

# Information Advice and Support Kent

**A service for Special Educational Needs and Disabilities  
Helping you to make informed choices**



## A Guide to Suspensions and Permanent Exclusion

## A guide to suspensions and permanent exclusions

A suspension is a fixed period exclusion and this is where a child is temporarily removed from school. Permanent exclusion means that a child will no longer have a school place and the local authority will have to arrange full-time education from the sixth day.

The Government's guidance on **Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, August 2024**, applies to all maintained schools, academy schools, free schools, alternative provision academies and free schools, Pupil Referral Units (PRUs). The guidance applies to all pupils, including children in reception or in 6<sup>th</sup> forms

The guidance does **not** apply to independent schools, city technology colleges, city colleges for the technology of the arts, sixth form colleges, 16-19 academies or free schools as they have separate suspension procedures. Local authorities are, however, required to arrange educational provision for pupils of compulsory school age who are suspended or permanently excluded from these education providers if they would not receive an education.

Only the head teacher (or acting headteacher), academy principal (or acting principal) or teachers in charge of a Pupil Referral Unit can suspend or permanently exclude on disciplinary grounds. This decision cannot be delegated. It is unlawful to exclude for a non-disciplinary reason.

All educational settings should refer to their relevant policies before deciding whether to suspend or permanently excluded. A head teacher can suspend or permanently exclude for behaviour outside of school.

Schools cannot put children of compulsory school age, on a part-time timetable. They should only do this in exceptional circumstances such as to meet a pupil's medical needs. A part-time timetable must not be treated as a long-term solution, should be time-limited and should not be used to manage a pupil's behaviour.

Informal or unofficial exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.

Any exclusion of a pupil, even for a short period of time, must be formally and accurately recorded.

## **What happens when a pupil is suspended or permanently excluded?**

Before asking a pupil to leave the school site, the head teacher must:

- ensure the decision is lawful, reasonable, fair and proportionate
- apply the civil standard of proof, i.e., 'on the balance of probabilities' that more likely than not a fact is true
- take account of their legal duty of care when sending a pupil home following an exclusion.

The headteacher should

- take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.
- inform the pupil about how their views have been factored into any decision made.
- consider all the information available; including mitigating circumstances (information that makes the incident seem less serious or more excusable);
- check whether the pupil is a victim of bullying or harassment of any kind;
- allow and encourage the pupil to say what happened;
- keep a written record of actions taken, including any interview with the pupil or any witness statements.

When a head teacher suspends or permanently excludes a pupil they must, without delay, let parents know (or the pupil if age 18 or older) the period of suspension or permanent exclusion and the reasons for it. They must also notify: the local authority; if a pupil has a social worker or is looked after they must notify the social worker and or Virtual Schools Kent; and without delay provide parents with the following information in writing (or other effective method i.e. electronically if parent has given prior written agreement):

- the parents' right to put forward their case about the suspension or exclusion to the governing board, how they can do this and how the pupil can be involved
- Parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting
- for children of compulsory school age, the school days on which a child must not be seen in a public place during school hours, without a reason (you could be fined if you breach this);
- arrangements that the school has made for your child to continue in suitable full-time education from the sixth day of the suspension or exclusion; this should include the start date, times and address of the provision. If this is not available on the day of the suspension or permanent exclusion, it must be provided without delay and no later than 48 hours before the provision is due to start.
- details of when your child should return to school (for a fixed period suspension)
- details of sources of impartial advice for parents including Information, Advice and Support Kent (IASK) – who are Kent's Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS)

## **Suspension**

A suspension, where a pupil is temporarily removed from the school, can be used for unacceptable behaviour as set out within a school's behaviour policy. A suspension does not have to be for a continuous period. A pupil can be suspended for one or more fixed periods (up to a maximum of 45 school days in a school year), this means if the pupil moves schools during the year, the number of suspensions will follow them.

Suspension can also be for parts of the day, for example if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. Lunchtime suspension are counted as half a school day

During a suspension, pupils should still receive their education and the school should ensure work is set and marked for pupils during the first five schools days of a suspension.

Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways such as Google Classroom, should always be recorded as a suspension.

The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued, to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the first suspension ends.

If you feel that the suspension is unjustified, or for an unreasonable length of time, or that your child did not do whatever they have been accused of, you can appeal to the governing board. Please see information about Preparation for appealing to the governing board on page 5.

## **Permanent Exclusion**

A permanent exclusion is when a pupil is no longer allowed to attend a school and their name will be removed from the school roll (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to serious 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 in the school.

