



SUSPENSION AND PERMANENT EXCLUSION

SUSPENSION AND PERMANENT EXCLUSION

Being suspended or permanently excluded from school can be very worrying and upsetting for you, your child or young person.

This information booklet will help you to understand your child's or young person's suspension or permanent exclusion, your rights and where to get further information and help from.

■ Government Guidance

The information in this leaflet is taken from the *government's statutory guidance which only applies to children and young people attending the following education settings:

- 1 Maintained school (state school)
- 2 Academy (including Free schools but not 16-19 Academies)
- 3 Pupil Referral Unit (PRU)
- 4 School Sixth Forms

***The guidance referred to in this leaflet, is from the Department of Education, "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" Guidance for maintained schools, academies and pupil referral units in England. September 2022. www.gov.uk/government/publications/school-exclusion**

■ Other types of education settings

Other types of education settings include: sixth form colleges, FE colleges, Independent schools or colleges. These types of education settings will have their own behaviour and exclusion policies.

■ Who can suspend or permanently exclude a child or young person?

Only the head teacher (or the teacher in charge of a pupil referral unit or the principal of an academy) has the power to suspend or permanently exclude your child or young person.

■ Types of Exclusions

There are only two types of exclusions from an education setting which are lawful:

- **Suspension (fixed period):** This is for a specific number of school days, for example, one or more days (up to a maximum of **45** school days in a single academic year). **A lunch time exclusion is recorded as a half day suspension.**
Please note: A suspension cannot be extended or converted to a permanent exclusion. The only time this can happen is usually where further evidence has come to light.
- **Permanent Exclusion:** When your child or young person cannot come back to school.

SUSPENSION AND PERMANENT EXCLUSION

■ Reasons for Suspending or Permanently Excluding a Child or Young Person.

The decision to suspend or to permanently exclude your child or young person **must** be for disciplinary reasons only. Pupils cannot be suspended or permanently excluded because the school or pupil referral unit cannot meet their needs or for something you did or not do.

All schools **must** have a behaviour policy explaining what behaviour they expect from pupils and this **must** be published on their website.

The behaviour of pupils outside of school can be considered as grounds for suspension or permanent exclusion, for example, to and from school and school trips. The school's behaviour policy will set out when a pupil's behaviour outside of school premises may lead to disciplinary sanctions.

A decision to exclude a pupil **permanently** should only be taken:

- In response to a serious or persistent breach 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.

Illegal exclusions (when an suspension or permanent exclusion is not allowed)

'Informal' or 'unofficial' exclusions, such as sending your child or young person home to "cool off" or "off roll them (otherwise they will be permanently excluded)," is unlawful regardless of whether you agree to this.

■ What steps need to be taken when a decision has been made to suspend or permanently exclude?

Informing you

When a head teacher decides to suspend or permanently exclude your child or young person. The headteacher **must** tell you (by phone or in person) why your child or young person has been suspended and for how long or permanently excluded. This **must** be done without delay.

They **must** also, no longer than, **three days** after their decision, provide you with the following information in writing.

- Whether it is a suspension or permanent exclusion.
- If it is a suspension, the precise number of days of the suspension.
- The reasons for the suspension or permanent exclusion
- Your right to make representations (to give your views) to the school governors about the suspension or permanent exclusion and how your child or young person can be involved in this.
- How you can make your representations. These **must** be considered by governors (even where there is no requirement for a governors meeting to happen)
- Information about where you can get free impartial information from, for example,
 - **Us** - we are referred to as your "Local SENDIASS" in the government guidance
 - **Coram's Child Law Advice Service**
 - **ACE Education Independent Provider of Special Education Advice**

Contact details for the above organisations, can be found at the end of this sheet.

SUSPENSION AND PERMANENT EXCLUSION



Informing the governing board of the exclusion

The headteacher **must** without delay, notify the governing board of:

- Any permanent exclusion
- Any suspension which would result in your child or young person being suspended for a total of **more than five school days** in a term (this includes **more than ten lunch time** suspensions) and
- Any suspension or permanent exclusion which would result in your child or young person missing a public exam or national curriculum test.

