



Department
for Education

Consultation on Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance

Launch date 03 February 2022

Respond by 31 March 2022

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Introduction

In response to the Timpson Review of School Exclusion¹, the government committed to working with sector experts to publish clearer, more consistent guidance to support schools to create positive behaviour cultures and ensure suspensions and permanent exclusions are conducted in a lawful, reasonable and procedurally fair way. This consultation seeks views on proposed revisions to the Behaviour in Schools Guidance, the Suspension² and Permanent Exclusion Guidance and associated changes to regulations.

The revised Behaviour in Schools Guidance provides advice to headteachers, school leaders and staff on developing and implementing a behaviour policy which creates a school culture with high expectations of behaviour.

The revised Suspension and Permanent Exclusion Guidance provides 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. We have 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.

Who this is for

Changes to the *Behaviour in Schools Guidance*:

- School leaders, school staff and governing boards³ of maintained schools, academy schools, free schools, non-maintained special schools, pupil referral units (PRUs), alternative provision (AP) academies and AP free schools
- Parts of this guidance will also be relevant to independent schools
- Foundations, sponsors and others such as diocesan authorities with an interest in the governance of schools
- Organisations supporting governing bodies to develop more effective governance, including training providers developing learning and development programmes for governance
- Local authorities

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

² The term 'suspension' refers to fixed-period exclusions

³ The term 'governing body' means the governing body of a maintained school, the academy trust of an academy or the management committee of a PRU.

- Parents⁴
- Pupils
- Teaching unions
- Unions that represent other school staff
- Organisations representing pupils and their parents

Changes to the *Suspension and Permanent Exclusion Guidance*:

- Headteachers and governing boards of maintained schools, academy schools, free schools, PRUs, AP academies and AP free schools
- Local authorities
- Independent Review Panel (IRP) members
- Clerks to IRPs
- Parents
- Pupils
- Teaching unions
- Unions that represent other school staff
- Organisations representing pupils and their parents
- Social workers and virtual school heads

Issue date

The consultation was issued on 3rd February 2022 and can be completed online [here](#).

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email: behaviourandexclusions.consultation@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

⁴ The term 'parents' also includes carers

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in spring 2022. The revised guidance documents will come into force in school year 2022/23.

About this consultation

This consultation seeks feedback on revisions to the following documents:

Behaviour in Schools Guidance

The revised Behaviour in Schools Guidance aims to provide schools with practical advice and information to support them to effectively improve and maintain high standards of behaviour.

Suspension and Permanent Exclusion Guidance

The proposed revisions to the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 are reflected in the revised Suspension and Permanent Exclusion Guidance.

The Suspension and Permanent Exclusion Guidance sets out a number of proposed legislative changes to provide greater clarity around when a suspension or permanent exclusion cannot be withdrawn, expanding the headteacher's duty to inform relevant professionals of their decision to suspend or permanently exclude a pupil and regulating remote meetings for governing boards and independent review panels. The guidance also includes information on the use of managed moves, examination of data by governing boards and off-rolling.

We have sought to improve the clarity of these documents and ensured that they are consistent with other government guidance, such as the Mental Health and Behaviour in Schools Guidance⁵ and Keeping Children Safe in Education guidance (KCSIE)⁶.

Changes to both documents have been made based on feedback through the call for evidence on behaviour management strategies, in-school units and managed moves launched in June 2021 and views shared during wider stakeholder engagement. We have also considered evidence gathered during the Timpson Review of School Exclusion.

Draft versions of the revised Behaviour in Schools Guidance (2022) and Suspension and Permanent Exclusion Guidance (2022) have been published alongside this consultation, and the two guidance documents should be read in conjunction.

We would like to hear your views on our proposals. By participating in this consultation, you will enable us to improve the *Behaviour in Schools Guidance* and *Suspension and Permanent Exclusion Guidance* in line with the Government's vision. Clear and effective guidance will support schools and local authorities to offer every child, regardless of

⁵ <https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

⁶ <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

their background, an excellent education in a calm, orderly, safe and supportive environment and use suspensions and permanent exclusions in a lawful, reasonable and procedurally fair way.

Deadline

The consultation closes on 31st March 2022.

Changes to the Behaviour in Schools Guidance

Background

The Government is clear that good behaviour is key to school improvement and we will support headteachers to create calm, orderly, safe and supportive school environments. Disorderly classrooms have a significant impact on children's ability to learn and can have an effect on a child's mental health and wellbeing.

The current Behaviour and Discipline Guidance was last substantially revised in 2011, with updates in 2014 and 2016. This guidance outlined the responsibilities schools have in developing a behaviour policy and provided a guide to the law on the authority of school staff to sanction pupils.

