



Department  
for Education

# **Exclusions from maintained schools, academies and pupil referral units in England**

**Government consultation response**

**July 2017**

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## Introduction

All pupils, regardless of their circumstances, have the right to receive a high quality education and the necessary support in schools to attain it.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The government supports head teachers in using exclusion as a sanction where it is warranted.

The statutory guidance on exclusions sets out the process to which relevant schools must have regard when issuing an exclusion, and the process by which parents can make representations against a decision to exclude. All exclusion decisions must be lawful, reasonable and fair.

This document provides a summary of comments received during the 2017 consultation on proposed revisions to the statutory guidance on exclusions, together with the government response. We consulted on draft guidance that had changes in a small number of areas. These changes were intended to provide greater confidence to head teachers on their use of exclusion and to provide greater clarity to independent review panels (IRPs) and governing boards on their consideration of exclusions.

In the consultation we also sought views on two non-statutory annexes to the document, one for head teachers and the other for parents, to help them understand the exclusion process.

The amendments to the guidance and the new non-statutory guides do not change the rights of, or requirements on, schools, children or parents over exclusions.

The consultation was published on 14 March 2017 and closed on 25 April 2017. The consultation was conducted via an online platform. We asked 13 questions relating to clarity of the guidance, with an option for further comments at the end. Respondents replied either through the online survey itself or via email.

## Summary of responses received

In total we received 339 responses to the consultation: 326 through the online survey and 13 via email. Those who responded online were asked in what capacity they were responding.

### Breakdown of respondents

	Number of respondents	Proportion of all respondents
As a parent	47	14.4%
As a child/young person	0	0.0%
On behalf of a school	120	36.8%
On behalf of a local authority	62	19.0%
As part of a campaign	1	0.3%
On behalf of a union	2	0.6%
On behalf of a charity	10	3.1%
Other	78	23.9%
Not answered	6	1.8%

The majority of respondents who selected 'other' were school governors. Respondents in this category also included education consultants, Special Educational Needs Co-ordinators, clerks of review panels, the Church of England and Catholic Education Services and solicitors.

Overall, a substantial majority of respondents agreed that the revisions made the law clearer. A breakdown of the responses to each question is provided below. We have also provided a summary of the main additional comments provided in relation to each question, together with a government response.

A number of respondents provided additional comments on general issues relating to exclusions policy. These responses did not relate directly to the questions about the clarity of the guidance. We have summarised these and provided a response to the main general issues below.

While all responses have been considered, we have not attempted to include every point raised in this document. We have reflected the most substantive points and those that were raised by a large number of respondents. We have not referred to suggestions about minor drafting changes which do not alter the meaning, but have made such amendments to the guidance where appropriate.

We would like to thank all those individuals and organisations who have responded to this consultation.

## Broad issues raised

### Accessibility of the guidance document

**Issue:** Some respondents felt that the guidance could be simplified to ensure that parents and carers could easily understand its content. Some respondents also suggested legal terms should be simplified or removed.

**Response:** The statutory exclusions guidance provides a summary of the legislation and duties on all those involved in the exclusions process. Every attempt has been made to ensure the language is accessible. However, in order to ensure accuracy and clarity we believe it is necessary to use legal terms in some sections of the document, together with an explanation where necessary. In addition to updating the guidance to provide greater clarity, we have also published a parent and carer guide which provides a shorter, further simplified overview of the exclusion process.

**Issue:** Several respondents felt that the guidance should make clear that schools should make an interpreter available for parents who do not have English as a first language, and that the guidance and other documents a parent receives in relation to an exclusion should be made available in different languages.

**Response:** The guidance already sets out that head teachers should ensure that information provided to parents is clear and easily understood, so we are not making further changes at this time. We set out our expectations over this important issue at paragraph 39 of the guidance.

### Special Educational Needs and Disability (SEND)

**Issue:** Some respondents felt the guidance should be stronger in stating that schools should take into account a child's SEND when considering whether to issue an exclusion, for example, considering whether poor behaviour is a result of unmet needs.

