

School exclusion guidance: proposed revisions

Response of the Association of School and College Leaders

- 1 The Association of School and College Leaders (ASCL) represents more than 18,500 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
- 2 ASCL welcomes this attempt to remove ambiguities in the guidance and make it more explicit. This is important in a complex (perhaps overly-complex) regulatory framework surrounding what are often highly-charged and contested decisions.
- 3 However, when making such changes it is essential to ensure that there are no unintended consequences. This requires careful consideration and testing against the experience of a number of those who have to use the guidance in various roles. This consultation is therefore welcome, but its short timescale, especially as it coincides with the Easter vacation, has not allowed for such careful testing. The Department for Education (DfE) has more than once been criticized by Parliamentary committees for not allowing sufficient time for consultations and for conducting them during holiday periods. There has clearly been another failure of planning in this case.
- 4 That being said, the proposed changes do appear to provide greater clarity and to clear up some of the faults of the previous guidance document.
- 5 The proposed changes make it clear that the governing body is key to exclusion, rather than the headteacher. This is on the whole welcome. Paragraphs 63 and 71 set out the role and duties of the governing body clearly. However, this is one of the areas that it would have been well to test against the experience of governing bodies and other participants in the process to check for workability.
- 6 The reminders to Independent Review Panels (IRPs) that there are only three possible outcomes of their hearing, that there are strict criteria for reaching a decision to quash a governing body decision, and that the recommendation of a review should not be a default option are welcome, as not all panels have apparently understood these points. It would be helpful to include an explicit reminder to IRPs that their function is not to substitute their judgement for that of the governing body but rather to consider the criteria set out in paragraph 159.
- 7 The wording of paragraph 180 is unhelpful, and potentially ambiguous. The subordinate clause makes it reasonably clear that this is intended to mean that a statement by the pupil or parents that there is not an intention to return to the school should not affect the process or decision. But the opening clause raises the possibility that the intended meaning is that the IRP's decision to recommend a review should

create a presumption that the governing body's original decision was wrong and that the pupil should be reinstated.

- 8 The reminder to local authorities (LAs) in paragraph 181 that they cannot impose further 'penalties' beyond those set out in regulation is welcome.
- 9 I hope that this is of value to your consultation, ASCL is willing to be further consulted and to assist in any way that it can.

Martin Ward
Public Affairs Director
Association of School and College Leaders
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