

## **Headteacher considerations before decision to exclude**

Permanent exclusion should only be used as a last resort, in response to 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.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. This includes pupils with special educational needs (SEN) and those who are in care to the local authority and follow a SEN review or link with the virtual school respectively to support.

The head teacher or academy principal should carry out a thorough investigation and give the pupil a chance to say what happened. When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof which is 'on the balance of probabilities' it is more likely than not that a fact is true. This means that the head teachers or academy principles will accept that something happened if it is more likely that it happened than that it did not happen.

Whilst exclusion may still be appropriate as a sanction the head teacher or academy principle should take into account any factors that are identified after reviewing the incident of poor behaviour, ensure early intervention to assess and address any underlying causes of disruptive behaviour and where necessary consult others considering the use of a multi-agency assessment for a pupil who has displayed persistent disruptive behaviour.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher or academy principle should consider whether exclusion is providing an effective sanction.