**Response:** We agree that that head teachers should consider a pupil's SEN when deciding whether to issue an exclusion. Disruptive behaviour can be an indication of unmet needs, and where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion.

However, as the guidance already clearly sets this expectation, we are not making any further changes. In section three, the statutory guidance to head teachers is that they should consider early intervention to address underlying causes of disruptive behaviour, including an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. This may also include multi-agency assessments of pupils who demonstrate persistent disruptive behaviour, which could pick up unidentified SEN.

Section three also sets out that head teachers should make additional efforts to consider what extra support is needed to avoid exclusion for those groups with disproportionately high rates of exclusion, including those with SEN, and, as far as possible, head teachers should avoid permanently excluding any pupil with an Education, Health and Care plan.

### Academy school powers

**Issue:** Some respondents requested further clarity about how the guidance applies to academy schools and multi-academy trusts (MATs).

**Response:** Since September 2012, regulations governing the exclusion process have applied directly to academy schools. Academies have to comply with the regulations on exclusions, which include a requirement to have regard to any statutory exclusions guidance.

The exclusion processes for academy schools (including free schools) is largely the same as for maintained schools, with the chief exception being that the duty to arrange an independent review panel will fall to the academy trust, rather than the local authority.

With regards to how the guidance applies to multi-academy trusts (MATs), when the guidance refers to a 'school', this means the individual school which a child attends as opposed to the MAT. Where the guidance refers to the governing board or academy trust, this refers to the trust for the MAT.

### Alternative provision

**Issue:** a number of responses queried the requirements for alternative educational provision following an exclusion, including what this education should consist of and the circumstances in which it should be arranged.

**Response:** Alternative provision (AP) is the education arranged for any child of compulsory school age who would not otherwise receive it, including because they have been excluded from school for six or more days. Where a child has received a permanent exclusion, the local authority must put AP in place from the sixth day of the exclusion. In the case of a fixed-period exclusion, the school should arrange AP from the sixth day.

All AP must be suitable and full-time, and it should enable pupils to achieve good educational attainment on a par with their mainstream peers. Further information on alternative provision can be found in the AP statutory guidance:

<https://www.gov.uk/government/publications/alternative-provision>.

## Other

**Issue:** Some respondents asked for greater clarity on what happens when a child reaches the 45 day limit of fixed-period exclusions in one school year.

**Response:** Once the legal limit of 45 days of exclusion in a school year is reached, further exclusion is no longer an available sanction. The guidance clearly states that if the legal limit is approaching, the head teacher should consider whether exclusion is providing an effective sanction.

Where a pupil has reached this threshold, head teachers should apply the same principles when considering whether to issue a permanent exclusion as they would for any other pupil. As set out in the guidance, permanent exclusion should only be used as a last resort, in response to both a serious breach or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

**Issue:** Some respondents felt the use of the words 'must', 'may' and 'should' should be used with greater consistency.

**Response:** These terms are used appropriately to reflect the law and guidance on exclusions.

In most sections of the guidance we provide both a guide to the law, which reflects the legal duties relating to exclusions which must be complied with, and statutory guidance, which is guidance from the Department for Education to which relevant bodies must have regard.

The term 'must' is used in guidance to describe legal requirements, while 'should' is used to give guidance and advice. In some cases, the law sets out that a body may (but doesn't have to) use a power, but in the statutory guidance we set out the view of the Department for Education about whether they should do so.

## Question analysis

Responses and comments to the questions were analysed and have been summarised below. The percentages reported for quantitative responses to each question are based on the 326 responses to the online consultation, including those who did not answer. Responses received via email are, however, included in the summaries of issues raised. Percentages have been rounded to the nearest whole number. Totals might not equal to 100% due to rounding.

### Question 1

The question asked: **We have attempted to clarify in paragraph 3 of the Guidance that exclusions cannot be extended or converted. Extending a fixed-period exclusion involves excluding the pupil for a further fixed-period exclusion on the expiry of the original term. The so-called conversion of a fixed-period exclusion into a permanent exclusion involves issuing a further, separate permanent exclusion. This clarification does not have any significant practical consequence on the process or accountability for exclusion decisions.**

Is this clearly expressed?