The revised guidance, named *Behaviour in Schools Guidance*, provides further advice which reflects the importance of the proactive and preventative work that schools can undertake to ensure high standards of behaviour. This includes recognising the importance of school culture, and how this is developed through the behaviour policy and the engagement of pupils. Additional guidance is provided on how to design and implement behaviour policies which set out high expectations of behaviour and support all pupils to meet them.

Proposal and rationale

The *Behaviour in Schools Guidance* has been rewritten to more effectively support schools to maintain high standards of behaviour and provide more practical advice for all school staff. The revised guidance is organised into four themes to support schools to address behaviour at all stages.

Creating and maintaining high standards of behaviour

Section one looks at how to create and maintain high standards of behaviour, with a focus on developing a clear vision of what expected behaviour looks like and the strong leadership needed to implement this vision. This chapter draws upon the findings of Tom Bennett's review 'Creating a culture' (2017) to provide practical guidance on how to create a whole-school environment in which pupils are more likely to behave well. It also addresses how all staff should explicitly teach and exemplify positive behaviour, to ensure pupils know what is expected of them and how to achieve it.

There is guidance on developing and communicating the behaviour policy and the role and expectations of school leaders, staff, pupils and parents to help create and maintain behaviour standards in schools. This includes a specific section on how pupils with special educational needs and disabilities (SEND) should be supported to meet

behavioural standards and the related duties of schools in the Children and Families Act 2014 and the Equality Act 2010.

The concept of a national minimum expectation of behaviour benchmarks behaviour expectations across schools in alignment with Ofsted's good grade description for behaviour and attitudes.

The guidance indicates how rewards and positive recognition should be applied consistently and clearly to reinforce the expectations and routines of the school's behaviour culture.

After incidents of misbehaviour

Section two sets out how schools should respond robustly to incidents of misbehaviour in order to deter further incidents, restore order and protect pupils from further disruption or harm. It provides guidance on how schools can use sanctions lawfully. It also outlines how sanctions should be applied in a fair and consistent manner and the relationship between sanctions and pupils with SEND. A small section signals how schools should support pupils following behavioural incidents and the pastoral support that may be required.

There is comprehensive advice on removal rooms, how they should be used where necessary and the difference between a removal room and separation spaces. There is also information on the governance of removal rooms and what schools should consider when removing pupils with SEND or who are otherwise vulnerable.

Preventing recurrence of misbehaviour

Section three looks at how schools can prevent the recurrence of misbehaviour and reduce the likelihood of suspension and permanent exclusion. Along with guidance on early intervention strategies that can help pupils better manage their behaviour, there is information on how schools can monitor and evaluate their behaviour policy. The section on in-school units (ISU) includes a definition, the aims of an ISU and what good governance of these units looks like.

Responding to specific behavioural incidents

Section four focuses on how schools should respond to specific behaviour incidents. It provides guidance to schools on their authority to respond to misbehaviour and their duties relating to safeguarding and protecting the welfare of all pupils with clear reference to KCSIE guidance. It also includes advice on criminal behaviour and behaviour outside the school premises, building on the 2016 guidance.

The guidance covers how schools should respond to incidents of sexual violence and sexual harassment, including the importance of addressing inappropriate behaviour to prevent it leading to a culture of unacceptable behaviours and an unsafe environment

for children, in line with current safeguarding guidance. It also supports schools in addressing behaviour incidents which occur online.

The guidance recognises headteachers' autonomy in setting a policy on mobile phones within their school. It outlines that any policy on mobile phones should take into account the need for phones to be used for reasons such as medical grounds or to enable children with SEND to access the curriculum.

Questions

Section one – creating and maintaining high standards of behaviour

1. Paragraphs 7–8 outline what should be included in a school behaviour policy, for example information on purpose, leadership & management, school systems and pupil support. **Do you agree with this approach? If not, please explain why.**
2. In paragraph 12, we propose a new national minimum expectation of behaviour which gives schools the ability to set a benchmark for behavioural standards. This sets out high standards of expectations from schools - for example, pupil behaviour not routinely disrupting teaching, routines, and leaders visibly and consistently supporting all staff to implement the school behaviour policy. **Do you agree with this approach? If not, please explain why.**
3. Paragraphs 13-15 outline how schools should adopt a whole school approach to behaviour so it can be consistently and fairly implemented across the whole school, with all staff adhering to the same expectations. **Do you agree with this approach? If not, please explain why.**
4. Paragraphs 33-37 set out the approach to behaviour expectations for pupils with SEND so that everyone can feel they belong in the school community and expectations are not lowered for any pupils. **Do you agree with this approach? If not, please explain why.**
5. We outline in paragraphs 31-32 the crucial role of parents in helping schools develop and maintain good behaviour. We suggest that parents should be encouraged to know the school behaviour policy and take part in the life of the school. There is also an expectation that schools should build and maintain positive relationships with parents. **Do you agree with this approach? If not, please explain why.**
6. We are aware that schools often gather feedback from pupils to hear their views on the school's behaviour policy and wider culture. **What is the best way to capture pupil voice and what is the impact on the behaviour standards?**

