

# Off-rolling: Are Schools Rewriting History?

Justify (UK) Foundation have uncovered a chilling new tactic by Head Teachers to avoid scrutiny, review and reporting of Exclusions and its straight out of 1984

August 2020

Research and Report by



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## Introduction

Permanently excluding a pupil from school is the most serious and impactful sanction that can be imposed on any child by a school.

To provide safeguards, the government introduced legislation<sup>1</sup> in 2012 and subsequently the Department for Education (DfE) statutory guidance<sup>2</sup> (updated 2017) that enshrined the right of pupils and parents to challenge a permanent exclusion at a hearing with the Governing Board also referred to as a 'Governors' Disciplinary Committee' (GDC).

Within 15 days of the Permanent Exclusion, the GDC must (by law) review the decision of the Head Teacher and invite the pupil/parents to make representations if they want to challenge the Head Teachers decision. If the GDC uphold the permanent exclusion, then the parents also have a right to an Independent Review Panel to review the decision of the school.

The law ensures that parents of children permanently excluded from school have a right to challenge and overturn unlawful or unfair exclusions.

But what happens if the Head Teacher who sanctioned the permanent exclusion withdraws the exclusion prior to the GDC hearing? Does this mean that the hearing cannot review either the original decision to permanently exclude or subsequent decision to reverse that exclusion?

The head teacher is legally empowered to both sanction a permanent exclusion and withdraw that exclusion. The head teacher may withdraw the exclusion because new information has come to light or mitigating factors have been disclosed. On other occasions the decision to withdraw the exclusion is because the child has found an alternative school and in agreement with the parents the head teacher decides to withdraw the exclusion as part of a "fresh start".

But what if the parents decide to place their child at an alternative school but still challenge the decision of the head teacher to permanently exclude the child? This might be because they don't want the child to be without school education for 3 or more weeks or they feel that the relationship with the head teacher has broken down.

This is the question we address in this report.

### **Why is it a Problem?**

The legislation brought in by the government on exclusions is there to protect children from injustice and provide legally enforceable channels for redress of wrongful exclusion by the head teacher.

It also means that head teachers less likely to make rash or wrongful decisions because they know that their decision will be scrutinised not just by the GDC, but also potentially by an Independent Review Panel.

But what if head teachers were able to permanently exclude a child and then avoid any scrutiny by withdrawing the exclusion as soon as the child started another school but before the hearing? Would this be lawful?

Secondly, whilst this may appear to be a theoretical problem rather practice, we are aware of two schools where this has happened. In fact, this practice may be far more widespread as “withdrawn exclusions” do not need to be reported to the DfE and therefore go “under the radar”.

The issue of exclusion is also disproportionately felt by the most vulnerable children in society including those that have Special Educational Needs (SEN). The Timpson Review Of School Exclusion<sup>3</sup> (May 2019) reported the following ***“The analysis produced for this review shows that 78% of permanent exclusions issued were to pupils who either had SEN, were classified as in need or were eligible for free school meals.”***

## Quantifying the Problem

It is difficult to quantify the extent of the problem due to;

- a) Withdrawn exclusions are not reported to the DfE;
- b) Due to GDPR we are unable to contact the parents of “withdrawn exclusions” to understand if they consented.
- c) Because there is no review, there is no reporting and therefore, no ability to quantify the level of abuse.

However, we are aware of two cases (one of which was an Academy School) where the parents were explicitly denied a hearing at the GDC. In the earlier case the Head Teacher instructed the GDC to stand down from hearing as he was “intending” to withdraw the exclusion the day the child started at another school. The Head teacher did not inform the child’s parents of his intent and they were only notified after the child had started the other school.

The fact that we can demonstrate that this is behaviour is occurring, but not reported and therefore unquantifiable should concern us all.

Whilst, we cannot quantify the number of withdrawn exclusions that occur against the wishes of parents, we were able to research the degree to which Local Authorities advised schools directly or through guidance that they were not legally required to hold a GDC review if the head teacher withdrew the exclusion prior to the hearing. This is significant as it is this guidance which would permit the kind of injustice to occur without redress.

The Timpson Review also report that ***“there is concerning evidence that some children have been made to leave their school without access to the formal exclusion process and the structure and safeguards this provides”*** and we believe that “withdrawing” exclusions is part of the tactics deployed by schools to avoid these safeguards.

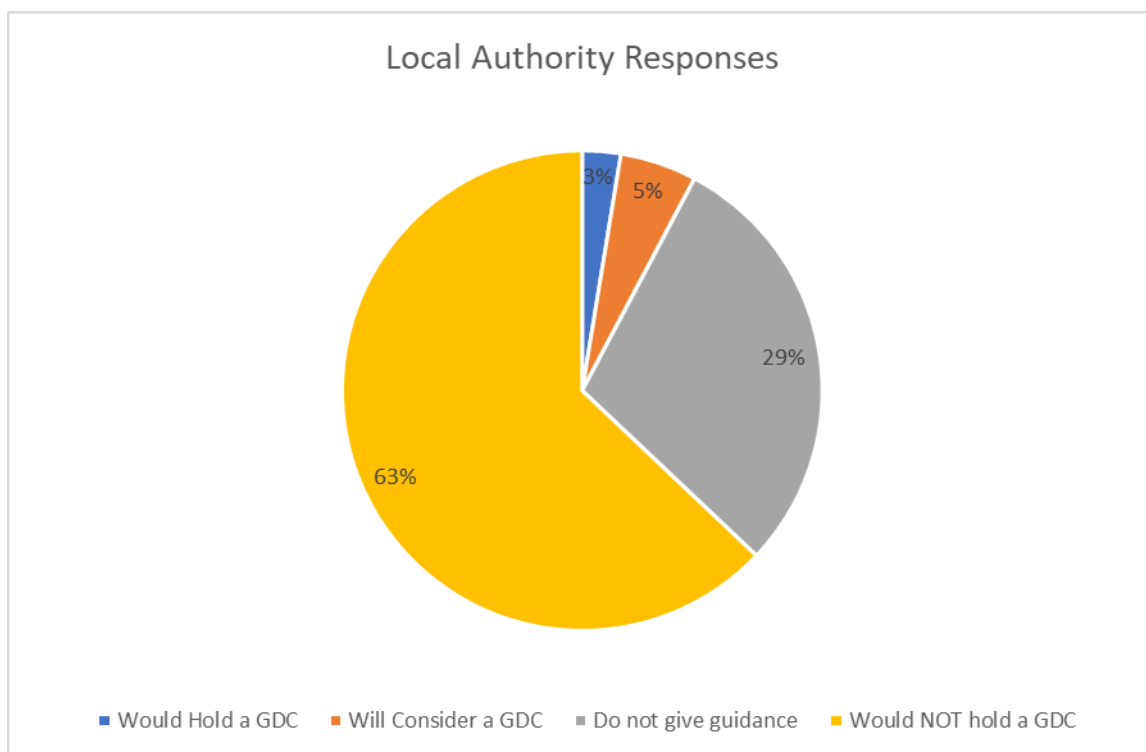
### Local Authority FOI Quantitative Research:

The research undertaken during 2019 consisted of Freedom of Information requests to Local Authorities with responsibility for education in the UK.

We asked Local Authorities whether they provided guidance to schools specifically on whether the schools should hold a GDC Hearing even if the Head Teacher withdrew the Permanent exclusion prior to the hearing.

Where the Local Authorities provided rationale behind their response, we engaged further to understand their position or for further clarification.

Of the 116 Local Authorities that responded to our request 34 (29%) said they did not give guidance, 73 (63%) stated they advised or would advise schools NOT to hold a hearing if the Head Teacher had withdrawn the exclusion, 3 (3%) stated they would hold a GDC if asked by the parent, or would hold the hearing unless a parent declined. Finally, 6 (5%) said that following our submissions or further guidance from the DfE would consider holding a GDC.



As can be seen from the responses, the majority of Local Authorities advise or would advise schools not to hold a GDC hearing if the head teacher had withdrawn the permanent exclusion prior to the hearing taking place.

Whilst it is theoretically possible that a school could ignore the advice given by their Local Authority, we believe that this is unlikely and in the two cases mentioned previously, both schools sought the advice of the local authority and acted in line with the advice given (e.g. not to hold a GDC review on a withdrawn permanent exclusion).

## **Local Authority Responses and Interviews (Qualitative Research)**

A few Local Authorities provided more detailed reasons or entered into discussion regarding their rationale for not conducting a GDC once a permanent exclusion had been withdrawn. We explore the key reasons provided by the local authority and test their rationale.

### **“A withdrawn exclusion ceases to exist”**

***“Our legal view is that as a matter of fact and law, if the Head Teacher has rescinded the Permanent Exclusion, it no longer exists and so cannot be subject to a GDC”***... Senior Manager, Hertfordshire County Council.

This view can be argued against on both grounds; The first is that the GDC is mandated to review whether the decision taken was justified, not whether that decision still stands. If the head teacher has subsequently withdrawn that decision before the GDC, this would prima facie indicate the original decision was flawed and requires review. The second point is that the harm has occurred to the pupil during the period between Exclusion and then non-exclusion (they have been deprived of schooling). So legally the exclusion has occurred and factually the consequences (harm) of that exclusion has occurred.

In cases where the permanent exclusion has only been withdrawn once the pupil has started another school, then the consequences of the permanent Exclusion have been achieved, e.g. the child has been permanently removed from the school.

Therefore, it would appear that the withdrawal of the exclusion is not intended to act as a remedy, rather the conclusion of the process and a mechanism to avoid challenge, review or recording of its occurrence.

### **“There is nothing for the GDC decide”**

This argument was raised by several local authorities. The premise is that given that the head teacher has withdrawn the exclusion, there is nothing for the GDC to decide. They cannot re-instate the pupil because they are no longer excluded. We believe this is incorrectly interprets the act. The act requires the GDC to first review the decision and then must consider whether and when to reinstate the pupil. The act does not exclude the GDC from other remedies in addition to – or where reinstatement is not a live issue, in place of - reinstatement.

The confusion appears to be whether the GDC can only review a “live sanction”, the decision that leads to the sanction, or both. However, the act requires the GDC to review fixed period exclusions under certain circumstances and given the permitted lead time for review (15 days) it is likely – and would have been known in the construction of the act – that the GDC would be reviewing something that had occurred (a Fixed term exclusion) and that was no longer a “live”, e.g. by the time the GDC were able to review the fixed term exclusion it would have completed.

When we raised this with the local authorities, they conceded that in relation to fixed term exclusions, this could be the case (e.g. the sanction was no longer active) and that the GDC would still meet and in this scenario the GDC would consider the remedy of putting a note on the pupils record to say the effect that the sanction was not supported by the GDC.

The act does not provide any exception or relief from the requirement for a GDC hearing based on whether the sanction is active or spent, only that the decision should be reviewed and – assuming the sanction is still “live” – powers to overturn it.

### A Question of Law:

The question of whether a GDC hearing must or must not take place when it is withdrawn by the Head Teacher is not explicitly answered within the legislation and statutory guidance other than it does not provide for any circumstance or exception where the GDC Hearing should not take place.

Not to hold a GDC Hearing would also be contrary to the principles of Natural Justice ***“The right to a fair hearing requires that individuals are not penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the cases against them, a fair opportunity to answer them, and the opportunity to present their own cases. The mere fact that a decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice. A public authority has a duty to act judicially whenever it makes decisions that affect people's rights or interests, and not only when it applies some judicial-type procedure in arriving at decision “***

We believe that the interpretation by Local Authorities that withdrawal nullifies the need for a GDC review is irrational and contrary to other legal protections.

For example, within the world of work, an employee may be dismissed by his employer for alleged wrongdoing. The employee may attempt to mitigate the loss of earnings by finding alternative employment whilst challenging the company for wrongful dismissal. The manager having discovered that the dismissed employee has found alternative employment could not legitimately “withdraw the dismissal” and claim that because it has been withdrawn, it is not a “live issue” in fact or law and therefore prevent the individual from redress.

We asked the Department for Education, for their view given that the guidance is not explicit. On the 4<sup>th</sup> of June 2019 they responded;

“Where a head teacher decides to exclude a pupil permanently or for any exclusion that will leave the pupil with more than five school days missed or would result in the pupil missing a public examination or national curriculum test, the head teacher must, and without delay, inform the governing board.

Whenever a head teacher excludes a pupil they must also, without delay, notify parents of the period of the exclusion and the reason(s) for it.