	Total	Percent
Yes	244	75%
No	79	24%
Not answered	3	1%

### Summary of comments

A majority of respondents agreed that the changes to this paragraph made clearer that exclusions cannot be extended or converted.

A small number of additional comments were received, including:

- Some respondents who disagreed this section was clearer stated that the revision was misleading because the paragraph initially states that exclusions cannot be converted, but goes on to state how they can be.
- Some respondents asked for further clarification about when a permanent exclusion can be issued following a fixed-period exclusion. The guidance states that this can occur in 'exceptional circumstances', and respondents sought further clarity on how schools should assess when this might apply, including through providing examples.

## Government response

We have noted that a number of respondents thought that paragraph three, which related to whether an exclusion can be converted, could be clearer. We have amended the wording accordingly.

We do not believe it is appropriate to provide detailed guidance on the circumstances when we would expect an exclusion of any type to be issued. The guidance provides the framework in which all decisions to exclude must be taken. However, it is for the head teacher to decide whether to exclude a pupil, taking into account the evidence available and the need to balance the interests of the excluded pupil against those of the whole school community. This includes any decision a head teacher may make to issue a permanent exclusion following a fixed-period exclusion.

## Question 2

The question asked: **In paragraphs 8, 64 and 136 we have expanded on what is meant by ‘civil standard of proof’. We have attempted to clarify that ‘on the balance of probabilities’ means it is more likely than not that a fact is true and that the decision-maker(s) should accept that something happened if it is more likely that it happened than that it did not happen. This will help those making decisions on exclusions understand how to establish the facts of the case.**

**Does this insertion make this standard clearer?**

**Does this insertion explain clearly what is meant by the ‘civil standard of proof’?**

	Total	Percent
Yes	289	89%
No	31	10%
Not answered	6	2%

## Summary of comments

A majority of respondents agreed that the changes made the standards clearer. Several additional comments welcomed the working definition of what is meant by ‘on the balance of probabilities’.

## Government response

As the majority of respondents agreed with these changes, we are not making further changes to this section of the guidance.

### Question 3

The question asked: **In paragraphs 29 and 34 we have attempted to clarify head teachers' responsibilities regarding notifying parents of an exclusion. The clarifications relate to:**

- a. **providing information about when their child may not be out in public following an exclusion; and**
- b. **notifying parents when they issue a further exclusion.**

**Are these changes clear?**

### Summary of responses

	Total	Percent
Yes	286	88%
No	36	11%
Not answered	4	1%

Nearly 90% of respondents agreed with the changes. However, in the comments section, some respondents suggested further clarifications could be made. These included:

- Some respondents requested further clarification on what is meant by 'without delay'.
- Several respondents also requested that the Department provide model letters, for example, to use when informing parents of the decision to exclude.
- Some respondents suggested that the guidance should be explicit that schools must notify the virtual school head when a looked after child is excluded.

### Government response

We have considered comments received on this section and we believe these points are covered in the existing guidance.

Schools must notify parents about an exclusion as soon as possible. Therefore any action that would delay notification would not comply with the legal duties described in the statutory guidance.

We have attempted to keep the guidance as concise as possible. For this reason we do not include model letters. We feel that the form a letter takes is a local decision, provided schools include the relevant information set out in the guidance.

We agree that it is important for schools to work closely with the virtual school head where any looked after child has been excluded or indeed is at risk of exclusion. Paragraph 24 of the guidance is already clear on this point, and we therefore do not think any further change is needed.

