



Department
for Education

Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance

Government response to consultation

July 2022

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Introduction

In response to the '[Timpson Review of School Exclusions](#)', the government committed to working with sector experts to publish practical guidance that supports schools to create positive behaviour cultures, and to conduct lawful, fair, and reasonable suspensions and permanent exclusions.

The public consultation on the revised Behaviour in Schools guidance and the revised Suspension and Permanent Exclusion guidance¹ was launched on 3 February 2022 and closed on 31 March 2022.

The revised Behaviour in Schools guidance (previously known as Behaviour and Discipline guidance) set out advice to schools on developing and implementing whole-school cultures with high expectations of behaviour, in order to establish calm, safe and supportive environments conducive to learning.

The revised Suspension and Permanent Exclusion guidance provided greater clarity to headteachers, independent review panels and governing boards on their responsibilities when considering suspensions and permanent exclusions and reflects proposed changes to the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. It also provided best practice on areas such as managed moves and off-site direction to clarify the use of these interventions to schools, governing boards, and local authorities.

We have published the final updated guidance documents that take consultation feedback into account alongside this report.

Summary of responses and analysis

The consultation comprised of 46 questions split equally across the Behaviour in Schools guidance and the Suspension and Permanent Exclusion guidance. 824 responses were made to the online consultation and 34 provided separate email responses.

The analysis does not include issues raised which were outside the scope of the consultation and/or the guidance.

Table 1 demonstrates total responses from each of the stakeholder groups.

¹ Department for Education (February 2022) [Consultation on Revised Behaviour in Schools guidance and Suspension and Permanent Exclusion guidance](#).

Table 1: Respondents by stakeholder groups

Stakeholder Groups	No. of respondents in group	Proportion of group %
Headteacher	187	23%
Teacher	120	15%
Parent/carer	91	11%
Local authority	92	11%
Governor	24	3%
Other - education	132	16%
Other	178	22%
Total	824	100%

Note: percentages may not sum to 100 due to rounding

Not every respondent submitted an answer to every question. Therefore, the number of responses analysed below varies from question to question.

Throughout this document, percentages are expressed as a proportion of those answering each question, rather than a percentage of the total responses. It should also be noted that many of the open text questions in the consultation requested explanations for disagreement but not for agreement, which is reflected in the comments received.

Overall, there was broad support for most of the proposals on both sets of guidance alongside useful recommendations for consideration. The responses have been important in strengthening the guidance on creating positive behaviour cultures and on using measures such as managed moves, off-site direction, and exclusions.

We are grateful to all respondents who have shared their views, and for the time, attention and detail provided in those responses. We have reflected carefully on each one and updated the guidance where appropriate.

Behaviour in Schools Guidance

School Behaviour Policies

The guidance outlined that a school behaviour policy should include information on the purpose, leadership & management, school systems and pupil support. We asked respondents if they agreed with this approach.

75% of 786 respondents agreed with this approach. Governors (92%), teachers (92%), and headteachers (87%) were more likely to agree compared to other groups. The parent/carer group (62%) and Other group (61%) had the lowest level of support for this approach.

Summary of comments

The most common responses included requests for more prominence in the policy on behaviour and relationships, the need to specifically refer to children with special educational needs and/or disabilities (SEND) and behaviour challenges, avoiding punitive approaches, and allowing flexibility for schools to create and implement their behaviour policies.

Government response

We support schools to have the flexibility to design and implement behaviour policies that reflect the context they are in – the guidance supports them to achieve this. We recognise that relationships between staff and pupils have an important role to play in maintaining high behaviour standards and agree that schools should create policies that are inclusive, consistent and supportive of all pupils.

National Minimum Expectation of Behaviour

The guidance proposed a new national minimum expectation of behaviour to allow schools to set a benchmark for behavioural standards. We asked respondents if they agreed with this approach.

63% of 786 respondents agreed with this approach. Teachers (91%), governors (83%) and headteachers (81%) were more likely to agree compared to other groups. The parent/carer group had the lowest level of support (31% agreed and 69% disagreed), followed by local authorities (40% agreed and 60% disagreed).

Summary of comments

The most common responses from respondents were that the guidance should recognise behaviour as a form of communication and evidence of unmet need, particularly in relation to pupils with SEND. There were also questions about school autonomy and flexibility.

Government response

We feel confident that our focus on building whole-school cultures that teach pupils the expected behaviours ensure standards do not have to be lowered, and have included reference to reasonable adjustments to further reflect that all pupils can have access to an excellent education in a safe, calm and supportive environment.

Whole-School Approach to Behaviour

The guidance outlined how schools should adopt a whole-school approach to behaviour which is consistently and fairly implemented with all staff adhering to the same expectations. We asked respondents if they agreed with this approach.

69% of 789 respondents agreed with this approach. Teachers (88%), governors (88%) and headteachers (85%) were more likely to agree compared to other groups. The parent/carer group had the lowest level of support for this approach (36% agreed and 64% disagreed).

Summary of comments

While respondents were generally supportive of the whole-school approach, there were some common responses related to the use of ambiguous language and the need for more on foundational principles such as respect and dignity. Other issues included respondents feeling that this approach would disadvantage pupils with SEND.

