

The Exclusion of Pupils from School

Local Guidance

September 2007

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Introduction

This local guidance replaces the booklet published by the Local Authority (LA) in September 2004. This new local guidance is based on the Department for Children, Schools and Families (DCSF) guidance "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Reintegration Units 2007", the guidance a copy of which has been provided to every head teacher and teacher in charge of a Pupil Reintegration Unit (PRU) in Warwickshire, with a recommendation that the school or PRU provides the Chair of Governors and the Clerk to the Governors Discipline Committee with a copy.

The DCSF Guidance is the primary reference source for all matters relating to exclusions. Further copies can be ordered or downloaded from www.teachernet.gov.uk/publications New Publications, or ordered from DCSF Publications on 08456 022 260, quoting ref: 00611-2007BKT-EN.

This local guidance is designed to:

- highlight major changes to the 2004 Guidance;
- set out complementary local policies; and
- provide an at-a-glance guide to the main requirements of exclusions procedures.

Schools:

- must comply with the law;
- should follow the DCSF Guidance unless there is good reason to depart from it and providing such departures are not substantially different from it; and
- should follow local policies and comply with the LA's view of good practice

Quotations in italics are from the DCSF Guidance, as are paragraph numbers in brackets.

Main Changes

The 6th day rule

From September 2007 children who are excluded from school should either be at home during what would be their normal school hours or attending alternative full-time equivalent education. "Full time" means supervised education equivalent to that provided by mainstream schools in the area and will be different for each Key Stage. The recommended minimum hours (Circular 7/90) per week of taught time are:

KS1	21	hours
KS2	23.5	hours
KS3/4	24	hours
KS4(Y11)	25	hours

For the first five days of any exclusion parents are responsible for ensuring that their child is not in a public place during normal school hours without "reasonable justification" (*para 37*).

The Guidance does not define this, but examples would be pre-arranged medical or dental appointments. If parents fail to do this they commit a criminal offence and they can be prosecuted or may be given a fixed penalty notice. The letter to parents informing them of any exclusion must contain this information. (*para 75(f)*)

From the 6th day of any fixed-period exclusion (FPE), the school is responsible for arranging alternative full-time equivalent education for the pupil. This cannot be provided on the school's own site unless the school's governing body has formal, jointly-made arrangements with the governing body of at least one other school for shared-site provision which is available to excluded pupils from that other school (*para 38*). Where a primary and secondary school form such a partnership, safeguarding issues will need to be addressed.

Alternative provision does **not** have to be made for pupils who are in their final year of compulsory education *and* who have already taken or missed their final public examination.

From the 6th day of a permanent exclusion (PE), the LA is responsible for providing alternative education. In Warwickshire, this will be done via the PRU.

Reintegration Interviews

Head teachers of primary pupils must arrange a reintegration interview with parents during or following any fixed-period exclusion (*para 39*). The letter to parents informing them of a FPE must contain this information. (*para 75(i)*)

Head teachers of secondary pupils must arrange a reintegration interview with parents during or following any fixed-period exclusion of 6 or more school days (*para 39*) The letter to parents informing them of a FPE must contain this information (*para 75(i)*)

An interview is not necessary, at either stage, where the first day of exclusion falls within the last ten school days in the school year or where the pupil is leaving school within the period of exclusion for a reason unconnected to the pupil's behaviour.

Where an interview is necessary, it must be held during the period beginning with the first school day to which the exclusion relates and ending with the 15th school day following the day on which the pupil returns to school. The interview must be arranged at a time and date convenient for the parents – if possible, this should be on the day the pupil returns to school (*para 41*).

It is the LA's view that reintegration interviews should be considered for *all* exclusions, as a matter of good practice.

Fixed-period exclusions must not be extended if the interview cannot be arranged in time, or if the parent does not attend. This would be an unlawful exclusion and open to legal challenge.

Other changes

Further guidance on breach of school rules on appearance (*para 24*)

Revised guidance on Parenting Orders and Contracts for behaviour (*paras 42-44*)

Revised guidance on looked-after children (*paras 64-70 and page 10 of this local guidance*)

Introduction of a 4th ground on which a school may legally remove a pupil from the site (*para 10(d)*)

General guidance on the use of exclusions

The role of the head teacher

Only the head teacher or teacher in charge of a PRU (or, in the absence of the head teacher or teacher in charge, the acting head teacher or teacher in charge) has the power to exclude a pupil from school.