## Question 4

The question asked: **In paragraphs 45 and 74-80 and in section 7, we have attempted to clarify the responsibilities of the governing body when a pupil is excluded.**

**These clarifications relate to:**

- a. the legislation issued in December 2014 regarding consecutive fixed-period exclusions and their implications regarding arranging alternative provision;**
- b. the information the governing body must and should provide to parents when deciding not to reinstate their child;**
- c. the governing body’s duties over removing a permanently excluded child from roll and informing the local authority of this; and**
- d. its responsibilities for marking the attendance register following an exclusion.**

**Are these revisions clear?**

### Summary of responses

	<b>Total</b>	<b>Percent</b>
Yes	274	84%
No	50	15%
Not answered	2	1%

A majority of respondents agreed with the changes. We received a small number of additional comments including:

- Some respondents queried when exclusions were considered consecutive for the purposes of calculating when sixth day provision should start. One respondent also queried why consecutive exclusions were only treated cumulatively when they were for a fixed period, and not where a fixed-period exclusion is immediately followed by a permanent exclusion.

- Although it was not specifically consulted on in this question, some respondents queried the process following the governing board review and the circumstances in which parents could request an independent review panel. Some respondents felt that the new guidance suggested parents could now request an independent review following a fixed-period exclusion as well as a permanent exclusion.

## Government response

The word 'consecutive' in this guidance has its normal meaning, so we do not think any further explanation is necessary in the guidance itself.

The term 'consecutive exclusions' refers to uninterrupted periods of exclusion, where one exclusion directly follows another without the pupil returning to the school in between. Where a child is excluded, returns to school and subsequently receives another exclusion (regardless of whether it is for similar behaviour) the school days of the two exclusions are not consecutive.

Where a fixed-period exclusion is followed by a permanent exclusion, these are not treated as consecutive for the purposes of calculating the sixth day, as at this point the duty to arrange alternative provision transfers to the local authority and it is important to ensure there is sufficient time to arrange a suitable placement. Where it is possible, schools and local authorities may choose to arrange alternative provision before the sixth day, or during shorter periods of exclusion.

We have amended paragraph 67 and the non-statutory guide for parents to clarify that an independent review can only be requested following a permanent exclusion, where the governing board has not already offered to reinstate the pupil.

## Question 5

The question asked: **In paragraphs 47-48 and 181-189 we have attempted to clarify the role of the local authority when a pupil is excluded. We have attempted to make clearer:**

- a. the local authority's legal duties in arranging alternative education for excluded pupils;**
- b. the local authority's duty when a pupil with an Education, Health and Care (EHC) plan is excluded (this is simply an update, to reflect that statements of special educational need are being phased out and replaced by education, health and care plans - the policy is unchanged); and**
- c. its legal responsibilities regarding financial readjustments and payments related to an exclusion.**

**Are the responsibilities of the local authority clear?**

## Summary of responses

	Total	Percent
Yes	276	85%
No	39	12%
Not answered	11	3%

Most respondents agreed with the changes and thought that responsibilities of the local authority were clearer as a result of the revisions.

The small number of comments included:

- Several respondents felt that paragraph 47 should be amended to say that, where a pupil with an EHC plan is excluded, the local authority must review the plan or reassess the child's needs, as opposed to may need to review the plan or reassess the child's needs.
- There were a number of comments about the level of the £4,000 payment, including why this is not pro-rated for pupils excluded later in the school year, why the figure is described as a 'further' £4,000, and how this relates to the level of funding a school receives for a pupil.

## Government response

The wording used within paragraph 47 reflects section 44 of the Children and Families Act 2014, which sets out that the LA 'may' review an EHC plan at any time if they think a reassessment is necessary. As the Act does not state that the LA 'must' review an EHC plan on the grounds that a pupil is excluded we are unable to amend the wording as this would not properly reflect the legislation.

Where a pupil with an EHC plan has been permanently excluded, then reassessment would in practice be necessary as they would no longer be attending the setting named on their plan. However, in shorter periods of exclusion where a child will return to the setting named on their plan then reassessment may not be necessary.

We have noted the comments made about funding and we believe that all the information that is required for the relevant bodies to comply with their duties is available in the guidance itself, or within the documents to which we provide links.

Funding which a school uses to educate a pupil (necessarily a notional amount) would be expected to transfer to the local authority when they are excluded so that the authority can make alternative provision for the pupil, or transfer funding to a new school admitting the pupil. The £4,000 payment referred to is in addition to the funding that follows the

pupil, and is only ordered where an independent review panel has directed a governing board or academy trust to review an exclusion and the pupil is not offered reinstatement within the required time period. We have set a flat rate for the financial payment so that the payment is clearly understood and consistently applied.