The Local authority is required to arrange educational provision for excluded pupils of compulsory school age from all institutions from the sixth day of permanent exclusion.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

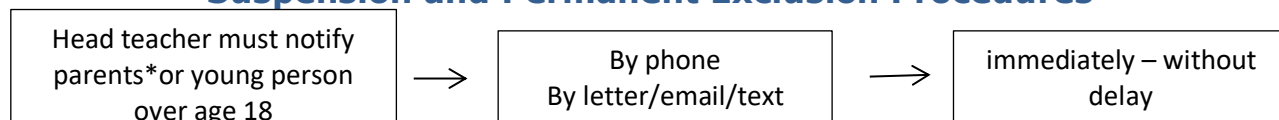
### **Cancelling exclusions**

The headteacher **can** cancel a suspension or exclusion **but only if the governing board has not yet met to consider whether the pupil should be reinstated**. The headteacher must notify parents the governing board and the local authority with the reasons for the cancellation, they must also notify the social worker and virtual school Kent if they support the pupil.

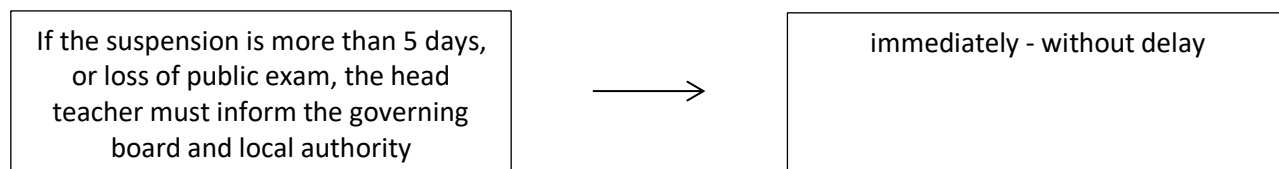
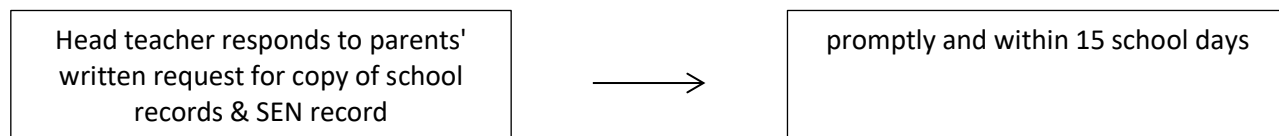
The notification must provide the reason for the cancellation. The governing board no longer need to consider reinstatement, or to hold a meeting. Parents or the excluded pupil if they are 18 years or over, should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled, which should be arranged without delay.

The pupil must be allowed back into the school from which they were excluded without delay. Any days spent out of school because of any exclusion prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

## Suspension and Permanent Exclusion Procedures



**Parents can request in writing to have a copy of their child's school records and SEN record**



### Governing Boards duties to consider reinstatement

Exclusion	Governing board's duty	Meeting the governing board
Suspension: <b>5 school days</b> or less in one term. Parents/young person over age 18 can make representations	Must consider parents' or young person's representations (written points) of the suspension	Not required to meet, but must consider any representations made by parents or young person, but does not have the power to decide whether to reinstate the pupil
Suspension: more than <b>5 and less than 16 school days</b> in one term. Parents or young person over age 18, can make representations to the board	must meet to consider reinstatement if the parent or young person makes representations	Must convene a meeting to consider reinstatement within <b>50 school days</b> of receiving notice of the suspension. If there are no representations the governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.
<b>Permanent Exclusion</b> or Suspension: bring total number to <b>15 school days or more</b> in one term <b>OR</b> pupil will miss a public examination or national curriculum	governing board <b>must</b> meet to consider reinstatement	Within 15 school days after receiving notice of the permanent exclusion or suspension from the head teacher (includes 15.5 days). If missing public exams or they must try to meet <b>before</b> the date of the exam. If not practical the Chair of Governors may consider
Clerk to the governing board receives and circulates any written evidence, i.e. witness statements and other relevant information e.g. those relating to a pupil's SEN and list of attendees		at least 5 days in advance of the meeting
Decision of governing board notified to parents, head teacher and local authority		in writing and without delay

\* Parents means anyone with parental responsibilities



## **Governing Boards Duty:**

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated.

The governing board has a duty to consider parents' or young person over age 18, representations about a suspension or permanent exclusion.