It is good practice for schools to have a formal written scheme of delegation in place, approved by governors, so that it is clear who has the power to exclude a pupil in the head teacher's absence from school: anyone excluding on behalf of the head teacher should make it clear that this is the case.

Preventing exclusion

"Schools must have policies, procedures and staff training in place that promote good behaviour and prevent poor behaviour. These behaviour policies must be widely publicised so that pupils, all school staff and parents are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed" (para 2)

Where schools provide pupils and staff with a simplified version/wording of the school's formally adopted policies, that version must be an accurate statement of what is unacceptable behaviour and of the sanctions that may be applied. Failure to ensure this could result in successful challenges to exclusion.

The DCSF Guidance sets out at paragraphs 5-9 the additional measures that the head teacher should consider before excluding a pupil. Where pupils have fixed-period exclusions for persistent disruptive behaviour, the LA would expect School Action or School Action Plus, with the range of strategies that this entails, to be put in place for such pupils. Where schools have a subscription to LABSS, this service should be involved. If a school does not subscribe to LABSS, the school should have its own additional behavioural support in place.

In either case, the LA expects a Pastoral Support Programme (PSP) to be in place. The guidance from the DCSF which replaces Circular 10/99 states that a PSP "should be set up for every young person: who has several fixed period exclusions that may be leading to a permanent exclusion; who is identified as being at risk of failure at school through disaffection; where the situation is complex and a range of agencies are required to support children and young people".

Where a PSP is in place, it is good practice for it to have been signed and dated by the pupil, a parent and the school. Apart from encouraging the pupil and parent to take ownership of the programme, it ensures that they are involved, and can be seen to have been involved, in drawing up the programme itself. Guidance on completing a PSP is in Section 7 of the SEN and Inclusion Reference File (NB: this file is currently being updated and section numbers may change).

Where a pupil is at risk of permanent exclusion, a referral to the Area Behaviour Management Panel may be appropriate to see if additional support is available. These referrals usually take place after a pupil has been on School Action Plus, with a PSP in place, for at least 2 terms. There is some funding available to support individual pupils, if a sufficiently good case is made by the head teacher. Information on how to refer pupils to the Panel is on page 22 of this local guidance.

In addition, from September 2007, referrals can be made to the Panels for a Managed Transfer for pupils at risk of permanent exclusion, where such a move is considered appropriate. Again, there is some funding available through the Panels to provide support for the pupil for the first 10 weeks in the receiving school. The procedure for Managed Transfers has been circulated to all head teachers.

The decision to exclude

"A decision to exclude a pupil permanently should be taken only:

*(a) in response to serious breaches of the school's behaviour policy; **and***

(b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school" (para 11)

"A decision to exclude permanently is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities (para 22). It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success" (para 14)

"There will, however, be exceptional circumstances where, in the head teacher's judgment, it is appropriate to permanently exclude...for a first or 'one off' offence" (paras 14-15)

"A decision to exclude a pupil for a fixed period should be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy..."(para 14)

It is important to make the link between the behaviour that led to the decision to exclude and the relevant school policy. Evidence should be clear and unambiguous. Although based on the "balance of probabilities" test (*para 22*) there must be actual evidence on which to make the decision to exclude: it is not sufficient to "believe" that a pupil has done something and act on that belief.

Evidence could include similar past behaviour and witness statements from other pupils or from staff. Statements must be attributed and signed and dated (*para 142*) unless there is good reason to protect the anonymity of pupils. It is not lawful to have a school policy that automatically anonymises witness statements: the case for anonymity must be made for each and every exclusion and witness.

"Exclusion should not be used for:

(a) minor incidents, such as failure to do homework or to bring dinner money;

(b) poor academic performance;

(c) lateness or truancy;

(d) pregnancy;

(e) breaches of school uniform rules or rules on appearance except where these are persistent and in open defiance of such rules;

(f) punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting; and

(g) protecting victims of bullying by sending them home" (para 24)

A head teacher can withdraw an exclusion if the Governors Discipline Committee has not considered it, ie up to the start of any GDC meeting.

Informal or unofficial exclusions are unlawful whether or not they are done with the agreement of parents or carers. If a child is unlawfully excluded, the school could be held responsible for anything that happens to the child during normal school hours.