## Question 6

The question asked: **In paragraphs 56-57, 172 and 176-180 we have attempted to clarify the role of the governing body in reviewing an exclusion decision. The clarifications relate to:**

- a. **its duty regarding reviewing exclusion decisions that take a pupil's number of days excluded to between 5 and 15 in one term;**
- b. **what it should do when an exclusion means a pupil would miss a 'public examination' or national curriculum test; and**
- c. **how the governing body should approach reconsideration of its decision when recommended or directed to do so by an IRP.**

**Do these revisions improve clarity in these areas of the governing body's role?**

### Summary of responses

	Total	Percent
Yes	274	84%
No	52	16%
Not answered	0	0%

Respondents generally agreed that the changes made the role of the governing board clearer. We received a number of further comments, including:

- Some respondents felt the 50 days to review reinstatement for a fixed-period exclusion remains unclear as the child would already be reinstated by then.
- Several respondents felt the guidance should state whether it should be the same governors who reconsider a decision which an independent review panel has recommended or directed be reviewed.

### Government response

We have noted the comments about the length of time a governing board has to review fixed-period exclusions. This reflects the law on exclusion reviews and the guidance is therefore accurate. Paragraph 67 of the guidance sets out that where reinstatement

would make no practical difference the governing board must still consider whether the pupil should be officially reinstated.

The legal duties of a governing board to reconsider an exclusion decision, following an independent review panel, are placed upon the board itself, not on individual governors. Whether reconsideration is by the same committee of governors that made the original decision or a different group of governors not involved in the original decision is a matter for the governing board to determine. Because this is a local matter, we are not including further information on this point in the guidance document.

## Question 7

The question asked: **In paragraph 93 we have attempted to make clear that it is a legal duty for the local authority and academy trust to make sure any independent review panel is accessible to all parties. Is this new addition clear?**

	Total	Percent
Yes	312	96%
No	12	4%
Not answered	2	1%

## Summary of responses

Respondents overwhelmingly agreed with the changes to paragraph 91 and thought that the changes make the LA and academy trust's legal duty relating to independent review panel accessibility clearer. Some respondents felt that the footnote should be moved to the body of the text in order to ensure that the duty is clear.

## Government response

An overwhelming majority of respondents agreed that this section was clear, and we are therefore not making further changes to this section.

## Question 8

The question asked: **In paragraphs 76d and 125-130 we have attempted to clarify the role of the Special Educational Needs (SEN) expert to an IRP. This includes attempting to clarify:**

- a. **The role of the SEN expert at an IRP; and**
- b. **the experience and expertise the expert should have.**

**Do the revisions make these elements of the SEN expert role clearer?**

## Summary of responses

	Total	Percent
Yes	251	77%
No	41	13%
Not answered	34	10%

A majority of respondents agreed with the proposed changes. Further comments on this question included:

- Some respondents felt the role of the SEN expert should be set out in greater detail.
- Some respondents did not agree that any parent should be able to request a SEN expert at a review of a permanent exclusion even if their child has not been diagnosed with SEN.

## Government response

The role of the SEN expert is already set out in the guidance in paragraphs 164 – 167. We feel this provides a suitable level of detail and are not making further updates at this time.

We believe it is right that all parents have the opportunity to request an SEN expert. The guidance is clear that at all stages of the exclusions process underlying causes of disruptive behaviour should be considered, which may include unmet SEN which may or may not have been identified.

## Question 9

The question asked: **In paragraphs 142, 155, 158-9 we have attempted to clarify the responsibilities of the IRP in coming to a decision about an exclusion. This includes attempting to clarify:**

- a. the evidence the panel should consider;**
- b. what the panel should do if it is aware that the parents do not want their child to return to the excluding school;**
- c. what knowledge of the exclusion process is expected of the panel; and**
- d. what tests the panel should apply when making a decision on the exclusion.**

**Are these revisions clear?**

## Summary of responses

	Total	Percent
Yes	299	92%
No	27	8%
Not answered	0	0%

A majority of respondents felt that the revisions were clear.

