|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **School:** |  | **Name of pupil:** |  | **Year group:** |  |

|  |
| --- |
| This checklist is a tool to improve practice and is not a substitute for reading the DfE's ‘[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](https://www.gov.uk/government/publications/school-exclusion)’ guidance (effective 1 September 2023) It is designed to guide you through the difficult and complicated process of deciding whether to permanently exclude a child. Please carefully consider each question and answer Y/N, adding comments as required. The **first section** contains questions to consider **BEFORE** you make a decision to exclude. The **remaining sections** contain checklists of investigation, notification and administrative tasks to be completed after the decision. |

# Questions to consider before excluding

| **Y/N** | Special Educational Need and / or Disability (SEND)  | **Comment(s)** |
| --- | --- | --- |
| Choose | Does the pupil have an **Education, Health and Care Plan (EHCP)**? **Avoid exclusion if possible**. Schools should initiate an emergency Annual Review to determine what additional support or alternative placement may be required; assess the suitability of provision for a pupil’s SEND; arrange a ‘Team Around the Child’ meeting and involve all relevant external agencies. Parents should be involved and minutes of all meetings should be recorded on file.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 57 at p. 23 |  |
| Choose | Is the pupil on the **SEND register**? Can the school demonstrate that they have followed their **graduated response** for the main area(s) of need, per the SEND Code of Practice?**Please note:** **SEMH is a SEND need**; if a pupil has demonstrated significant social/emotional difficulties over a period of time, you should have explored whether they should be on the register and have reasonable adjustments in place.To avoid the risk of disability discrimination, you will need to demonstrate significant effort was made to support the pupil to manage their behaviour and reasonable adjustments and alternatives actively considered, explored, and ruled out.Are you confident that there was **no cause to apply for an EHCP** and **access additional support** or **seek an alternative provision**?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 10; para. 29 at p. 18; para. 33 at p. 19. |  |
| Choose | If the pupil is **not on the SEND register** but has persistent behavioural breaches, has the pupil been assessed by an **Educational Psychologist** to ensure contributory SEND and/or cognitive factors have not been missed?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para 29 at p. 18. |  |
| Choose | Where appropriate, has the school/parent **referred the pupil to CAMHS**? If the parent has been asked to refer through the family GP, has this been documented? |  |

| **Y/N** | Looked After Child (LAC) | **Comment(s)** |
| --- | --- | --- |
| Choose | Is the pupil a **Looked After Child (LAC)**? Must demonstrate been proactive in working with foster carers/children’s home workers, the LA, social workers and the VSH before considering exclusion.**Avoid exclusion if possible.** Schools should co-operate proactively with foster carers or residential care home staff and the local authority that looks after the child. If persistent breaches, concerns should have already been raised with the VSH/social worker at LAC reviews and PEP meeting.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 58-62 at pp. 24-25. |  |
| Choose | Have the child’s **Virtual School Head and social worker** been involved and notified of the permanent exclusion? Social workers may act as advocates for the child.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 11, 14, 18, 26, 44. |  |

| **Y/N** | Safeguarding / Child Protection | **Comment(s)** |
| --- | --- | --- |
| Choose | Have you considered **all safeguarding aspects** of the situation?* Is the pupil at risk from grooming/county lines?
* Is the pupil subject to a CP Plan or on a Child In Need (CIN) Plan?
* Have concerns been raised at CP conferences/core groups/CIN or multi agency meetings?
* Is the pupil known to social care /early help? Is there a pending MASH referral?
* Is the pupil PA and/or have issues of poor attendance/poor punctuality but no other CP concerns?
* Is the pupil on your vulnerable/at risk list and being monitored at school or as part of a TAC?
* Has the pupil made an allegation against a professional with LADO involvement?

