



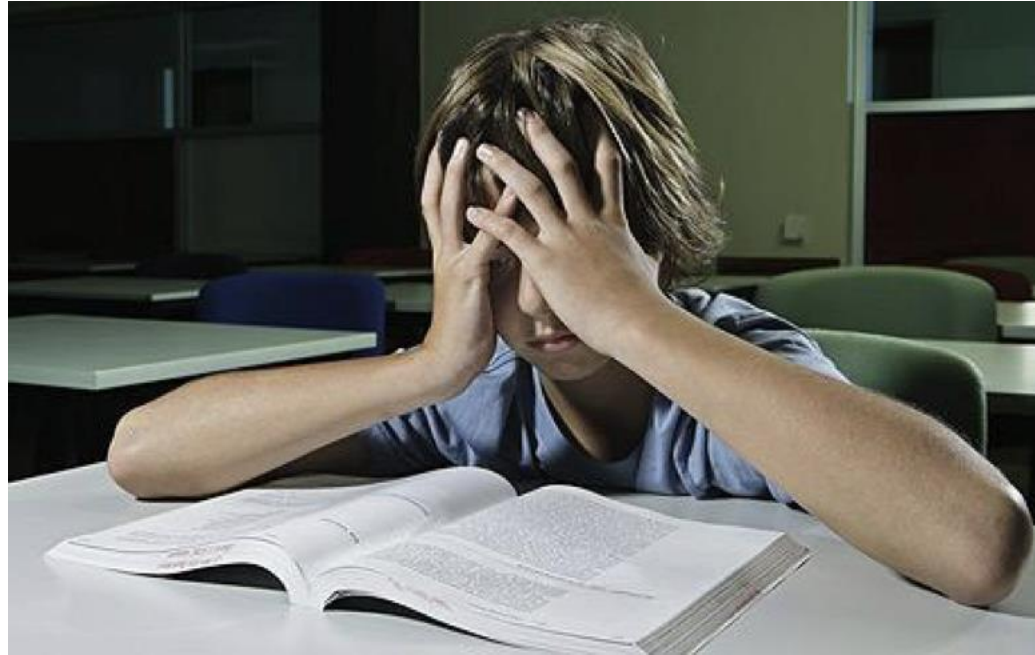
DIOCESE OF
Bath & Wells

Living the story. Telling the story.

Permanent Exclusions - Mistakes not to make.