We received some comments asking for additional clarity, including:

- Some respondents requested more detail about the circumstances in which new evidence should be considered.
- Several respondents commented that more explanation was needed of some of the concepts referred to within this section, namely, the principles of judicial review, irrationality and procedural impropriety.

## Government response

In paragraph 142 we have further clarified the circumstances in which new evidence can be considered. The paragraph now states that new evidence may be presented to the panel where this does not introduce new reasons for the exclusion or new reasons for the pupil not to be reinstated.

We are not adding any further detail on the principles of judicial review, irrationality and procedural impropriety because most respondents agreed this is already clear in the current version.

## Question 10

The question asked: **In paragraphs 147, 163, 170 and 151 we have attempted to clarify the notifications the IRP must make once it has reached a decision. This includes:**

- a. its duties and responsibilities in ordering financial payments;**
- b. what it must order the governing body to do following the IRP decision;**
- c. who it should notify of its decision; and**
- d. what it should include in the notification.**

## Do these revisions make clearer the information the IRP notifications must include?

### Summary of responses

	Total	Percent
Yes	288	88%
No	32	10%
Not answered	6	2%

The majority of respondents agreed the revisions make clearer the information the independent review panel notifications must include.

Most comments received were in relation to the £4,000 payment. These included:

- Several respondents who did not feel there should be a financial penalty for schools where they were directed to reconsider an exclusion and did not offer reinstatement. Others felt this payment should be higher.
- Some respondents commented that it was not clear what outcomes an independent review panel could reach, and in which circumstances a financial readjustment should be applied.
- Several respondents were unclear on whether the independent review panel must order the £4,000 readjustment where a panel directed to reconsider an exclusion and does not offer reinstatement within the required timescales, or whether this was a choice.

### Government response

The £4,000 payment is only made where an independent review panel *direct* a governing board to reconsider their exclusion (also referred to as quashing the governing board's decision) and the governing board do not offer to reinstate the pupil in the timescales set out in the guidance.

Alternatively, a panel could also *recommend* that the governing board reconsider their decision, or uphold their decision. No financial readjustment would be ordered where these outcomes are reached. This is set out in the statutory guidance, so no further changes are being made.

As noted in the broad issues raised section of this response, this document provides both a summary of the legal duties as well as statutory guidance from the Department for Education. The guide to the law sets out that a panel have the power (not a duty) to order directing a £4,000 readjustment in the circumstances described: so they may do this. The

statutory guidance is the Department’s guidance, which sets out that we consider that the panel *should* use this power.

## Question 11

The question asked: **We have also corrected descriptions of legal requirements that were not clear enough in the previous version. The main corrections are:**

- a. in paragraphs 60, 66 and 192 that the governing body should decide whether or not to reinstate the excluded pupil, not whether or not the head teacher’s decision to exclude was correct;
- b. in paragraphs 138, 143,161 that the independent review panel should decide whether or not the governing body was right to not reinstate the pupil, not whether the head teacher was right to exclude the pupil;
- c. in paragraphs 149 and 156 that an independent review panel is not legally required to adjourn if unavailable members mean it does not have appropriate representation but that it is advised to do so, bearing in mind the circumstances and potential impact on those involved in the case;
- d. in paragraphs 151 and 174 that an independent review panel is not legally required to direct the governing body to amend a reinstated pupil’s record to note that the twice-excluded rule should no longer apply to the pupil. We have, however, advised panels to do so in the statutory guidance; and
- e. in paragraph 176 that when an independent review panel directs a governing body to reconsider they must look afresh at the question of reinstating the pupil in light of the findings of the IRP. Do you agree that the proposed guidance accurately and clearly states the legal position?