Informing the Local Authority (LA) of the Suspension or Permanent Exclusion.

The LA **must** be informed of the suspension or permanent exclusion regardless of the length of suspension.

Governors duties

- If your child is a "Looked after child" the head teacher **must** tell the virtual head teacher and if your child has a social worker they **must** be told too.
- Where there is a legal requirement for the school governors to consider the exclusion, you have the right to attend the governors meeting and you have the right to bring someone with you.

Whilst your child or young person is suspended or permanently excluded

- If your child is of compulsory school age (5-16 years old), the days that you **must** ensure that your child is not in a public place during school hours, is during the **first five days** of the suspension or permanent exclusion or until the start of the *alternative provision.

The school **must** take reasonable steps to set and mark work for the first **five days** of the suspension.

* If alternative provision is being arranged (where it can be reasonably found within the timescale), the details about the start date, times, address and who your child should report to, can be done by email, given to you directly, or sent home with your child.

Entitlement to alternative provision

Alternative provision are places that provide education for children who cannot attend a mainstream school because of exclusions, illness or other reasons.

Alternative provision **must** be full time and suitable (for example, for the child's age, ability, aptitude and any special educational needs (SEN)).

Suspension

For a suspension this **should** start as soon as possible. If your child is a "Looked after child", their school and the LA **should** work together to arrange provision from the **first day** of the suspension or permanent exclusion.

The governing body (or Local Authority in relation to a pupil excluded from a pupil referral unit) **must** arrange suitable full-time education for your child if they are of compulsory school age.

This provision must begin no later than the sixth day of the suspension.

In Wandsworth, each school has their own sixth day provision arrangement.

SUSPENSION AND PERMANENT EXCLUSION

Permanent

For permanent exclusions, the home Local Authority (and not the school) **must** arrange suitable full-time education if your child is of compulsory school age.

This provision must begin no later than the sixth day of exclusion.

In Wandsworth, day six provision for children who have been permanently excluded is usually provided at one of the pupil referral units (PRU's)

If your child has an **Education Health Care (EHC) plan** and you do not feel a PRU will be appropriate for your child, please speak to their EHC-Co-ordinator, in the Special Needs Assessment section (SNAS).

Please note: Where it is not possible, or not appropriate to arrange alternative provision during the **first five school days** of exclusion, the school **should** take reasonable steps to set and mark work for your child.

■ Can I challenge the school's decision to exclude my child?

Yes

In the letter informing you of the suspension or permanent exclusion, the head teacher will include:

- Your right to make representations (give your views)
- How to make your representations
- Where you can get impartial information and advice

You can request to meet with the governors if the total days of your child's or young persons' suspension is between **five-fifteen days** in one term. If a meeting is held you have the right to attend.

You can also bring someone in to represent you.

Please note: If your child has been suspended for **less than five days**, you have the right to make representations (in writing) to the governors if you object to or want to give your views about the suspension.

The Governing Board

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

- It is a permanent exclusion or
- It is a suspension which would bring the total number of school days to more than **fifteen** in a term or
- It would result in your child or young person missing a public examination or national curriculum test

Where the governors have agreed to consider your representations about the suspension or permanent exclusion or have to by law they have the power to do the following:

Suspension

Total of five school days or less (they can't overturn the head teacher's decision)

- They can place a note of their findings in your child's school record

five and a half days or more:

- Decide whether the decision to suspend was lawful, reasonable and procedurally fair
- Reinstatement your child or young person immediately or by a particular day

Permanent Exclusion

The governing board **must** convene a meeting to consider reinstatement within **15 school days** of receiving notice of the permanent exclusion

Informing you of the governing board's decision

The governing board **must** notify you, the head teacher and the Local Authority of its decision in writing and without delay. The governing board **should** set out the reasons for its decision in enough detail so that everyone can understand why the decision was made.

