

Targeted Education Service

School suspensions and permanent exclusion

**A guide and information
for school leaders and governors**

September 2022

**Right Choice – Services – Targeted Education Service– Behaviour
Support**

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Introduction

This exclusion guide was compiled by the Targeted Education Service to:

- help school leaders and governors comply with 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 - 2022*
- provide additional information about Wiltshire's policies and procedures relating to preventing and managing exclusions.

School leaders and governors can download the DfE (Department for Education) exclusion guidance, this guide, and other supporting materials via the following link. [Right Choice](#). Statutory guidance is referenced here using the relevant section and paragraph numbers in brackets.

Targeted Education Service

Every Wiltshire primary and secondary school can access advice about

- school-based strategies for preventing exclusion including Pastoral Support Programmes and Managed Moves.
- alternatives to exclusion including alternative provision.
- the legal framework surrounding exclusion including gathering evidence and recommended inclusive practice in Wiltshire.

by emailing pupilbehaviour@wiltshire.gov.uk

- The Entitlement and Inclusion adviser will be the Council representative at a GDH (Governors Disciplinary Hearing) in a maintained secondary school and in any secondary academy if parents or the trust request it.
- A behaviour support teacher will be the Council representative at a GDH in a maintained primary school and in any primary academy if parents or the trust request it.

A Behaviour Support Teacher (primary) or the Entitlement and Inclusion adviser in respect of pupils at secondary schools, can provide advice for parents of an excluded pupil on request about the legal process around exclusion.

The Council Exclusions Officer collates information on all exclusions in Wiltshire maintained schools (including sixth forms), academies, free schools, and DfE registered alternative provision.

Definitions

The DfE now uses the term '**suspend**' in statutory guidance to refer to what is described in the legislation as an exclusion for a fixed period.

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‘Exclusion’ remains the umbrella term for both **‘suspension’** and **‘permanent exclusion’** and is used in this guide when referring to both.

‘Statutory guidance’ means that schools, governing bodies, and the Council should follow this guidance, unless there is good reason not to in a particular case.

Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, is statutory guidance relating to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006 and
- The Education (Provision of Full-Time Education for Excluded Pupils) (Eng) Regulations 2007

‘Head teacher’ in this document and in DfE guidance applies equally to an acting head teacher, the teacher in charge at an Alternative Provision School and principals of academies.

‘Governing body’ in this document and in DfE guidance applies equally to PRU (Pupil Referral Units) management committees. In respect of academies, references to the ‘Governing body’ should be read to mean the directors of the Academy Trust Company.

‘Term’ Where a school’s academic year consists of three terms or fewer, a reference to a ‘term’ in this guidance means one of those terms.

Where a school’s academic year consists of more than three terms, then a reference to ‘term’ means:

- Spring term - 31st December to Easter Monday
- Summer term - Easter Monday to 31st July
- Autumn term - 31st July to 31st December

‘Parent’ in this document includes any person who has parental responsibility (which includes the Council where it has a care order in respect of the pupil) and any person (for example foster carer) with whom the pupil lives. It is expected that all those with parental responsibility should be engaged with the exclusions process.

‘Pupil’ in this document refers to pupils on roll at a maintained school, pupil referral unit, academy school (including free schools) or alternative provision academy (including alternative provision free schools). It includes those children below compulsory school age who attend nursery classes and young people above compulsory school age attending sixth forms.

A head teacher's responsibilities regarding exclusion

Preventative measures and alternatives to exclusion

School support should always follow tiered approach starting with

- a) Quality First Teaching (QFT),
- b) **OPAL - Ordinarily available Provision for All Learners** and in class intervention following a Plan Do Review approach then
- c) external support, where all in-school options have been implemented and reviewed.

The Wiltshire School Effectiveness School Improvement offer to schools includes a focus on quality first teaching and the effective use of the pupil premium. See the Wiltshire **School Improvement Framework within the School Effectiveness Service** section of Right Choice.

Early Help

Where a school has serious concerns about a pupil's behaviour, it should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required (Gov guidance Behaviour in Schools; Par 100). All staff should be prepared to identify pupils who may benefit from early help...which means...providing support as soon as a problem emerges at any point in a pupil's life. (Keeping Children Safe in Education 2022, 1:8)

The Early Support Assessment (ESA) replaced the CAF here in Wiltshire. The form can be accessed from the Safeguarding Vulnerable People Partnership (SVPP) website, www.wiltshirescb.org.uk/esa

SEND reviews

Head teachers must consider their statutory duties regarding the SEND Code of Practice when administering the exclusion process.

Where a pupil has an EHCP, schools should contact the Council regarding concerns about the pupil's behaviour at an early stage and consider requesting an early annual review **prior to** making the decision to suspend or permanently exclude. (Gov guidance 4:56).

For any pupil with SEN but without an EHCP, the school should review to determine, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for the school to request an EHC assessment or a review of the pupil's current package of support. (Gov guidance 4:56).

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Pastoral Support Plans (PSP)

The PSP procedure and process are designed to support any pupil for whom the usual school-based strategies have not been effective. It is a structured, support plan for a pupil at risk of permanent exclusion and ensures that interventions for a pupil at risk of permanent exclusion are co-ordinated and targeted to their needs.

The Behaviour Support Service can contribute to PSP meetings for primary aged pupils to provide additional advice and guidance to the school leaders parents and pupils (where appropriate).

Wiltshire Council guidance and meeting templates for PSPs can be found under [the Behaviour Support Service on Right Choice](#).

Off-site direction

When a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour, they can use their powers under Section 29a of the Education Act 1996 to direct a pupil to be educated off-site.

This legislation does not apply to academies. Instead academies can arrange off-site provision for such purposes under their general powers. Decision making about off-site direction should be set out in the Trust Scheme of Delegation.

Off-site direction may only be used to arrange a **temporary** stay in **alternative provision or at another mainstream school**

- as a way to improve behaviour and not as a sanction or punishment for past misconduct.
- where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. (Gov guidance 4:32).

Parental agreement is not a prerequisite of such an arrangement but where possible, parents should be engaged in the decision taken by the school to direct a pupil off-site (Gov AP guidance par 42).

In making a direction for a pupil to be educated off-site, head teachers of maintained schools must have regard to [Alternative Provision: Statutory guidance for local Authorities, headteachers and governing bodies](#). Even though academies are not bound to have regard for this guidance when arranging off-site provision to improve behaviour, the DfE advise that this guidance can provide an indication of good practice. (Gov AP guidance par 29)

Wiltshire Council guidance for schools about [Alternative Provision and off-site direction to another mainstream school](#), can be found under [Alternative Provision Service on Right Choice](#)

All pupils must receive a good education, which appropriately meets their needs and any provision made for pupil off-site must enable them to achieve good educational attainment on par with their mainstream peers.