## Summary of responses

	Total	Percent
Yes	270	83%
No	56	17%
Not answered	0	0%

Most respondents agreed that the new guidance more accurately and clearly states the legal position relating to exclusions. Comments received in response to this question included the following:

- This clarification makes clear that the role of the governing board is to consider whether or not a pupil should be reinstated, as opposed to whether the head teacher was right to exclude. Several respondents did not agree that this is what the governing board should be considering, and felt it was right to consider an exclusion in terms of whether the head teacher’s decision was right.
- Several respondents felt that the guidance was unclear on whether a panel had to adjourn if it no longer has representation from each of the three categories of members required, or whether this was a choice. Several of these respondents suggested this should say ‘must’ in all references.

## Government response

The new wording on the governing board’s role better reflects the legal duties. We are not considering any changes to these duties at this time.

As noted in the previous question, and in the ‘broad issues raised’ section of this response, this document provides both a summary of the legal duties as well as statutory guidance from the Department for Education. With regards to a panel member from one of the three groups which must be represented no longer being available, the guide to the law sets out that a panel may adjourn a review but, before doing so, must consider the effect of an adjournment on the parties, any victim of the incident leading to the exclusion, and the pupil and their parent(s). The statutory guidance is the Department’s guidance, which sets out that a panel should use this power to try to avoid losing the necessary membership and therefore having to abandon the review.

## Questions 12 and 13

We also asked for comments on two new, non-statutory, guides which offer a summary of the key points for parents and for head teachers.

Question 12 asked: **We have produced an additional, non-statutory document for head teachers (Annex B). Is this document helpful for head teachers undertaking an exclusion? Are there any points that would benefit from further clarification?**

## Summary of responses

	Total	Percent
Yes	269	83%
No	57	17%
Not answered	0	0%

Question 13 asked: **We have included an additional non-statutory document for parents (Annex B). Is this document helpful for parents whose child has been excluded? Are there any points that would benefit from further clarification?**

## Summary of responses

	Total	Percent
Yes	222	68%
No	60	18%
Not answered	44	13%

The majority of respondents thought the new non-statutory guides for head teachers and parents were helpful and a number of additional comments highlighted that these were a useful resource.

Other respondents felt that there should be more information included in the guide and made a number of suggestions for additional areas to cover, whilst others felt that the full information required was included in the guidance and there was no need to create a separate document summarising the main points.

Requests for new information for the head teachers guide included a suggestion to add that head teachers should, wherever possible, avoid the permanent exclusion of looked after children to the list of things for a head teacher to consider in the section on early intervention.

In relation to the guide for parents, requests for further information included

- A number of respondents suggested including contact details for IPSEA (Independent Parental Special Education Advice) in the section on sources of further information.
- Some respondents also information on independent review panels should be included in the general question about how a parent can question a decision to exclude a pupil, and not just in relation to where a parent feels their child has been discriminated against. This would make clear that a review panel can also be requested where there is no suggestion of discrimination.

Several respondents felt it would be helpful to produce a similar non-statutory guide for governors.

## Government response

Most respondents supported including these additional documents.

These documents are not intended to be exhaustive and should be read alongside the main guidance. We have given careful consideration to the requests for additions to the guidance. We feel that the information requested is available within the main guidance document and most of these requests do not merit inclusion in these summaries.

However, we have made the following additions based on the feedback received.

In the guide for head teachers, we have added that head teachers should, wherever possible, avoid the permanent exclusion of looked after children. In the guide for parents, we have included contact details for IPSEA in the sources of further information, as well as adding these details at other relevant points in the guidance. We have also clarified that an independent review panel can be requested in relation to any permanent exclusion that has already been upheld by a governing board, not just cases where there is an allegation of discrimination.

Following the responses requesting a guide for governors, it is our intention to produce a further non-statutory guide for governors which will be issued in due course.

## Next steps

The new guidance will come into force in September 2017. Any pupil who was excluded before September 2017 and whose exclusion is still subject to review should be considered on the basis of the September 2012 guidance.

We have also noted the comments made about the desirability of further changes to the exclusion system, including LA representation at academy trust review meetings, extending the role of the SEN expert to include disability, and providing further guidance on use of offsite direction by academies. We will consider these responses for future updates to the exclusions guidance.



Department  
for Education

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