearing required)</b>		
35	Are statements signed and dated?	
36	Are photos or other evidence labelled and dated?	
37	Are names redacted or changed to anonymous, identifying letters to protect the identity of all other individuals?	

## **APPENDIX B: Principal's duty to inform parties about an exclusion**

### **Exclusion that will result in pupil missing a public exam or National Curriculum test**

- Notify CEO, chair, clerk and LA immediately\*. Clerk to arrange a panel to review the decision.

### **Permanent exclusion**

- Notify CEO, chair, clerk and LA immediately\*. Clerk to arrange a panel to review the decision.

### **FTE that will take the pupil's total days of exclusion above 15 days for the term**

- Notify CEO, chair, clerk and LA immediately\*. Clerk to arrange a panel to review the decision.

### **FTE that will take the pupil's total days of exclusion above 5 but below 15 days for the term**

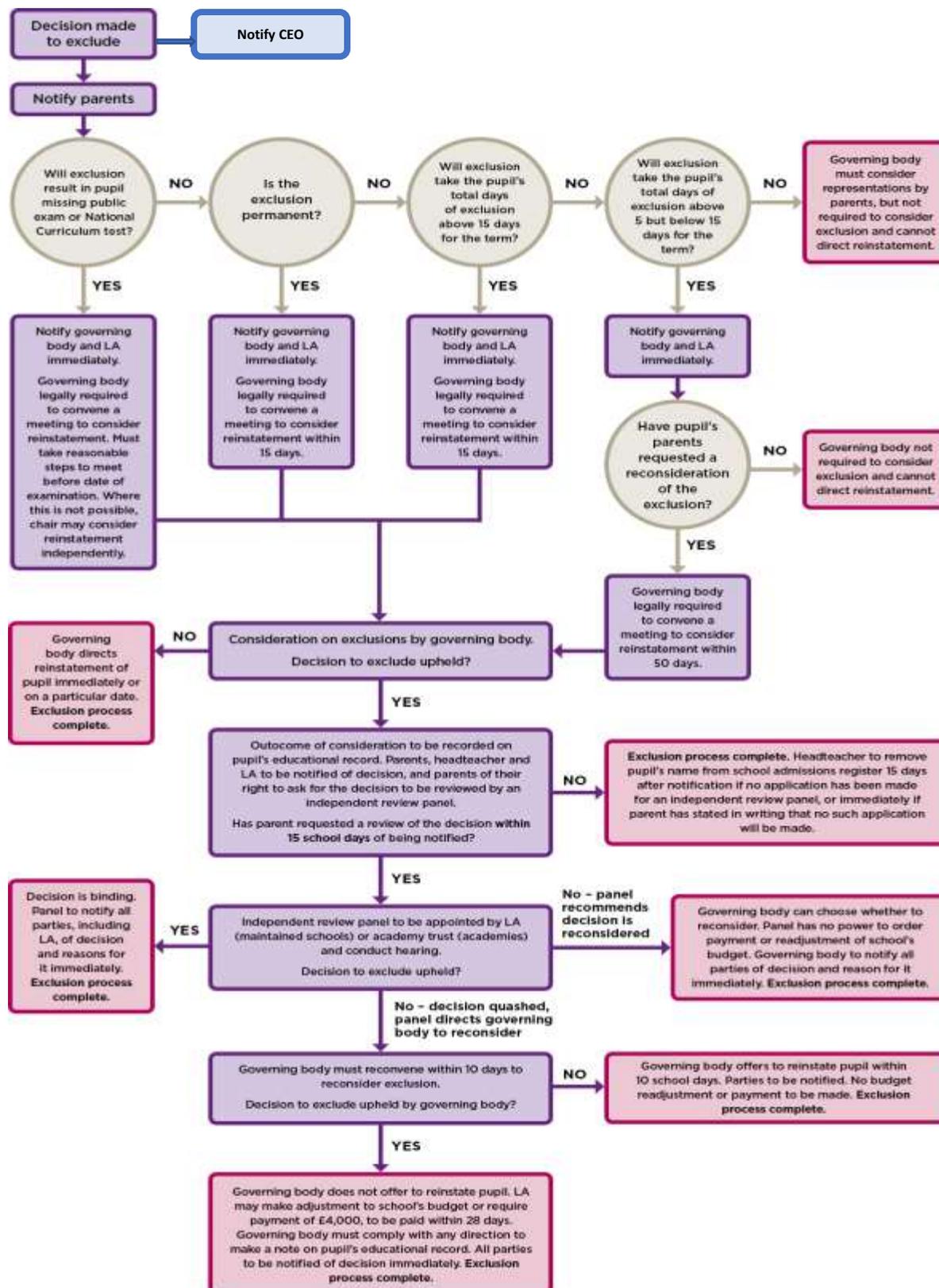
- Notify CEO, chair, clerk and LA immediately\*.
- If the parents request a reconsideration of the exclusion, notify the clerk who will have to arrange a panel to review the decision.