If the governing board has received notification from the head teacher of a decision to impose: a permanent exclusion; a fixed period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term; or an exclusion that would result in a pupil missing a public examination or national curriculum test, then the governing board must consider reinstatement of the excluded pupil within 15 school days of receiving the notice. The board must also do this if they have been informed by the head teacher of a decision to impose an exclusion that would leave the pupil with more than five school days of exclusion in a term, if the parent/pupil makes representations about it.

If the governing board decides not to reinstate the pupil, they must inform the parent/pupil, who are entitled to apply for an independent review if the exclusion is permanent.

These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.”

We also requested that the DfE include this clarification in an update to their statutory guidance.



They responded positively to this suggestion **“As part of the Government’s response to the Timpson review of school exclusion, we committed to rewriting guidance on exclusions. Thank you for your suggestion, which we will keep in mind when we update this guidance.”**

The DfE have committed to updating their statutory guidance in 2020 and we hope that this guidance will include this clarification and that schools and Local Authorities will look to implement it without delay.

We have also followed up with the DfE including a wider FOI request to capture all discourse on this specific area of legislation and statutory guidance. This is explored in the following section.

## **Viewpoint: Department for Education**

The Department for Education were asked via a FOI for their legal view on whether schools were legally obliged to hold a GDC where a Head Teacher has withdrawn a permanent exclusion prior to the Hearing taking place. Appendix B includes the full correspondence between the DfE and other parties for completeness and to underline the current state of confusion and debate.

The DfE view as expressed on the 4<sup>th</sup> of June 2019:

***“If the governing board has received notification from the head teacher of a decision to impose: a permanent exclusion; a fixed period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term; or an exclusion that would result in a pupil missing a public examination or national curriculum test, then the governing board must consider reinstatement of the excluded pupil within 15 school days of receiving the notice. The board must also do this if they have been informed by the head teacher of a decision to impose an exclusion that would leave the pupil with more than five school days of exclusion in a term, if the parent/pupil makes representations about it. If the governing board decides not to reinstate the pupil, they must inform the parent/pupil, who are entitled to apply for an independent review if the exclusion is permanent.*”**

***These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.”***

The DfE restated this again on the 26<sup>th</sup> of July 2019 **“It is the departments view that those duties all apply even if the head teacher, at some point after setting the whole process in motion, changes their mind about the exclusion”**

The DfE have also stated on the 25<sup>th</sup> of June 2019 that ***“As part of our response to the Timpson review of exclusion, published in May of this year, we have committed to update our exclusions guidance to help address the uncertainty amongst some schools leaders about what good practice looks like, and give heads the confidence to act decisively when that is needed.”***

As at the time of publication of this report, this updated guidance has yet to be published.

### **Judicial Review: Local Authorities not responsible**

On the 4<sup>th</sup> of February 2020, an oral application for Judicial Review was heard against Hertfordshire County Council regarding the guidance provided to schools in relation to not holding a GDC Hearing where a Head Teacher had withdrawn the permanent exclusion prior to the hearing. The schools had acted on the advice and the application was made against on the Local Authority on the basis they played an active part in the decision not to hold the GDC hearing.

The judge understood the mischief that was being complained about (the lack of GDC Hearing) but found that the Local Authority was not the responsible party and the application was refused.

Whilst this was disappointing given that in practical terms, it would be very unlikely that a school would go against advice provided by their local authority, it did leave open the possibility that a future application for Judicial Review could be granted against schools making a similar decision in the future.

The Justify (UK) Foundation remain interested parties to and will remain open to the possibility of supporting action in such an event.

## Conclusions:

Justify (UK) foundation welcomes the clarification that we received from the Department for Education and their commitment to consider publishing the clarification as part of their update to the statutory guidance. The DfE have also been kept apprised and were included as interested parties to the application for Judicial Review against Hertfordshire County Council.

Leaving aside the legal imperative for a GDC Hearing even when the head teacher has withdrawn the exclusion, the best practice argument would suggest that such a review is even more evident where a Head Teacher has taken the extreme sanction of permanent exclusion subsequently decides to withdraw that Exclusion. There may be valid reasons for its withdrawal, but the decision could also arise from mistakes or errors of judgement that should be reviewed, and lessons learned to prevent further mistakes occurring in future. There are no clauses in the legislation that prevent a review, and the active avoidance of review is clearly the choice of the Head Teacher and/or the governors.

Almost two thirds of Local Authorities appear to support the lack of oversight and despite various follow-ups we are still unclear as to why they would be against this level of transparency.

Some insight might be gleaned from an email to the DfE by Hertfordshire County Council asking for them to withdraw the guidance ***“I think it would be worth considering that parents may make significant legal claim of discrimination in respect that a GDC should not take place if a permanent exclusion has been withdrawn. Whilst I would be unable to second guess any outcome of legal action and nor can I comment on the further actions that may be taken by parents in respect of this, I firmly believe it would be of far greater prejudice to action your view above than to continue the current practice we have in place.”***

This is not an argument of principle, rather one predicated on avoidance of penalty.

For Complete transparency we have included the full transcript of discussions between Hertfordshire County Council and DfE (via FOI) in Appendix A

It also raises the question of competence and purpose regarding the desire for Local Authorities to provide their own interpretation (and in some cases supplementary guidance) on exclusions for schools. Furthermore, in the case of Hertfordshire Country Council to then argue that they are not responsible for the actions of the schools that follow its advice would also undermine confidence in schools that such advice can reasonably be relied upon. It also opens the possibility for divergence of interpretation and implementation of the law by each local authority.

It is clear that both Local Authorities and School Governors - who have a significant role to play in the governance of schools - lack a thorough understanding of Natural Justice. The term itself has been largely replaced with the term “Fair Play” and perhaps for good reason; Natural Justice suggests that it is innate rather than learnt, and clearly this is not the case and from our research it would appear that there is a general lack of training both within Schools and Local Authorities in the concept of fair play. Within the context of School Governors and wider within the public sector we would recommend mandatory training on this topic.

We believe that Schools and Local Authorities have been acting unlawfully and against best practice by not holding a GDC Hearing on Permanent Exclusions where the head teacher has withdrawn the exclusion before the hearing.