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Provision will differ from pupil to pupil, but there are some common elements that provision off-site should aim to achieve, including:

- good academic attainment on par with mainstream schools – particularly in English, maths, and science (including IT) – with appropriate accreditation and qualifications.
- that the specific personal, social, and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment.

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- improved pupil motivation and self-confidence, attendance, and engagement with education and
- clearly defined objectives, including the next steps following the placement.
(Gov AP guidance par 30)

Off-site direction at another school

A headteacher can make a Short-Term Education at a Partner School arrangement (STEPS) for a pupil. A STEPS arrangement is **not** a Managed Move, and it should be made clear to parents and the pupil that the aim of such provision is for the pupil to make progress and return to their registered school base.

A STEPS arrangement should be considered by a school if the usual academic and social expectations within a mainstream class are deemed to be appropriate and achievable for this pupil at the time of planning.

Off-site direction at alternative provision

A headteacher can also arrange for a pupil to have a short-term placement at an Alternative Provision.

An Alternative Provision placement should be considered by a school if the usual academic and social expectations within a mainstream class are deemed **not** to be appropriate and achievable for this pupil at the time of planning.

A [Wiltshire Approved Alternative Provision guide and directory on Right Choice](#) can help schools choose from a range of alternative providers offering both onsite and offsite provision for pupils of all ages.

It includes advice about STEPS arrangements.

Internal suspension

Schools can use internal suspensions. Such suspensions are served on the school site and are not treated as a suspension from school. Internal suspension may be more appropriate in cases where a pupil has a social worker, or for whom the head teacher believes formal suspension might pose a safeguarding risk.

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Managed Moves

A Managed Move is a formal agreement between two schools, a pupil, and their parents. It allows a pupil at risk of permanent exclusion to transfer to another mainstream school **permanently**. (Gov guidance 4:47).

The move requires the agreement of the pupil's parent, the head teacher at the pupil's school and the head teacher at the proposed school before the start of the placement.

Wiltshire Council guidance and meeting templates for Managed Moves can be found under [the Behaviour Support Service on Right Choice](#).

The Behaviour Support Service can contribute to Managed Move meetings for primary aged pupils to provide additional advice and guidance to the school leaders parents and pupils (where appropriate).

Where a pupil has an EHC plan, and the current school is considering a Managed Move, it should contact the Council SEND team prior to the Move. If the Council, both schools and parents are in agreement that there should be a Managed Move, the Council SEND team will follow the statutory procedures for amending the EHCP (Gov guidance 4:48)

Additional sources of support

Head teachers should consider what extra support might be needed to meet the needs of pupils from key vulnerable groups to reduce their risk of exclusion (pupils eligible for Pupil Premium; Children Care; and pupils from certain ethnic groups; Gypsy/Roma; Travellers of Irish Heritage; and Black Caribbean communities).

- EMTAS (Ethnic Minority and Traveller Achievement Service)
- CAMHS (Child and Adolescent Mental Health Services)
- Voluntary Sector Support Services.
- Young Peoples Service

The Young People Service will work with and support schools where there are young people at risk of offending/ exploitation or going missing. They can offer vulnerable adolescents risk management meetings, support around peer and context assessments and work with schools to provide input regarding how to best support and manage these young people while retaining them in school. They also run school and community mapping meetings, which is a multi-agency approach to understanding the peer and local contexts within and around the school community and seek to identify how risks or concerns can be reduced from a multi-agency perspective.

Exclusion

Key principles

Only a head teacher can exclude a pupil, and this must be on disciplinary grounds (Gov guidance 3:1). Any decision to exclude should be made rationally and must be:

1. **Lawful** (with respect to the legislation relating to exclusions and to a school's wider legal duties)
2. **Reasonable**
3. **Fair** and
4. **Proportionate** (Gov guidance 3:2).

From the sixth day of a suspension, schools are required to arrange full-time education for the excluded pupil. This duty would be generated by consecutive suspensions totalling more than five days.

Suspended and permanently excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, considering their age and ability to understand (Gov guidance; 3:4).

Suspension

A pupil may be suspended for one or more fixed periods up to a maximum of forty-five school days in a single academic year. This includes suspensions received from previous or other schools. A suspension does not have to be for a continuous period.

Permanent exclusion

A decision to exclude a pupil permanently should be taken as a last resort and only:

- in response to serious or persistent breaches of the school's behaviour policy **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

1. Lawful

Schools must apply their behaviour policies in a consistent, rigorous, and non-discriminatory way with due regard to the Equality Act 2010. This Act has provision that allows schools to take positive action to deal with disadvantages affecting a specific group, where this can be shown to be a proportionate way of dealing with such issues.

The head teacher should contact:

- The Wiltshire specialist SEN service (SSENS) for advice about appropriate action in relation to any pupil who has a registered disability.

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- The Ethnic Minority and Traveller Education Service about race as a protected characteristic set out in the Equalities Act in relation to a pupil at risk of exclusion.

The head teacher at a maintained school must determine the behaviour policy in accordance with principles set out by the governing board. An academy trust must decide who is responsible for drawing up the behaviour policy in each school.

The behaviour of pupils outside school can be considered as grounds for exclusion (Gov guidance 3:2). This can include incidences of online bullying.

It is **unlawful** to exclude a pupil

- because they have SEN or a disability that the school feels it is unable to meet, or
- for academic attainment/ability; or
- for the failure to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
(Gov guidance; 3:19)

An informal or unofficial exclusion, such as sending a pupil home 'to cool off' is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents. (Gov guidance; 3:19)

It is unlawful to extend a suspension or to convert a suspension to a permanent exclusion.

Where further evidence has emerged, a further suspension can 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 suspension (Gov guidance 3:10).

See also page 14 of this guide – Making a rational Decision.

2. Reasonable

The decision to exclude must also be based on expectations or demands within the realms of what is possible and achievable for that pupil.

Pupils with SEND

For any pupil already identified by the school as having a significant emotional or cognition needs, expectations and demands should already be at an appropriate level for the pupil and relevant staff skilled and trained to provide the support.

The behaviour of any pupil with a support plan should generally not warrant exclusion if the plan has been followed. The school behaviour records should demonstrate that any support plan/s for the pupil were robust and followed and that staff were able to undertake a dynamic risk assessment and adjust the support/response accordingly.

Only if such plans, including reasonable adjustments, were followed and despite that, a pupil behaves in such a way that warrants an exclusion (in line with the governor behaviour principles that in turn have informed the behaviour policy) could an exclusion be deemed reasonable.

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An EAR (early annual review) should be called by the school for any pupil with an EHCP at risk of permanent exclusion. This will be to discuss how the child's needs have changed significantly since the EHCP was issued or reviewed, or because the outcomes or provision described in the plan are no longer appropriate.

