

Exclusions - Checklist for Head Teachers

Before reaching the decision to exclude, head teachers should make reference to the Department for Education document: “*Exclusion from maintained schools, Academies and pupil referral units in England*” (in use from September 2017). This check list is **not** a replacement for the guidance; it is a good practice guide which references the guidance where appropriate.

- ‘Informal’ or ‘unofficial’ exclusions, such as sending pupils home to ‘cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded (*para. 14*).
- The law does not allow for extending a fixed-period exclusion or ‘converting’ a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. (*para 3*)
- Where practical, head teachers should give pupils an opportunity to present their case (*para. 17*). Interview the pupil, in the presence of another adult, taking notes of questions asked and answers given, using the pupil's own words.
- If the pupil is able to do so, ask for a written account of the incident - if the pupil is too upset to do this at the time, ask for this as soon as possible after the incident - if the pupil refuses to give a written account, note the refusal.
- Get written statements from adults or any other pupils involved in, or witnesses to, the incident - ensure these are done as soon after the incident as possible and that they are attributed, signed and dated - anonymity should not be routine nor automatic. (*para. 118 refers to witness statements for an Independent Review Panel but it would also be good practice for Governors Disciplinary hearings*).
- Take in to account any contributing factors that might be identified. For example, where the pupil has suffered bereavement, has mental health issues or has been subject to bullying (*para. 18*).
- Consider whether the pupil's behaviour was a serious or persistent breach of the school's discipline policies and (this is a two-part test which must be met for every exclusion) whether allowing the pupil to remain in school would affect the education or welfare of the pupil or of others in the school (*para. 16*);
- Consider whether the pupil has a Statement of SEN (*paras. 11, 23-25*), is a looked-after child (*paras. 23-25*), is from an ethnic minority group (*paras. 21-22*), or has any other issues which may have affected his/her behaviour on this particular occasion;
- Consider whether there is any discrimination under the Equality Act 2010 (*paras. 9-11*);
- Consider the support given to the pupil by the school to address any behavioural issues (*para. 19*);
- Consider whether all reasonable alternative strategies to exclusion have been tried;

- If appropriate, consult with others (e.g. SENDAR, Specialist Teaching Service, Social Workers, Exclusions officers or any other relevant professionals) but not anyone, such as a member of the school's governing body, who may later take part in the statutory review of the decision.

Once the decision to exclude has been made the head teacher:

- must notify the parents, without delay and ideally by telephone, of the period of the exclusion and the reasons for it (*para.26*)
- must provide information in writing to the parents, without delay, confirming the exclusion and providing all necessary information (*paras.27-39*)
- must, for a permanent exclusion, tell the LA without delay (*para.40*), by completing the appropriate paperwork (including the requested supporting documentation) and sending to the Exclusions officers via email exclusions@warwickshire.gov.uk
- must, for fixed period and permanent exclusions, ensure the exclusion is logged correctly on SIMS, giving details of start date, end date and reason
- must inform the governing body or Clerk to the Governing Board of the exclusion so that any necessary meeting can be arranged within the statutory time limits (*para.40 and para.55*)
- should make arrangements for the pupil to receive homework during the exclusion period and set these out in the exclusion letter (*para.50-51*) - it is good practice for there to be a named contact given in the exclusion letter so that parents know who to talk to if there are any problems with these arrangements
- should, if a Governing Board meeting is necessary, prepare paperwork for the Clerk to circulate to all parties (*para.61*)
- should consider arrangements for reintegrating the pupil at the end of the exclusion period, bearing in mind that conditions cannot be imposed on the return to school (*para.13*)

Model letters are available, to ensure all required information is given to parents. Copies of these letters can be obtained from:

- www.warwickshire.gov.uk/exclusions (relevant local information already inserted);
- Exclusions Team (exclusions@warwickshire.gov.uk or 01926 738353).

If a Governing Board meeting needs to be arranged, the Clerk must make all arrangements and liaise with all parties - it is important that the head teacher does not discuss the exclusion with governors who may be involved before the meeting.