7. **What would be the workload implications for schools and in particular teachers in developing and implementing a behaviour policy as outlined in section one of the guidance?**

Section two – after incidents of misbehaviour

8. The guidance offers advice on de-escalation techniques to help prevent further behaviour issues arising and recurring, for instance schools may use pre-agreed scripts and phrases to help calmly restore order. **What other de-escalation techniques could be used by schools?**
9. Paragraphs 77-78 outline the support that schools may want to provide to pupils following behaviour incidents or a pattern of incidents. This includes engagement with the pupil or parents or inquiries into circumstances at home, conducted by the Designated Safeguarding Lead or a deputy. **What other pastoral support should schools consider when trying to support students following behaviour incidents?**
10. As set out in paragraph 79, removal (sometimes known as isolation) is now defined as “where a pupil, for disciplinary reasons, is required to spend a limited time out of the classroom, at the instruction a member of staff”. The guidance says: “The use of removal should allow for continuation of the pupil’s education in a supervised setting”. **Do you agree with this definition and guidance? If not, please explain why.**
11. As set out in paragraph 82, removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons. These generally involve focused, in-school, teacher-led interventions for small groups of pupils with identified SEN or other needs: for instance, where a pupil is taken out of the classroom to regulate their emotions because of identified sensory overload. **Do you agree with this approach? If not, please explain why.**
12. In paragraph 81, we outline that removal should only be used as a last resort to:
- restore order and calm following an unreasonably high level of disruption
 - enable disruptive pupils to be taken to a place where education can be continued in a managed environment.
- Do you agree with these reasons? If not, please explain why.**
13. Paragraph 83 outlines the ways in which headteachers should govern the use of removal:

- a. maintain overall strategic oversight of the school's arrangements for any removals, as set out in the school's behaviour policy;
- b. make sure the reasons that may lead to pupils being removed are transparent and known to all staff and pupils;
- c. outline in the behaviour policy the principles governing the length of time that it is appropriate for a pupil to be in removal;
- d. ensure that the removal location is in an appropriate area of the school, that the room is stocked with appropriate resources, and is a suitable place to learn, and is staffed by suitably trained members of staff;
- e. design a clear process for the re-integration of any pupil in removal into the classroom when appropriate and safe to do so.

Do you agree with these proposals? If not, please explain why.

14. Paragraphs 84-85 outline that schools should monitor who is removed from classrooms and frequently review this data to identify any patterns relating to any individual pupil and pupils with protected characteristics. **Do you agree with this approach? If not, please explain why.**

15. Paragraph 86 outlines the specific actions schools should take when dealing with individual removal cases. Both include clear reference to pupils with SEND and their specific needs. **Do you think the updated advice provides helpful guidance to schools on the decision-making process over using removal where necessary for pupils with SEND? If not, please explain why.**

Section three – preventing recurrence of misbehaviour

16. Paragraphs 96-100 outline how schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and help to reduce the likelihood of suspension and permanent exclusion. We list a range of interventions including providing mentors, in-school units and engagement with parents. **What other types of early intervention work well to address behaviour issues?**

17. Paragraph 101 outlines our definition of an in-school behaviour unit as “planned interventions that 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”. **Do you agree with this definition? If not, please explain why.**

18. Paragraph 105 outlines factors and processes schools should consider when developing an in-school behaviour unit which includes the following:

- Referring pupils based on their needs, including sharing information on previous behaviour incidents with multi-agency partners if appropriate and consulting with parents on the in-school behaviour unit placement.

- Delivering a broad and balanced curriculum offer that aligns to the curriculum in mainstream lessons and supports reintegration.
- Maintaining a visible presence from school leaders to make in-school behaviour units an integral part of the school with wider school staff.

Do you agree with this governance approach? If not, please explain why.