Bath & Wells Governor Conference 2021

Friday 5th & Saturday 6th November

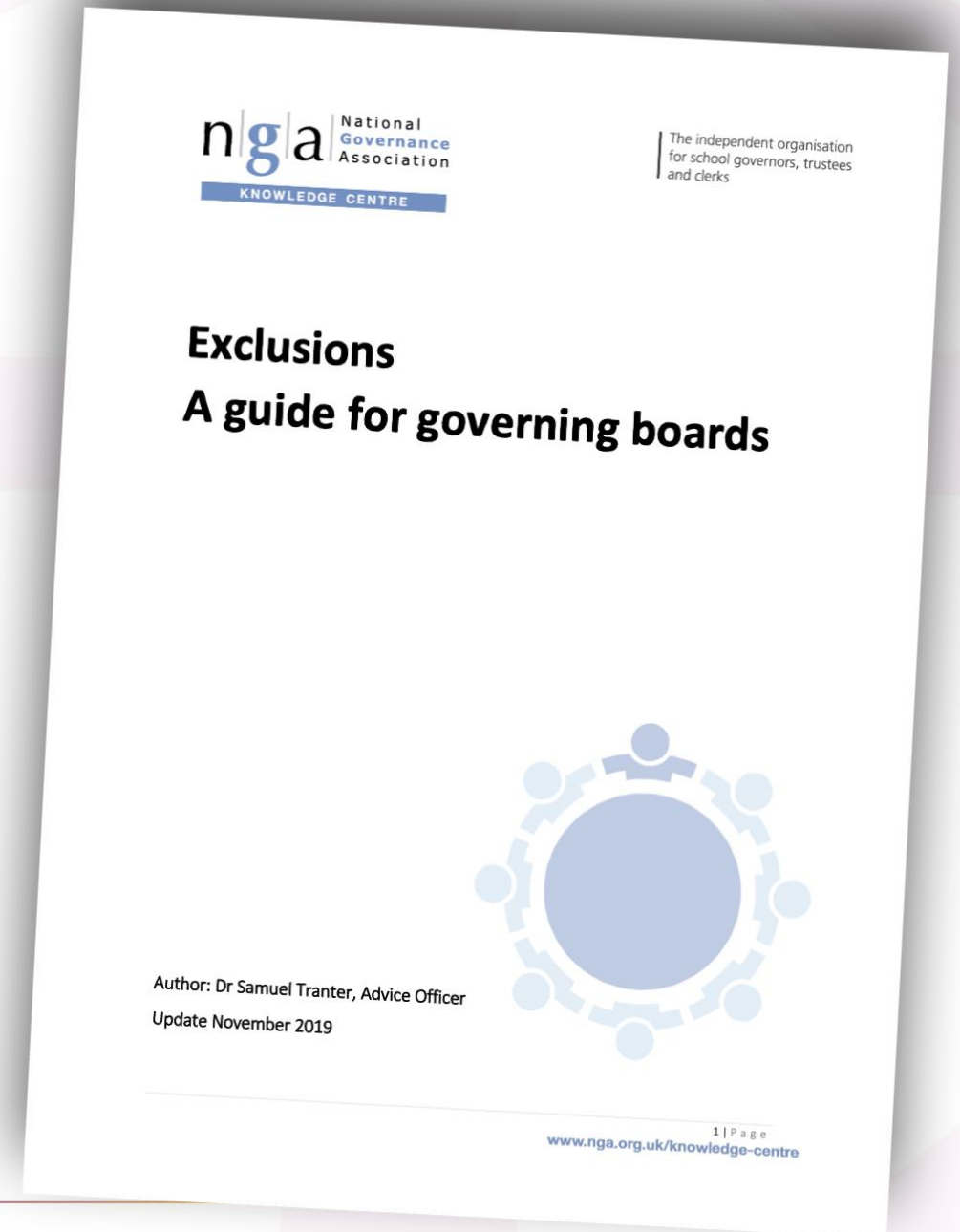


PERMANENT EXCLUSION - A DEFINITION

Permanent exclusion is the most serious sanction a school can give if a child does something that is against the school's behaviour policy (the school rules). It means that the child is no longer allowed to attend the school and their name will be removed from the school roll.

EXCLUSIONS - A GUIDE FOR GOVERNING BOARDS

While the management of behaviour in schools is an operational role for the senior leadership team, governing boards have a statutory duty to consider certain instances of pupil exclusions and decide whether the decision should be upheld or the pupil reinstated. Considering whether or not to uphold the headteacher's decision to exclude is one of the most challenging and important roles that school governors and trustees have to fulfil, because it has significant implications for a child's education and potentially for the governing board's relationship with the headteacher and other school staff.