Pupils with a social worker

Over half of the pupils with a social worker are in need due to abuse or neglect. The additional impermanence that long or multiple incidences of suspension can bring to children, ie. the loss and rupture of the relationships that the child has in schools, can often exacerbate the negative consequences that earlier traumas have had on their lives.

Headteachers must ensure that support is provided to such pupils so that they can fully participate in the education provided by the school, within the expectations of the school behaviour policy. This may require staff to have training and support using trauma informed practice.

Five to Thrive: is a training programme supported by Wiltshire Council for people who work with expectant parents, children, young people, and families.

Only if such support were provided and despite that, a pupil behaves in such a way that warrants a suspension or permanent exclusion (in line with the governor behaviour principles that in turn have informed the behaviour policy) could any exclusion be deemed reasonable.

Where a pupil has a social worker, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations (Gov guidance 4:58)

If a looked after child is at risk of exclusion, then the head teacher should contact the Virtual School at the earliest opportunity so that additional assessment and support needed can be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers. (Gov guidance 4:59)

For children looked after by Wiltshire Council, the head teacher or Designated Teacher should contact the pupil's allocated Virtual School Officer directly, or via the inbox at virtualschool@wiltshire.gov.uk for an immediate response.

Reducing suspension rates for looked after children is a corporate parenting priority for Wiltshire Council.

Where a school has concerns about the behaviour of a previously looked after child which could result in the pupil being excluded from school, the pupil's parents, or the school's

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Designated Teacher, following discussions with the pupil's parents, may seek the advice of the Virtual School on strategies to support the pupil to avoid exclusion.

3. Fair

Head teachers must consider any extenuating circumstances that might mitigate the seriousness of a pupil's behaviour as well as any differences in response to any other pupil in the same or similar situation.

Head teachers should take account of contributing factors that are identified after an incident of poor behaviour has occurred eg where it becomes known that a pupil has:

- suffered bereavement,
- experienced abuse or neglect,
- mental health needs,
- been subject to bullying,
- needs including SEND (including any not previously identified),
- been subject to criminal exploitation
- or is experiencing significant challenges at home.

(Gov Behaviour in Schools guidance par 44)

For many families, some of these factors will have been the result of or will have been exacerbated by the restrictions and hardship caused by COVID-19 pandemic.

Consequently, the impact of Covid-19 is an extenuating circumstance that should still be considered for the behaviour of any pupil.

4. Proportionate

Any consequence of disruptive and/or unsafe behaviour should be logical and in proportion to the behaviour. Head teachers must consider whether either suspension or permanent exclusion from school is the proportionate response as part of their deliberations about a pupil's behaviour in each individual case. If so, the length of any suspension must also be proportionate to the behaviour.

In making a decision about exclusion, the head teacher should consider the seriousness and impact of the pupil's behaviour alongside the following:

- Ofsted inspection evidence has suggested that 1–3 days are often long enough to secure any benefits of suspension without adverse educational consequences.
- Exclusion can increase children and young people's already high levels of shame and fear which in turn can lead to more disruptive behaviour.*
- Longer and repeated suspension is associated with lower academic attainment and with increased mental health difficulties.†.

* David Taransaud - You Think I'm Evil: Practical strategies for working with aggressive and rebellious adolescents (2011)

† Anna Freud Centre for children and families - Headstart 2019

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Making a rational decision

Head teachers should take time to consider the evidence and to seek advice from any relevant professionals before making a decision is made to exclude.

Head teachers can contact Wiltshire Council as part of their deliberations about any potential suspension or permanent exclusion. An email to pupilbehaviour@wiltshire.gov.uk will get picked up promptly.

In most cases, the head teacher will not have witnessed first-hand the antecedents or an incident that may result in an exclusion. The decision to exclude should not be made solely on the basis on adults' witness statements. This will be particularly true if an adult witnessed or experienced verbal or physical abuse and may still have been in a heightened emotional state when asked to complete a witness statement. In such cases, the head teacher can and should defer any decision about permanent exclusion as the consequence of disruptive or unsafe pupil behaviour until **all** the evidence can be collated and reviewed, which may take several hours.

A headteacher can issue a short suspension in the first instance to allow for this evidence gathering to take place. In such cases the headteacher should make it clear in the letter there will be a further investigation of the incident or a full review of the pupil's behaviour log and following this activity, another suspension or a permanent exclusion may be issued if it meets the criteria of the school behaviour policy and the DfE statutory guidance.

Wiltshire Council recommends that any such suspension should not exceed five school days and that parents should be informed of the outcome of the further deliberations within 3 days.

The pupil should also be given the opportunity to express their view as part of the head teacher's deliberation. (Gov guidance 3:4).

Appendix 1 - Support summary

Appendix 2 - Pupil views

Gathering evidence

Evidence could consist of witness statements, photographs, screen shots from social network sites, physical evidence, or behaviour incident records. In the case of exclusions for persistent disruptive behaviour, head teachers should also provide evidence that preventative measures have been used.

When establishing the facts in relation to any incident/s which may lead to an exclusion, the head teacher must apply the civil standard of proof, ie 'on the balance of probabilities' it is more likely than not that a fact is true.

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Witness statements

All witness statements should be attributed, signed, and dated. If the school has good reason to wish to protect the anonymity of any pupil who was a witness, the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements (Gov guidance 8:118).

Points to remember[‡]

- Statements should contain clear specific details
- Include facts not opinions
- The statement should be in the witness' own words

Useful questions might include:

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

When the decision is made to 'anonymise' witness statements of pupils, the school should contact the parents of the witness to explain that the 'anonymised' statement will be presented to the governors' panel who will review the exclusion. 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. In this way the general principle that excluded pupils are entitled to know the substance behind the reason for their exclusion is followed.

Parents of any witness under the age of 18 (or the witness, if over the age of 18) will need to agree to this in advance of the meeting otherwise the evidence provided by the witness statement may be discounted.

Appendix 3– Witness statement

Police involvement and parallel criminal proceedings

Head teachers need not postpone taking a decision about an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, head teachers will need to take a decision on the evidence available to them at the time.

In all cases, schools should follow general safeguarding principles as found in Keeping children safe in education 2022 (Gov guidance 13:258).

[‡] Witness Statements Preparation Guide, European Human Rights Advocacy Centre, 2008.

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Off-rolling

Ofsted define 'off-rolling' as the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil.

Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this. (Gov guidance 3:21).

Procedures following an exclusion

Informing parents

The head teacher must, without delay notify parents of the period of an exclusion and the reasons for it, their legal responsibilities during the first five days of their pupil's exclusion and follow up in writing with:

- the reasons for the exclusion
- the period of a suspension or, the fact that it is permanent
- parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- how any representations should be made to governors, depending on the length of the exclusion.

