

Exclusions - Guidance for Schools

The Department for Education's exclusion document provides a guide to the legislation that governs the exclusion of pupils from maintained schools, academy schools (including free schools, studio schools and university technology colleges), alternative provision academies (including alternative provision free schools) and pupil referral units. It also provides statutory guidance. The full version of the DfE's guidance – 'Exclusion from maintained schools, academies and pupil referral units in England' **including updated temporary changes made to the school exclusion process due to coronavirus (COVID-19)**, can be accessed in full on the [GOV.UK website](https://www.gov.uk/guidance/exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england).

2. Exclusions Support

Support for Exclusion is part of the Admissions and Access to Education Service.

The Exclusions Service provides appropriate advice and support to all schools and to parents for The Royal Borough of Kensington and Chelsea and Westminster City Council on school exclusions following a head teacher's decision to exclude a pupil. The service aims to support and promote consistency of practice as outlined in the DfE's guidance which all schools must have regard to in order to meet their statutory responsibilities following a decision to exclude a pupil.

3. Alternatives to Exclusion (including 'managed moves')

Headteachers should, as far as possible, avoid excluding permanently any pupil with an Education, Health and Care plan (EHC), a statement of SEN or a looked after child. Statutory guidance on strategies to be employed are covered in the DfE exclusions guidance (page 11, paras.23-25).

The guidance promotes the use of early intervention strategies by schools to address underlying causes of disruptive behaviour and avoid exclusions. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. Although the legislation underpinning the power to direct off-site does not apply to academies, they can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association.

A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, it must be stressed that the threat of exclusion must never be used to influence parents to remove their child from the school.

All such options can be discussed with the TBAP Multi-Academy Trust. The TBAP Multi-Academy Trust (TBAP) works with learners that are experiencing difficulty with mainstream school and can provide schools with a menu of options.

TBAP Commissioning and School Support (CSS) is the single point of contact for local secondary schools to discuss all aspects of school-based interventions or managed moves, where schools are actively considering possible alternatives to exclusion. **Contact: 0203 108 0345.**

If you wish to discuss possible school-based interventions at primary level, also contact TBAP Primary Intervention team on: **0203 108 0345**

4. The Head teacher's duty to notify specified parties about exclusion

Parents must be notified "without delay" of an exclusion, the reasons for it and the period of exclusion. The notification should cite sources of advice for the parent and must include the right to make representations to the governing board or where the governing board is legally required to meet to consider reinstating an excluded pupil, the right to attend the meeting.

Paul Worts, Senior Exclusions Officer, is the Local Authority Officer able to offer advice on the exclusions process for The Royal Borough of Kensington and Chelsea and Westminster City Council.

The DfE guidance document does not include model letters. Therefore, please see the model letters which have been drawn up for the different types of exclusion scenarios. It is recommended that all schools adopt these templates in order to ensure the correct information is given to parents following the decision to exclude.

The head teacher must notify the governing board and the local authority "without delay" of:

- **a permanent exclusion**
- **exclusions resulting in a pupil being excluded for more than five school days in a term**
- **exclusions which would result in the pupil missing a public examination or national curriculum test**

Exclusion type:	Notification:
Permanent (resident within LA)	Paul Worts
Permanent (resident outside LA)	Paul Worts and 'Home' LA
More than 5 days in a term	Paul Worts
Missing an exam	Paul Worts
1-5 day exclusion	There is no expectation on schools to automatically forward all 1-5 day letters.

In addition to the above, schools will continue to submit termly exclusion census data returns to the Education Data Team in order to fulfil DfE requirements.

5. Arranging alternative provision (day 6 provision)

The local authority is responsible for arranging alternative education provision from the sixth school day following a permanent exclusion and must therefore be notified "without delay".

In addition to providing a copy of the letter notifying the parent of the decision to permanently exclude, **all schools are required to complete the appropriate referral form (primary or secondary)** which provides essential additional information (e.g. parental contact details) which will assist the local authority in meeting their statutory obligations.

(Please also note: where a pupil lives in a local authority area that is different to the local authority for the school, their 'home' authority must also be notified by the school "without delay" as that authority has the responsibility for providing day 6 provision).

Fixed-term exclusions over 5 consecutive days also require alternative provision from the sixth school day. The TBAP service provides this provision for secondary aged pupils, and schools are required to complete the appropriate TBAP referral form.

Provision for fixed-term exclusions of more than 5 consecutive days for primary school pupils must be arranged between primary schools themselves.

6. Governing boards/academy trusts

Governing boards/academy trusts continue to perform the key role of determining whether an excluded pupil should be reinstated. This will involve reviewing the decision of the head teacher. The timescales for the board to meet are as follows; within 15 school days for pupils excluded permanently, for a cumulative total of more than 15 days in any one term or if the pupil will miss a public examination while excluded or within 50 days for exclusions less than 15 days but more than 5 days if requested by the parents/carers (see 'Annex A' of the DfE exclusion guidance for a summary diagram of these duties). **See also, updated temporary changes made to the school exclusion process due to coronavirus (COVID-19) from 1st June 2020 on the [GOV.UK website](https://www.gov.uk).**

The Head of School Governor Services can be contacted on 0207 598 4782 for advising on the process of arranging governors' meetings.

7. Independent Review Panels (IRPs)

Where requested by a parent, local authorities or academy trusts must arrange an independent review panel to review the decision of a governing board not to reinstate a permanently excluded pupil. Local authorities or academy trusts must ensure that all panel members and clerks receive specified training and will also need to appoint a special educational needs expert to advise the panel, where requested by a parent (regardless of whether a school recognises that a pupil has SEN).

The respective contact details for IRP's across the two councils are as follows:

- RBKC: Governance Administrator: 020 7361 3950
- WCC: Head of Council, Cabinet and Committee Secretariat: 020 7641 2802

The local authority is now required to submit a return to the Department for Education on both the number of IRPs conducted and the outcomes for all schools, including academies and free schools. In addition, depending on the outcome of the IRP's decision and the governing board/academy trust response, there may be additional financial implications. It is therefore essential that the local authority is notified of all decisions taken by both governing boards/academy trusts and IRP's in relation to permanent exclusions without delay.

Contact name: Paul Worts

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