Government response

We have looked at examples of ambiguity and, where appropriate, have adjusted the language to be clearer. We have also highlighted the need for mutual respect and kindness between staff and pupils and acknowledge that positive relationships can be built in environments where there is predictability, fairness and trust. We have also clarified our position on supporting pupils with additional needs to meet a school's behaviour expectations.

Behaviour Expectations for Pupils with Special Educational Needs and/or Disabilities (SEND)

The guidance outlined an approach to behaviour for pupils with SEND which allows everyone to feel they belong in the school community while expectations are not lowered for any pupil. We asked respondents if they agreed with this approach.

64% of 788 respondents agreed with this approach. Teachers (84%), headteachers (75%) and governors (75%) were more likely to agree compared to other groups; the parent/carer group had the lowest level of support for this approach (39% agreed and 61% disagreed).

Summary of comments

The most common responses related to the use of language within this section and a need to include reasonable adjustments and flexibilities. Some comments focused on acknowledging pupils with various needs, a perceived lack of support, and need for more teacher awareness and training.

Government response

We are committed to creating guidance which is practical and helpful for schools. We have listened to feedback, engaged specifically with stakeholders on this issue, and we have updated the guidance to be more reflective of the differences among pupils with varying needs. We have also amended the examples provided of how schools can meet their duties under the Equality Act 2010 and Children and Families Act 2014.

The Role of Parents

The guidance suggested that parents should be encouraged to know the school behaviour policy, take part in the life of the school, and that schools should build and maintain positive relationships with parents. We asked respondents if they agreed with this approach.

80% of 792 respondents agreed with this approach. Governors (96%), teachers (92%), headteachers (91%) were more likely to agree compared to other groups. The parent/carer group had the lowest level of support (64% agreed and 36% disagreed).

Summary of comments

Many responses from people within the school community questioned to what extent schools would be responsible for parental engagement in the life and

culture of the school and requested that parents share this responsibility. There were also comments related to support or greater understanding for parents and a need to recognise the challenges parents face.

Government response

We know that schools already do a lot of work to build and maintain positive relationships with parents, and that good communication and understanding between parents and school leaders is a positive asset to the overall culture of a school.

Pupil Voice and Impact

We are aware that schools often gather feedback from pupils to hear their views on the school's behaviour policy and wider culture. We asked respondents for the best ways to capture pupil voice and what the impact would be on behaviour standards.

752 out of 824 respondents provided comments for this question. The most common responses related to surveys, group discussions, and informal conversations.

Some respondents emphasised the importance of survey responses being anonymous, and that questions needed to be tailored to the respective age group. Options for groups discussions included pupil forums, school councils, circle time and tutor time discussions.

Government response

We recognise the importance of pupils being involved in and feeling part of their school community. We have strengthened our language in the guidance on pupil voice and have advised that schools put mechanisms in place to allow pupils to provide feedback on their experiences of the school behaviour culture. This may support the improvement and implementation of the behaviour policy.

School Workload Implications

We asked respondents what the workload implications may be in developing and implementing a behaviour policy as outlined in the guidance.

86% of respondents provided comments for this question.

Most felt there would be minimal impact on teacher workloads and a few commented that good policy reduces workload over time.

Others perceived that some work would be required. For example, consulting with others when designing the policy, requiring time to implement change, and the need for training and support for staff. However, there was also an acknowledgement by some respondents that additional up-front work was worthwhile in the longer term.

Government response

We do not want to unnecessarily overburden schools with new guidance, so have focused on making a helpful, practical document for schools. We are pleased that the vast majority of responses suggested there would be minimal workload implications and where there is some increased impact, this would be beneficial in the long-term and eventually reduce workload for teachers and staff.

De-escalation

The guidance offered advice on de-escalation techniques to help prevent further behaviour issues arising and recurring. We asked respondents what other de-escalation techniques could be used by schools.

86% of respondents provided comments for this question.

The largest proportion of these responses related to de-escalation techniques and their use in schools. Other comments related to the role of staff in de-escalation, that de-escalation can happen contextually through school policies, values, and culture and how the school environment can be used for managing de-escalation.

Table 2: Some suggested techniques from respondents on de-escalation

Approaches	Most frequently mentioned
Calming approaches	Breathing techniques Sensory resources and breaks
Physical activity	Movement breaks Walking & talking
Programmes or frameworks	Restorative Justice Zones of Regulation
Scripts	Coaching for staff, input of experts or specialists Language should be appropriate, standardised, and pre-agreed.
Others	Peer-support

Government response

We are pleased that many responses for this question reflect the changes we have made to our guidance, namely the importance of developing whole-school cultures which create calm, safe and supportive environments for all pupils and staff. We support schools to use a range of de-escalation approaches that are appropriate for each school's individual context.

Pastoral Support Considerations

The guidance outlined the support that schools may want to provide to pupils following behaviour incidents, including engagement with the pupil, parents or the Designated Safeguarding Lead. We asked respondents what other pastoral support schools should consider following behaviour incidents.

86% of respondents provided comments for this question. Feedback varied with suggestions for many different approaches. For example, the use of behaviour agreements or support plans, making available key staff members for pupils such as mentors, and school-based activities like breakfast clubs. Respondents also emphasised the involvement of pupils and parents, and, where relevant, external agencies to ensure effective communication and problem solving between all parties.