[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 16-17. |  |

| **Y/N** | Vulnerable / at risk groups | **Comment(s)** |
| --- | --- | --- |
| Choose | Some pupils are **at greater risk of PEX** e.g. Pupil Premium and living in poverty, young carers, ethnic (Black, Gypsy Roma, Traveller), living with adults with issues around poor mental health, substance abuse or domestic violence, living with parents with learning difficulties. If so best to demonstrate early intervention and additional support considered/provided.Has the above been **taken into consideration** in the decision-making process? You will need to explain this in your Headteacher’s Statement.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 53 at p. 23. |  |

| **Y/N** | Age / Year Group - the younger the pupil, the greater the scrutiny | **Comment(s)** |
| --- | --- | --- |
| Choose | If a **primary school age** pupil, is the school confident that all of the SEND questions above have been addressed? |  |
| Choose | If a **primary school age** pupil, did school receive any history from Early Years provision/reception class or health visitor? |  |
| Choose | If a **Year 7** pupil, did school receive behaviour history from primary school during transition and pay heed to the need for immediate interventions?  |  |
| Choose | If a **Year 7** pupil, has school allowed sufficient time for interventions to take effect? |  |
| Choose | If a **late Year 10 or Year 11** pupil, is the school confident that it can answer the question of ‘why now?’ and explain why the pupil could not have been excluded earlier? |  |
| Choose | If a **Year 11** pupil, what other alternatives could the school consider to ensure a full complement of GCSEs?  |  |

| **Y/N** | Interventions to consider | **Comment(s)** |
| --- | --- | --- |
| Choose | Has the school properly **published its behaviour policy** to parents and pupils? Ideally on the school website, in parent and pupil assemblies, and reinforced through a home-school agreement. The pupil should be completely clear on behavioural expectations.[Academy Trust Governance Guide](https://www.gov.uk/guidance/-governance-in-academy-trusts) at section 7.11. |  |
| Choose | Does the school have a clear **graduated response** in place for the 4 main areas of **SEND**? (Communication & Interaction; Cognition & Learning; Physical & Sensory; Social, Emotional and Mental Health Needs)? Please refer to the SEND questions above. |  |
| Choose | Disruptive behaviour can be an indication of unmet needs. Has the school done all it can to **support the pupil’s behavioural needs**, considering behaviour history, pupil’s positive attributes and any positive periods or interventions that worked? If previous suspensions, you will need to demonstrate reintegration support.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 10; [DfE Behaviour in schools guidance](https://www.gov.uk/government/publications/behaviour-in-schools--2). |  |
| Choose | Has the school **tried** staff reports, an Individual Behaviour Plan, Pastoral Support Plan, Early Help Assessment, personalised timetable, time in an internal Learning Support Unit, multi-agency meetings and/or other agency involvement?[DfE Behaviour in schools guidance](https://www.gov.uk/government/publications/behaviour-in-schools--2). |  |
| Choose | If **Pupil Premium**, has the school applied further funding to support the pupil? School needs to evidence they have spent any additional funding first on resources to support the child holistically and the expected outcome.[DfE Using Pupil Premium: Guidance for School Leaders](https://www.gov.uk/government/publications/pupil-premium) |  |
| Choose | If behaviour presented a risk to themselves or others previously, was a graded **risk assessment** undertaken and positive handling plan implemented to decrease risk?[DfE Use of reasonable force in schools guidance](https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools) |  |
| Choose | Have school staff been trained in **de-escalation and restraint techniques**, and are these up to date?[DfE Use of reasonable force in schools guidance](https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools) |  |
| Choose | Have **parents been included** in the process to improve behaviour and can this be evidenced?[DfE Behaviour in schools guidance](https://www.gov.uk/government/publications/behaviour-in-schools--2) at p. 13. |  |
| Choose | Where there have been persistent breaches, does the pupil’s school record reflect the **behaviour history**, patterns, the school’s intervention, parental involvement, successes, escalations and sanctions? |  |

| **Y/N** | Alternatives to Exclusion | **Comment(s)** |
| --- | --- | --- |
| Choose | **Temporary** - Has the school considered directing offsite to an **alternative provision**? If so, have the student’s interventions and support followed him/her to the alternative provision? Do you have a point person designated to follow the pupil and maintain contact for updates/attendance and progress reports? Parental consent is not required, but is recommended.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 19-22.Please note: Code B should be used unless the pupil will also be registered at the alternative provision, in which case use Code D.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 36 at p. 20. |  |
| Choose | **Permanent (comes off register)** - Has the school considered a **managed move**? If an option, the school must provide the new school with all relevant information about necessary interventions and support. Parental consent is required and no pressure may be applied to obtain this consent. If a trial period is required, direct offsite in the first instance (see above). Take care to read and follow the guidance on manage moves. Improper use will be considered evidence of ‘off-rolling’.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 22-23.Please note: For managed moves, the child must come off the register with immediate effect. |  |