Whilst it is hard to quantify the degree to which this is prevalent and the motivations behind such unlawful behaviour, we do not believe this has occurred either rationally or with good intentions.

Winston (the lead character in George Orwell's 1984) sums it up succinctly "**by rewriting the events of the past and controlling the narrative of history, they can maintain their position of authority**". It is hard to argue that schools are not doing this when they withdraw permanent exclusions without parental consent and only after they have removed the child from school.

As the head teacher of an Academy school noted to the Local Authority (FOI Disclosure, Appendix B) "**This one is not going away....**". Justify (UK) Foundation will ensure that is the case until all schools and local authorities comply with the law.

We hope and trust that the DfE will issue revised guidance that clarifies this issue, but we do question whether Local Authorities and schools will adhere to this guidance and whether further court action is required to enforce this in law.

### **About Justify (UK) Foundation**

Justify (UK) Foundation is a charity (1188873) focused on supporting, funding and advocating civil rights within the UK. The foundation aims to advance the cause of justice within the UK by defending the rights of individuals, upholding the principle of “Natural Justice” and supporting cases against discrimination.

Website: [www.justifyfoundation.org](http://www.justifyfoundation.org)

Facebook: [facebook.com/JustifyUK](https://facebook.com/JustifyUK)

Enquires: [advocate@justifyfoundation.org](mailto:advocate@justifyfoundation.org)

## References

1. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 - [https://www.legislation.gov.uk/uksi/2012/1033/pdfs/uksi\\_20121033\\_en.pdf](https://www.legislation.gov.uk/uksi/2012/1033/pdfs/uksi_20121033_en.pdf)
2. Statutory Guidance: Exclusion from maintained schools, academies and pupil referral units in England, DfE (2017) - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)
3. Timpson Review Of School Exclusion (May 2019) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

## Appendix A: Correspondence between DfE and Hertfordshire County Council

Query received on 14/02/19

My question is in relation to a change of provision for a child who has an EHCP and has been permanently excluded. Schools have responsibility for the education for the first five days of the permanent exclusion. Thereafter the responsibility for a pupil's on-going education will fall to the Local Authority. For a child with an EHCP, an emergency review of the EHCP takes place prior to the permanent exclusion. However, this in itself does not sometimes prevent a school from proceeding with a permanent exclusion. The Local Authority offer Day 6 provision as an interim measure whilst a more permanent education placement is sought via provision panel/and or the SEN consultation process. As it is an interim measure it may not comply with all requirements in the EHCP. My query is this, as there are no timescales in relation to new provision that I am aware of within the Code or other relevant legislation, just that the Local Authority has a duty to ensure that the special educational provision specified in section F of the EHC plan is delivered and the schools have duty to admit. (s.43 of the CFA 2014) but does not indicate any timescale upon which this should be complied with in these circumstances Hypothetically, a Local Authority could name a special provision to start at some future date and the child would be in receipt of Day 6 provision for an undefined period of time which was not complying with all requirements in the EHCP. Please can you offer some clarification on this matter or what would be considered reasonable in these circumstances

Response 7/3/19

Dear [REDACTED]

Thank you for contacting the department with your query.

Local authorities have a duty to arrange suitable education for any pupil of compulsory school age who, because of illness, exclusion or other reasons, would not get a suitable education without such provision. This education must be full time, unless a pupil's medical needs mean that full-time education would not be in their best interests.

We have not produced guidance about how long the interim (Day 6) arrangement should be, but the local authority's special educational needs (SEN) service must establish suitable alternative arrangements as soon as is **reasonably** possible, i.e. would other local authorities do this also.

It is up to local authorities to determine the most appropriate alternative provision for a child, but they should take into account the views of the pupil, their parents and other professionals. The department published [statutory guidance](#) which local authorities must have regard to when putting educational provision in place for a child.

I hope this response has answered your question.

Your correspondence has been allocated reference number 2019-0006704. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

Yours sincerely



[REDACTED]

Query received 06/06/2019

**Question:**

Ref: 2019-00 [REDACTED] From: [REDACTED] Sent: 06 June 2019 11:16 To: DfE Cc: [REDACTED]@cambridgeshire.gov.uk; [REDACTED]@oxfordshire.gov.uk; [REDACTED]@norfolk.gov.uk; [REDACTED]@suffolk.gov.uk; [REDACTED]@essex.gov.uk; [REDACTED]@southend.gov.uk; [REDACTED]@hertfordshire.gov.uk> Subject: FW: FW: Department for Education: Policy Team 2019-000 [REDACTED]

Dear [REDACTED], The email at the bottom of this thread has been forward to me from [REDACTED] [REDACTED] School and as the current [REDACTED] within Hertfordshire, I would like to question your view that: 'These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.' There is no mention within the guidance of this being the case, and Hertfordshire have never operated in this way. I have copied in neighbouring authorities who I also believe may not understand the guidance in this way. I think you may find the practice throughout the country is that if a permanent exclusion is withdrawn, no GDC will take place. I have also forwarded your view to the Coram Children's Centre for their legal view. In Section 3 pt.5 of Exclusion from maintained schools, academies and pupil referral units in England DfE Sept 2017 states 'The head teacher may withdraw an exclusion that has not been reviewed by the governing board.' There is no further information within the guidance on this matter. If a permanent exclusion has been withdrawn there is in fact no permanent exclusion for Governors to consider. I think it would be worth considering that parents may make significant legal claim of discrimination in respect that a GDC should not take place if a permanent exclusion has been withdrawn. Whilst I would be unable to second guess any outcome of legal action and nor can I comment on the further actions that may be taken by parents in respect of this, I firmly believe it would be of far greater prejudice to action your view above than to continue the current practice we have in place. I look forward to your response, Best wishes [REDACTED]