EXCLUSIONS - PREPARATION

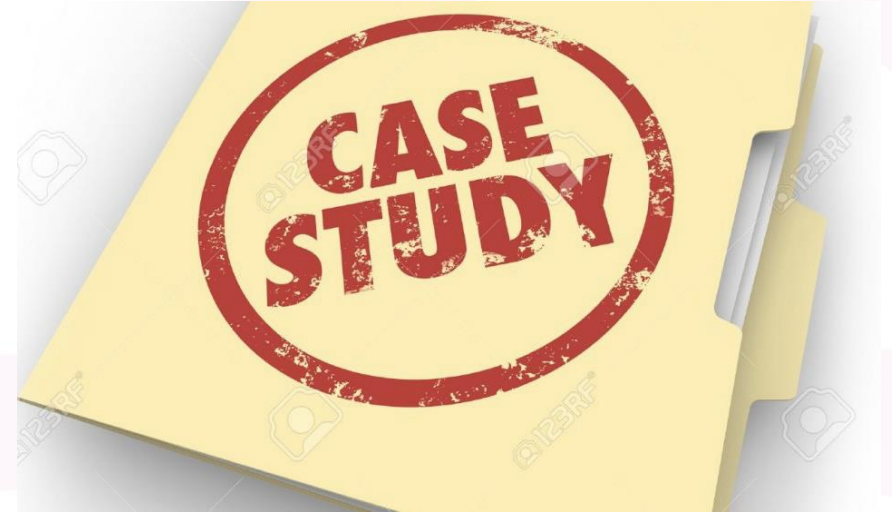
- a list of all those who will be present at the review meeting
 - the school's exclusion policy
 - the school's behaviour policy
 - a report summarising the incidents that led to this meeting
 - the pupil's behaviour record
 - the pupils Education, Health and Care plan (EHCP) (where relevant)
 - the school's notes on the pupil's SEND (where relevant)
 - any statements from the witnesses
 - professional opinions from relevant experts – for example, educational psychologists, social workers, teachers or teaching assistants who have worked with the pupil
 - attendance data (where relevant)
 - evidence of support and interventions attempted before now
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EXCLUSIONS - QUESTIONS TO CONSIDER

- In what way did the excluded pupil seriously or persistently breach the school's behaviour policy?
- What evidence is there to support this?
- What evidence is there of the school intervening and supporting the excluded pupil to prevent serious and or persistent breaches of the school's behaviour policy?
- In what way were the specific needs and circumstances of the pupil taken into account before the decision was made to exclude them?
- What advice has been sought on the appropriateness of the exclusion, and does the advice support the decision and view it to be lawful and reasonable in the circumstances?
- What is the likely impact on the pupil of the decision to exclude them?
- How would allowing the excluded pupil to remain in school seriously harm the education and/or welfare of the excluded pupil and/or others in the school?
- The panel should consider representations and evidence given at the review meeting alongside the written evidence and information received in advance.

Case Study 1.

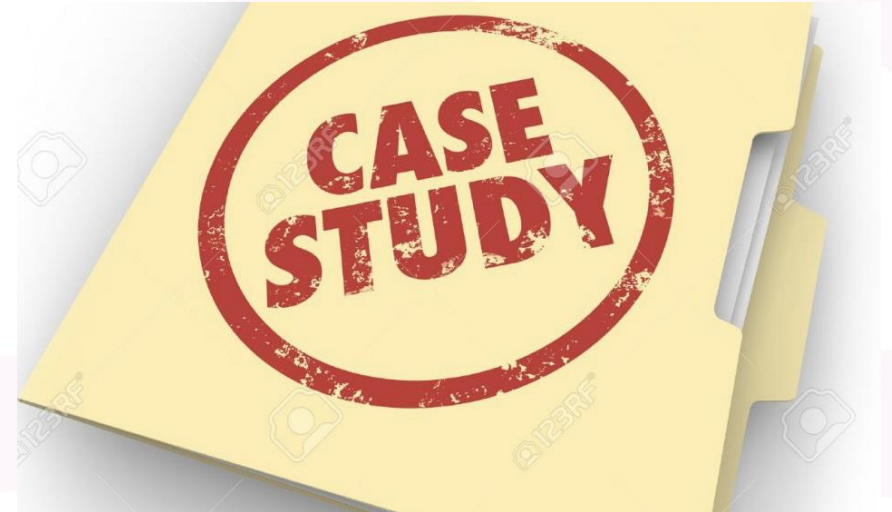
On balance, the Governors agreed with the Head teacher's decision to permanently exclude J.