### **FTE that will not take the pupil's total days of exclusion above 5 for the term**

- No requirement to notify chair, clerk and LA about the specific exclusion, unless parents make representations.
- Report to LGB/LAG and LA on total number of exclusions via data dashboard at least once per term.

\* Notification can be in the form of an email informing the chair and clerk that a pupil has been excluded for x days (or permanently). If FTE, include whether the exclusion will result in pupil missing a public exam or National Curriculum test, or whether it takes their total to between 5 and 15 days or above 15 days for the term. This is so the clerk knows what action they need to take (if any).

## APPENDIX C: Exclusions Process Flowchart (from The Key)



## **APPENDIX D: What the governing body panel may consider**

### **Overall test**

1. Was the decision to exclude the pupil lawful, rational, reasonable, fair and proportionate?

### **Main questions**

2. Has the pupil done what is alleged, based on the balance of probability, and taking into account all evidence and a thorough investigation?
3. Does the offence represent a persistent or serious breach of the academy behaviour policy? (PEX)
4. Would allowing the pupil to remain in the academy seriously harm the education or welfare of the other pupils or others in the academy? (PEX)
5. Did the principal follow government guidance regarding the notification of the exclusion?

### **Detailed questions**

6. Was a thorough and fair investigation carried out?
  - a. Was sufficient evidence gathered?
  - b. Do witness statements include any victims and the excluded pupil?
  - c. If pupils were present, have statements been taken from them in addition to any staff present?
  - d. Are the witness statements signed and dated?
  - e. Do statements corroborate? If not, which version does the panel believe on the balance of probabilities?
  - f. If there is no statement from the excluded pupil, were they given sufficient opportunity to give one? For example, time to do so after the incident (possibly the following day if the pupil was angry at the time), opportunity and time for the parent to gather a statement from the pupil.
7. Has the academy followed its behaviour policy and any other relevant policies?
  - a. Was the pupil clear about the expectations in the policy and potential outcomes?
  - b. Were correct academy procedures followed when dealing with the incident/behaviour? For example, de-escalation techniques, physical restraint.
8. What strategies and sanctions has the academy tried before the exclusion?
  - a. What internal support has been put in place?
  - b. What support has the academy sought from outside agencies?
  - c. Were these strategies reviewed and evaluated? Was the parent(s) involved in this?
  - d. Has the academy exhausted all support strategies and interventions for the pupil?
9. Does the pupil have any identified SEND?
  - a. If yes, does the pupil have an Education Health Care Plan in place?
  - b. In no, might the pupil have SEND that to date have not been recognised?

10. Are there any extenuating circumstances that might reasonably mitigate exclusion for the pupil? For example, family situation, mental health concerns, bereavement, bullying.
11. Did the principal take into account any extenuating circumstances when considering the exclusion?