From: ACCOUNT, Unmonitored <Unmonitored.ACCOUNT@education.gov.uk> Sent: 04 June 2019 11:43 To: [REDACTED] > Subject: Department for Education: Policy Team 2019-000 [REDACTED] Dear [REDACTED] Thank you for your email. As stated previously, a headteacher may withdraw an exclusion that has not yet been reviewed by the governing board. However, parents are still able to make representations to the governing board about an exclusion. Where a head teacher decides to exclude a pupil permanently or for any exclusion that will leave the pupil with more than five school days missed or would result in the pupil missing a public examination or national curriculum test, the head teacher must, and without delay, inform the governing board. Whenever a head teacher excludes a pupil they must also, without delay, notify parents of the period of the exclusion and the reason(s) for it. If the governing board has received notification from the head teacher of a decision to impose: a permanent exclusion; a fixed period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term; or an exclusion that would result in a pupil missing a public examination or national curriculum test, then the governing board must consider reinstatement of the excluded pupil within 15 school days of receiving the notice. The board must also do this if they have been informed by the head teacher of a decision to impose an exclusion that would leave the pupil with more than five school days of exclusion in a term, if the parent/pupil makes representations about it. If the governing board

decides not to reinstate the pupil, they must inform the parent/pupil, who are entitled to apply for an independent review if the exclusion is permanent. These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement. As part of the Government's response to the Timpson review of school exclusion, we committed to rewriting guidance on exclusions. Thank you for your suggestion, which we will keep in mind when we update this guidance. Your correspondence has been allocated reference number 2019-00 [REDACTED]. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number. Yours sincerely [REDACTED]

Response 25/06/2019

Dear [REDACTED]

Thank you for your email. My previous email set out the department's interpretation of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. If you disagree with our position, we encourage you to seek legal advice. It is up to individual organisations to manage legal risk and to satisfy themselves that they are acting in compliance with the law.

As part of our response to the Timpson review of exclusion, published in May of this year, we have committed to update our exclusions guidance to help address the uncertainty amongst some schools leaders about what good practice looks like, and give heads the confidence to act decisively when that is needed.

Your correspondence has been allocated reference number 2019-00 [REDACTED]. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

Yours sincerely

[REDACTED]

Query received 25/06/2019

Dear [REDACTED], You have advised in your email dated 25/06/2019 that you have set out the DfE's interpretation of the School Discipline (Pupil Exclusions and Reviews) Regulations 2012. You suggested that if we disagree with your position we should take legal advice. For clarity before we proceed and progress this in a legal context, please can I refer you again to your comments to the Head teacher at a Hertfordshire school:- 'If the governing board decides not to reinstate the pupil, they must inform the parent/pupil, who are entitled to apply for an independent review if the exclusion is permanent. These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.' Please can I request the points within the School Discipline (Pupil Exclusions and Reviews) Regulations 2012 which you are referring to, this will support us in ensuring we take the right course of action on this matter. [REDACTED]

Response 26/07/2019

Dear [REDACTED]

Thank you for your email seeking further clarification around *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*, which can be found here: <http://www.legislation.gov.uk/ukxi/2012/1033/made>

Where a head teacher decides to exclude a pupil permanently or for a fixed period that will leave the pupil with more than five school days' exclusion in the term or that will cause the pupil to miss an exam, the head teacher must, without delay, inform the governing board (regulations 5(2) and (3), 14(2) and (3), 23(2) and (3) of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012). If the governing board have received that notification from the head teacher in relation to a permanent exclusion, an exclusion that leaves the pupil with more than 15 school days' exclusion, an exclusion that causes the pupil to miss an exam, or an exclusion that the parent / pupil then makes representations about, then the governing board must decide whether the pupil should be reinstated (regulations 6, 15, 24 of the 2012 Regulations). If the board decide not to reinstate the pupil, they must inform the parent / pupil, who is then entitled to apply for a review. It is the departments view that those duties all apply even if the head teacher, at some point after setting the whole process in motion, changes their mind about the exclusion.

We trust this information is helpful and that you are able to resolve your concerns. Your correspondence has been allocated reference number 2019-00[REDACTED]. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.smartsurvey.co.uk/s/PJKE2/>

Yours sincerely [REDACTED]

Query received 08/07/2019

Dear [REDACTED], You advised in your email dated 25/06/2019 that you have set out the DfE's interpretation of the School Discipline (Pupil Exclusions and Reviews) Regulations 2012 in relation to GDCs that 'These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.' We have had further correspondence from [REDACTED] and we have taken a legal view. I have attached our response for your records Best wishes [REDACTED]

**From:** [REDACTED]

**Sent:** 08 July 2019 16:00

**To:** [REDACTED]@gmail.com; [REDACTED]@norfolk.gov.uk; [REDACTED]@suffolk.gov.uk; [REDACTED]@essex.gov.uk; [REDACTED]@southend.gov.uk; [REDACTED]@hertfordshire.gov.uk

**Cc:** [REDACTED]@hertfordshire.gov.uk>; info@coramclc.org.uk; [REDACTED]@hfx.co.uk>

**Subject:** RE: Department for Education Guidance on Exclusions

Dear [REDACTED]

Thank you for your e-mail on this matter below and we have now taken legal advice on the view you have expressed below and our view is that it is incorrect.

We would also note that we have only been provided with the response from the DFE to yourself and not the previous correspondence and so it is missing some important context perhaps.

Our Legal department have reviewed the relevant Sections of the Education Act 2002, The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and the Guidance provided in Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion-September 2017.

Turning to the email from [REDACTED] which states

*"Whenever a head teacher excludes a pupil they must also, without delay, notify parents of the period of the exclusion and the reason(s) for it.*

*If the governing board has received notification from the head teacher of a decision to impose: a permanent exclusion; a fixed period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term; or an exclusion that would result in a pupil missing a public examination or national curriculum test, then the governing board must consider reinstatement of the excluded pupil within 15 school days of receiving the notice. The board must also do this if they have been informed by the head teacher of a decision to impose an exclusion that would leave the pupil with more than five school days of exclusion in a term, if the parent/pupil makes representations about it."*

This appears to relate to Regulations 5(2) and 5(3) of the Regulations which reads:-

2) Paragraph (3) applies where the head teacher decides—

(a) to exclude a pupil permanently; or

(b) to exclude a pupil and, as a result of the exclusion, the pupil would—

(i) be excluded for a total of more than 5 school days in any term; or

(ii) lose an opportunity to take a public examination or a National Curriculum test.

(3) The head teacher must, without delay—

(a) inform the relevant person, the governing body and the local authority (and, in the case of a permanent exclusion, if applicable, the home local authority) of the period of the exclusion and the reasons for it; and

(b) give the relevant person notice in writing stating the following matters—

(i) the period of the exclusion and the reasons for it;

(ii) that the relevant person may make representations about the decision to the governing body and that, where the pupil is not the relevant person, the pupil may also be involved in the process of making representations, and an explanation as to how the pupil may be involved;

(iii) the means by which representations may be made;

(iv) where and to whom representations should be sent; and

(v) where a meeting of the governing body is to consider the exclusion, that the relevant person may attend and be represented at the meeting (at their own expense), and may be accompanied by a friend.