- J is twelve years old, and is in Year 8.
 - J is permanently excluded for a serious breach of the School's behaviour policy following an incident where J allegedly assaulted another pupil.
 - At the PEX hearing a representative acting for J's mother submitted the following:
 - The School did not take sufficient measures to address the underlying cause of J's disruptive behaviour and therefore breached their statutory duty. The School failed to provide J with continuing support e.g. a mentor; one-to-one sessions with a Behaviour, Emotional and Social Difficulties Specialist; and no multi-agency meeting was arranged.
 - J's behaviour did not amount to serious harm to the education of others at the School. J's behaviour, in the past, was adequately managed by the school's disciplinary measures.
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Case Study 2.

At the Panel hearing the Governors agreed with the Head teacher's decision to permanently exclude the child. H's mother decided to take the claim to the Independent Review Panel ('IRP').

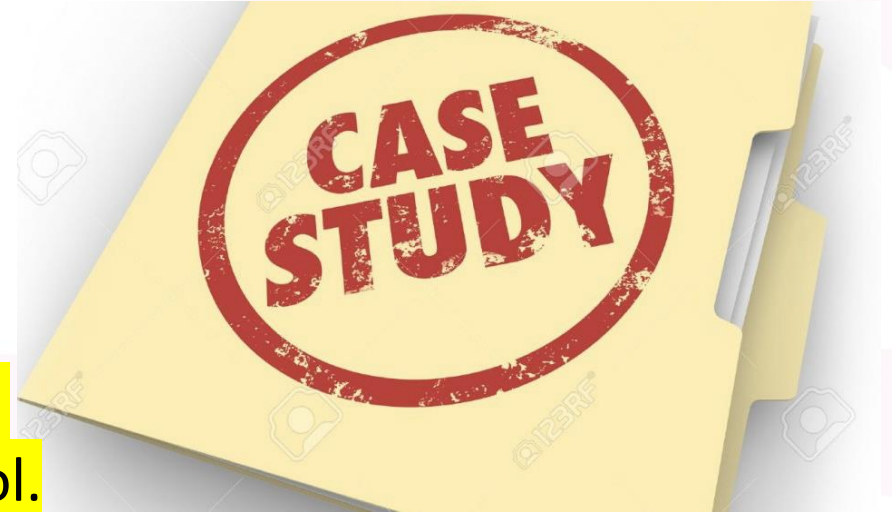


- H is fifteen years old, and is in Year 11. H has behavioural difficulties, and difficulties relating to receptive and expressive language skills. H does not have a statement.
 - H is permanently excluded for persistently breaching the School's behaviour policy and it is the School's case that allowing him to remain in School would seriously harm the education and welfare of other students and staff.
 - The last incident involved H allegedly responding to staff in an abusive way after having been asked to return to class after break.
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Case Study 2 - continued.....

The Governors held a second hearing and were persuaded that the Head teacher's decision to permanently exclude H was unlawful, the exclusion was cancelled and H was allowed to return to school.

- At the IRP a representative submitted that the decision should be quashed because the process of exclusion and the Governor's consideration was so flawed that justice was clearly not done.
 - The Panel were persuaded that the Governor's decision was unlawful because the School did not take a witness statement from H after the incident; the exclusion letter was insufficient as it did not set out the facts of the incident; H's mother was not allowed to make representations at the review meeting; and there was apparent bias as the HT remained in the room to speak to the Governor's after the hearing had ended.
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The Decision Stage



On reaching a decision the statutory guidance says that the governing board/panel should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties and any evidence that was presented to the governing board/panel in relation to the decision to exclude.



And finally.....
Temporary Arrangements

Applies to suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022
Chair must make every effort to check the participants understand the proceedings and can engage with them.



QUESTIONS

Thank you

- You will receive an email at the end of the conference with a link to the following:
 - Feedback form – we would really like to hear what you think of our conference sessions
 - Power-point slides used in all sessions
 - Any resources referred to from all sessions
 - Further CPD opportunities
 - Please visit our website for more information
<https://www.bathandwells.org.uk/schools/>
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