| **Y/N** | Two-Part Test for Exclusions **Having considered all of the above, both parts below MUST be met** | **Comment(s)** |
| --- | --- | --- |
| Choose | Part one: Has there been a serious breach **OR** persistent breaches established on a balance of probabilities? Have you been clear about which it is (because they have different evidentiary requirements)?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 11 at p. 13.**Please note** that **the bar on ‘one-off’ exclusions is extremely high.** And if the child has a history of poor behaviour, you will need to include this history and document what measures the school took to address this - it cannot be avoided and if interventions were insufficient, this will almost certainly come to light during the review process and the permanent exclusion may well be overturned. |  |
| Choose | Part two: Does the HT believe that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school? Is there a solid basis for this assessment?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 11 at p. 13. |  |
| Choose | Is the decision lawful, rational, reasonable, fair and proportionate? It also cannot be discriminatory.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 2 at p. 11. |  |

# Investigation Checklist

| **Y/N** |  | **Comment(s)** |
| --- | --- | --- |
| Choose | **Pupil involvement** is heavily emphasised in the DfE guidance. Have you met with the pupil to discuss their behaviour and once the decision to permanently exclude has been made, explain to them how their views have been factored into the decision? Have close regard for any additional needs the pupil may have and make reasonable adjustments to ensure they understand the reason for their exclusion and are able to communicate effectively.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 4 at p. 11-12; para. 182 at p. 182. |  |
| Choose | Have **witness statements** been taken from all relevant witnesses, including from the pupil? If there is no statement from the excluded pupil, you must explain why. If the pupil has refused, you might consider an email to parents requesting they submit a statement from the pupil, giving a clear timeframe to do so. If follow-up questions are asked and the statement is amended, you must document this.All statements must ideally be written by the students. If illegible, may need to be transcribed later. If scribed by a teacher, this should be clearly indicated and there must be evidence that the pupil understood and confirmed the contents before signing.Please note: Where possible, statements should be gathered from the social worker and VSH.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 112 at p. 41 (footnote 66).Are the written statements attributed, signed and dated? Redaction of names may be required for data protection purposes and is also allowed where there is good reason to protect the anonymity of the witness.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 181 at p. 55. |  |
| Choose | Has a proper investigation taken place, with **separate interviews** with all involved? |  |
| Choose | Has the investigating member of staff used **open-ended questions** and avoided suggestive questioning? |  |
| Choose | Have you taken **photographic evidence**? This can be key. If a weapon or drugs, use a ruler in the photograph to indicate size. |  |
| Choose | Have you captured **CCTV evidence**? Please be aware that if other children appear in the footage, they may need to be blurred out before it is shown to others, for data protection reasons.[DfE Data protection in schools guidance](https://www.gov.uk/guidance/data-protection-in-schools). |  |
| Choose | If the pupil in question has SEND, has the **SENDCo or key worker** been involved during the process to ensure heightened care and compliance with the SEND code of practice?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 10; para. 29 at p. 18; para. 33 at p. 19. |  |
| Choose | Have pupils involved been **treated equally** and their sanction fits the offence? If not, you must be able to explain differences.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 2 at p. 11 (exclusion must be ‘reasonable; fair; and proportionate’) |  |
| Choose | Have **police** been involved? If so, what documentation exists and what action are police taking? If a pupil is under investigation for a criminal act, the pupil may not be excluded unless there is sufficient evidence, on balance of probabilities, that the facts occurred as alleged. Pupils may be sent off-site if deemed appropriate and parental consent is not required.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 74-75. |  |
| Choose | Has the school considered **all mitigating evidence** before making a decision? Provocation, bullying, self-defence, family history and circumstances, undetected learning difficulties, social/emotional difficulties. If compelling, you may need to adjust the sanction. |  |
| Choose | Has the school **met with the family** before making the decision to exclude? This is also the best opportunity to explain to the pupil how their views have been factored into the decision.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 4 at pp. 11-12. |  |

| **Y/N** | Consulting and obtaining advice before decision | **Comment(s)** |
| --- | --- | --- |
| Choose | If the situation is complex, has the school **obtained advice**? This might be from your governance professional, your trust and/or local authority contact. Exclusion decisions based on a single incident and those involving SEND, in particular, might benefit from external advice. |  |