The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil are shown in the grid (page 5).

People who must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or older;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- Virtual school Kent if the child is 'Looked After'

Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

## **The governing board meeting**

Parents and the pupil can attend and participate in the governing board meeting.

Minimum of 3 Governors and the Clerk to the Governors who will take minutes of the meeting. None of them should have involvement in the case which might make them biased.

You should be given enough time to put your case forward and comment on information from the head teacher or local authority representative if attending. The Headteacher and local authority should not be with the governors without the parent being there too.

When establishing the facts the governing board must apply the civil standard of proof, i.e., 'on the balance of probabilities' - which means it is more likely than not, that a fact is true.

The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached, which a clerk should be present for.

The governing board should consider whether the decision to suspend or permanently exclude the pupil was lawful, reasonable, and procedurally fair. They can either decline to reinstate the pupil or direct the school to reinstate the pupil immediately or on a particular date. A decision letter will be sent to you.

**For permanent exclusions**, if the governing board uphold the school's decision, you can ask for this decision to be reviewed by an Independent Review Panel. You will have 15 school days from the date of the decision letter to request a review.

Regardless of whether a pupil has been recognised as having special educational needs (SEN), parents have a right to request an SEN expert to attend the review meeting to advise the panel on how SEN might be relevant to the exclusion. There is no cost to you for this, but you must make it clear that you want an SEN expert to attend.

An Independent Review Panel can decide to **uphold** the governing board's decision not to reinstate; **recommend** that the governing board reconsiders reinstatement; or **quash** the governing board's decision and **direct** that the governing board reconsiders reinstatement.

Excluded pupils should be encouraged to participate with the exclusion process if they can. It is the local Authority's duty to find the pupil another school or place of education following a permanent exclusion.

If you believe the exclusion has occurred as a result of discrimination relating to your child's special educational need or disability, you can ask to see the school's Disability Equality Policy. In some cases there may be grounds to make a claim under the Equality Act 2010 to the First-tier Tribunal. See link to IPSEA information about [Disability discrimination in schools](#). This applies to suspensions or permanent exclusions.



# Independent Review Panel process

Parents* have the right to ask for the decision to be reviewed by an Independent Review Panel	→	within 15 school days of from the date on which notice in writing of the governing board's decision is given to parents
The Independent Review Panel (IRP) must meet	→	within 15 school days of the day on which the parent's application for review was made. (IRP have power to adjourn a hearing if required)
<b>Parents can request an SEN Expert (an independent body appointed by the local Authority) regardless of whether or not the special educational needs of the excluded pupil have been recognised.</b>		
Clerk circulates written evidence	→	at least 5 school days before the review
Documents/matters not covered by statement of decision or notice of appeal submitted to clerk	→	in good time before hearing
Parent should notify the clerk if wishing to bring more than one friend/representative	→	in advance of hearing
The clerk gives all parties details of who is attending and their role	→	before hearing
The clerk informs the local authority and parent of decision	→	The clerk should immediately report the decision to the local authority as well as the parents and governing board.

\* Parent means anyone with parental responsibilities

## **Preparation for appealing / writing a letter / meeting with the governing board**

If your child has a Special Educational Need (SEN) or disability which might be affecting their learning or their behaviour, you may wish to obtain the following information to help you form your views:

- Every school must have a behaviour or discipline policy which sets out their expectations of pupils and how behaviour is managed in the school. You could ask for a copy of this to find out whether your child seriously breached their policy. (This document should be available on the school website).
- All schools must have an equality policy. You could ask to have a copy of this. If your child has a disability, has the school acted in accordance with their policy? (This document should be available on the school website).
- You can request a copy of your child's school records and special educational needs file to find out what strategies the school have used to support your child's needs. (The school may charge for photocopying).

You may wish to consider some of the following when preparing to express your views to the governing body:

- It is helpful to put things into a logical order. This could be chronological, including any relevant history.
- Is this the first suspension/permanent exclusion? If not, were there others for similar reasons?
- If the meeting is for permanent exclusion, it is likely that past conduct and previous exclusions will be taken into account.
- What were the circumstances that led up to this incident, resulting in the suspension/permanent exclusion?
- Did your child do what they are being accused of?
- Was there provocation for example was your child affected by bullying and/or harassment and is it out of character?
- Were there any misunderstandings?
- Did your child's actions seriously harm the education or welfare of themselves or others in the school?
- Has your child been asked to write an account of what happened?
- You could ask your child to write their version of events
- How does your child feel now?
- Is this unusual or extreme behaviour for your child?
- Has the school followed procedures, regarding letters, sending work home and marking work, since the exclusion?
- Have you spoken with a Local Authority Inclusion and Attendance Adviser who deals with suspensions/exclusions? (The telephone number for your adviser will be on the letter telling you about the suspension/exclusion.)
- What help is currently in place to support your child with their SEN/disability?
- How has the school managed your child's needs/behaviour?