Length of fixed period exclusions

A child can be excluded for a maximum of 45 school days in one academic year. It is therefore important to make sure that where a child has several fixed-period exclusions, a careful count is kept of the number of school days the child is excluded. Filling in the online exclusion form immediately a child is excluded will enable the Exclusions Team to notify you if the 45-day limit is reached.

Exclusions should be for as short a time as possible and pupils must not be excluded for an indefinite period. Where a fixed-period exclusion is used as an initial sanction while further investigation is made of an incident or to enable a professionals meeting to be called, it should be for a finite number of school days, it should be reviewed and it should only be extended if absolutely necessary.

Lunchtime exclusions should be treated as fixed-period exclusions, the equivalent of half a school day. Parents have the same right to information and to make representations to the Governors Disciplinary Committee (GDC). Again, lunchtime exclusions must be for a finite period. Arrangements should be made for pupils who are entitled to free school meals – this could be by providing a packed lunch. Lunchtime exclusions should not be enforced if doing so would put the safety of the pupil at risk.

Behaviour outside school

Normal school discipline applies to pupils who are outside school premises but on school business, e.g. work experience, sports fixtures. Exclusion may be used for pupils outside the school premises who are not on school business if, in the head teacher's judgement, there is a clear link between a pupil's behaviour and maintaining good behaviour and discipline within the school.

Model Letters

These letters should be used when notifying a parent that their child has been excluded. The letters are unwieldy but contain all the information that a head teacher should, by law, give to parents. The letters can be personalised but information already in them should not be removed (unless, like the sentence referring to interpreters, the information clearly does not apply to a particular parent) nor should the wording be changed as this could alter the legal meaning and lead to successful challenges to the exclusion.

The text for the new model letters is available in the DCSF Guidance but the LA has provided all head teachers with an editable version and has also added them to the Children's Services Handbook at www.warwickshire.gov.uk. The letters provided to head teachers and in the Handbook have been amended with local information, where appropriate.

Pupils with a Statement of Special Educational Need

“Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements” (para 54)

In line with the Guidance and as a matter of good practice, the head teacher should, before deciding to permanently exclude a pupil with a Statement, arrange an urgent case conference with all relevant professionals involved with the pupil to see whether exclusion could be avoided if:

- a) there is any emergency funding or other support which could be put in place; or
- b) the statement could be revised to name another, more appropriate, school.

Guidance on how to arrange such a meeting should follow the procedure for annual reviews in Section 9 of the SEN and Inclusion Reference File (NB: this file is currently being updated so the section number may change).

A fixed-period exclusion could be used in the first instance to enable such a meeting to be held and the letter to parents should make it clear that this is what is happening and that permanent exclusion may be the outcome if other provision cannot be identified at the review meeting. The fixed-period may be extended, if necessary, to enable the meeting to take place but it must be borne in mind that the pupil can only be excluded for 45 days in one school year.

Clearly, this would almost certainly require 6th day provision to be put in place but the LA is of the view that head teachers should consider putting this in place from the first day of every exclusion for a child with a formal Statement.

It should also be noted that if a fixed-period exclusion of more than 15 days is imposed in the first instance, a GDC must be held to review the initial decision.

Head teachers may wish to consider “internal exclusion” as an alternative to a fixed-period exclusion pending a review meeting. Whether this is done or whether an initial fixed-period exclusion is used to enable a professionals meeting to take place, the decision should be reviewed regularly to ensure that a definite decision on the child’s future is made as soon as possible. Parents should be kept fully informed at every stage.

Children in Public Care

“Exclusion of children in care should be an absolute last resort” (para 66)

Exclusion of such pupils has a disproportionate effect on their education and it is the Secretary of State's view (*para 70*) that schools (for fixed-period exclusions) and local authorities (for permanent exclusions) should arrange alternative provision from the first day of every exclusion. The LA supports this view.

In line with the Guidance, and as a matter of good practice, where a looked-after child is at risk of permanent exclusion head teachers should arrange a meeting as soon as possible with all professionals involved with the child to see if there is anything else that could be done to avoid permanent exclusion. It is important to ensure that everyone involved with the child, including foster parents and if appropriate, birth parents, are kept informed, at every stage in the process.