Government response

We recognise that each school is unique, and we support schools to use methods of pastoral support for pupils that align with their whole-school approach to behaviour and culture. Rather than be prescriptive in our guidance, we want to encourage schools to find approaches that are suitable for the context in which they exist.

Removal

We set out a series of changes in the guidance regarding removal (previously referred to as isolation). We asked respondents if they agreed with these changes.

The main changes to this section were that:

- removal should only be used as a last resort to:
 - a) restore order and calm following an unreasonably high level of disruption,
 - b) enable disruptive pupils to be taken to a place where education can be continued in a managed environment;

- removal is a response to serious misbehaviour and should not be conflated with the use of separation spaces which are for non-disciplinary reasons;
- headteachers should govern and have strategic oversight of removal;
- schools may wish to collect data on removal for evaluation and monitoring; and,
- schools should have regard to their duties towards pupils with SEND in cases of removal.

On average, there was 73% agreement to the questions on removal.

Summary of comments

There were many repeated themes across respondents' comments relating to removal, which have been summarised below:

- requests for clarification of 'continuation of education'
- comments questioning the effectiveness of removal as a sanction
- more emphasis wanted on restorative work and understanding underlying behaviour
- removal is necessary to ensure the safety of all pupils and in managing the negative impact it may have on the learning of other pupils
- time spent in removal should be limited
- lack of resource and capacity for implementation
- more focus needed on safeguarding and reintegration
- language on data collection should be stronger

Government response

We have taken on board much of the feedback from respondents and made some important changes. We now expect schools to routinely collect data on removal and regularly monitor this to identify patterns of use and evaluate its effectiveness. We have also strengthened safeguarding measures, adding that the safety of all pupils should first be considered in cases in removal and that parents should be notified in every case.

Initial Intervention Strategies

The guidance outlined a range of initial intervention strategies to help pupils manage their behaviour and help to reduce the likelihood of suspension and permanent exclusion. We asked respondents what other types of early intervention work well to address behaviour issues.

81% of respondents provided comments to this question.

Many responses suggested targeted interventions to help pupils in managing their emotions and behaviour, such as mindfulness, emotion coaching, behaviour support plans, small nurture groups and support with transition from primary to secondary.

Some respondents also emphasised the importance of understanding the cause of pupils' behaviour, fostering positive relationships between staff and pupils, parental involvement, staff training, and whole-school approaches in supporting pupils to manage their behaviour.

Government Response

We hope that schools feel encouraged to take a proactive stance on behaviour through developing a whole-school approach and implementing an effective behaviour curriculum. Part of this includes consideration of early intervention strategies and ensuring a consistency of approach among the school community to prevent or reduce the likelihood of challenging behaviour occurring. We support schools to use a range of methods which align with their individual school values and ethos and are compatible with their specific behaviour policies.

In-School Behaviour Units

We outlined the definition of an in-school behaviour unit (ISU) and the considerations schools should make in choosing to use and implement an ISU. We asked respondents if they agreed with these approaches.

We defined an ISU as a space where 'planned interventions take place in small groups outside of normal lessons. The approach taken in such a unit should be aligned to the culture of the whole school and delivered in line with the school's behaviour policy.' We also outlined that schools should consider referring pupils based on their needs, sharing information with multi-agency partners where relevant, consulting with parents, and delivering a broad and balanced curriculum offer which supports reintegration.

On average, there was 73% agreement among respondents for these questions with 299 out of 824 providing comments.

Summary of comments

The largest proportion of comments related to concerns about whether the approach sufficiently addresses pupils' needs and schools' capacity to implement it effectively. Respondents also disliked the term 'behaviour unit', suggesting it had negative connotations.

Respondents stated that ISUs would require oversight, particularly in relation to monitoring their use for pupils with protected characteristics, the potential for segregation, and quality assurance purposes. Some commented that the use of ISUs may be potentially exclusionary and risked segregating pupils within a school, or that pupils could often spend a long time in such units.

Government Response

We have addressed concerns about the title of this intervention and have renamed it 'pupil support unit'. Our ambition is this change will emphasise that a pupil support unit is a supportive measure, planned to help pupils based on their individual needs. To provide further clarity, we have also updated the purpose of the unit, which is for it to be a planned intervention for behavioural or pastoral reasons, or as a preventative measure to support pupils at risk of exclusion. We have also strengthened the language on reintegration back into mainstream which is part of the goal of this intervention.

Reintegration

The guidance outlined ways that schools should reintegrate pupils back to mainstream lessons. We asked respondents about additional approaches towards reintegration schools can consider.

77% of respondents provided comments to this question.

Many comments stressed the importance of pupils having a phased return to mainstream classes and schools establishing clear reintegration plans with structured reintegration meetings involving staff, pupils and parents.

Other support measures suggested were access to mentors or key members of staff, additional academic support, adaptations such as time out cards, and peer support systems like buddies.