If the decision is related to a permanent exclusion which they have not overturned, they **must** tell you of your right to ask for the decision to be reviewed by an

SUSPENSION AND PERMANENT EXCLUSION

Independent Review Panel (IRP). The details of how to do this, by when, who can be invited and who will be at the IRP **must** be provided to you too.

Please note: The governing board **must** also take reasonable steps to meet before the date of a public exam or national curriculum test. If this is not practical, the chair of governors may consider a pupil's reinstatement alone.

■ What is an Independent Review Panel (IRP)?

If the school's governing board agrees with the head teacher's decision to exclude your child or young person permanently, you can ask for this decision to be reviewed by an independent review panel.

An independent review panel does not have the power to direct the governing board to reinstate your child or young person.

However, this panel can decide to:

- uphold the exclusion decision
- recommend that the governing board reconsiders their decision; or
- quash the governing board's decision and direct that the governing board reconsiders reinstatement.

Please note: You do not have to attend the governors review meeting first to request this meeting.

■ SEN Expert

Whether or not a school recognises your child or young person having **Special Educational Needs (SEN)**, you have the right to request that a SEN expert to attend the IRP meeting.

The SEN* expert's role is to advise the review panel, impartially (objectively) about how your child's or young person's known SEN may have impacted your child's or young person's permanent exclusion.

If the school does not recognise that your child or young person has SEN, the SEN expert should advise the Panel on the following, whether they believe (from the evidence they were provided) the school acted in a:

- legal
- reasonable
- procedurally fair way

*** The SEN expert must be someone who has expertise and experience of SEN.**

The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.

The SEN expert can be employed by the or another Local Authority or Academy Trust but they **should** not have had any previous involvement in the assessment or support of SEN for your child, young person or their siblings.

The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of your child's or young person's SEN.



SUSPENSION AND PERMANENT EXCLUSION

■ The Independent Review Panel Decision

Where the IRP directs or recommends that the governing board reconsiders its decision, the governing board must meet within **ten school days** of being given notice of this decision.

The governing board **must** notify the following people of its recommended or directed reconsidered decision, and the reasons for it, in writing and without delay:

- You
- The head teacher;
- The Local Authority and, where relevant, the 'home Authority'.

■ What can I do, if I believe my child or young person has been permanently excluded because of their disability?

If you believe that your child or young person has been excluded because of their disability then you may be able make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability).

My child has Special Educational Needs (SEN)

Head teachers **should**, where possible, avoid permanently excluding any pupil with an Education Health Care (EHC) Plan or a 'Looked after' child because they may be vulnerable to the impact of exclusion.

Schools **should** engage proactively with you in supporting your child's or young person's behaviour.

Where a school has concerns about your child's or young person's behaviour, or they may be at risk of exclusion, it **should**, in partnership with others (including the LA), consider what additional support or

alternative placement may be required. This **should** involve assessing the suitability of support for your child's or young person's SEN.

If your child or young person has an EHC Plan, schools **should** consider requesting an early annual review of the EHC Plan.

If your child's or young persons' behaviour is much more difficult than usual or they have difficulties managing their feelings, they may have social, emotional, and mental health difficulties. This is a recognised type of SEN too.

If you would like to discuss your child's or young person's exclusion please contact us:

Helpline number: **020 8871 8065**
(24 hour answer machine)

Email: wiaass@wandsworth.gov.uk

Web: wiaass.org.uk

■ Useful Organisations

Child Law Advice Service:

Web: www.childlawadvice.org.uk/informationpages/school-exclusion

Family Law Advice line: **0300 330 5480**

Education Law Advice line: **0300 330 5485**

ACE Education

Web: www.ace-ed.org.uk

Advice line service: **03000 115 142**

IPSEA

Web: www.ipsea.org.uk/pages/category/exclusion-and-children-out-of-school

SUSPENSION AND PERMANENT EXCLUSION



■ How to contact us:

Helpline number: **020 8871 8065** (24 hour answer machine)

Email: wiaas@wandsworth.gov.uk

Web: wiaas.org.uk