The letter should be sent within 24 hours of the exclusion and the school must inform parents that a Penalty Notice can be issued if they fail to ensure their pupil is not in a public place during school hours, for the first 5 days of any exclusion.

From the sixth day of a suspension, or consecutive suspensions totalling more than five days, schools are required to arrange full-time education for the suspended pupil. Where it is not possible or appropriate to arrange alternative provision during the first five days of an exclusion, the school should take reasonable steps to set and mark work that is accessible and achievable for the pupil during the first five days. (Gov guidance 6:87)

Wiltshire Council is required to arrange full-time education from the sixth day of a permanent exclusion from a primary school (Gov guidance 6:87)

Wiltshire secondary schools are required to arrange full-time education from the sixth day of a permanent exclusion from their school under arrangements of the Service Level Agreement.

If alternative provision is being arranged by the school, then the following information must be included in the letter to parents:

- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion.

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- the start and finish times of the provision, including the times for morning and afternoon sessions where relevant.
- the address at which the provision will take place; and
- any information required by the pupil to identify the person they should report to on the first day. (Gov guidance 5:67)

Online pathways...can be used but schools should ensure that the work set is accessible and achievable by the pupil outside school (Gov guidance 3:8).

The head teacher may also cancel (rescind) an exclusion that has not been reviewed by the governing body. In such cases the head teacher must write again to the parents explaining the reasons for the change and providing any additional information. (Gov guidance 3:13)

The headteacher must also notify the governing board, and the Council without delay and, if relevant, the social worker and VSH of any cancelled exclusions.

See also [Wiltshire Council model exclusion letters on Right Choice](#)

Informing the governing board about an exclusion

The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension which would result in the pupil being suspended for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension which would result in the pupil missing a public examination or national curriculum test.

(Gov guidance 5:79)

The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified. (Gov guidance 5:82)

Informing the Council about an exclusion

The Council must be informed **without delay** of all school exclusions regardless of the length of the exclusion. (Gov guidance 5:83).

Wiltshire Council requests that any suspension notification is sent within a week of the start of the suspension. This will help us significantly in maintaining accurate and up to date records of exclusions patterns and the issues facing children across Wiltshire.

If the pupil lives outside Wiltshire, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

For **every suspension or a permanent exclusion**, head teachers are requested to notify the Council [using this Excel form with a copy of the letter sent to parents](#) via Perspective lite using the appropriate 'exclusions' tag. (Gov guidance 5:83).

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For a **permanent exclusion** please **also** send the form to pupilbehaviour@wiltshire.gov.uk **on the day that the head teacher makes the decision to permanently exclude.**

In addition, whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, notify the following of the period of the suspension or permanent exclusion and the reason/s for it.

- the social worker, if a pupil has one, and
- the Virtual School Headteacher (VSH) if the pupil is a looked after child

Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so. (Gov guidance 5:78)

See also [Wiltshire Council model exclusion letters on Right Choice](#)

If the pupil is previously looked-after (PLAC) the VSH does not have a corporate parent role but should provide advice and information, upon request from the school or parents.

Exclusion reports are shared with the Behaviour Support Service (BSS) and School Effectiveness team who can provide additional support and guidance and consider any ongoing support requirements for schools in a timely way:

- The head teacher of any Wiltshire primary or secondary school can contact pupilbehaviour@wiltshire.gov.uk to seek advice and guidance about managing and preventing further exclusions including the use of Wiltshire Approved Alternative Provision during, or as an alternative to exclusion.
- If the pupil is primary school aged and not previously known to the BSS, a behaviour support teacher will usually contact the head teacher to discuss the exclusion.
- The School Effectiveness team can support any school with leadership issues resulting in high numbers of exclusion.

Appendix 5 – Head Teacher guide to exclusion paperwork for a GDH

Positive return to education planning (PREP) meeting

Schools should have a strategy for reintegrating a pupil who returns to school following an exclusion (Gov guidance: 3:26).

School connectedness and relationships are seen as crucial in leading to a number of positive outcomes for children. Exclusion from school is likely to have a negative impact on such relationships and a consistently applied approach to helping pupils return positively to school can reduce the likelihood of further suspension or even permanent exclusion

The purpose of a meeting with parents and a pupil following an exclusion is to maximise the chances of the pupil having a successful return to school. [Advice about practice to support this aim is available on Right Choice](#)

Appendix 6 – Positive return to education plan template

Wiltshire Council - Exclusion from school

'Only a headteacher can exclude a pupil and this must be on disciplinary grounds.

Any decision to exclude should be made rationally and must be lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties), reasonable, fair, and proportionate.' (DfE).

The headteacher must, without delay notify parents, the Exclusions Officer at Wiltshire Council and the child's social worker/Virtual School Headteacher (as appropriate) of;

- the duration, start and end dates of a suspension or, the fact that the exclusion is permanent;
- the reasons for the exclusion;
- parents' right to make representations to the governing body and how the pupil may be included in this;
- how any representations should be made to governors, depending on the length of the exclusion.

Secondary schools must follow the Service Level Agreement (SLA) with Wiltshire Council.

Yes

Is the exclusion permanent?

No

School actions:

- The Council must be notified on the same day as the exclusion decision using the Wiltshire exclusion Excel form available to download from [Right Choice](#) and returned via Perspective Lite with an 'Exclusions' tag.
- If the pupil lives outside Wiltshire, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.
- The governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion.
- The DSL should liaise with Support and Safeguarding Service (SASS) to discuss any pre-existing safeguarding issues or emerging child protection concerns are reported (MASH) and information provided to plan support as appropriate.
- The headteacher will take reasonable steps to set and mark work for the pupil that is accessible and achievable by the pupil outside school for the days between the exclusion and the start of alternative provision (maximum 5 days).

Wiltshire Council actions

The Strategic Lead for Alternative Provision will liaise with:

- The headteacher and parents/carers to gather information on which to plan and source the most effective provision for the pupil
- Alternative Providers to ensure full-time education is provided no later than day six of the exclusion.
- Teams within Wiltshire Council to ensure any additional needs of the pupil are met

School actions:

- The Council should be notified without delay of any suspension using the Wiltshire exclusion Excel form available to download from [Right Choice](#) and returned via Perspective Lite with an 'Exclusions' tag.
- The head teacher must notify their governing body without delay of any suspension which would result in the pupil:
 - being suspended for a total of more than five school days (or more than ten lunchtimes) in a term; and
 - missing a public examination or national curriculum test.
- The DSL will liaise with Support and Safeguarding Service (SASS) to ensure any pre-existing safeguarding issues or emerging child protection concerns are reported (MASH) and support provided as appropriate.
- If suspensions amount to more than 15 days in one term the governing board must convene a meeting to consider reinstatement.
- The headteacher will ensure full-time education is provided no later than day six of a suspension and will take reasonable steps to set and mark work for the pupil that is accessible and achievable by the pupil outside school for the days between the suspension and the start of alternative provision (maximum 5 days).