Our legal view is that as a matter of fact and law, if the Head Teacher has rescinded the Permanent Exclusion, it no longer exists and so cannot be subject to a GDC. If the parent is concerned about the decision making by the Head they can and should address this by way of a complaint,

Best wishes

[REDACTED]

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**From:** [NAME@gmail.com](mailto:NAME@gmail.com)

**Sent:** 08 July 2019 09:17

**To:** [REDACTED] >; [REDACTED]@norfolk.gov.uk; [REDACTED]@suffolk.gov.uk;

[REDACTED]@essex.gov.uk; [REDACTED]@southend.gov.uk; [REDACTED]@hertfordshire.gov.uk

**Cc:** [REDACTED] >; [info@coramclc.org.uk](mailto:info@coramclc.org.uk); [REDACTED] >

**Subject:** Department for Education Guidance on Exclusions

**Importance:** High

Dear [REDACTED]

**REF: Department for Education Guidance on Exclusions**

Regarding your correspondence in this matter (attached for reference) I would like to point out that the duty on the GDC to review a decision to rescind exclusions is not new and is already implied within section 3.6 of the statutory guidance.

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)).

Unfortunately, there has been insufficient regard to 8.4 (Ensuring that panel members and clerks are trained) particularly regarding **“the need for the panel to observe procedural fairness and the rules of natural justice”** which is why I asked the DfE to make explicit what is already implicit in the guidance. Section 3.6 already states that **“Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school’s wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.”**

A permanent exclusion by a Head Teacher is one of the most severe sanctions that can be made affecting the life of a pupil.

Where a Head Teacher has come to a judgement on excluding a pupil he cannot be the same person that reviews that decision as this clearly does not meet the requirements of Natural Justice.

If the Head Teacher subsequently decides to withdraw the exclusion, then this decision and reasons for it must also be reviewed by the GDC (together with the original exclusion) to ensure that it is lawful, rational, fair and proportionate.

**This prevents a Head Teacher from unfairly excluding a pupil and then withdrawing the exclusion - once the pupil has started another school- to prevent the decision from being reviewed by the GDC or indeed going on the school record.**

It is the exercise of power by authority that is the key factor and the Head Teacher has the authority to both permanently exclude and the authority to withdraw that exclusion and both are subject to the principles of Natural Justice and therefore review by the GDC.

**Not to subject both decisions to scrutiny enables the abuse of power.**

I can only assume that you are unaware that this abuse of authority is occurring within the education system, but I have to inform you that it is.

This is why I requested explicit guidance from the DfE and I am glad that you have been made aware so that you can act fully in line with statutory guidance.

I would be grateful if all parties would provide confirmation that this statutory guidance will be implemented.

Regards,

[REDACTED]

Response 29/07/2019

Dear [REDACTED]

Thank you for your email of the 8th of June regarding the School Discipline (Pupil Exclusions and Reviews) regulations 2012.

We appreciate you forwarding a copy of the response received from Hertfordshire County Council and have duly made not on our records.

Your correspondence has been allocated reference number 2019-00[REDACTED]. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.smartsurvey.co.uk/s/PJKE2/>

Yours sincerely

[REDACTED]

Query received 26/07/2019

Dear [REDACTED], many thanks for your further response confirming your original view. I understand that Hertfordshire County Council's Legal team are now dealing with this issue with the DfE, and the parent is taking this enquiry to Judicial Review on the back of your comments. I trust therefore you have shared your view with a DfE senior colleague. It will be interesting to have to outcome of this JR, Best wishes [REDACTED]

Response 21/08/2019

Dear [REDACTED]

Thank you for your email and for informing us of this development. Please be assured that we are fully aware of this case and it has been discussed with colleagues.

Kind regards,

[REDACTED]

Senior Policy Adviser

Exclusions unit

Query received 28/11/2019

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 state in Part 1 "(2) These Regulations apply only in relation to exclusions of pupils from maintained schools, pupil referral units, Academy schools and alternative provision Academies, in England, occurring on or after 1st September 2012." Please can I clarify that since special schools have not been named as one of the schools above, whether or not this legislation also applies to a special school

Response 24/12/2019

Dear [REDACTED]

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and the statutory guidance on exclusions does apply to both maintained and academy special schools, as they fall under the terms 'academy schools' or 'maintained schools' as set out in the guidance.



**Appendix B:**

**DfE Correspondence on the GDC hearing Withdrawn Exclusions**

Note the correspondence from the DfE via a Freedom of Information request is provided here verbatim. The redaction of personal information was conducted by the DfE as part of their process. We have included all the correspondence as it shows the level of confusion and discussion taking place between schools, local authorities and the DfE and underlines the need for the courts to clarify this point of law.



## Daisy Maniez

---

**From:** [REDACTED]  
**Sent:** 06 June 2019 14:08  
**To:** [REDACTED]@hitchinboys.co.uk  
**Cc:** [REDACTED]  
**Subject:** FW: FW: Department for Education: Policy Team 2019-0017507 CRM:0387001

Dear [REDACTED]

Please see a copy of the email sent through to the DfE online form and my colleagues in our neighbouring authorities in relation to the response you have received from the DfE

On receipt of response I will forward to you

Best wishes

[REDACTED]

[REDACTED]

Senior Manager (County Lead for In Year & Integration Teams)  
Admissions and Transport Team  
Children's Services  
Postal Point CH102  
Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN  
Tel: 01438 84 [REDACTED] **Comnet / Internal:** [REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 June 2019 11:16  
**To:** DfE  
**Cc:** [REDACTED]@cambridgeshire.gov.uk; [REDACTED]@oxfordshire.gov.uk;  
[REDACTED]@norfolk.gov.uk; [REDACTED]@suffolk.gov.uk; [REDACTED]@essex.gov.uk;  
[REDACTED]@southend.gov.uk; [REDACTED]@hertfordshire.gov.uk>  
**Subject:** FW: FW: Department for Education: Policy Team 2019-0017507 CRM:0387001

Dear [REDACTED],

The email at the bottom of this thread has been forward to me from Hitchin Boys' School and as the current County Lead for Exclusions within Hertfordshire, I would like to question your view that:

*'These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.'*

There is no mention within the guidance of this being the case, and Hertfordshire have never operated in this way. I have copied in neighbouring authorities who I also believe may not understand the guidance in this way. I think you may find the practice throughout the country is than if a permanent exclusion is

withdrawn, no GDC will take place. I have also forwarded your view to the Coram Children's Centre for their legal view.

