

WHAT YOU NEED TO KNOW ABOUT...



EXCLUSIONS & SEND

Being asked to collect a child early, including after a meltdown, is an exclusion



It must be recorded as an exclusion



This is potential **supporting evidence** that **reasonable adjustments** haven't been made or **needs** aren't being met

If a pupil has had multiple exclusions, the headteacher should consider if exclusion is actually effective

Reasonable adjustments must be made to **disciplinary processes & sanctions**



Exclusions based on **behaviour arising from disability** are **discriminatory**



This includes exclusions for **aggressive behaviour** if it is not a **proportionate means of achieving a legitimate aim.***

* Please see [Case Law 2018](#) & [Equality Act & Reasonable Adjustments Flyer](#)



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EXCLUSIONS & SEND

[Suspension & Permanent Exclusion ...Guidance 2022](#)

Where a school has concerns about the **behaviour**, or **risk of exclusion**, of a child with **additional needs**, a pupil with an **EHCP** or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what **additional support or alternative placement may be required**. This should involve assessing the suitability of provision for a pupil's **SEN**

[s.19 Education Act 1996](#) – LA must **arrange** suitable, full-time **alternative education** for children of compulsory school age if **permanently excluded** (including from independent schools)

[Children and Families Act 2014](#)

In particular s.42 **duty to secure provision in EHC plan which continues regardless of exclusion**

[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2022](#)

[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

[Equality Act 2010](#) – all schools and colleges must comply with **duties not to discriminate** on the basis of a **protected characteristic** – includes **disability**. Applies to **behaviour/other policies** and the use of **exclusion**

[School Attendance Guidance for Maintained Schools, Academies, Independent Schools and Local Authorities 2020](#)

[Equality and Human Rights Commission 2014 Technical Guidance for Schools in England](#)

[Case Law 2018 Tendency to Physical Abuse](#)