Government Response

We are committed to ensuring that every child gets a great education and the right support. Part of this is ensuring children are in the classroom receiving excellent teaching, which is why we emphasise reintegration in the guidance. Schools should have clear reintegration strategies for pupils following removal, a placement in a pupil support unit within the school or at another off-site setting, or following a suspension. We support schools to consider a variety of approaches towards reintegration, including discussions with pupils, parents, staff and other agencies.

Sexual Violence and Sexual Harassment

The guidance outlined how schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable and will not be tolerated. We asked respondents for suggestions on how schools can practically avoid unacceptable behaviour becoming normalised.

85% of respondents provided comments to this question.

Most common suggestions were centred on curriculum provision, assemblies, and dedicated days. School culture buy-in was also regularly discussed alongside having a clear policy regarding sexual harassment with adults receiving training to upkeep this policy. Other common recommendations included parental and external agency engagement, clearly defined sanctions, internal schools reporting systems, and restorative approaches used.

Government Response

We agree with the majority of responses that schools are best placed to deal with challenges regarding sexual violence and sexual harassment through educational provision and through the creation of whole-school cultures which make clear that these types of behaviour are never acceptable. We have also included an additional paragraph on support for victims to ensure safeguarding is given the importance it deserves and taken just as seriously as outlined in [Keeping children safe in education \(KCSIE\)](#).

Behaviour Online

We outlined in the guidance that the same standards of behaviour are expected online as offline and should be addressed in accordance with the same principles as offline behaviour. We asked respondents if they agreed with these approaches.

94% of those who responded to this question agreed with this change.

Summary of comments

147 out of 824 respondents provided comments to this question.

Some commented that the responsibility of managing these standards online should not solely lie with schools, while others commented on the difficulties of managing such behaviour online. A smaller number of responses also called for further departmental guidance on how to manage online behaviour of pupils, especially when it takes place out of school, on weekends and in school holidays but impacts the school culture.

Government Response

We recognise the important and difficult work schools are already doing in this space and we have updated our guidance to acknowledge this. Additionally, we have made clear that online behaviour incidents that occur off school premises and outside school time are in the realm of parental responsibility. Simultaneously, we also support schools to feel confident in appropriately sanctioning pupils when these incidents negatively affect the life of the school.

Other Issues and Duties Under the Equalities Act

We asked respondents to raise any issues they felt was not covered in the revised guidance and to provide comments on what the equalities impacts might be of this guidance on individuals with protected characteristics.

An average of 70% of respondents provided comments to these questions.

Most of these comments identified no additional issues with the guidance. Other comments identified the need for more focus on pupils with SEND and any other additional needs, discussions around parental engagement, inclusion, and working with external agencies.

Some suggested there were positive equality implications as the guidance raises the importance of meeting the needs of these individuals, brings about a greater sense of identity and being heard, and provides greater clarity around protections.

Some respondents identified the guidance as being negative towards pupils with SEND and those yet to receive diagnosis. Reasons suggested the need to emphasise flexibility in response for these pupils.

Government Response

We are pleased that many respondents have found the guidance to be supportive of pupils, particularly those with protected characteristics. We have also listened to feedback around recognising the needs of pupils who do not have identified special educational needs or disabilities and have included a reference in the guidance to schools being mindful of this when supporting pupils with their behaviour. We have also clarified that while consistency is important in ensuring predictability and fairness for pupils, some pupils may need a flexible approach and any such variation in practice should be applied fairly and only where necessary.

Suspension and Permanent Exclusion Guidance - Proposed changes to the regulations

Withdrawn Exclusions (Cancelled Exclusions)

The guidance set out how a headteacher may not bring a permanent exclusion to an end after it has begun. In addition, a headteacher may not end a suspension earlier than the agreed end-date once it has begun. We asked respondents if they agreed with this proposed change.

52% of those who responded disagreed with the proposed change.

However, headteachers and teachers were more likely to agree with 74% of teachers and 52% of headteachers. Local authorities were least likely to agree (18%). In relation to the clarity of this proposed change, 72% of 688 respondents agreed that the guidance on this change was sufficiently clear.

Summary of comments

Comments centred around the lack of flexibility if additional information in the investigation came to light and the potential subsequent risk of unjust exclusions, a general increase in exclusions and pupils having unnecessary gaps on their education record. Respondents also expressed concern that this proposal would reduce the headteacher's ability to use their professional judgement and the ability of local authorities to support schools in finding alternative options to permanent exclusion. Some respondents felt this change might prevent schools responding to a pupil's safeguarding needs, and that the views of other stakeholders, including parents and the pupil, should be considered before a final decision is made. Others requested further clarification of the rationale behind this proposal and how it would apply in particular circumstances.

Government response

Our primary objective is to ensure that, where relevant, parents have the right to request that a governing board considers a pupil's reinstatement if they have been excluded. However, the Department acknowledges the concerns raised around headteachers not being able to withdraw exclusions and will not be taking forward this legislative change. Instead, we have set out a clear process to ensure that a withdrawn exclusion is recorded, parents can discuss it and the pupil is allowed back into school should the parent wish. The guidance will also refer to this process as 'cancelling an exclusion'. Moreover, this feedback will be used to inform the wider work to review a new legislative framework on how pupils move between education settings announced in The Schools White Paper "[Opportunity](#)

[for all: strong schools with great teachers for your child and SEND review: right support, right place, right time](#)".

