

Guidance on the use of suspension and permanent exclusion from school

Effective September 2026 until further notice

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Introduction

For the vast majority of pupils, suspensions and permanent exclusions will not be necessary, as other strategies can manage their behaviour. However, where approaches to behaviour management have been exhausted, then suspension may sometimes be necessary, with permanent exclusion only to be used as a last resort.

The first section of this AfC document provides a guide for headteachers in Kingston and Richmond on the support, strategies and interventions available for young people at risk of either a suspension or permanent exclusion from school. The second section covers the exclusion process itself and incorporates local practice and procedures.

Please note:

- (1) This handbook should be read in conjunction with the [DfE Exclusion Guidance](#)
- (2) These procedures apply to all maintained schools, academies, and free schools, and all pupils in them, including any who are below or above compulsory school age.
- (3) The advice and guidance contained in this booklet supersedes all previous documents issued by Achieving for Children (AfC).

Summary

This guidance has been updated to be a companion piece to the [Behaviour in schools guidance](#), which provides advice to headteachers and school staff on implementing a behaviour policy which creates a school culture with high expectations of behaviour.

This means that this guidance should only be necessary when strategies, practices and interventions set out within the behaviour in schools guidance have **not** been successful in improving a pupil's behaviour and the use of more significant interventions or sanctions are required.

This advice should not be read in isolation. It is important for schools to consider the following guidance: [Keeping children safe in education](#), [Mental health and behaviour in school](#) and other relevant advice and guidance as part of their approach to using school suspensions and permanent exclusions well

Terminology

The term '**must**' refers to what headteachers, governing boards, academy trusts, local authorities and parents and others are required to do by law and must have regard to when carrying out their duties. The term '**should**' refers to recommendations for good practice as mentioned in the suspension and permanent exclusion guidance and **should be followed** unless there is good reason not to.

Further information

For any queries or advice with regard to exclusion from school please contact:

Adrian Bannister, Exclusions and Reintegration Officer, Achieving for Children

T: 07786 274521

E: adrian.bannister@achievingforchildren.org.uk

Section 1: Early intervention

Where a school has concerns about a pupil's behaviour, it should attempt to identify whether there are any causal factors and intervene early to reduce the likelihood of an external sanction having to be imposed.

Early intervention to address underlying causes of unacceptable behaviour should include an assessment of whether appropriate provision is in place to support any special educational needs or disabilities (SEND) that a pupil may have. [Definition of social, emotional and mental health \(SEMH\)](#). Headteachers should also consider multi-agency involvement for pupils whose behaviour is giving significant cause for concern to the point where an external sanction may be a future possibility. [SEMH local principles](#)

Across Kingston and Richmond, the following are key sources of advice and support from Achieving for Children (AfC) that headteachers can access as part of a graduated response to emerging behaviours.

Education Inclusion Support Service (EISS)

The Education Inclusion Support Service offers consultancy on all aspects of inclusion including behaviour management approaches and school policies. The service supports schools in developing sustainable inclusion strategies and practices, as well as offering advice and guidance about children with special educational needs and disabilities, including those with challenging behaviour and social and emotional difficulties that impact on behaviour for learning.

The service can also support effective multi-agency work around vulnerable children, those at risk of hospitalisation due to mental health difficulties and also holds statutory responsibility for those primary-aged children who are too unwell to attend school and thus receive medical tuition.

For more information: [EISS information](#)

Early Advice and Intervention Panel (EAIP)

All AfC Inclusion teams sit under a panel called the Early Advice and Intervention Panel. This includes the Education Inclusion Support Service (EISS), the Advisory and Outreach Service for autism and SLCN, and outreach from our SEN schools and specialist resource provisions (SRPs).

This model seeks to offer immediate information and signposting, without the need for schools to have completed any prior assessment or activity. It doesn't offer financial resources or one-to-one support, but it will signpost to local expertise from schools, special educational needs and disabilities (SEND) resource provisions and AfC teams who can advise schools on strategies to support staff where children or young people need specific approaches to enable more effective inclusion.

Referral pathway - [EAIP referral form](#) link needs updating

Early help

Early help workers use a child and family-centred approach to empower children and their parents on their journey to make positive changes. By working in partnership with the family and other agencies such as schools, health, and voluntary and community sector, early help workers can offer parenting support to tackle emotional and behavioural issues, advice on raising children's confidence and self-esteem, housing, benefits, and financial advice, support transitions to nursery, primary school and secondary school and signpost to services and activities for children, young people and families.

Referral pathway via SPA: [SPA referral form](#)

Early help resilience networks (EHRN)

The resilience network meetings offer support and guidance to partner agencies in the provision of early help to children and families. The aim of this network is for your school to be able to share and reflect on a case to a panel of professionals and develop a plan for the family in line with the Signs of Safety model.