Looked-after children must have a PEP and a PSP in place. It is the responsibility of the child's home LA to ensure that the PEP is put in place before the child starts school/a new school, and to ensure that both are updated where a child changes schools.

Head teachers should follow the local guidance in the previous section on pupils with Statements, when deciding how to enable such a meeting to take place and liaise with TELAC when setting up and reviewing a PEP.

Disabled Pupils

“Schools have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school because of behaviour related to their disability. This applies to permanent and fixed-period exclusions” (para 57)

A disabled person is defined as someone who has a physical or mental impairment which has a substantial adverse effect on his or her ability to carry out normal day to day activities. The effect must be: substantial (that is, more than minor or trivial) ; long term (that is, have lasted or is likely to last for at least a year, or for the rest of the life of the person affected);and adverse. (para 57)

Paragraph 58 of the DCSF Guidance sets out the four questions which head teachers should consider before excluding a pupil who is disabled within the meaning of the DDA 1995. A head teacher should address each of these questions and note the responses as part of the exclusion process. Governors should also consider and respond to each of the four questions when reviewing a head teacher’s decision.

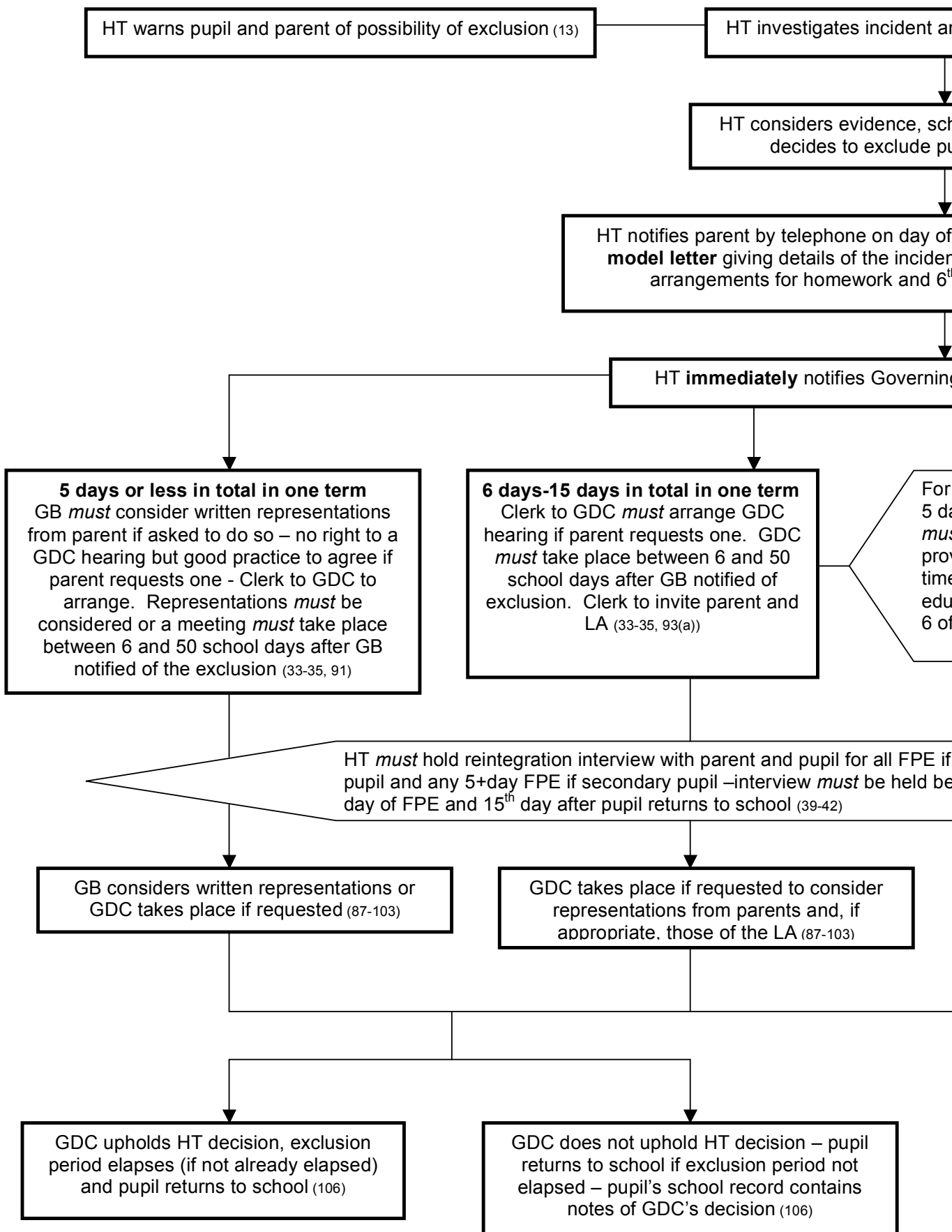
Not addressing these questions could lead to a successful challenge of the exclusion via SENDIST in the case of fixed-period exclusions, or an Independent Appeal Panel, the Local Government Ombudsman or the courts in the case of a permanent exclusion.