Notification of Exclusions – Within Three Days

The guidance introduced a deadline for the headteacher to notify the parents of a pupil's suspension or permanent exclusion, the reasons for this and the period of any suspension. The obligation to do this 'without delay' will remain, but the regulations will also specify that in no case must this take longer than three days. We asked respondents if they agreed with this proposed change.

69% of those who responded agreed with the proposed change. Teachers were most likely to agree (86%) while less likely to agree were local authorities (31%) and parents and carers (57%). 80% of 694 respondents also agreed this proposal was set out clearly in the guidance.

Summary of comments

The majority of those who explained their response stated the proposed notification period was too long for parents to receive written confirmation of a suspension or permanent exclusion. Many comments stressed the need for parents to know immediately about a suspension or permanent exclusion, as not knowing the child's whereabouts may lead to safeguarding concerns, especially for pupils with SEND. Some respondents also suggested that a three-day maximum period contradicts the instruction to inform parents 'without delay', which many felt should mean the same school day or immediately. However, some respondents, particularly headteachers and teachers, felt that three days may not be sufficient time to conduct thorough investigations to inform decision making, particularly regarding permanent exclusions.

Government response

To ensure that a child receives the correct support and safeguarding during a suspension or permanent exclusion, it is important those responsible for their care are promptly informed. Whilst an explicit cut-off for notification would help to ensure greater accountability around data-sharing, the Department recognises issues raised around any delays in notification leading to potential safeguarding concerns and the perceived inconsistency between notification 'without delay' and the three-day limit. This legislative change is therefore not being taken forward and the revised guidance clarifies the need to notify parents 'without delay' of a pupil's exclusion and how this can be achieved.

Notification of Exclusions – Social Workers and Virtual School Heads (VSH)

The guidance expanded the headteacher’s duty to inform relevant professionals of their decision to suspend or permanently exclude to include social workers. As a result, if a pupil with a social worker is excluded, the social worker must be notified and involved in the governing board meeting and independent review panel, where possible. We asked respondents if they agreed with this proposed change.

83% of those who responded agreed that social workers should be informed when a child who has a social worker is excluded and included in the governing board meeting and independent review panel.

Teachers, governors, and those categorised in the ‘Other – education’ category were the most likely to agree with the proposed approach. Local authorities were least likely to agree (23%). 88% of 690 respondents also agreed this proposal was clear in the guidance.

Summary of comments

Some responses highlighted the safeguarding benefits of informing and involving social workers in the exclusions process. Others disagreed on a logistical basis, considering issues around organising timely meetings and the need to engage social workers and other agencies prior to an exclusion to deliver preventative measures.

Some respondents desired further clarity on the notification process and timeframes and the role of the local authority in discussions and reviews of exclusions.

The guidance extended the headteacher’s duty to inform a VSH if a Looked After Child (LAC) is suspended or permanently excluded. If a LAC is excluded, the VSH must be notified in writing and, where possible, involved in the governing board meeting and independent review panel. We asked respondents if they agreed with this change.

90% of 719 respondents agreed with this change in the law and this was reflected across all stakeholder groups. Almost all respondents (91%) agreed that this proposal was clear.

Summary of comments

Of the 127 respondents who explained their answers, some disagreed on the basis that VSHs should be involved well before a decision to suspend or permanently exclude is made and that they should be part of the decision-making

process, while some suggested their presence in review meetings should be essential. Others indicated that the permanent exclusion of a LAC should be prohibited.

Government response

It is important that schools notify parents and other relevant parties, including social workers and VSHs, of a pupil's suspension or permanent exclusion without delay to ensure that any necessary safeguarding interventions can be put in place for the pupil. In light of this, and the feedback received during the consultation, the Department will proceed to make the relevant legislative changes to ensure social workers and VSHs are notified, where relevant, when a pupil is excluded and continue to be notified of relevant decisions throughout the exclusions process, and are given the opportunity to be involved in reinstatement and review meetings.

Virtual Meetings

During the coronavirus pandemic, the Department amended the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 to regulate the use of remote meetings for governing board considerations of reinstatement and independent reviews. We asked respondents if they agreed with the proposal to make these rules a permanent option in any circumstances.

84% of the 726 respondents who answered this question agreed with virtual meetings being a permanent option. There was majority agreement across all stakeholder groups.

A general theme arising in the written responses was that virtual or hybrid meetings should be kept as an option depending on individual cases, but emphasis was placed on them not becoming compulsory and ensuring participants were content with the format. The largest number of respondents suggested face-to-face meetings were more effective in encouraging greater engagement from pupils and parents and holding stakeholders to account. Concern was also raised about the risk of technical difficulties or digital exclusion, with the potential for discrimination against some families if online meetings became the norm. Participation of some families could be limited if they do not have access to the necessary devices, internet connection or quiet spaces. Some respondents also noted potential benefits of virtual meetings, including increased attendance by stakeholders with multiple commitments.

We also asked respondents if they think virtual meetings should be made at the request of the parent only.