Wiltshire Council actions

The Behaviour Support Service will provide advice guidance and information to primary headteachers about provision during a suspension and interventions to prevent further suspensions

Secondary head teachers can seek advice from pupiiibeaviour@wiltshire.gov.uk

Governors' responsibilities regarding exclusion

Preventing and managing exclusion

Policies

The governing body of a maintained school must:

- make sure that their school has policies designed to promote good behaviour and discipline.
- make and review a written statement of principles to help the head teacher determine the measures that make up the school's behaviour policy (which must include measures to prevent all forms of bullying among pupils). This duty cannot be delegated.
- consult the head teacher, other appropriate members of staff, parents, carers, and all registered pupils before making or changing this statement of principles and publish the statement on a website.

An academy trust must:

- promote good behaviour amongst pupils
- ensure that a written behaviour policy is drawn up, implemented effectively and a record is kept of the sanctions imposed upon pupils for serious misbehaviour.
- ensure that bullying at the school is prevented so far as is reasonably practicable, by drawing up and implementing an effective anti-bullying strategy.

The statutory duty to produce and publish a statement of principles does not apply to academies, but Wiltshire Council encourages them to do so.

Information on these responsibilities and statutory guidance to which a governing board must have regard is provided in [DfE guidance 'Behaviour and discipline in schools: guidance for governing bodies'](#).

Off-site direction

Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Academies can arrange off-site provision for such purposes under their general powers (Gov guidance 4:35).

Depending on the current needs of the pupil, the head teacher may direct a pupil to be educated off-site

- at another mainstream school under a Short-Term Education at a Partner School arrangement (STEPS) or
- at an Alternative Provision.

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In either case, governors should seek assurance from the head teacher that the arrangements for the pupil are in line with [Alternative Provision Statutory guidance for local authorities](#) Alternative Provision. Wiltshire Council Alternative Provision Guide 2022 is devised to support this and is available for school leaders and governors on Right Choice

Exclusion

Governing boards have a key responsibility in considering whether any excluded pupil should be reinstated. This is part of their wider role to hold school leaders to account for the lawful use of exclusion.

Duties to arrange education for excluded pupils

For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspension. The chair of the governing board should ensure that there are clear processes in place to comply with this duty.

Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a pupil has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension.

For permanent exclusions:

- The Council must arrange suitable full-time education for any primary aged pupil to begin from the sixth school day after the first day the permanent exclusion took place.
- The school must arrange suitable full-time education for any secondary aged pupil to begin from the sixth school day after the first day the permanent exclusion took place in line with the Wiltshire Service Level Agreement. Provision does not have to be arranged by either the school for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

In the case of a looked-after child or child with a social worker, the school and the Council should work together to arrange Alternative Provision from the first day following the suspension or permanent exclusion. (Gov guidance 6:92)

The chair of the governing board should ensure that there are clear processes in place for the board to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension.

This includes:

- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the pupil may have.
- Checking that there are processes in place for
 - the governing board to assure itself that the education is suitable and full-time.

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- monitoring of the pupil's attendance and behaviour at the provision including whether the correct attendance code is being used.
- the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare to be securely transferred to their new setting as early as possible.
(Gov guidance 6:94)

Duty to consider an exclusion

The governing body of:

- a maintained school may delegate its functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors.
- an academy may delegate to a smaller sub-committee if the trust's articles of association allow them to do so. (Gov guidance 7:96-97).

The requirements on a governing board to consider reinstatement of a suspended or permanently excluded pupil depend on a number of factors – See diagram on page 21 of this guide.

Public examinations

Where an exclusion would result in a pupil missing a public examination or national curriculum test, a governing body should consider reinstatement before the date of the examination or test. If this is not practicable, the chair of governors (or the vice-chair if the chair is not available) may consider reinstatement independently (Gov guidance 7:100).

In such cases parents still have the right to make representations to the governing body and must be made aware of this right.

While there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

Preparing to consider a head teacher's decision to exclude

Data relevant to suspensions and permanent exclusions

A governing board should challenge and evaluate what their school's data tells them about their school or academy trust:

- the level of pupil moves and the characteristics of pupils who are moving on when reviewing any permanent exclusion to ensure the sanction is only used, when necessary, as a last resort.
- suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site to establish whether there are any patterns to the reasons or timing of moves. Multi-academy trusts (MATs) may also choose to work with their

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academies to consider this information, and whether there are patterns across academies within a MAT.

- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- effectiveness and consistency in implementing the school's behaviour policy.
- the school register and absence codes.
- instances where pupils receive repeat suspensions.
- interventions in place to support pupils at risk of suspension or permanent exclusion.
- timing of moves and permanent exclusion, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- understanding the characteristics of excluded pupils, and why this is taking place

Further information can be found here: [Understanding your data a guide for school governors and academy trustees](#)

(Gov guidance 7:106-109)

When considering the decision of a head teacher to exclude a pupil, governors should:

- ask for any written evidence in advance of the meeting and where possible, circulate this evidence and information, including a list of those who will be present, to all parties at least five school days before the meeting.
- identify ways to enable the excluded pupil's view to be heard, whether the pupil is attending the meeting (Section 176 of the Education Act 2002 - schools to have regard to statutory guidance on pupil voice).
- not discuss the exclusion with any party outside of the meeting (Gov guidance 7:110).

In cases where the governing body considers parents' representations but does not have the power to direct a pupil's reinstatement, they may place a note of their findings on the pupil's educational record (Gov guidance 7:124).