It should be noted that a pupil who has had a disability as defined by the DDA 1995 in the past, continues to be protected from discrimination even if they no longer have the disability.

Ethnic Minorities

By law, schools must ensure that their disciplinary procedures do not discriminate against ethnic minority groups in any way. Monitoring of ethnicity should ensure that school policies do not have the effect of treating one group more harshly than another. Schools are strongly recommended to read the non-statutory guide **“The Duty to Promote Racial Equality: A Guide for Schools”** published by the Commission for Racial Equality (020 7828 7022).

Where the parents of an excluded pupil do not speak (or have a good understanding of) English, correspondence and documentation relating to the exclusion should be translated into the language spoken at home. In such cases the school and/or LA should arrange for an interpreter to be present at any meeting with the parent about exclusion. The Intercultural Curriculum Support Service (01788 562841) may be able to offer support and advice in these circumstances.



***except if pupil is Y11 and has missed or taken all public exams**

Numbers refer to relevant DCSF Guidance paragraphs

EXCLUSIONS PROCEDURES FLOWCHART 2007

and gathers firm evidence (21-24)

school policies and Guidance and
pupil (2,9,11,13-28,51-70,165-167)

exclusion – followed within 24 hours by
parent, length of exclusion, rights of appeal,
provision if relevant (75-78, 80)

Governing Body and LA of exclusion (80-84)

Each FPE over
15 school days
must make
provision for full-
time equivalent
education from day
1 of the FTE * (37-38)

primary
between 1st

More than 15 days in one term
Clerk to GDC *must* arrange GDC hearing which *must* take place between 6 and 15 school days after GB notified of exclusion. Clerk to invite parent and LA (33-35, 93(b))

Permanent
Clerk to GDC *must* arrange GDC hearing which *must* take place between 6 and 15 school days after GB notified of exclusion. Clerk to invite parent and LA (48-49,86)

Pupil to PRU from day 6 of the exclusion* (48-49)

GDC takes place to consider representations from parents and, if appropriate, those of the LA (87-103)

GDC takes place to consider representations from parents and LA (87-103)

GDC upholds HT decision(104-106,108)

GDC decides to reinstate pupil (106)

Parents appeal against GDC decision (109-143)

Parents do not appeal against decision

IAP upholds appeal (144-164)

IAP dismiss appeal (144-164)

Pupil remains at PRU until alternative school identified

Pupil returns to excluding school (unless, exceptionally, IAP considers this to be impractical (153-155)

Checklist for head teachers

Before reaching the decision to exclude, head teachers should:

- 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 signed and dated – anonymity should **not** be routine nor written into school policy as automatic as this is unlawful and could be open to legal challenge: a case setting out the grounds for anonymity **must** be made for each and every exclusion (*para 131*)
- Ask the pupil if they were provoked in any way – eg racial or sexual harassment, bullied or physically threatened
- Consider whether the pupil's behaviour was a serious 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 wellbeing of the pupil or of others in the school (*para 11*)
- Consider whether the pupil has a Statement of SEN (*paras 53-56*), is a looked-after child (*paras 65-70*), has a disability as defined by the Disability Discrimination Act 1995 (*paras 57-59*), is from an ethnic minority group (*paras 60-63*), or has any other issues which may have affected his/her behaviour on this particular occasion
- Consider the support given to the pupil by the school to address any behavioural issues
- Consider whether all reasonable alternative strategies to exclusion has been tried (*paras 1-9*)
- If appropriate, consult with others (eg Statementing Officers, Social Workers, Exclusions Officer 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 it is essential, to avoid a successful challenge to the exclusion either at governors' review, an IAP, SENDIST or through the Ombudsman or the courts, that the formal procedure (*paras 72-86*) for excluding a pupil and notifying parents is followed. The head should:

- tell the parents of the decision as soon as possible – ideally by telephone
- send a letter to the parents, within one school day, confirming the exclusion and providing all necessary information (*paras 75-79*) – for permanent and long fixed-period exclusions, also send a copy of the LA's Parents Guide to Exclusions
- tell the LA **immediately** about the exclusion, using the online form
- inform the Clerk to the GDC of the exclusion so that any necessary meeting can be arranged within the statutory time limits

- make arrangement for the pupil to receive homework during the exclusion period – it is the LA view that 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
- if a GDC is necessary, prepare paperwork for the Clerk to circulate to all parties (see p16 Checklist for the Clerk to the GDC for details of paperwork which should, in the LA view, form the basis for the head teacher's case for exclusion)
- consider arrangements for reintegrating the pupil at the end of the exclusion period bearing in mind that conditions cannot be imposed on the pupil's return to school.

Model letters (*Part 7*) should be used, appropriately amended, to ensure all relevant information is given to parents. Copies of these can be downloaded from

- the DCSF Guidance on exclusions at www.teachernet.com
- the Childrens Services Handbook at www.warwickshire.gov.uk (relevant local information already inserted)
- the email sent to all head teachers from the Exclusion Team in September 2007 (relevant local information already inserted)

From January 2008 onwards, the letters will also be available, with relevant local information already inserted, on the Warwickshire Web's Exclusions pages at www.warwickshire.gov.uk

Schools may wish to personalise the letters and may add to them but it is important not to leave out any of the legally required information which parents must be given.

If a GDC hearing needs to be arranged, the Clerk to the GDC must make all arrangements – it is important that the head teacher does not discuss the exclusion with governors before the meeting.

Checklist for Clerk to Governors Disciplinary Committee

Where the governing body has established a GDC, they should appoint a Clerk to the GDC. This may not be a member of the governing body and, ideally, should not be someone who works for the school. The Clerk should arrange and attend all GDC meetings. Clerks should be paid for this work. The Clerk is the person who makes all arrangements for a GDC – the head teacher should not make direct contact with governors before the meeting. Clerks should:

- agree, as far as possible within the time limits, with governors, the head teacher, parents and the LA officer a convenient date and time for the GDC meeting
- ask all parties to provide, at least 5 school days before the meeting, any written information for governors to consider
- circulate, to arrive at least 3 school days before the meeting, all written information to all those invited to attend - information should include a copy of:
 - the head teacher's decision letter to parents
 - a brief report from the head teacher giving any relevant background issues, details of the incident which led to the exclusion, the link with and text of relevant school policies, details of any support given to the pupil or strategies used to address behavioural issues
 - any incident reports from staff involved in the critical incident
 - the excluded pupil's account of the incident
 - any other witness statements (these should be signed and dated unless good reason is given, in each case, for not doing so (*para 131*))
 - the PSP, IEP or formal Statement if any of these apply
 - any written representations from the parents
 - any written representations from the LA
 - a list of those attending the meeting and an outline of the procedure to be followed at the meeting (the Guidance requires the Clerk to meet governors before each meeting and to agree the procedure to be followed but it is the LA view that it would be good practice for an agreed procedure to be put in place when the governing body set up the GDC so that this can be explained beforehand to parents)

Immediately before the meeting the Clerk should:

- check the room layout to make sure there are tables for everyone (if at all possible try to avoid low coffee tables, which do not allow for easy handling of papers) and, if water is provided for governors then it should be provided for all parties to the hearing – parents in particular should not be made to feel at a disadvantage, either physically or psychologically, at what is a difficult meeting for them, which is why it is good practice not to use the head teacher's room for a GDC
- meet with GDC to ensure a chairperson is appointed and procedures are understood
- check with the LA officer to agree the last date on which a request for an Independent Appeal Panel hearing will be accepted in the event of a permanent exclusion being upheld by the GDC (this date must be 15 school days from the date parents are notified in writing of the GDC decision, and that date is taken to be the second postal day after the date of posting by first class post – the Clerk may wish to consider whether, as a matter of good practice, it is appropriate to send such letters by recorded delivery)

The Clerk starts the meeting by inviting all other parties to enter the room at the same time – none of the other parties should be alone with the governors before or after the meeting, to avoid even the appearance of any bias. The Clerk may make the introductions and outline the procedure which will be followed, although sometimes the Chair of the GDC may wish to do this.

