

Permanent Exclusions for Children in Care - Guidance for Social Workers

Purpose of this Guidance

This document provides clear, step-by-step guidance for Social Workers on their role and responsibilities following the permanent exclusion (PEX) of a statutory school aged child from school. It sets out the process, clarifies legal duties and supports effective preparation for Governors' Disciplinary Committee (GDC) meetings.

Permanent exclusion of a child in care (CIC) is a serious and significant decision. Social Workers play a vital role in ensuring that exclusions are lawful, fair and proportionate and that the child's needs, rights and voice remain central throughout the process.

While permanent exclusions of these children are not commonplace, they are highly time sensitive situations that require immediate engagement and oversight. Prompt action is essential to ensure statutory timescales are met, appropriate safeguards are in place and that opportunities to challenge or influence decisions are not missed.

1. Immediate Actions Following Permanent Exclusion

1.1 Notification and Information Gathering

- The Headteacher must notify parents/carers, the allocated social worker and the Virtual School Head (VSH) without delay
- The formal written exclusion letter must state:
 - The reason(s) for permanent exclusion
 - The date the exclusion takes effect
 - The right to make representations to the Governing Board
 - The right to request an Independent Review Panel (if applicable when GDC outcome is that PEX is upheld)
- If you are notified of a PEX for a child for whom you are responsible, please contact the Virtual School immediately to discuss the situation and agree next steps. In some cases, a joint approach with the school and additional support may help prevent the PEX.
- If the PEX continues to go ahead, you should look to follow the guidance in this document to prepare for the next steps and the Governor's Disciplinary Committee meeting.

1.2 Education Provision during a PEX

The school must provide work for the excluded child for the first five days of the exclusion. From day six, the Local Authority Inclusion Service (ISS) must work to secure **alternative provision**. In the case of CIC, this is often done in conjunction with the Virtual School. As Social Worker you will want to:

- Check that the school has provided the first five days provision/work.
- Confirm what interim or longer-term Alternative Provision (AP) is being/has been arranged and whether it is appropriate to meet the child's needs. To do so you should work alongside ISS, Virtual School and SEN (where appropriate).

2. Legal Framework and Key Principles

Permanent exclusion must be a **last resort** and only used in response to:

- *'A serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.'*
- The first test of whether a PEX is appropriate being the breach(es), the second is the harm to education.
- Being a child in care is a protective factor as is having an EHCP.

2.1 Decision-Making Standards

Any decision to permanently exclude must be:

- **Lawful** – compliant with statutory guidance and wider legal duties
- **Fair** – including consideration of the child's views
- **Reasonable** – based on evidence
- **Proportionate** – appropriate to the incident

The standard of proof is the **civil standard**: on the balance of probabilities rather than beyond responsible doubt.

2.2 Equality and SEND Duties

- Schools must not discriminate against a child due to disability or unmet special educational needs (SEND).
- Reasonable adjustments must be considered under the Equality Act 2010.

- A child with an Education, Health and Care Plan (EHCP) can be excluded, but additional safeguards apply, including:
 - Early discussion with the Local Authority
 - Consideration of an emergency annual review

3. The Role of the Social Worker

Social workers play a critical role in ensuring that the child's circumstances, needs, and voice are fully understood throughout the exclusion process.

Your key responsibilities include:

- Advocating for the child's best interests
- Ensuring the child's views are heard and represented
- Scrutinising whether appropriate support and early intervention were provided by the school to support the child and avoid PEX
- Challenging exclusion decisions where procedures or legal duties have not been met

4. Preparation for the Governors' Disciplinary Committee (GDC)

The GDC is a formal statutory meeting convened to review the Headteacher's decision to permanently exclude a pupil. Given the significance of the decision and its potential long-term impact on the child's education and future outcomes, it is essential that all relevant professionals are fully prepared and actively involved.

The Virtual School will attend the GDC alongside the Social Worker and, where appropriate, the Foster Carer or residential key worker. The aim is to ensure that the child's circumstances, needs, views and vulnerabilities are fully considered and that the governing board has a comprehensive understanding of what support has been provided and which alternative options have been explored by the school alongside the potential implications of the exclusion.

As a formal hearing with statutory timescales, preparation should begin as soon as notification of the permanent exclusion is received. All relevant reports, evidence and representations should be gathered in advance to ensure the child is effectively supported and represented throughout the process. The Virtual School will be able to guide and support Social Workers with this process.

4.1 GDC Process

The purpose of the meeting is to consider all relevant evidence, scrutinise whether the exclusion was lawful, reasonable and procedurally fair, and determine whether the decision to permanently exclude should be upheld or overturned. Governors will ask questions of the school and attending professionals to fully understand the circumstances leading to the exclusion, the support and interventions that were provided, the child's individual needs and any relevant safeguarding or vulnerability factors. It is particularly important that governors are provided with

a clear picture of the child's lived experience, support network and the potential impact of exclusion on their education, wellbeing and future outcomes.

