



# SUSPENSIONS AND PERMANENT EXCLUSIONS

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Head teachers can only suspend or exclude a pupil for disciplinary reasons. A pupil may be suspended for one or more fixed periods, or permanently excluded.

'Informal' or 'unofficial' exclusions, are not allowed, even if they are with the agreement of parents. Any suspension or exclusion of a pupil, even for short periods of time, must follow the formal process and recorded formally. A lunch time exclusion counts as half a day.

A pupil's behaviour outside school can be considered grounds for a suspension/permanent exclusion.

## Responsibilities

Suspensions and exclusions can start on the same day. When a head teacher excludes a pupil, they must without delay let parents know the type of suspension or exclusion and the reason(s) for it.

Head teachers must also, without delay, provide parents with the following information in writing:

- the reason(s) for the suspension/exclusion and length
- the parents' right to put forward their case about the suspension or exclusion to the governing board, how they should go about doing this and how the pupil can be involved
- when parents must ensure that the pupil is not present in a public place at any time during school hours.

When relevant, they need to say what alternative provision will be provided from the sixth day of a suspension.

## Suspension

A pupil may be suspended for one or more fixed periods - up to a maximum of 45 school days in a single academic year.

## Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated)

Schools should take reasonable steps to set work for pupils during the **first five** days of a suspension.

**From the sixth day** of a suspension, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils whose final exams have passed.

For a suspension of more than five school days, it is the duty of the school to arrange this education.

For a permanent exclusion, arranging suitable full-time education is the duty of the local authority where the child lives.

*The first five days of any suspension or a permanent exclusion parents must ensure that the pupil is not present in a public place at any time during school hours.*

*Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.*



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## **Suspension for less than 5 days within a term.**

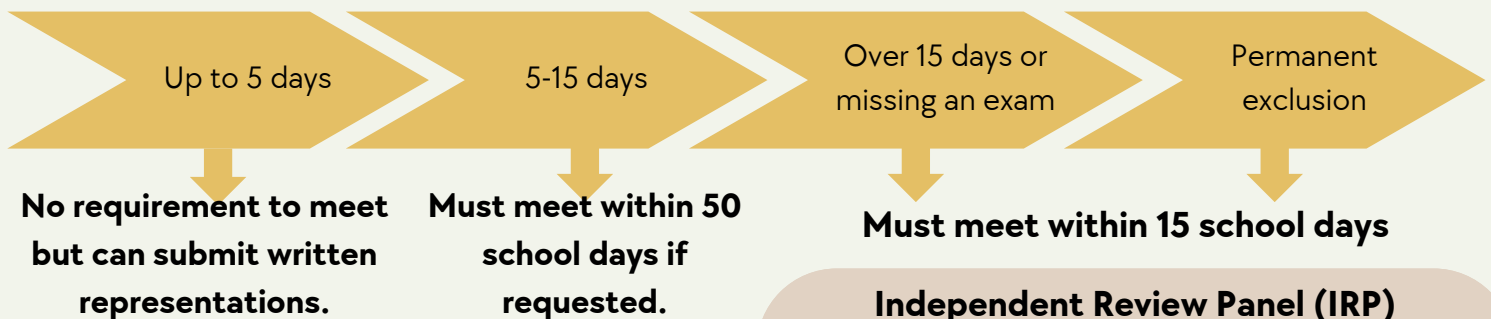
- You have the right to make representations to the governing body about the suspension of your child.
- They must consider any representations made by the parents but cannot make school reinstate and they do not have to meet with you.

## **Suspensions for longer than 5 days or when combined are over 5 but under 15 days within a term.**

- You have the right to make representations to the governing body about the suspension of your child.
- The governing board must consider reinstatement within 50 school days if the parent asks it to do this.
- You have the legal right to attend a meeting, to be represented at that meeting (at your own expense) and to bring a friend.

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;
- it would result in the pupil missing a public examination or national curriculum test



## **Governor Disciplinary Committee (GDC)**

- There will be a number of people at a GDC but you can bring someone for support. All parties must enter and leave the hearing room at the same time and there must be ample time for the hearing. Everyone should be given equal time.
- The decision will either be upheld or overturned and you should be informed 'without delay' usually within 1-5 days.
- The governing board will take a full review of the lawfulness of the head teacher's decision and they must consider all evidence presented to them, as well as any other evidence that may be relevant.
- They must inform you how to request an independent review panel.

## **Independent Review Panel (IRP)**

- A request for an IRP must be made within 15 days of a GDC decision being communicated. The IRP must be held within 15 days of the request being received.
- An IRP has no power to reinstate but can either uphold the decision, recommend the school reconsider the decision or quash the decision and directs the school to reconsider again.
- The panel will consist of three people completely unconnected to the school to hear the review and carefully consider your case, as well as the school's.
- You can request a SEN expert attends, and if your school is an academy you can also ask for a local authority representative to attend.
- You will be informed as soon as possible after of the decision by the chair.



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## Prevention

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. The setting must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others, consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

## Managed moves

A managed move is a voluntary agreement between schools, parents/carers, and a pupil, for that pupil to change school or educational programme under controlled circumstances. Initially, it is for a set period to see if things improve. They last approximately 12 weeks to allow time to settle in and see improvement. If it is successful they will transfer to the new school permanently.

## Part-time timetables

As a rule, schools cannot put children of compulsory school age on a part-time timetable. Part-time timetables should only be used in very exceptional circumstances where it's in a pupil's best interests to enable them to return full-time.

A part-time timetable should be:

- agreed between you and the school
- time-limited, and
- have regular review dates

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary.

## Power to direct off-site

A governing board of a maintained school has the power to direct a pupil to off-site provision. This may only be used as a way to improve future behaviour and only temporarily.

They must stay on-roll at both settings.

This can be full time of a combination of part-time and part-time at their mainstream setting.

School should involve parents with review meetings and inform them when these will be held.

## Off-rolling and unlawful exclusions

Not allowing a pupil to attend school, such as sending them home to 'cool-off' is unlawful if it does not follow formal exclusion processes.

Putting pressure on you to remove your child from the school under the threat of permanent exclusion is also off-rolling. If you feel pressured to home educate or school are not adhering to exclusion processes, you may wish to complain to the school.

## Reintegration

A meeting should be held between school, pupil and parents following a suspension to discuss the incident and identify anything that may help prevent a reoccurrence.

If you are unwilling or unable to attend the reintegration meeting the pupil should not be prevented from returning to their mainstream classroom. Return cannot be conditional upon attending the meeting.