# Exclusions/Suspensions - Guidance for Schools

The Department for Education’s (DfE) provides a guide to the legislation that governs the suspension (exclusion for a fixed period)/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 and the full version of the latest statutory guidance –can be accessed in full here Exclusions Service [Suspension and permanent exclusion guidance September 2023 (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf)

The Exclusions Service is part of the ACE team (Attendance (statutory), Child employment and children in entertainment, Elective home education, children missing education and permanent exclusions).

The Exclusions Service provides appropriate advice and support to all schools and to parents for the London Borough of Hammersmith and Fulham following a head teacher’s decision to suspend/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 exclude a pupil.

# Alternatives to Exclusion (including 'managed moves')

Headteachers should, as far as possible, avoid permanently excluding any pupil with an Education, Health and Care plan (EHC) or a looked after child. Statutory guidance on strategies to be employed are covered in the DfE exclusions guidance (page 23-

25).

The guidance promotes the use of early intervention strategies by schools to address underlying causes of disruptive behaviour and avoid suspensions/exclusions. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour (p20 para 35-46). 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 (p 22 para 47- 51). However, it must be stressed that the threat of exclusion must never be used to influence parents to remove their child from the school. Managed Move good practice guidance can be found in ACE Reference Manual [ace\_4.\_10.\_managed\_moves\_-\_final\_policy.docx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.lbhf.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fsection_attachments%2Face_4._10._managed_moves_-_final_policy.docx&wdOrigin=BROWSELINK)

Ormiston Academies Trust (OAT) - 0203 108 0345, works with learners that are experiencing difficulty with mainstream school, and can provide options and advice to schools.

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

Parents must be notified "without delay" of a suspension/ exclusion, the reasons for it and the period. 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 a suspended/ excluded pupil, the right to attend the meeting.

**The head teacher must notify the governing board and the local authority “without delay” of:**

* a permanent exclusion
* Suspensions resulting in a pupil being excluded/suspended for more than five days in a term
* Suspensions which would result in the pupil missing a public examination or national curriculum test
* If a pupil has a social worker or is a looked after child, legislative changes also require that Headteacher notifies the social worker/Virtual School Heads, as applicable ‘without delay’.

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| **Exclusion type:**   | **Notification:**   |
| Permanent (resident within LA)  | Cathy Sciueref 07769 287 452 cathy.sciueref@lbhf.gov.uk is the Local Authority Officer able to offer advice on the permanent exclusions process for the London Borough of Hammersmith and Fulham.   |
|   |   |
| Permanent (resident outside LA)  | Cathy Sciueref 07769 287 452 cathy.sciueref@lbhf.gov.uk **and** ‘Home’ LA    |
| All Suspensions, including missing an exam  | ICAT (0208 753 6600) familyservices@lbhf.gov.uk  |

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/exclusion scenarios in the ACE Reference Manual. It is recommended that all schools adopt these templates to ensure the correct information is given to parents following the decision to suspend/exclude.

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 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).

Suspensions over a period of 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 referral form.

Provision for 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 a suspended/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 in any one term or if the pupil will miss a public examination while suspended or within 50 days for suspensions less than 15 days but more than 5 days if requested by the parents/carers (see p.38 of the DfE exclusion guidance for a summary diagram of these duties).

# Independent Review Panels (IRPs)

Where requested by a parent, local authorities or academy trust 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).

The local authority is required to submit a return to the DfE 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.

Contact name: Cathy Sciueref 07769 287 452 or cathy.sciueref@lbhf.gov.uk

Address: ACE Team, 3rd Floor, 145 King Street, W6 9XY