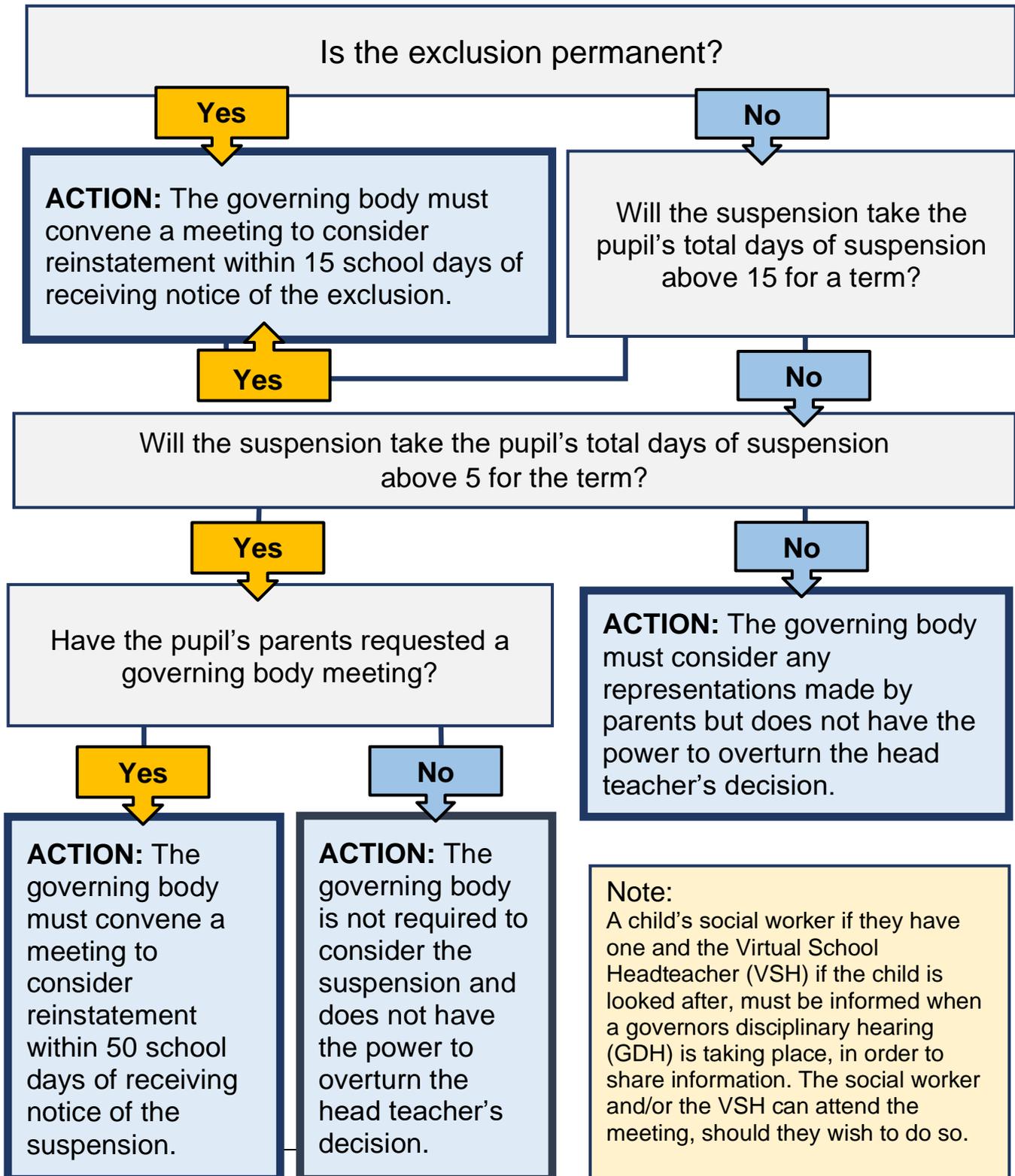
Training

While governors are not required to have training on exclusions, it is important that governors who are called upon to review exclusions, are able to discharge their duties properly.

Effective boards encourage everyone involved in governance...to make the most of the resources, guidance, and training available to develop their knowledge and skills (Governance handbook par 39).

Wiltshire Targeted Education Service provides training sessions for governors on managing exclusions. See Right Choice for dates and booking information.

Governors' review of exclusions⁴



⁴ The governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of an exclusion which will result in the pupil missing a public exam or national curriculum test. The governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

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Meetings to consider reinstatement of an excluded pupil

In reaching a decision on whether to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was made rationally and that it was lawful, reasonable, and procedurally fair, taking account of the head teacher's legal duties (Gov guidance 7;120).

Appendix 7 Governor exclusion paperwork review and check list

When establishing the facts in relation to an exclusion, the governing body must decide whether facts are true 'on the balance of probabilities' rather than 'beyond reasonable doubt.'

The following parties must be invited to a governing body's disciplinary hearing (GDH) to consider an exclusion and be allowed to make representations:

- parents and pupils who may be accompanied by a friend or representative,
- the head teacher and
- a representative of the Council in the case of a maintained school, and at an academy at the request of the governors. A parent may also request that a Council representative attends a meeting of an academy's governing body as an observer. The Council representative may only make representations with the governing body's consent (Gov guidance 7:102).

At the GDH, the Council representative will not give a view on the merits of the exclusion but can 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.

The governing body can either:

- uphold an exclusion (decline to reinstate) or
- direct reinstatement of the pupil immediately or on a specified date.

The governing body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits (Gov guidance 7;103).

If the pupil has already returned to school following the expiry of a suspension or if the parents make clear they do not want their pupil reinstated, the governing body must still consider whether the decision to exclude the pupil was justified (Gov guidance 7:117).

The governing body should ask all parties to withdraw before deciding. Where present, a clerk may stay to help the committee by referencing the notes and with the wording of the

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decision letter and should ensure that the minutes are available to all parties on request (Gov guidance 7;120-121).

Appendix 8 Agenda for GDH

Duty to notify people after consideration of an exclusion

Where legally required to consider an exclusion, the governing body must notify parents, the head teacher and the Council of their decision, and the reasons for their decision, in writing and without delay. Notice is considered to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail. (Gov guidance 7;134).

If the governors decide to uphold a permanent exclusion, the notification must say that it is permanent along with parents' right to ask for the decision to be reviewed by an Independent Review Panel. It must also include the following information:

- the contacts to whom an application for a review should be made.
- the date by which an application for a review must be received ie 15 school days from the date on which notice in writing of the governing body's decision was given to parents.
- the grounds for the review including how the pupil's special educational needs may be relevant.
- parents' right to request a SEND expert, regardless of whether the pupil has recognised special educational needs, and details of the role of such an expert.
- parents' right to appoint, at their own expense, their own representative to the panel and their right to bring a friend to the review.
- parents' right to make a claim 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 6 months of the day of the exclusion.
- relevant sources of free and impartial information that will allow them to make an informed decision on whether to seek a review of the decision and the process to be followed. Schools should ensure that these sources of information are checked regularly and updated as required.

See also [Wiltshire Council model exclusion letters on Right Choice](#)

Calculating dates

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

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

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- the 15 days in which representations must be considered by the Independent Review Panel

Parents have 15 school days to appeal to 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.

Supposing governors meet on the 19th October 2022, the last day of Autumn term 1.

If the clerk can send the decision letter by first class post on the same day as the meeting, the first day of the appeal period will be 31st October. Parents will have until the end of the day on the Monday 21st November to apply for a review to the IRP.

The bank holidays, school holidays, INSET days and weekends must not be included in this appeal period.

