

New Exclusions Guidance on its Way

The Department for Education (DfE) has begun a consultation on the guidance around behaviour and exclusions. This is what you need to know.

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We can relax a little – the draft guidance does not make any significant changes to the overall structure of exclusions – the three main stages of headteacher decision, governing board review and, for permanent exclusions, independent panel review remain in place.

One notable proposal is the change in terminology from 'fixed-term exclusions' to 'suspensions'. More importantly, the draft guidance proposes amendments to the role of the headteacher in making decisions. Here are the five key themes:

1. There is a greater emphasis on considering all relevant issues and communicating these with other agencies prior to making an exclusion decision. There are clear pointers towards alternative provision or the use of directions to improve behaviour. For pupils in vulnerable groups, there are requirements to contact the local authority to obtain support from SEND and social care teams, or the virtual school head.
2. The emphasis for planning prior to exclusions may be linked to the removal of the power to rescind or withdraw an exclusion by a headteacher, which is set out in the current guidance. This withdrawal has often been used where a change in circumstances or engagement from other agencies has resulted in a change of placement and therefore eliminating the need for an exclusion. If the proposals become the statutory guidance, that power will no longer be available and without work being undertaken prior to exclusion, may result in a greater number of exclusion decisions being taken through the whole process.
3. The support for vulnerable pupils continues at the governing board and independent review stages of the process. Where the exclusion of relevant children is being considered, those bodies must invite either social workers or virtual school heads to the meetings.
4. The draft guidance now includes clear references to off-site directions and managed moves as part of the pre-exclusion considerations for a headteacher. Guidance is provided on how these may be used to avoid the use of exclusion. It does appear as though the DfE has a narrower view of managed moves than may be prevalent in the education sector.
5. The draft guidance sets out requirements for both headteachers and the governing board to ensure there are clear processes in place within school. The aim is to ensure that parents and children can fully participate in the exclusion process. Equally, the governing board are reminded of their duties to hold senior leaders to account and, in this case, to ensure the proper use of exclusion as a last resort.

More widely, the draft guidance highlights a need for governors to take a broader look at the use of exclusion, attendance at alternative provision or off-site directions to consider whether the school is operating in the best interests of all its pupils or whether funding should be used to more effectively to support students or particular groups of students.

So, plenty to think about. When the guidance is released, we will be running training on how to implement it.

This article was first published by [LASBM](#) on 30 March 2022.

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