

New Guidance 2022

This will come into force from 1st September 2022, the regulations as amended, and this guidance apply to exclusions that occur on or after 1 September 2022. The previous guidance (2017) applies to exclusions that occurred before this date.

This guidance has been updated to reflect the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and can learn and thrive in a calm, safe, and supportive environment. This guidance provides schools and other bodies involved in this process with information so that they can continue to use suspensions and permanent exclusions appropriately. In addition, specific changes to the legislation governing the disciplinary school suspension and permanent exclusion process have been made and so changes have been made to the guidance to reflect this. Permanent exclusions will sometimes be necessary as a last resort to maintain this environment.

The new guidance has been updated to be a companion piece to the *Behaviour in Schools: Advice for headteachers and school staff* (Sept 2022), which provides advice to headteachers, trust leaders and school staff on implementing a behaviour policy which creates a school culture with high expectations of behaviour. Therefore, the suspension and exclusion guidance should only be necessary when strategies, practices and interventions set out within the Behaviour in Schools guidance have not been successful in improving a pupil's behaviour or the use of more significant interventions or sanctions are required.

The new guidance also provides statutory guidance to which headteachers, governing boards, local authorities, academy trusts, independent review panel (IRP) members and special educational needs (SEN) experts, social workers and Virtual School Heads (VSHs) must have regard when carrying out their functions in relation to suspension and permanent exclusions as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Clerks to IRPs must also be well-versed in this guidance.

Where relevant, the document refers to other guidance in areas such as behaviour, safeguarding, SEN and equalities law, but is not intended to provide detailed guidance on these issues. This guidance should not be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate.

While it is strongly recommended that the new guidance on exclusions is read in full the changes in brief include:

- Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VSH.
- When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

- When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- Guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings.
- Guidance on managed moves, what they are and how they should be used.
- Clarified guidance on the use of off-site direction as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.
- Guidance for governing boards to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary as a last resort