The clerk is responsible for taking notes of the main points made by all parties.

When all parties have had the chance to present their case and ask questions, and the LA officer has outlined the relevant national and local guidance and explained what happens next, if a permanent exclusion is upheld, the Clerk asks everyone but governors to leave the room. The Clerk remains in the room to record the governors' decision(s) and give any necessary advice to the GDC.

The Clerk must write to parents and the LA within one school day, using Model Letter 5 (*Part 7*), with the governors decision. Model letters have been provided, amended with relevant local information, as word documents to all head teachers and can be downloaded from the DCSF Guidance at www.teachernet.co.uk/publications. From January 2008, these letters will be available on the Warwickshire Web's Exclusion site with local information (such as the name of the Schools Appeals Officer) already completed.

Checklist for the Governors Disciplinary Committee

In the interest of natural justice, it should be obvious to the parents that the head teacher has not had contact with the governors ahead of the meeting.

Similarly, if a governor knows a parent or a child sufficiently well for a possible bias to exist, whether positive or negative, that governor should either not be a member of any GDC in respect of that child or should declare their relationship beforehand so that parents may object if they wish. Ideally, that should happen before the meeting takes place so that there is no unnecessary delay. If that happens at the start of any meeting, it is for the Chair to decide whether to continue with the meeting or whether to arrange another hearing.

The purpose of the GDC is to review, in its entirety, the head teacher's decision to exclude - not just to check if the correct administrative procedure has been followed. The evidence provided by all parties should be sufficient to establish, on the balance of probabilities (*para 131*), what happened and whether exclusion, and the length of the exclusion, was reasonable and proportionate in the circumstances. National and local guidance and the school's own behaviour policies must also be taken into account.

When governors arrive for the hearing they should:

- elect a chairperson and, if not already done, agree the procedures to be followed
- ensure, with the Clerk, that the room is appropriate and that there is adequate table space for papers to be handled without difficulty by all parties – low coffee tables are best avoided if at all possible – if water or coffee is provided for governors, this should be available for all parties
- not talk to any of the other parties before the Clerk brings them into the room for the meeting.

During the meeting governors should:

- make sure that everyone has adequate opportunity to present their case and to question the other parties
- avoid making comments that suggest they have reached a decision
- do not allow any of the other parties to remain in the room once the “open” part of the meeting has finished
- ensure that all relevant information is discussed, and that the national and local guidance and relevant school policies have been considered, before coming to a decision.

After the other parties have left the meeting, Governors should:

- consider statements and other evidence from the school, the parents and the LA
- consider whether there is sufficient evidence that the pupil did what is alleged
- consider the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident
- have regard to the **Education (Pupil Exclusions and appeals) (Maintained Schools) Regulations 2002 (as amended 2007)** and the DCSF guidance Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units (as amended September 2007) on the appropriate use of exclusion and consider whether that guidance has been followed
- have regard to this local guidance and to the LA views on good practice
- have regard to the school's published behaviour policy, equal opportunities policy, anti-bullying policy, special educational needs policy and race equality policy
- consider whether the head teacher has tried sufficient strategies to improve the pupil's behaviour before resorting to exclusion, and whether there are any further strategies which could be tried as an alternative to exclusion
- for permanent exclusions, satisfy themselves that all possible strategies to improve a pupil's behaviour, including the use of a Pastoral Support Programme, have been tried and failed
- decide whether to uphold the head teacher's decision to exclude and state the reasons for their decision.