- What kind of strategies are in place for your child? These could include pastoral support, a red card system, time out cards, peer mentor, a learning mentor, a counsellor or teaching assistant.
- Has an alternative to exclusion been discussed, such as internal exclusion, restorative justice or a managed move?
- Do you feel the exclusion was reasonable, fair and proportionate?

**Early identification** of those at risk of exclusion can be useful in developing support strategies that may help to prevent exclusion.

You could discuss with the school whether they feel your child would benefit from extra support in the classroom - see our leaflet [\*\*Special Educational Needs \(SEN\) support in mainstream schools.\*\*](#)

If your child is being assessed or receiving support for their special educational needs, the school should make every effort to avoid suspension/permanent exclusion. If your child already has an Education, Health and Care Plan an early/interim or emergency review can be requested to discuss the exclusion circumstances.

Where a child and their family could benefit from intensive support to identify and address the risks and needs of vulnerable children, young people and their families, a referral can be made to [\*\*Early Help \(support for families\) - Kent County Council\*\*](#)

### **Alternatives to suspension/permanent exclusion**

**Internal seclusion** – could be to a designated area within the school, or to another class, temporarily.

**Managed move** - A pupil can be transferred to another school as part of a 'managed move' with the consent of **all** of the parties involved, including the parents. This should be for an agreed period during which the child remains on their current school roll. With agreement the time might be extended, or a transfer placement considered. The threat of suspension/permanent exclusion must not be used to influence parents to remove their child from the school.

**Education off-site** - Maintained schools also have the power to direct a pupil off-site for education, to improve their behaviour and can arrange a time limited placement at an alternative provision or another mainstream school. Whilst the legislation does not apply to academies, they can arrange off-site provision for such purposes under their general powers.

### **Other points to note:**

- a) The head teacher **may withdraw** a suspension or permanent **exclusion** that has not been reviewed by the governing board.
- b) Sending a pupil home to 'cool off' is unlawful, regardless of whether they occur with the agreement of parents or carers. If a head teacher is satisfied that a pupil has committed a disciplinary offence and needs to be removed from school for that reason then formal suspension/permanent

exclusion is the only legal method. If your child has been excluded unofficially (i.e. without going through formal procedures) you may wish to contact Kent PRU and Attendance Service (KPAS) on **03000 41 41 41** and ask to speak to the Exclusion Intervention Adviser for your area of Kent.

- c) Suspensions may not be given for **an unspecified period**.
- d) Under the Equality Act 2010, **schools must not discriminate** against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
- e) **It is unlawful** to permanently exclude or to increase the severity of an suspension for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to suspension.
- f) Individual schools' behaviour policy will give guidance about reasons for suspensions/permanent exclusions (can be found on the schools website or you can ask for a copy).
- g) **Extending a suspension or 'converting' a suspension into a permanent exclusion can only happen in exceptional cases** – usually where further evidence has come to light. A further suspension may be issued to begin immediately after the first period ends, or a permanent exclusion may be issued. The head teacher must write again to the parents explaining the reasons for the change.
- h) **Reintegration.** Schools should have a strategy for pupils returning to school following a suspension, and for managing their future behaviour. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents, but pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting
- i) Schools should take reasonable steps to set and mark work for pupils during the first five days of a suspension and permanent exclusion. The governing body or local authority must provide full time education from the sixth day of a suspension or permanent exclusion (earlier if possible).

## Information and Support:

We can support you with preparing the points you wish to discuss at the meeting. You can contact our helpline if you need further clarification about exclusions **03000 41 3000**.

**You can also seek advice from IPSEA using this link:**

[School exclusions: what is legal? | \(IPSEA\) Independent Provider of Special Education Advice](#)

Please follow this link for a full explanation of the legal procedures around exclusions, see the Government's Guide:

[\\*Suspensions and permanent exclusions guidance AUGUST 2024.pdf](#)

On request, this information can be provided in alternative formats.

**HELPLINE: 03000 41 3000**

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