A majority of the 634 respondents disagreed with this statement. Some suggested that virtual meetings should not be an option because in-person meetings are more effective. Others, in favour of virtual meetings, proposed that any attendee should be able to make this request. This could be to increase attendance at the meetings, hold them sooner or enable schools to request virtual meetings if parents have been physically or verbally aggressive in the past. A minority of respondents agreed with the proposal for the following reasons:

- Those who are digitally excluded or not confident with technology would not feel pressured to take part online.
- Parents would feel empowered by being able to make this decision, reducing feelings of power imbalance prior to and during the meeting.
- It could potentially increase attendance and engagement from parents if they hold the control over how meetings are to be delivered.

Government response

Although a majority of respondents agreed that virtual meetings should be made permanent, many respondents who explained their views raised concerns about the use of remote meetings and potential unintended consequences. We will therefore give further careful consideration as to how this proposal impacts certain groups of children and families, including those most vulnerable where a face-to-face meeting may be more beneficial, before taking any further action.

Suspension and Permanent Exclusion Guidance - Proposed non-legislative changes

Managed Moves and Off-Site Direction

The revised guidance sought to provide best practice on the use of managed moves and off-site direction and how they should be used as an early intervention measure for pupils at risk of exclusion. We asked respondents whether the process outlined is clear and suitable for all involved.

The majority of those who responded to this question said the guidance on managed moves and off-site direction was clear and suitable. Many were content with the definition given to both measures, explanations of when the measures should be used, and details of the complaint procedures for parents if ever concerned about these processes.

Some respondents requested greater clarity and/or additional guidance regarding logistics and timeframes of organising moves, parents' involvement in the process and consent to managed moves. In addition, some respondents emphasised the

need for further clarity on the length of time a pupil can spend in another mainstream school or alternative provision as part of an off-site direction and for external governance and oversight from the local authority to monitor and review such transfer arrangements. It was felt that a lack of oversight, including allowing off-site directions to go ahead without a maximum time limit, could create a new route for off-rolling.

Government response

The Department welcomes the broad support for the revised guidance on managed moves and off-site direction. We also welcome feedback on areas that could be further clarified, and have therefore updated the guidance, including discussions of maximum time-limits for off-site direction and of early intervention measures attempted before a managed move occurs. We acknowledge concerns raised by respondents about general oversight of these measures and the risks of off-rolling. As we set out in The Schools White Paper, we will consult on a statutory framework to govern pupils' movements so that all placement decisions – including about the use of alternative provision – are always made in the best interest of the pupil, especially the most vulnerable.

Oversight of Pupil Movements

We asked respondents to describe both the benefits and risks of introducing stricter oversight of pupil movements between education settings, such as a revised statutory framework for all pupil movement between education settings.

71% of respondents provided comments to this question, with many expressing support for the introduction of stricter oversight for all pupil movement between education settings.

The main benefits outlined included improved safeguarding as local authorities would be able to track the movement of pupils, a reduction in unnecessary or illegal pupil movements including off-rolling, and placements that meet pupils' needs, therefore increasing the success rates of these measures. Other comments suggested parents would be better informed about the overall process, their rights and involvement.

Some respondents raised concerns that greater monitoring of pupil movement could discourage schools from considering a managed move as a viable option, which may have the unintended consequence of increasing permanent exclusions.

Government response

The Department welcomes feedback on the potential benefits to stricter oversight of pupil movement, including improved safeguarding, outcomes for pupils and a reduction in illegal exclusions such as off-rolling. We also acknowledge concerns regarding potential increases in permanent exclusions or delays in arranging off-site direction or managed moves. This feedback will be used to inform the wider work on pupil movement announced in the Schools White Paper to consult on a new legislative framework for how pupils move between education settings.

Reintegration

We asked respondents to set out the best approaches to reintegrating a pupil into a mainstream setting following a period of suspension or off-site direction.

72% of respondents provided comments to this question. Many recommended schools conduct a reintegration meeting following an off-site direction or suspension, following this up with regular reviews, and cited the importance of a pupil-centred approach. It was strongly viewed that meetings should be attended by the pupil, their parents, members of the Senior Leadership Team, pastoral staff, and other relevant professionals to offer a multi-agency and joined-up approach.

Respondents stressed that reintegration meetings should set a positive tone, identify and record any support needs or tailored intervention required, discuss and set clear expectations of the pupil's behaviour, and agree on monitoring and review arrangements. This could be enacted through measures such as daily check-in discussions with a trusted member of staff, one-to-one mentoring, academic as well as pastoral support, and signposting to external sources of support.

Government response

We are pleased that consultation feedback demonstrates overall support for the key measures which support reintegration. In response to comments, we have further emphasised the need for pupil and parents' involvement, multi-agency collaboration, pastoral and academic support and offering pupils a fresh start. We have also offered additional detail on the potential measures schools may wish to consider when creating a tailored approach to support a pupil's reintegration.

Monitoring and Using Exclusions Data

The guidance emphasised the importance of schools, local authorities, and local forums working together to monitor and review information on children who leave schools, by exclusion or otherwise, to ensure they are meeting the needs of all children. We asked respondents if they agreed with this revision.

89% of those who responded agreed to this change. There was majority agreement across all stakeholder groups.