- The meeting usually takes place within **15 school days** of the exclusion.
- The Clerk to the GDC will:
 - Confirm the date and time of the meeting
 - Circulate the evidence pack at least five school days before the meeting
- The GDC reviews the Headteacher's decision to permanently exclude.

4.2 Reviewing the Evidence Pack

The evidence pack may include:

- Headteacher's written report
- Witness statements from staff and pupils
- The pupil's own account
- Behaviour logs and attendance records
- Academic reports
- SEND information, including EHCPs or Individual Education Plans (IEPs)
- Pastoral Support Plans (PSPs) or Individual Behaviour Plans (IBPs)
- Relevant school policies (Behaviour, SEND, Exclusions)

Social Workers should review the pack carefully to identify gaps, inconsistencies or areas where reasonable adjustments or interventions may have been lacking.

5. Key Questions to Consider When Reviewing the Case

When preparing for the GDC, consider whether the school:

- Identified and explored underlying causes of the behaviour
- Considered social, emotional, mental health or safeguarding factors
- Sought advice from other professionals (e.g. Educational Psychologist)
- Put appropriate interventions in place and reviewed their effectiveness
- Used Pupil Premium Plus (PP+) funding effectively (for CIC)
- Made reasonable adjustments for SEND
- Considered alternatives to permanent exclusion, such as:

- Managed Move
- Direction off site
- Additional pastoral or specialist support

6. The Child's Voice

While the child does not have to attend the GDC meeting, they have the right to do so if they wish. The child's views should be sought and represented throughout the exclusion process. Where the child chooses not to attend, their views, wishes and feelings should still be communicated to the panel, either through a written statement, representation from their parent/carer, Social Worker or another appropriate advocate. Ensuring the child's voice is heard is a key part of making fair, informed and child-centred decisions.

- The child's views must be considered in line with their age and understanding.
- The child should be supported to express their perspective, either directly or via advocacy from their social worker or carer.
- Be prepared to explain how the child's views were (or were not) considered in the school's decision-making.

7. At the GDC Meeting

At the meeting, social workers should:

- Present relevant information about the child's circumstances, needs, and vulnerabilities
- Highlight any unmet needs, gaps in provision, or missed opportunities for support
- Challenge whether exclusion was truly a last resort
- Contribute to discussion on whether the exclusion should be upheld or the pupil reinstated

8. Outcomes and Next Steps

8.1 If the Exclusion Is Overturned

- Work with the school, carers, and VSH to support reintegration
- Ensure appropriate supports and reasonable adjustments are in place

8.2 If the Exclusion Is Upheld

- Ensure suitable full-time education continues
- Support carers/young person to consider requesting an Independent Review Panel (IRP)
- Continue planning for longer-term education, including a new school placement where appropriate

9. Independent Review Panel (IRP)

If the Governing Board upholds the exclusion:

- Parents/carers (or the young person, if appropriate) may request an IRP
- The request must be made within the specified timescale
- The IRP can:
 - Uphold the decision
 - Recommend reconsideration
 - Quash the decision and direct reconsideration

The Virtual School will work closely together with the Social Worker to support the child and their carers. The Virtual School is often best placed to provide advice and guidance at an early stage, helping Social Workers, foster carers and parents to understand the purpose of an IRP, the grounds on which a review may be sought, the available options and the potential outcomes. This support can help inform discussions about whether pursuing an IRP is appropriate in the child's circumstances. Throughout the process, the Social Worker should maintain a focus on the child's welfare, wishes and feelings, and ensure continuity of education and support.

Operational Checklist for Social Workers

Immediately after exclusion:

- ☐ Exclusion notification received and reviewed
- ☐ Virtual School informed and involved
- ☐ Work set by school for first 5 days and alternative provision organised by LA from day 6
- ☐ Child and carers supported and informed

Before the GDC:

- ☐ Evidence pack reviewed in full
- ☐ Child's views gathered and recorded
- ☐ SEND, mental health and safeguarding factors considered
- ☐ Evidence of school support and interventions assessed
- ☐ Alternative options (e.g. Managed Move) explored

At the GDC:

- ☐ The child's needs and voice are clearly represented, including consideration of whether the child should attend the GDC and, if not, how their views will be communicated
- ☐ Proportionality and 'last resort' test challenged where appropriate
- ☐ Equality and SEND duties raised if relevant

After the GDC:

- ☐ Outcome shared with child and carers by the GDC
- ☐ Education provision reviewed/secured in conjunction with ISS and Virtual School
- ☐ IRP discussed if exclusion is upheld
- ☐ Longer-term education planning progressed alongside Virtual School, ISS, SEN (where appropriate).