



HOUNSLOW SENDIASS

Information Advice and Support Service

School Suspensions and Permanent Exclusion Factsheet

What is suspension and permanent exclusion?

There are two types of exclusion: suspensions and permanent exclusions. Suspension refers to a fixed term when a pupil is not allowed to attend school for a period, due to a serious breach of school rules. Exclusions now refers to a permanent exclusion from a school, where a pupil can no longer attend that particular school.

Permanent exclusion should only happen in response to:

- a serious breach or persistent breaches of the school's behaviour, and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

If a school sends a pupil home to "cool off", even if parents agree, this is an exclusion, and the school have a responsibility to record it as an exclusion. When these types of exclusions are not recorded, they are unlawful. These may also be referred to as an unofficial or informal exclusion.

It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. It would also not be appropriate to exercise undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'.

Suspensions

If your child is suspended for a fixed term, it is mandatory that parents are told by headteachers why they are suspended, and how long they are suspended for. This information must be given in writing. This letter should contain the following information:

- The reasons for the suspension.
- How many days the child is suspended.
- The parents' right to make representations about the suspension to the governing body.
- How any representations should be made.

- Where there is a legal requirement for the governing body to consider the suspension, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- Where a suspended pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- Details of any alternative provision that is to be arranged.
- Arrangements that have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school.
- Relevant sources of free and impartial information.

Suspensions can be up to 45 days in a school year. If a Suspension is extended beyond this period, it becomes a permanent exclusion.

For suspensions lasting 5 days or less, work will be set by the school and marked. For any suspensions longer than this period, the school will need to make alternative educational provisions.

Parents must ensure their child is not present within a public place throughout the first 5 days of their suspension without reasonable justification. Breaking this rule may lead to prosecution or a fixed penalty notice.

For suspensions of five days or less, you can write to the school governors stating your case, they must consider your representations, but they cannot overturn the decision. They may agree to meet you if requested, however there is no time limit or requirement for them to meet.

For all other fixed period exclusions where a pupil would be suspended for more than five school days in the term but not over 15 days, you have the right to make representations, and the governing body must consider within 50 school days of receiving notice of the suspension whether the pupil should be reinstated. If you do not make any representations, the governing body is not required to meet and cannot direct the reinstatement of the pupil.

For suspensions amounting to over 15 days in one term and/or where your child will miss a public exam, the school Governors/Academy Trust must consider whether an pupil should be reinstated within 15 days of receiving notice of the suspension. You will be invited to this meeting, and you can put your case forward. After this meeting, the Governors' decision is final and binding. The following people must be present at this meeting: parents, the headteacher and a representative of the local authority.

At the end of the suspension, it is mandatory for your child to return to school. Pupils must return to school on the date originally set out in the suspension letter/ the suspension cannot be extended. Schools are required to have a reintegration strategy to support your child return to school.

Permanent Exclusions

Permanent exclusion works similarly to fixed-term exclusion; however the exclusion is permanent, and your child cannot return to that school. The exclusions team will contact you outlining the

options available to continue your child's education. You will need to confirm with exclusions team which option you will be taking.

You will be invited to attend a School Disciplinary Committee Meeting (SDC), which must be held within 15 school days of the permanent exclusion. Documents relating to your child's exclusion must be sent to you 5 days before the meeting.

If it is decided that your child can be reinstated, then your child can return to the school. However, if the permanent exclusion is confirmed and you dispute this decision, you can request an Independent Review by writing to the named person in the decision letter. You must give your reasoning as to why you believe the request should be reviewed. This must be made within the timescales set out within the letter from the Governors.

Special Educational Needs and Disabilities (SEND) and suspensions

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings, must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND, which will include any support in relation to behaviour management that they need because of their SEND.

The head teacher, as far as possible, should avoid excluding a child with an EHCP and a school should request an early Annual Review or Interim Review. Pupils with SEND but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required.

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability.

The school must also have regard for the SEND Code of Practice (statutory guidance for those working with children and young people with SEND).

Education during a suspension or exclusion

For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place.

If alternative education has not been arranged from the 6th day, or a parent is not happy with the education identified, we recommend that they contact the school (for fixed period suspensions), or the [Education Inclusion Service](#) (for permanent exclusions) and if the child or young person has an EHCP then contact the Hounslow SEN team.

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. 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. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

Governing body responsibilities

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- it would result in the pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where the governing body are legally required to consider reinstating a pupil, they must share their decision in writing with parents, the head teacher and the local authority, without delay.

If the suspension is for less than 5 days, parents can request a meeting with the governors however, the decision to hold a meeting is at their discretion and they do not have the authority to reinstate the pupil into school in this circumstance.

Right to independent review

If the governors uphold the school's decision to permanently exclude a pupil, parents have the right to request an independent review of the exclusion. This meeting is known as an Independent Review Panel (IRP) and will review the decision of the governing body.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil.

The local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person. Parents are able to request a SEN expert as part of the IRP.

If a pupil is excluded and parents don't want to challenge the exclusion but are not happy with the way the school handled it, they can follow the normal school complaints process which can be found by contacting the school or looking on the school's website.

Further help

At any point in the exclusions process, the Hounslow SENDIASS team can offer you free, confidential and impartial advice.

The following links may be useful to learn more about the exclusions process:

London Borough of Hounslow Guidance:

[Exclusion | School attendance and absence | London Borough of Hounslow](#)

Department for Education, Exclusions Guidance

Exclusion from maintained schools, academies and pupil referral units in England

<https://www.gov.uk/government/publications/school-exclusion>

Coram Children's Legal Centre

0300 330 5485

www.childlawadvice.org.uk

Department for Education, Behaviour and Attendance

www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

First Tier Tribunal

www.justice.gov.uk/tribunals/send/appeals

SEND Code of Practice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Complain about a school

<https://www.gov.uk/complain-about-school>