In Section 3 pt.5 of Exclusion from maintained schools, academies and pupil referral units in England DfE Sept 2017 states 'The head teacher may withdraw an exclusion that has not been reviewed by the governing board.' There is no further information within the guidance on this matter.

If a permanent exclusion has been withdrawn there is in fact no permanent exclusion for Governors to consider. I think it would be worth considering that parents may make significant legal claim of discrimination in respect that a GDC should not take place if a permanent exclusion has been withdrawn. Whilst I would be unable to second guess any outcome of legal action and nor can I comment on the further actions that may be taken by parents in respect of this, I firmly believe it would be of far greater prejudice to action your view above than to continue the current practice we have in place.

I look forward to your response,

Best wishes

[Redacted]

[Redacted]

Senior Manager (County Lead for In Year & Integration Teams)  
Admissions and Transport Team  
Children's Services  
Postal Point CH102  
Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN  
Tel: 01438 [Redacted] Comnet / Internal: [Redacted]

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**From:** [Redacted]  
**Sent:** 05 June 2019 17:46  
**To:** [Redacted]@hertfordshire.gov.uk>  
**Subject:** FW: FW: Department for Education: Policy Team 2019-0017507 CRM:0387001

Dear [Redacted]

Please see email below as discussed. I will inform [Redacted] that I have forward to you for your response.

I hope this is okay.

Best wishes,

[Redacted]

Integration Officer  
Admissions and Transport Team  
Children's Services  
Postal Point CH102  
Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN  
Telephone: 01438 8 [Redacted]  
Mobile: [Redacted] (No facility to leave voice message)  
Comnet / Internal: [Redacted]

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**From:** [REDACTED] <[\[REDACTED\]@hitchinboys.co.uk](mailto:[REDACTED]@hitchinboys.co.uk)>  
**Sent:** 05 June 2019 08:05  
**To:** [REDACTED] <[\[REDACTED\]@hertfordshire.gov.uk](mailto:[REDACTED]@hertfordshire.gov.uk)>  
**Subject:** FW: FW: Department for Education: Policy Team 2019-0017507 CRM:0387001

Hi [REDACTED]

This one is not going away....

I wonder if you could advise us on this feedback from DfE – see below

The logical outcome seems to suggest that a GDC needs to be convened even if a permanent exclusion has been rescinded.

Can you help ?

Thanks

[REDACTED]

**From:** [REDACTED] <[\[REDACTED\]@hitchinboys.co.uk](mailto:[REDACTED]@hitchinboys.co.uk)>  
**Sent:** 05 June 2019 06:54  
**To:** [REDACTED] <[\[REDACTED\]@hitchinboys.co.uk](mailto:[REDACTED]@hitchinboys.co.uk)>  
**Subject:** Fwd: FW: Department for Education: Policy Team 2019-0017507 CRM:0387001

Hi [REDACTED]

Please could you let me have your take on this. I am not sure that I read this in the same way as [REDACTED] or indeed do anything differently from what was done.

Thanks

[REDACTED]

----- Forwarded message -----

**From:** <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>  
**Date:** Tue, 4 Jun 2019 at 16:08  
**Subject:** FW: Department for Education: Policy Team 2019-0017507 CRM:0387001  
**To:** [REDACTED] <[\[REDACTED\]@hitchinboys.co.uk](mailto:[REDACTED]@hitchinboys.co.uk)>

Hi [REDACTED],

See below, guidance on exclusions from the DfE.

The DfE feedback seems to suggest (see below) that the governors must consider the exclusion even if the headmaster rescinds it: “These duties **all** apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.”

Regards,

[REDACTED]

---

**From:** ACCOUNT, Unmonitored <[Unmonitored.ACCOUNT@education.gov.uk](mailto:Unmonitored.ACCOUNT@education.gov.uk)>  
**Sent:** 04 June 2019 11:43  
**To:** [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>  
**Subject:** Department for Education: Policy Team 2019-0017507 CRM:0387001

Dear [REDACTED]

Thank you for your email.

As stated previously, a headteacher may withdraw an exclusion that has not yet been reviewed by the governing board. However, parents are still able to make representations to the governing board about an exclusion.

Where a head teacher decides to exclude a pupil permanently or for any exclusion that will leave the pupil with more than five school days missed or would result in the pupil missing a public examination or national curriculum test, the head teacher must, and without delay, inform the governing board.

Whenever a head teacher excludes a pupil they must also, without delay, notify parents of the period of the exclusion and the reason(s) for it.

If the governing board has received notification from the head teacher of a decision to impose: a permanent exclusion; a fixed period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term; or an exclusion that would result in a pupil missing a public examination or national curriculum test, then the governing board must consider reinstatement of the excluded pupil within 15 school days of receiving the notice. The board must also do this if they have been informed by the head teacher of a decision to impose an exclusion that would leave the pupil with more than five school days of exclusion in a term, if the parent/pupil makes representations about it.

If the governing board decides not to reinstate the pupil, they must inform the parent/pupil, who are entitled to apply for an independent review if the exclusion is permanent.

These duties all apply even where the head teacher changes their mind about the exclusion before the governing board consider reinstatement.

As part of the Government's response to the Timpson review of school exclusion, we committed to rewriting guidance on exclusions. Thank you for your suggestion, which we will keep in mind when we update this guidance.