19. Paragraph 108 also outlines how schools should re-integrate pupils back to mainstream lessons, including holding meetings and considering what support pupils may need to help them return to mainstream education. **In what additional ways should pupils be re-integrated back into mainstream lessons?**

Section four – responding to specific behavioural incidents

20. Paragraph 113 outlines 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. It is especially important not to pass off any sexual violence or sexual harassment as ‘part of growing up’. This is because it can lead to the normalisation of unacceptable behaviours and an unsafe environment for pupils. **How can schools practically avoid unacceptable behaviour becoming normalised?**

21. Schools should be clear that the same standards of behaviour are expected online as offline, including the importance of respect for others. Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nudes or semi-nudes, and sexual harassment should be addressed in accordance with the same principles as offline behaviour. **Do you agree with this approach? If not, please explain why.**

22. **Are there any particular issues you feel are not covered in the revised Behaviour in Schools Guidance?**

Equalities Act Duties

23. Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. **What do you consider to be the equalities impacts of the revised guidance documents on individuals with particular protected characteristics?**

Changes to the Suspension and Permanent Exclusion Guidance

Background

This Government believes that every child deserves an excellent education, regardless of their background, and schools should be calm, orderly and safe environments that support their pupils to succeed. Good behaviour in schools is essential to ensure all pupils can benefit from the opportunities provided by education, and it is important headteachers have the knowledge and confidence to suspend or permanently exclude pupils where it is warranted. It is equally important that the obligations on schools are clear and well understood, to ensure any suspension or permanent exclusion is lawful, reasonable and fair.

In 2017, the exclusions guidance was updated in a small number of areas to provide greater clarity to headteachers, governing bodies and independent review panels on their responsibilities in relation to suspension and permanent exclusion decisions. The changes included reflecting amendments to the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 that specified a governing body's duty to arrange education from the sixth school day of a suspension is triggered by consecutive suspensions totalling more than five school days. The guidance was also updated to reflect the changes brought in by the Children and Families Act 2014 regarding the education of pupils with SEN. In addition, two non-statutory annexes were added to the guidance, one for headteachers and one for parents.

Proposal and rationale

Building on the revisions made in 2017 and the evidence gathered through the Timpson Review of School Exclusions, we are providing further clarifications to the guidance and proposing associated legislative changes.

Proposed legislation changes

The proposed changes to the guidance which will be reflected in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 are as follows:

Withdrawn/rescinding suspensions and permanent exclusions

We have specified that once a suspension has begun (that is, when the pupil is no longer attending school), the headteacher may not bring it to an end earlier than the end-date that was originally fixed, and a headteacher may not bring a permanent exclusion to an end after it has begun. This is to ensure suspensions and permanent exclusions are always reviewed by the governing board, where required.

Social workers and Virtual School Heads (VSHs)

We will expand the headteacher's duty to inform relevant professionals of their decision to suspend or permanently exclude a pupil, following recommendations in the Children in Need Review⁷ and Timpson Review of School Exclusions.

The revised guidance also contains new advice about the involvement of social workers and VSHs at other stages of the exclusion process. Where a child with a social worker or a child who is looked-after is suspended or permanently excluded, their social worker or the VSH must be notified, alongside parents. If a child with a social worker or who is looked-after is moved out of their school, through a managed move, direction off-site into AP, their social worker or the VSH should be notified. Where relevant, social workers and VSHs should attend, if possible, governing board and independent review panel meetings concerning a suspension or permanent exclusion. They should also be allowed to share important information that helps the governing board or review panel understand the experiences of a pupil and their welfare. This is to allow social workers and VSHs the opportunity to raise any concerns and consider whether this decision would mean the level of risk to a child may change and act accordingly.

Remote meetings

We would like to consult on a permanent change to regulate remote meetings for governing boards and independent review panels so that they can remain a permanent option in any circumstances. This is a measure that would benefit governing boards, parents and pupils and enable schools to meet the statutory timescales sooner for such reviews as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

Additional changes

Other changes to the Suspension and Permanent Exclusion Guidance that do not require changes to legislation are as follows:

Managed moves

We have provided new guidance which sets out the department's expectations on how managed moves should be used. A managed move should only be offered as a permanent transfer, and only when the pupil has been attending the proposed new school under an off-site direction and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. The system we have described in the revised guidance is lawful but, depending upon

⁷ <https://www.gov.uk/government/publications/review-of-children-in-need>

responses to the consultation, we may decide to change the system and this may involve changing legislation.

Data

We have included guidance for governing boards around understanding their school's data to assist identifying any variation and disparity in the level of suspensions and permanent exclusions and pupil movements out of their school.

Off-rolling

A suspension or permanent exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents. It would also be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, for reasons relating to academic attainment/ability or due to the failure of a pupil to meet specific conditions before they are reinstated, such as attending a reintegration meeting. If any of these unlawful exclusions are carried out and it leads to the deletion of a pupil's name from the register, this is known as 'off-rolling'.