There are monthly EHRN meetings in Kingston and Richmond for 0 to 5, and 5 to 19-year-olds.

Referral pathway: [EHRN meeting referrals](#)

Cause for concern panel (secondary only)

The monthly meeting in each borough is aimed at those students whose behavioural and emotional needs are a significant barrier to engagement in learning. It is for those students where internal school strategies and support have been consistently implemented without any meaningful improvement and the school is seeking advice and signposting regarding next steps. Schools should certainly consider referring any pupil who has received multiple suspensions in an academic year.

Referral pathway: [CfC Referral Form](#)

Educational Psychology Service (EPS)

The EPS has a statutory role in relation to special educational needs and disability. All schools in Kingston and Richmond have an allocated educational psychologist and the opportunity to purchase additional time to provide consultation, assessment and intervention advice as well as targeted therapeutic intervention and specialist services.

[Further information](#)

Emotional Health Service (EHS)

The service works with children and young people up to the age of 19 who attend a school, have a home address or GP in Kingston or Richmond. The focus is early intervention and prevention of mental health difficulties, including consultation, training and short term direct therapeutic interventions.

Further information

Youth Service

A universal offer

The Youth Service works with young people aged 11 to 19 across youth centres, mobile youth buses, detached and street-based youth work and specific projects such as holiday activities, offering a range of opportunities to learn, gain knowledge and skills, volunteer and become active members of the community.

This offer is free and provides all young people with positive leisure activities that support young people to fulfil their potential to improve, achieve and learn about themselves, make informed safe choices to improve the wellbeing, personal and social development during the transition from adolescence to a young adult.

A targeted offer

The aim is to educate young people through activities, experiences and opportunities who are more vulnerable or at risk of getting into trouble or making choices that put themselves or others at risk. The targeted offer focuses on strengthening the support and learning needed to prevent and reduce risky behaviours to encourage improving the wellbeing, personal and social development.

A specialist offer

To complement the universal and targeted offer, the Youth Service aims to educate young people through unique and bespoke activities, experiences and opportunities available to all young people or referrals only.

[Further information](#)

Malden Oaks School and Tuition Service

Provides high quality alternative provision for students aged 11 to 16 on roll at a Kingston school. There are different reasons why students cannot access education in mainstream school and Malden Oaks provides them with the appropriate targeted programs. [Further information](#)

Referral pathway: [APPP referral form](#)

Discover programme

Discover is the Malden Oaks' outreach programme. Available to Malden Oaks students and those on roll at Kingston and Richmond secondary schools, Malden Oaks Discover provides students with the opportunity to take part in outdoor learning whilst working towards AQA Unit Awards.

Malden Oaks Discover is designed to enrich a student's timetable and support the long-term continuation of their school placement

[Further information](#)

Springwell

This alternative provision is run by the EISS and operates at Heatham House in Twickenham. It caters for secondary students on roll at Richmond schools. The provision has five places for key stage 3 students and five places for key stage 4 students. and runs for five days per week.

Referral pathway: [APPP referral form](#)

Anstee Bridge

Anstee Bridge is a project that helps young people build confidence and resilience with an aim to re-engage with education through creativity.

Anstee Bridge aims to meet the differing needs of all its students and we are committed to ensuring that they, regardless of their educational needs, have access to a creative confidence boosting curriculum rich in variety that offers them plenty of opportunities to succeed. Its key priorities are to ensure the physical and emotional, safety and wellbeing of all its students, to ensure all students take an active part in decision making about their learning and environment and that through a broad choice of creative workshops, projects and activities, students can fully engage with their creative learning and gain confidence to go on to achieve in the future. Of paramount importance is that all students are encouraged to aim high, on a day-to-day basis and in their aspirations for the future.

[Further information](#)

Alternative Provision Placement Panel (APPP)

The APPP is a weekly (Tuesday) term time panel that discusses new referrals for alternative provision. Please see the [APPP Terms of Reference \(TOR\)](#) for more information.

Online referrals must be received by 5pm on the Thursday preceding the panel.

[APPP referral form](#)

The following are the specific Alternative Provision programmes which a young person can be referred to.