Governors may find the following suggested procedure helpful:

invite family, head teacher and LA officer to join the meeting

Chair welcomes and introduces everyone

Chair, LA officer (if present for a permanent or longer fixed-period exclusion) or the Clerk outlines the purpose of the meeting (to review the head teacher's decision) and the procedures to be followed (ideally these have been provided with the lettering inviting parents to the meeting)

Chair invites the head teacher to present the case for the exclusion

Family has an opportunity to question the facts presented by the head teacher

Governors and LA officer have an opportunity to question the head teacher

Chair invites family to put their case

Head teacher has an opportunity to question the family

Governors and LA officer have an opportunity to question the family

Chair invites the LA officer to comment

Chair asks the head teacher to summarise the case for exclusion

Chair asks the family to make any final comments

Head teacher, family and LA officer leave the room

Governors discuss the case and reach a decision

Clerk writes to the parents and the LA, using the appropriate Model Letter (*part 7*), setting out the decision and the reasons for it, within one school day of the meeting. The Clerk subsequently sends a copy of the minutes of the meeting to the Chair, head teacher and LA officer.

If the Committee upholds a permanent exclusion, the LA writes to the parents informing them of the Independent Appeal Panel procedure.

Recording and Monitoring Exclusions

It is important to send the online exclusion form to the Exclusions Team **immediately** after the head teacher has taken the decision to exclude.

LAs now have to provide the Department for Children, Schools and Families with data each term on the level of fixed-period and permanent exclusions in their area.

In addition, the LA records and monitors all exclusions from schools in the Authority to establish reliable data on the:

- numbers of fixed-period and permanent exclusions occurring each year
- age, gender and ethnicity of excluded pupils
- educational, medical and social circumstances of individual pupils
- reasons for exclusion
- levels of exclusions from individual schools and from different areas of the county
- trends in exclusions over time

In addition, from September 2007, the LA **must** ensure that pupils excluded for more than 5 days for any incident or permanently, are provided with alternative full-time equivalent education from the 6th day of the exclusion (by the school in the case of FPE and by the PRU in the case of PE) and that such alternative education meets the statutory requirements.

Please ensure that your school:

- completes all sections on the form – it is important not to omit any section, even when there is a negative response
- inclusive dates are given for the exclusion – do not enter the date the child returns to school
- school holidays, weekends and training days should not be counted when you calculate the number of days for which the pupil is excluded
- school history must include the child's present school

This is particularly important for PE as the PRU has very little time to arrange 6th day provision. Completing the online form immediately is essential if the PRU is to meet its statutory duty to make that provision from the 6th day of a PE.

The default for the 'have you completed the form' question is set at 'No'. If you want to keep a copy of the form on your system leave it as 'No', even if you have completed the form. Changing the answer to 'yes' means the completed form will automatically be erased from your system when you click 'submit'.

Making a Referral to the Area Behaviour Management Panel

From September 2007, the Panels deal with referrals for pupils considered suitable for a Managed Transfer as well as those for whom additional support is sought to prevent permanent exclusion and to maintain them in their current school. Information about the Managed Transfer procedure has been given to all panel members and is available from the Clerk to the Panels, on 01926 742517.

In order to refer a child to the panel for additional support, you should send a copy of the Pastoral Support Programme (PSP) with a covering letter to the Exclusion Team at Building 3, Saltisford Office Park, Ansell Way, Warwick CV34 4UL. If you want the child to be considered for support from the PRU, you should make sure Part 2 of the PSP is completed as well. Please note there is a different Part 2 for each Key Stage.

The PSP Parts 1 and 2 can be found in Section 7 of the SEN & Inclusions Reference File at www.warwickshire.gov.uk.

Area Behaviour Management Panels meet every half term and a meeting schedule is sent to all schools at the start of the Autumn Term.

It is important that any referral is received at least 10 working days before the meeting date.

Pupils referred to the Panel will normally have had support already from LABSS or through School Action Plus, before the PRU will consider intervention. If it therefore useful to submit any Learning and Behaviour Support Services (LABSS) reports with the PSP but is not necessary to send any other additional paperwork.

If you are unsure about the procedure or have any questions about it, phone 01926 742517.

NP: Area Panels also have funding available to support 6th day provision made by schools for pupils who have been FPE.

Useful contact numbers

Exclusions Officer 01926 742518 or 07990 777 512
Email: janerubidge@warwickshire.gov.uk

Advisory Centre for 020 7704 9822
Education (ACE) www.ace-ed.org.uk

From January 2008, Exclusions web pages will be available with information and useful links to other pages/sites on www.warwickshire.gov.uk

Publication Date: September 2007

Division: SEN

Department: Children, Young People and Families Directorate

Contact: LEA Exclusion Team

Telephone: 01926 742517/742518