# Suspension and permanent exclusion - guidance for Schools

The Department for Education’s school suspensions and permanent exclusions guidance document provides a guide to the legislation that governs the suspension and permanent exclusion of pupils from maintained schools, academy schools (including free schools, studio schools and university technology colleges), alternative provision academies (including alternative provision free schools) and pupil referral units. It also provides statutory guidance. The full version of the DfE’s guidance: **“***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”* can be accessed in full on the [GOV.UK website.](https://www.gov.uk/government/publications/school-exclusion)

# Suspension / permanent exclusion support

Support for suspensions/permanent exclusions is part of the Admissions and Access to Education Service.

The Service provides appropriate advice and support to all schools and to parents for The Royal Borough of Kensington and Chelsea and Westminster City Council on school suspensions/permanent exclusions following a head teacher’s decision to issue either suspend or permanently exclude a pupil. The service aims to support and promote consistency of practice as outlined in the DfE’s guidance which all schools must have regard to in order to meet their statutory responsibilities following a decision to suspend or permanently exclude a pupil.

# Alternatives to Permanent Exclusion (including 'managed moves')

Headteachers should, as far as possible, avoid excluding permanently any pupil with an Education, Health and Care plan (EHCP) or a looked after child. Statutory guidance on strategies to be employed are outlined in the DfE guidance.

The guidance promotes the use of early intervention strategies by schools to address underlying causes of disruptive behaviour and avoid suspensions / permanent exclusions. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. Although the legislation underpinning the power to direct off-site does not apply to academies, they can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust’s Articles of Association.

A pupil can also transfer to another school as part of a ‘managed move’ where this occurs with the consent of the parties involved, including the parents. However, it must be stressed that the threat of suspension/ permanent exclusion must never be used to influence parents to remove their child from the school.

All such options can be discussed with the Ormiston Academies Trust. The Ormiston Academies Trust (OAT) works with learners that are experiencing difficulty with mainstream school and can provide schools with a menu of options.

# The Head teacher's duty to notify specified parties about exclusion

Parents must be notified "without delay" of a suspension or permanent exclusion, the reasons for it and the fixed period of suspension. The notification should cite sources of advice for the parent and must include the right to make representations to the governing board or where the governing board is legally required to meet to consider reinstating an excluded pupil, the right to attend the meeting and to request that the meeting be held by remote access.

When headteachers suspend or permanently exclude a pupil they must, if a pupil has a social worker, or if a pupil is looked-after, also without delay after

their decision, notify the social worker and/or VSH, as applicable. They must also

notify the local authority, without delay. Legislative changes mean that this must

be done regardless of the length of a suspension.

**Paul Worts, Senior Exclusions Officer**, is the Local Authority Officer able to offer advice on the suspension/exclusion process for The Royal Borough of Kensington and Chelsea and Westminster City Council.

The DfE guidance document does not include model letters. Therefore, please see the model letters which have been drawn up for the different types of suspension and permanent exclusion scenarios. It is recommended that all schools adopt these templates in order to ensure the correct information is given to parents following the decision to suspend/exclude. It is also strongly recommended that schools download ‘afresh’ from the website each time as necessary rather than saving templates for future use as the templates are amended whenever updates are required, and this will ensure the most up to date version is always used.

In addition to the above, schools will continue to submit termly exclusion census data returns to the Education Data Team in order to fulfil DfE requirements.

# Arranging alternative provision (day 6 provision)

The local authority is responsible for arranging alternative education provision from the sixth school day following a permanent exclusion for student living in the borough and must therefore be notified "without delay".

In addition to providing a copy of the letter notifying the parent of the decision to permanently exclude, **all schools are required to complete the appropriate referral form (primary or secondary)** which provides essential additional information (e.g., parental contact details) which will assist the local authority in meeting their statutory obligations.

(Please also note: where a pupil lives in a local authority area that is different to the local authority for the school, their ‘home’ authority must also be notified by the school "without delay" as that authority has the responsibility for providing day 6 provision).

Fixed-term suspensions over 5 consecutive days also require alternative provision from the sixth school day. OAT provides this provision for secondary aged pupils, and schools are required to complete the appropriate OAT referral form.

Provision for fixed-term suspensions of more than 5 consecutive days for primary school pupils must be arranged between primary schools themselves.

# Governing boards/academy trusts

Governing boards/academy trusts continue to perform the key role of determining whether an excluded pupil should be reinstated. This will involve reviewing the decision of the head teacher. The timescales for the board to meet are as follows; within 15 school days for pupils excluded permanently, for a cumulative total of more than 15 days of suspension in any one term, or if the pupil will miss a public examination while excluded, or within 50 days for exclusions less than 15 days but more than 5 days if requested by the parents/carers (see the diagram on page 39 of the DfE guidance for a visual summary of these duties).[GOV.UK website.](https://www.gov.uk/government/publications/school-exclusion)

**The Senior School Governance Adviser can be contacted on 07739 315427** for advising on the process of arranging governors’ meetings.

# Independent Review Panels (IRPs)

Where requested by a parent, local authorities or academy trusts must arrange an independent review panel to review the decision of a governing board not to reinstate a permanently excluded pupil. Local authorities or academy trusts must ensure that all panel members and clerks receive specified training and will also need to appoint a special educational needs expert to advise the panel, where requested by a parent (regardless of whether a school recognises that a pupil has SEN).

For RBKC and WCC maintained schools, IRPs will be arranged by [Educationappeals Dotcom Ltd](https://www.educationappeals.com/).

For academies and free schools that have not themselves commissioned [Educationappeals Dotcom Ltd](https://www.educationappeals.com/), they will need to source an independent provider to arrange their IRP.

The local authority is required to submit a return to the Department for Education on both the number of IRPs conducted and the outcomes for all schools, including academies and free schools. In addition, depending on the outcome of the IRP’s decision and the governing board/academy trust response, there may be additional financial implications. It is therefore essential that the local authority is notified of all decisions taken by both governing boards/academy trusts and IRPs in relation to permanent exclusions without delay.

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