Questions

Proposed changes to the regulations

Paragraph 12 sets 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 (that is, when the pupil is no longer attending school).

- 1. Do you agree with this proposed change in the law? If not, please explain why.**
- 2. Is the associated guidance at paragraph 12 sufficiently clear? If not, please explain why.**

Paragraph 54 introduces 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.

- 3. Do you agree with this proposed change in the law? If not, please explain why.**
- 4. Is the associated guidance at paragraph 54 and throughout sufficiently clear? If not, please explain why.**

Paragraph 68-70 expands 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 in writing and involved in the governing board meeting and independent review panel, where possible.

- 5. Do you agree with this change in the law? If not, please explain why.**
- 6. Is the associated guidance at paragraphs 68-70 sufficiently clear? If not, please explain why.**

Virtual School Heads (VSH) should already be closely involved with a school if a looked after child (LAC) is at risk of suspension or permanent exclusion. Paragraphs 68-70 extend the headteacher's duty to inform a VSH if a 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.

- 7. Do you agree with this change in the law? If not, please explain why.**
- 8. Is the associated guidance at paragraph 68-70 sufficiently clear? If not, please explain why.**

During the coronavirus pandemic when school attendance was restricted, 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 are proposing to make these rules a permanent option in any circumstances. This is a measure that would benefit governing boards, parents and pupils and enable schools to meet the statutory timescales sooner for such reviews as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

- 9. Do you agree with virtual meetings being made a permanent option under any circumstances? If not, please explain why.**
- 10. Do you think virtual meetings should be made at the request of the parent only? Please explain why.**

Proposed non-statutory changes to the guidance

We have 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 have set out our expectation of the process and the safeguarding measures that should be put in place for pupils in paragraphs 31-43.

- 11. To what extent is the process outlined clear and suitable for all involved? Please explain why.**

12. Please 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?

13. Following a period of suspension or off-site direction, what are the best approaches to reintegrating a pupil into a mainstream setting? Please explain why and copy and paste any relevant information.

The guidance emphasises the importance of monitoring and understanding suspension and permanent exclusion data. Schools, local authorities, and local forums should work together to track and review the information on children who leave schools, by exclusion or otherwise, to establish a shared understanding of how the data on the characteristics of such children feeds local trends. Where patterns indicate possible concerns or gaps in provision, we expect headteachers and other local leaders to use this information to ensure they are effectively planning to meet the needs of all children.

14. Do you agree with this revision? If not, please explain why.

Throughout the revised guidance we have set out when and where pupils should be included in the suspension and permanent exclusion process.

15. Is this sufficiently clear? If not, please explain why.

The current limit on the total number of days a pupil can be suspended in a school year is 45 school days:

16. Should this limit be changed or not? Please explain how and why.

17. What potential impact would there be if the 45-day limit for suspensions in a school year was reduced? Please explain why.

To inform the wider special educational needs and disabilities (SEND) Review and Alternative Provision (AP) Reforms programme, we would like to understand more about the barriers to providing alternative provision before the sixth school day of a suspension or permanent exclusion. Your answers to the following questions will help us to understand what more we need to do to ensure timely support and education is put in place:

- 18. In your experience, what continuity of education is provided following the suspension or permanent exclusion of a pupil before the sixth school day?**
- 19. What are the barriers to providing alternative provision before the sixth school day when a child is suspended or permanently excluded from school? Please explain why.**
- 20. Following a suspension or permanent exclusion, after how many school days should there be a requirement for schools to provide alternative provision for a pupil (currently 6 school days)? Please explain why.**

Recently, a High Court case considered the legal position for mandatory off-site education for the purpose of keeping pupils apart for safeguarding reasons. This case involved allegations of child-on-child sexualised behaviour by young pupils in a primary school setting. We need to consider, following the court's decision, whether it is right to suspend or permanently exclude based on safeguarding reasons rather than just disciplinary reasons. We would like to know how this will affect practice in schools and whether there is any further need to clarify or change the law or guidance in this area.

- 21. Do you think it is positive or negative that the Court has made it clear that pupils can be temporarily excluded for safeguarding reasons as described in the judgement? Please explain why.**
- 22. Are there any particular issues you feel are not covered in the revised *Suspension and Permanent Exclusion Guidance*?**

Equality Act 2010 duties

Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. The Suspension and Permanent Exclusion Guidance sets out how this must be taken into consideration when suspending or permanently excluding a pupil.

- 23. What do you consider to be the equalities impacts of the revised guidance on individuals with particular protected characteristics?**



Department
for Education

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