Of the 178 comments, most strongly agreed that monitoring and understanding suspension and permanent exclusion data is good practice, particularly in relation to protected and key characteristics, and welcomed the focus on schools, local authorities and local forums working in partnership.

Some held the view that the types of mobility data gathered and monitored should go beyond suspensions and permanent exclusions to provide greater accountability and insight to all pupil movement.

Government response

The Department welcomes the broad support for the collaborative approach to monitoring, reviewing and acting on suspension and permanent exclusion data set out in the guidance. By working together, schools, local authorities and local forums should establish a shared understanding of how the data on the characteristics of the children involved feeds local pupil movement trends and, where patterns indicate possible concerns or gaps in provision, use this information to ensure they are effectively planning to meet the needs of all pupils.

Involving Pupils

The guidance set out when and where pupils should be included in the suspension and permanent exclusion process. We asked respondents if this is sufficiently clear.

83% of the 672 respondents who answered this question agreed. There was majority agreement across all stakeholder groups. A very small proportion of respondents provided comments for this question.

Respondents highlighted the importance of involving the pupil throughout the exclusion process, including in reintegration meetings, governor hearings and independent review panel reviews. It was suggested this could assist in understanding their behaviour, allow opportunity for reflection, and indicate what additional support measures may be required. Some asked for more explicit

reference to the headteacher giving the pupil an opportunity to present their case before taking the decision to exclude.

Government response

The Department recognises the importance and value of pupils being able to express themselves in relation to decisions that affect them. We have therefore updated the guidance to be clearer on how a pupil can, taking account of their age and understanding, be involved and that their views be considered during an off-site direction, a managed move or an exclusion.

45 Day Suspension Limit

The current limit on the total number of days a pupil can be suspended in a school year is 45 school days. We asked respondents if this limit should be changed or not.

56% of those who responded disagreed that the 45 days limit of a suspension should be changed, whilst 44% agreed that it should. Parents/carers were the only stakeholder group more likely to agree (69%).

However, the majority of the 647 comments suggested the current limit is too long for a pupil to be out of education and repeated suspensions has an adverse impact on mental health, well-being and learning, particularly for primary-aged pupils. Of those proposing an alternative limit, the most common suggestion was for it to be reduced to between 21-30 school days.

It was viewed that if there were fewer available days for a pupil to be suspended, schools would be more likely to arrange appropriate early interventions before a suspension becomes necessary. Respondents also felt the local authority should be automatically notified for review and monitoring purposes and to increase school accountability when schools use repeated suspensions for a pupil. Some also expressed the need for flexibility and autonomy for schools to make the decision based on the pupil and the context.

We asked respondents about the potential impact if the 45 day limit for suspensions in a school year was reduced.

Of the 602 responses, many suggested that reducing the 45 day limit for suspensions could have the unintended consequence of increasing permanent exclusions. Whilst some respondents, especially those from primary settings, considered a reduced limit may encourage early interventions and reduce suspension rates, others noted that time and flexibility are required for schools to implement behaviour management policies and access appropriate resources to support pupils.

Government response

The Department understands the complexity of this issue and the need for an evidence-based approach to inform any changes to the current 45 school day limit for suspensions. For this reason, we will use the consultation feedback to further explore this issue as part of our larger programme of work on pupil movement.

Education Provision During an Exclusion

We asked respondents what continuity of education is provided following the suspension or permanent exclusion of a pupil before the sixth school day.

Most responses to this question commented that work and recommended reading is set by schools for the pupil to complete at home. It was suggested that paper-based work was often poor quality, not personalised to the pupil's learning, and rarely checked or marked by school staff. Respondents noted that the increased ability to set work through online platforms since the COVID-19 pandemic has made it easier for schools to facilitate remote education and resulted in less disruption to the pupil's learning during an exclusion.

However, some respondents stated that little to no education continuity is provided by the school for pupils during the first five days of a suspension or permanent exclusion. Suggested reasons for this included time constraints, the assumption pupils would not complete this work, and difficulties identifying appropriate and available spaces within alternative provision or neighbouring schools, particularly for pupils with SEND.

We asked respondents what barriers exist to providing alternative provision (AP) before the sixth school day when a child is suspended or permanently excluded from school.

The most frequently mentioned barrier was the demand for short-term AP significantly outweighing supply across many local authorities, as well as the challenge of identifying an appropriate and high-quality provider that could meet the pupil's needs quickly. Other challenges included limited school resources to arrange short-term moves, fund AP provision and travel costs, conduct safeguarding and risk assessments, and communicate with local authorities, AP providers and parents.

We asked respondents after how many school days following a suspension or permanent exclusion should there be a requirement for schools to provide alternative provision for a pupil (currently 6 school days).

Most respondents opposed a change to the current 6-day limit. Reasons given include that the current limit works well and provides enough flexibility and autonomy for schools to organise suitable provision and liaise with other parties involved. Those who proposed a specific change suggested AP should be available between 0-1 days of an exclusion and, less commonly, 2-3 days to ensure complete education continuity.

Government response

The Department notes the differing views on the feasibility and desirability of changing the day from which excluded pupils must be provided with AP. This feedback will help us understand what more we need to do to ensure timely support and education is put in place and will be used to inform the wider Special Educational Needs and Disabilities (SEND) Review and Alternative Provision (AP) Reforms programme.