October 2022						
Mon		3	10	17	24	31
Tues		4	11	18	25	
Wed		5	12	19	26	
Thur		6	13	20	27	
Fri		7	14	21	28	
Sat	1	8	15	22	29	
Sun	2	9	16	23	30	

November 2022						
Mon			7	14	21	28
Tues	1	8	15	22	29	
Wed	2	9	16	23	30	
Thur	3	10	17	24		
Fri	4	11	18	25		
Sat	5	12	19	26		
Sun	6	13	20	27		

Independent Review Panels

If parents apply within the legal time frame, the Council or Academy Trust must, at their own expense, arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

Parts 9 and 10 of the government guidance provide details of the functions of the Independent Review Panel.

Following the meeting an Independent Review Panel can decide to:

- uphold the exclusion decision or
- recommend that the governing body reconsiders their decision or
- quash the decision and direct that the governing body considers the exclusion again.

Part 11 of the guidance covers the governing board's duty to reconsider reinstatement when an Independent review Panel directs or recommends a pupil's reinstatement.

Maintained schools in Wilshire should contact Democratic Service in Wiltshire Council committee@wiltshire.gov.uk if parents request an Independent Review Panel.

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Appendix 1 Support Summary (page 1 of 2)

This pupil is at imminent risk of permanent exclusion for persistent disruptive behaviour

Date information to be returned			
Name of pupil:		Date of birth	

Government exclusion guidance states that any decision to exclude, 'must be lawful; reasonable; fair; and proportionate.'

A decision to exclude a pupil permanently should usually be final step in a process for dealing with disciplinary offences - an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and should be used as a last resort.

As a school, we must prove that we are using a range of strategies to support this pupil.

Your account below will help me decide what needs to happen next. In case of a permanent exclusion, this form will be included in the evidence presented to parents/carers, relevant external agencies, Wiltshire Council representatives and governors.

Section 1 - to be completed by pastoral lead and returned to head teacher

Interventions to date	Dates or N/A	Impact (Level of success)
PREP (positive return to education provision plan eg after a suspension)		
Pastoral Support Plan		
SEND support plan (including EHCP) reviews		
Outside agency support eg CAMHS Family Keyworker		
Education Off-site - Alternative Provision or STEPS (short-term education at a Partner School)		
Managed Move		
Other		

Completed by:			
Name		Role	

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Appendix 1 Support Summary (page 2 of 2)

This pupil is at imminent risk of permanent exclusion for persistent disruptive behaviour

Date information to be returned			
Name of pupil:		Date of birth:	

Government exclusion guidance states that any decision to exclude, 'must be lawful; reasonable; fair; and proportionate.'

A decision to exclude a pupil permanently should usually be final step in a process for dealing with disciplinary offences - an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and should normally be used as a last resort.

As a school, we must prove that we are using a range of strategies to support this pupil.

Your account below will help me decide what needs to happen next. In case of a permanent exclusion, this form will be included in the evidence presented to parents/carers, relevant external agencies, Wiltshire Council representatives and governors.

Section 2 to be completed by each class teacher/subject teachers/tutor and returned to head teacher

Support	Detail	Impact on pupil's behaviour
Classroom strategies		
Direct support		
Other		

Completed by:			
Name		Role	

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Appendix 2- Pupil views

Name:	
Date of birth	
Today's date	
Name of adult helping to complete this form (if appropriate):	

When considering whether to exclude, the head teacher should give a pupil the opportunity to share their views. As the head teacher, I need to know whether there is anything that has not already been mentioned at school that will help me come to the right decision.

Is there anything currently happening at school that might in some way be making a difference to the way you behave?
Has anything happened at school in the past that it might be helpful for me to know about?
Is there anything currently happening outside school that might in some way be having an effect your behaviour?
Has anything happened outside school in the past that it might be helpful for me to know about?

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Appendix 3 Witness Statement

School

Name of witness

Year group / Role

Use this space to write in your own words what you saw. Keep to facts like time, date, places, and names in your statement. Continue overleaf if necessary.

I believe the facts in this witness statement are true.

Signed by the witness

Date

If you have written this statement (word for word as the witness described the events) on behalf of a witness, sign below

Signed

Date

Printed name

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Appendix 4 Positive return to school plan

School name:	
Date of the meeting:	
Name of pupil:	
Name of parent attending the meeting:	
Member/s of school staff attending the meeting:	

Plan of support - based on pupil and parent views school/other professional assessment of need and resources

Support:	Staff member/s	Times
Feedback arrangements for parent/s		
Review date (to review the support provided)		

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Appendix 5 Head Teacher guide to exclusion paperwork for a Governor Disciplinary Hearing (page 1 of 2)

Exclusion for a one-off breach of the school behaviour policy

Wiltshire Council recommends that the paperwork (the bundle) compiled by the clerk to Governors' Disciplinary Hearings for an exclusion (suspension or permanent exclusion) comprises the following:

A cover sheet - name of the school, pupil, date of birth and date of the governors' hearing

A contents page - Sections A- E below

Section A – exclusion notification

- Copy of the relevant exclusion letter sent to parents
- If the head teacher issued consecutive exclusions, both letters should be included

Section B – evidence relating to the incident

- Witness statements including a statement by the pupil being excluded. The head teacher should complete a contemporaneous statement if they witnessed the incident.
- Good witness statements (see guidance in this document re good witness statements)
The head teacher should address any inconsistencies as part of the statement to governors at the GDH.

Section C – school support

- Prior support for pupil's SEND as well as any action taken to support the pupil following the exclusion.
- Evidence of the pupil's view/opinion taken before the decision to exclude
- SEND review. This review should take place before the GDH
- ESA – not to be shared without parents' consent.
- Any review paperwork if needs relate to behaviour in school

Section D – parent submission

- This will include any paperwork sent to the clerk by the parents.

Section E – appendices

The school Behaviour Policy and any other relevant school policy. The head teacher can decide to include only the relevant section of the policies to manage printing costs. It will help to have a brief note explaining how the school ensures all parents know how to access school policies.

The bundle should have page numbers to help governors and other meeting attendees navigate the pack during the meeting. As the pack will be collated from documents from various sources, numbers can be handwritten onto the paperwork when the pack is complete.

Note: the bundle should not include:

- Any other exclusion letters
- Behaviour logs or statements relating to academic attainment or behaviour other than the incident that led to the exclusion
- Any school opinion or comment about the parents' involvement in the pupil's education

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Appendix 5 (page 2 of 2)

Exclusion for persistent breaches of the school's behaviour policy

Wiltshire Council recommends that the paperwork (the bundle) compiled by the clerk to Governors' Disciplinary Hearings for an exclusion (suspension or permanent exclusion) comprises the following:

A cover sheet - name of the school, pupil, date of birth and date of the governors' hearing

A contents page - Sections A- E below

Section A – exclusion notification

- Copy of the most recent exclusion letter sent to parents
- Copy of all exclusion letters (current school) relating to behaviour that led to this exclusion
- Incident reports

Section B – evidence of persistent disruptive behaviour

- Behaviour log
- Witness statements (see advice re good witness statements)

Section C – school support

Any action taken to **support** the pupil with their behaviour prior to the exclusion.