# Notification Checklist

| **Y/N** | For trusts: Notification to Trust | **Comment(s)** |
| --- | --- | --- |
| Choose | Once a decision has been made to permanently exclude (ideally after meeting with the family), have you officially notified all relevant parties at the trust, including the clerk and governance team? This must happen immediately, to allow them time to arrange a panel review meeting.  |  |

| **Y/N** | Notification to Parents | **Comment(s)** |
| --- | --- | --- |
| Choose | Has the school **informed parents “without delay”**, i.e. by the end of the afternoon session on the day of the incident, making sure to include all required information? Please note: ONLY a Headteacher (or an Acting Headteacher) can make the decision to exclude. If the Headteacher is offsite, they must still be contacted to make the decision and their signature should be on the letter.This can be by phone and followed up with a letter within 48 hours of exclusion (via regular first class, NOT recorded delivery, which can cause delays). Please DOUBLE CHECK their address to ensure it is still correct. Letters may be emailed if that mode of communication has been agreed and a reliable email address has been provided.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 26-29. |  |
| Choose | If the incident and surrounding circumstances are complex and further evidence, investigation, consultation and advice are required (including mitigating information from the pupil and family), has the school first issued a **suspension pending investigation** to allow time for proper investigation, deliberation and advice? Please note: Schools will be held to account for their use of this additional time and where they are deemed to have had all the relevant information on the day of the incident and no ‘further evidence has come to light’, the suspension pending investigation may be deemed to have been illegally ‘converted’ into a permanent exclusion.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 10 at pp. 12-13. |  |
| Choose | Once the exclusion decision has been made, has the school notified the parent without delay, making sure to include all required information? Please note: ONLY a Headteacher (or an Acting Headteacher) can make the decision to exclude. If the Headteacher is offsite, they must still be contacted to make the decision and their signature should be on the letter.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 26-27. |  |
| Choose | Once a review meeting is arranged, has the parent been sent an invitation letter, ideally by both post and email? Again, please DOUBLE CHECK the address on file is still correct.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 36. |  |

| **Y/N** | Notification to Local Authority and others | **Comment(s)** |
| --- | --- | --- |
| Choose | Has the school completed the relevant **local authority exclusion referral form** and sent this ASAP along with the permanent exclusion letter to the local authority? The local authority is responsible for full-time education from the sixth day of exclusion and must be notified immediately in order to arrange this is a timely manner.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at pp. 33-34. |  |
| Choose | Has the local authority been **invited to attend** the exclusion review meeting? This is not required, but can be helpful.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 36. |  |
| Choose | Has the **child’s social worker and/or Virtual School Head** been notified and invited to attend the panel review meeting?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at p. 36. |  |