Exclusion for Safeguarding Reasons

In light of a recent High Court case, we asked respondents whether it is positive or negative that the Court has made it clear that pupils can be temporarily excluded for safeguarding as well as disciplinary reasons.

Most respondents expressed a positive view of this decision which allows schools to temporarily exclude pupils to keep children at the school safe and reduce any additional trauma for the victim. Some responses, whilst agreeing, suggested that the excluded pupil should receive support to address their behaviour and continue to receive a full educational offer. Others also requested further guidance around when to exclude a pupil on safeguarding grounds, and emphasised the need for multi-agency working, flexibility, and support for pupils.

Some raised concerns about the potential for misinterpretation of this power by schools or its misuse, with schools inappropriately using safeguarding as a justification to exclude pupils. Others suggested it would be unjust to exclude a pupil because a full investigation has taken place and that children who perpetrate abuse are often victims of abuse themselves and excluding them could exacerbate safeguarding issues the child may be experiencing. Some concluded that whilst schools should not be allowed to exclude or suspend pupils based on safeguarding concerns, that instigating managed moves, placements at APs or teaching remotely would be acceptable.

Government response

The varied feedback to this question highlights that this is a complex area and that there are potential unintended consequences. We will therefore continue to

engage with stakeholders to explore in more detail the issues raised by the Court's judgment and their wider impact.

Additional Comments

We asked respondents if they felt there were particular issues not covered in the revised Suspension and Permanent Exclusion Guidance.

The majority of comments confirmed there were no further issues. Other responses made references to vulnerable children, SEND and mental health, or requests for further clarification or guidance and suggestions. Some respondents felt the guidance does not properly acknowledge or attempt to address the disproportionate use of suspension and permanent exclusion amongst pupils from certain ethnic minority backgrounds, those with SEND, or looked after children. Others suggested that there was insufficient emphasis on schools adopting early interventions to support pupils and prevent suspensions and permanent exclusions, particularly for those with SEND or an Education, Health and Care Plan (EHCP). A few respondents desired greater emphasis on the need to understand and address the causes of pupils' behaviour, including child criminal exploitation, and the role of pupil and parent voice throughout the exclusion process.

Frequently mentioned suggestions included allowing headteachers to convert a suspension into a permanent exclusion following an investigation, as well as the need for governors to receive training before sitting on Pupil Discipline Committees, particularly around SEND legislation and Equalities Duties.

Government response

The Department welcomes the positive comments from respondents about the comprehensive nature of the guidance. The Behaviour in Schools guidance, published alongside the Suspension and Permanent Exclusion guidance, sets out how to create a positive whole-school culture in which pupils can learn in safe, calm, and supportive environments, including through developing and implementing early intervention measures. In relation to concerns around the disparities in exclusion levels for pupils with certain characteristics, as demonstrated in The Timpson Review of School Exclusion (2019), the updated guidance acknowledges this variation and further emphasises how schools, local authorities and local partners should work together to understand local trends to undertake targeted action accordingly.

Equalities Act 2010 Duties

Schools must have due regard to the Equality Act 2010. We asked respondents about the potential equalities impacts of the revised guidance on individuals with particular protected characteristics.

Of the 491 responses to this question, most stated there would be no negative impact on those sharing any of the protected characteristics if the guidance is implemented fairly, which some respondents suggesting there may be a positive impact.

A small number of respondents felt greater emphasis needed to be placed on understanding the cause of pupils' behaviour and implementing preventative measures and reasonable adjustments to avoid children with protected characteristics, particularly SEND, being disproportionately affected by exclusions. Comments also suggested the need for monitoring exclusions data in relation to protected characteristics, training for staff, and for schools to avoid a one-size-fits all approach. Some respondents wanted examples in the guidance to ensure schools fully understand and avoid the potential negative implications for particular pupil groups, such as children who have experienced trauma, those in care, males, and minority ethnic groups, including those of Gypsy, Roma, and traveller heritage.

Government response

The Department welcomes feedback on the positive impact that the guidance will have for those sharing any of the protected characteristics. The Behaviour in Schools guidance outlines how schools can deliver early intervention measures to support pupils and includes examples of how this can be done considering their specific circumstances and requirements, particularly for those with SEND who may require reasonable adjustments. Whilst this should prevent behaviour escalating seriously, the Suspension and Permanent Exclusion guidance acknowledges disparities in exclusions rates and sets out how schools, local authorities and local partners can use data to understand this and offer targeted support.

Conclusion

We are grateful to all those who took the time to respond to the consultation and share their views. The changes and refinements to the Behaviour in Schools guidance will support schools to create positive behaviour cultures and, in turn, calm, safe and supportive environments in which all pupils and staff can thrive.

Updates made to the Suspension and Permanent Exclusion guidance and related regulations will provide schools, governing boards, local authorities, and other local partners with greater clarity on how to conduct lawful, fair, and reasonable suspensions and permanent exclusions. In addition, feedback offered through this consultation will be used to inform the wider work on pupil movement announced in the Schools White Paper, to consult on a new legislative framework for how pupils move between education settings.



Department
for Education

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