Your correspondence has been allocated reference number 2019-0017507. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

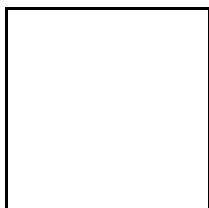
Yours sincerely

[Redacted signature]

Web: <https://www.education.gov.uk>

Twitter: <https://www.twitter.com/educationgovuk>

Facebook: <https://www.facebook.com/educationgovuk>



--

[Redacted name]  
Chair, Governing Board  
Hitchin Boys' School  
Grammar School Walk  
Hitchin  
Herts. SG5 1JB

## Daisy Maniez

---

**From:** ACCOUNT, Unmonitored <Unmonitored.ACCOUNT@education.gov.uk>  
**Sent:** 25 June 2019 10:51  
**To:** [REDACTED]  
**Subject:** Department for Education: Policy Team 2019-0021162 CRM:0172075

Dear [REDACTED]

Thank you for your email. My previous email set out the department's interpretation of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. If you disagree with our position, we encourage you to seek legal advice. It is up to individual organisations to manage legal risk and to satisfy themselves that they are acting in compliance with the law.

As part of our response to the Timpson review of exclusion, published in May of this year, we have committed to update our exclusions guidance to help address the uncertainty amongst some schools leaders about what good practice looks like, and give heads the confidence to act decisively when that is needed.

Your correspondence has been allocated reference number 2019-0021162. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

Yours sincerely

[REDACTED]

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Twitter: <https://www.twitter.com/educationgovuk>  
Facebook: <https://www.facebook.com/educationgovuk>





## Daisy Maniez

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**From:** ACCOUNT, Unmonitored <Unmonitored.ACCOUNT@education.gov.uk>  
**Sent:** 26 July 2019 11:03  
**To:** [REDACTED]  
**Subject:** Department for Education: 2019-0023601 CRM:0387005

Dear [REDACTED]

Thank you for your email seeking further clarification around *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*, which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1033/made>

Where a head teacher decides to exclude a pupil permanently or for a fixed period that will leave the pupil with more than five school days' exclusion in the term or that will cause the pupil to miss an exam, the head teacher must, without delay, inform the governing board (regulations 5(2) and (3), 14(2) and (3), 23(2) and (3) of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012). If the governing board have received that notification from the head teacher in relation to a permanent exclusion, an exclusion that leaves the pupil with more than 15 school days' exclusion, an exclusion that causes the pupil to miss an exam, or an exclusion that the parent / pupil then makes representations about, then the governing board must decide whether the pupil should be reinstated (regulations 6, 15, 24 of the 2012 Regulations). If the board decide not to reinstate the pupil, they must inform the parent / pupil, who is then entitled to apply for a review. It is the departments view that those duties all apply even if the head teacher, at some point after setting the whole process in motion, changes their mind about the exclusion.

We trust this information is helpful and that you are able to resolve your concerns.

Your correspondence has been allocated reference number 2019-0023601. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.smartsurvey.co.uk/s/PJKE2/>

Yours sincerely

[REDACTED]  
SEND, Alternative Provision and Attendance Unit

Web: <https://www.education.gov.uk>

Twitter: <https://www.twitter.com/educationgovuk>

Facebook: <https://www.facebook.com/educationgovuk>



## Daisy Maniez

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**From:** [REDACTED]  
**Sent:** 26 July 2019 11:30  
**To:** [REDACTED]  
**Subject:** FW: Department for Education: 2019-0023601 CRM:0387005

Dear both,

Just received further confirmation from the same person at DfE. However, this one is slightly different that it is saying that the DfE view is that the right to GDC/Review exists even in Head teacher withdraws the permanent exclusion

Best wishes

[REDACTED]

[REDACTED]  
Senior Manager (County Lead for In Year & Integration Teams)  
Admissions and Transport Team  
Children's Services  
Postal Point CH102  
Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN  
Tel: 01438 [REDACTED] Comnet / Internal: [REDACTED]

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**From:** ACCOUNT, Unmonitored <Unmonitored.ACCOUNT@education.gov.uk>  
**Sent:** 26 July 2019 11:03  
**To:** [REDACTED]@hertfordshire.gov.uk>  
**Subject:** Department for Education: 2019-0023601 CRM:0387005

Dear [REDACTED]

Thank you for your email seeking further clarification around *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*, which can be found here:

<http://www.legislation.gov.uk/ukxi/2012/1033/made>

Where a head teacher decides to exclude a pupil permanently or for a fixed period that will leave the pupil with more than five school days' exclusion in the term or that will cause the pupil to miss an exam, the head teacher must, without delay, inform the governing board (regulations 5(2) and (3), 14(2) and (3), 23(2) and (3) of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012). If the governing board have received that notification from the head teacher in relation to a permanent exclusion, an exclusion that leaves the pupil with more than 15 school days' exclusion, an exclusion that causes the pupil to miss an exam, or an exclusion that the parent / pupil then makes representations about, then the governing board must decide whether the pupil should be reinstated (regulations 6, 15, 24 of the 2012 Regulations). If the board decide

not to reinstate the pupil, they must inform the parent / pupil, who is then entitled to apply for a review. It is the departments view that those duties all apply even if the head teacher, at some point after setting the whole process in motion, changes their mind about the exclusion.

We trust this information is helpful and that you are able to resolve your concerns.

Your correspondence has been allocated reference number 2019-0023601. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.smartsurvey.co.uk/s/PJKE2/>

Yours sincerely

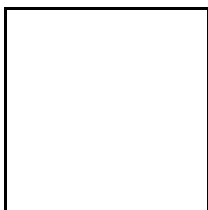


SEND, Alternative Provision and Attendance Unit

Web: <https://www.education.gov.uk>

Twitter: <https://www.twitter.com/educationgovuk>

Facebook: <https://www.facebook.com/educationgovuk>



## Daisy Maniez

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**From:** ACCOUNT, Unmonitored <Unmonitored.ACCOUNT@education.gov.uk>  
**Sent:** 21 August 2019 11:27  
**To:** [REDACTED]  
**Subject:** Department for Education: 2019-0027385 CRM:0726001

Dear [REDACTED]

Thank you for your email and for informing us of this development. Please be assured that we are fully aware of this case and it has been discussed with colleagues.

Kind regards,

[REDACTED]

Senior Policy Adviser

Exclusions unit

Your correspondence has been allocated reference number 2019-0027385. If you need to respond to us, please visit: <https://www.education.gov.uk/contactus> and quote your reference number.

As part of our commitment to improving the service we provide to our customers, we are interested in hearing your views and would welcome your comments via our website at: <https://www.smartsurvey.co.uk/s/PJKE2/>

Web: <https://www.education.gov.uk>

Twitter: <https://www.twitter.com/educationgovuk>

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