# Administrative Checklist - before meeting

| **Y/N** | Putting together the evidence bundle | **Comment(s)** |
| --- | --- | --- |
| Choose | Has the school provided an **evidence bundle** for the panel, including all required information that a reviewing panel would reasonably be expected to take into account in reaching a decision on reinstatement? See below for suggested contents.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 112 at p. 41; para. 184 at p. 55. |  |
| Choose | Has the clerk’s **letter of invitation** been inserted at the top of the bundle? Always **check the address on file is accurate.** |  |
| Choose | Has the Headteacher’s Statement been included? It is best practice to include this statement of the case and it is arguably the most important document in the evidence bundle. The review panel should be able to read the statement and understand the entire case. If written by another staff member, Headteacher must review and approve. |  |
| Choose | **Appendix 1 – Investigation - incident reports, witness statements, relevant emails** - pupil’s statement first, then witnesses. If this is an exclusion for persistent or recurring behaviour, ensure information is in reverse chronological order (latest first). Other student’s names **must be redacted**. Check:* Excluded pupil’s statement(s) first
* All pupil statements **signed and dated**; if more than one, these need to be labelled in order; if staff scribed, indicate this clearly.
* All **staff statements** signed and dated by staff members; statements should not include personal opinions or unprofessional comments!
* Names of other students **redacted** where required (no need to redact staff names)
* Are statements **legible**? If not, provide exact transcription along with original statement
* Images of weapons must be **next to a ruler** so they can be identified to scale
 |  |
| Choose | **Appendix 2 – Communications - to parents and others, incl. exclusion letter(s)** - reverse date order with newest on top. |  |
| Choose | **Appendix 3 – Interventions - all SEND info, behaviour log & reintegration** - this should always be included, but the burden will be higher where there have been persistent breaches of the behaviour policy and you will be expected to have identified and addressed contributory factors. Can be inclusive of:* All SEND info, including full profile, proof of review & graduated response
* Behaviour log (names of other pupils redacted)
* ‘On report’ docs
* Pastoral Support Plans
* Behaviour Contracts
* Alternative provision reports
* External and multi-agency involvement
* Home school agreement
* Mentoring
* Behaviour workshops and other support

A chronology of interventions can be very helpful. Interventions should have start and end dates inclusive of support and outcomes. |  |
| Choose | **Appendix 4 – Other records - pupil attendance and academic records** - Please provide colour versions of these for greater clarity. |  |
| Choose | **Appendix 5 – Policies – Trust/School Behaviour Policies / Exclusion Policies / DfE Statutory Guidance** |  |
| Choose | **Appendix 6 – Meeting information - Panel Review Meeting Order of Proceedings** |  |
| Choose | Has the evidence bundle been **paginated** and **redacted**? Very important to do both. |  |
| Choose | In addition to the **parents**, has the bundle been sent to the **panel**, **local authority** (if attending), **Virtual School Head** and **social worker**?[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 112 at p. 41. |  |

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# Administrative Checklist - after meeting

| **Y/N** | MIS coding - Please refer to the exclusion data input guidance if you have any questions. | **Comment(s)** |
| --- | --- | --- |
| Choose | Has the exclusion been coded in MIS **on the day it is issued**? Use ‘E’ code for the first five days and ‘D’ code for the sixth day. If a pupil is at an alternative provision within the first 5 days, use ‘D’ code for those days if dual registered and ‘B’ code if not.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at para. 147 at pp. 48-49; [DfE Working together to improve school attendance guidance](https://www.gov.uk/government/publications/working-together-to-improve-school-attendance). |  |
| Choose | Has **the reason** for the exclusion been coded? Up to 3 reasons can be recorded. If the exclusion is for multiple breaches, choose the top three.[DfE Find a school census code guidance](https://www.gov.uk/guidance/complete-the-school-census/find-a-school-census-code); [DfE Complete the school census](https://www.gov.uk/guidance/complete-the-school-census), see ‘data items’ guidance for relevant year. |  |

| **Y/N** | After review meeting | **Comment(s)** |
| --- | --- | --- |
| Choose | Have the **dates and outcomes** of the review meeting been recorded on MIS without delay? This is important, because it determines when the data is reported to the DfE.[DfE Complete the school census](https://www.gov.uk/guidance/complete-the-school-census), see ‘data items’ guidance for relevant year. |  |
| Choose | If the panel **declines to reinstate**, has the parent notified the school in writing that they do not wish to appeal to an IRP? If so, the pupil may be taken off register on that date. If notice in writing has not been received, the school must wait until the expiration of the 15-school-day appeal period and only then, the pupil may be taken off the register, dated the day after the period ends.[DfE statutory guidance](https://www.gov.uk/government/publications/school-exclusion) at part 8 at pp. 47-48. |  |

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# Local Authority / External Contacts

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| --- |
| List your contacts below |
| Inclusion Services |  |
| Children and Family Services |  |
| Educational Psychology Services |  |
| Multi Agency Safeguarding Hub (MASH) |  |
| Pupil Referral Unit |  |
| SEND Support Services |  |
| Youth Offending Team |  |
| Virtual School Head (LAC) |  |
| CAMHS |  |
| Social Worker |  |