- SEND support plan or equivalent, target setting/support strategies identified/evidence of review
- SEND EHCP review. This review should be scheduled before the GDH if possible
- Evidence of referrals/involvement of outside agencies to support pupil's behaviour.
- Pastoral Support Plan (PSP) or equivalent including review paperwork
- Off-site direction to alternative provision/another mainstream school provision plans and reviews
- Managed Move paperwork - original agreement and review paperwork
- Details of any alternatives to permanent exclusion considered but judged not to be appropriate eg Managed Move, long suspension, use of off-site direction

Section D – parent submission

- This will include any paperwork sent to the clerk by the parents.

Section E – appendices

The school Behaviour Policy and any other relevant school policy. The head teacher can decide to include only the relevant section of the policies to manage printing costs. It will help to have a brief note explaining how the school ensures all parents know how to access school policies.

The bundle should have page numbers to help governors and other meeting attendees navigate the pack during the meeting. As the pack will be collated from documents from various sources, numbers can be handwritten onto the paperwork when the pack is complete.

Note: the bundle should not include:

- Information relating to exclusions from previous schools.
- Exclusion notices from previous years if the decision to exclude was based on behaviour from this academic year
- Evidence relating to academic attainment
- TAC/TAF action plan/review paperwork if the needs do not relate to behaviour in school.
- Copies of every target card/support plan or equivalent. It is enough to provide a sample noting what that sample represents.
- Any school opinion or comment about the parents' involvement in the pupil's education

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Appendix 6 Governor check list – exclusion paperwork (bundle) review

Questions and evidence	
To aid governors prepare for the GDH having scrutinised the exclusion bundle	
Lawful - legally sound - exclusion procedures followed including informing parents, witness statements and any broader legal considerations, child protection, SEN Code of Practice, Equalities Act etc	
Evidence (bundle page reference)	Questions to ask
Reasonable - 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	
Evidence (bundle page reference)	Questions to ask
Fair - that any extenuating circumstances were considered as well as any differences in response to other pupil in the same or similar situation - not biased	
Evidence (bundle page reference)	Questions to ask
Proportionate - why permanent or length of suspension given was appropriate.	
Evidence (bundle page reference)	Questions to ask
Did the head teacher make a rational decision – ie take time to consider the evidence and seek advice from any relevant professionals before decision made to exclude. Was the pupil given the opportunity to express their view	
Evidence (bundle page reference)	Questions to ask

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Appendix 7 Governor check list – exclusion hearing review (page 1 of 2)

Government exclusion guidance states that any decision to exclude, must be **lawful reasonable; fair; and proportionate.**

Key Questions – exclusions process	Source of evidence eg headteacher statement, answer to Gov/parent/Council question/s, bundle, or none			
Does the behaviour represent a serious breach of the school behaviour policy and is it clear that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school?				
Was a thorough investigation carried out?				
Do any witness statements include any victim and the excluded pupil? (see advice about witness statements in this guide)				
If the excluded pupil did not provide a witness statement, was their view requested/ considered prior to the decision to exclude?				
Did the head teacher inform parents in writing?				
Key Questions – pupil characteristics/needs				
Did the head teacher adequately consider any factors relating to the Equality Act ⁵ for this pupil prior to the decision?				
Did the head teacher adequately consider any relevant extenuating/mitigating circumstances when considering the exclusion?				
Did the pupil have any identified needs covered by the SEND Code of Practice If yes - Did the head teacher adequately consider the outcomes of any SEND review/s when considering the exclusion?	Yes		No	
If no – Might the pupil have SEN that to date have not been recognised and related to the behaviour that led to the exclusion?				

⁵ sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment

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**Appendix 7 Governor check list – exclusion hearing review
(page 2 of 2)**

Key Questions – if exclusion for more than a one-off			
Were parents (and social worker/VSH if relevant) informed of the risk of exclusion?			
Did the school consult with relevant outside agencies to help develop support strategies for the school staff and the pupil to use as the behaviour deteriorated eg Behaviour Support Service, Educational Psychology Service, Advisory Teachers, Health, or Social Care Services?			
Did the head teacher adequately consider the impact of support strategies from outside agencies when considering the exclusion?			
Did the school set up a Pastoral Support Plan or equivalent to co-ordinate additional support to prevent the exclusion? If yes, did the head teacher adequately consider the impact of school strategies within the PSP (or equivalent) when considering the exclusion? eg did the school meet the school commitments to the PSP and if the PSP had been completed successfully, did the school consider setting up a new plan when the behaviour deteriorated?	Yes		No
Use off-site direction to alternative provision or another mainstream school	Yes		No
If yes, did the head teacher adequately consider the impact of review/s of the provision? eg if (partially) successful, did the school adapt or amend the plan when the behaviour deteriorated? If no, is there evidence that such alternatives were considered, and reasons given for not taken up			
Use a Managed Move to another mainstream school	Yes		No
If yes, did the head teacher adequately consider the impact of review/s of the Move? eg if (partially) successful, did the schools adapt or amend the plan when the behaviour deteriorated? If no, is there evidence that a Managed Move was considered, and reasons given for not taken up			

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Appendix 8 GDH Sample Agenda

Governors' Disciplinary Hearing to consider the exclusion of:

Pupil's name:	Date of birth:
Date of meeting:	Time of meeting:
Venue:	
Names of governors on the panel:	

1. Chair makes introductions and explains the procedure
2. Head teacher presents case for the exclusion
3. Questions to the head teacher about the case by governors, then parents and pupil
4. Parents/pupil give their views about the exclusion
5. Questions to parents and pupil by governors then by the head teacher

(If the child's social worker and/or Virtual School Headteacher is present)

6. Social worker then VSH invited to comment
7. Questions to social worker then VSH by governors then parents and the head teacher

(If additional Council colleague is present and Governors consent to representation being made)

8. Council representative invited to comment
9. Questions to Council representative by governors then parents and the head teacher

Once there are no further questions from governors, parents, and head teacher:

10. Head teacher invited to sum up
11. Parents given a final opportunity to comment
12. Chair explains how the decision will be communicated to all

Head teacher, parents, parents' friends or representatives, pupil, Council representative/s leave the room together and governors remain to make their decision. The clerk stays with governors to advise on guidance/procedures.