- **Step By Step** ([leaflet here](#)): for pupils presenting with ERSA who have received support through early intervention mechanisms (eg ERSA toolkit, EAIP referral), but are still not attending school on a regular basis. *For Kingston Secondary schools referrals will remain pending until confirmation is received that the school accepts the associated costs.
- **Boost** ([leaflet here](#)): for pupils presenting with ERSA who have received support through early intervention mechanisms (eg, ERSA toolkit EAIP referral) but are still not attending school on a regular basis.
- **The Bridge (12-week placement)**: for primary pupils in Years 1 to 6 who having received support through the school's graduated response, continue to be at risk of placement breakdown.
- **Forest School** ([Webpage link here](#)): for primary schools to request a place, this should be pre-agreed with EISS
- **Anstee Bridge** ([Webpage link here](#)): for secondary pupils in Years 7 to 11 presenting with ERSA who have received support through the school's graduated response but are still not attending school on a regular basis.
- **Extended work experience**: for key stage 4 pupils who would benefit from a vocational pathway to support their continuing school placement [See process here](#). Schools should have already discussed EWEX with the Young Person and their families prior to referral.
- **Malden Oaks Dual Registered Placement** ([Webpage link here](#)): for secondary pupils who, having received support through the school's graduated response, continue to be at risk of placement breakdown. Those accepted will be dual registered with their home school. Referrals can be submitted by schools in the Royal Borough of Kingston.
- **Alternative (medical or other) provision**: for pupils unable to access school for health or other reasons. Prior to completing the referral please ensure you have read through our [AfC Alternative Provision Policy](#). Referrals should only be submitted for residents of the Kingston or Richmond boroughs. Any supporting documentation from a medical practitioner (eg, CAMHS consultant) or educational psychologist should be emailed to apppp@achievingforchildren.org.uk

- **Alternative (SEND) provision:** for pupils in receipt of an EHCP unable to access school due to their SEND. **Prior to completing the referral please ensure that it has been agreed at SEN Panel to proceed.** Referrals must be submitted for residents of the Kingston and Richmond boroughs only. For these types of referrals, we require that a copy of the EHCP and most recent annual review be emailed to appp@achievingforchildren.org.uk
- **Day 6 provision:** this referral is made following a permanent exclusion. Referrals must be submitted for residents of Kingston and Richmond boroughs only.

Preventative measures to school exclusion

In addition to initial intervention strategies, headteachers should also consider the following: a) an off-site direction (temporary measure) or b) managed moves (permanent move) as preventative measures to permanent exclusion.

Any use of alternative provision should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs.

Off-site direction

Off-site direction **may only be used** as a way to improve future behaviour and **not as a sanction or punishment for past misconduct.** Off-site direction should only be used where in-school interventions and outreach have been unsuccessful or are deemed inappropriate. It should only be used to arrange a temporary stay in alternative provision or another mainstream school.

The referring school and the new school should ensure that the off-site direction has been preceded by all relevant information sharing between the referring school, the new school and local authority as appropriate, including, data on prior and current attainment, academic potential, a current risk assessment, and advice on effective ongoing risk management and/or other pupil support strategies.

Prior to any off-site direction, the original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multiagency support or any statutory assessments. It is also critical for information sharing to take place between the referring school and new school in all circumstances and in advance of the off-site direction to ensure the pupil is protected.

The following statutory guidance should be adhered to with any off-site direction.

- Give the prescribed persons (parents of the child and the local authority if the child has an EHCP) a notice in writing of the proposed direction off site containing the information prescribed below:
- the address at which the educational provision is to be provided for the pupil
- particulars identifying the person to whom the pupil should report on first attending that address for the purposes of receiving the educational provision

- the number of days for which the requirement is to be imposed
- the reasons for, and objectives of, imposing the requirement
- in relation to the educational provision where two sessions a day are provided, the times at which the morning session commences, the afternoon session ends and the break between them commences and ends or where a single session a day is provided, the times at which the session commences and ends.
- The notice must be given as soon as practicable after the determination has been made to direct the child off site and not less than two school days before the first day at which the child is expected to attend the new educational establishment.
- Keep under review the alternative placement by holding a review meeting examining how effective the alternative placement is proving to be in meeting its aim, whether it should continue and considering any views of those that have attended the review meeting or submitted their views in writing.
- Not later than six days before the date of any review meeting give a written invitation to the prescribed person above, the alternative educational establishment and the headteacher of your school requesting them to attend the review meeting or to submit in writing before the date of the meeting their views on the alternative placement.
- Give written notification of any decision to continue the alternative placement and the reasons for continuing it to the parties directly above not later than six days after the date of the review meeting.
- To support a pupil with reintegration into their referring school, the focus of intervention whilst off-site should remain on ensuring that a pupil continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are being addressed. If a pupil with a disability or SEN has been moved off-site, the duties under the Equality Act 2010 and the Children and Families Act 2014 continue to apply (for example, to make reasonable adjustments or to put support in place to meet SEN).
- The length of time a pupil spends in another mainstream school or alternative provision will depend on what best supports the pupil's needs and potential improvement in behaviour

Please note: a number of secondary schools across both boroughs have previously used 'school to school' (S2S) placements as an alternative option to some incidents that ordinarily may have incurred a short-term suspension.

To ensure that such placements do not constitute an unofficial exclusion:

- the procedure for arranging off-site provision **must** be adhered to in its entirety

Managed moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary, offered as part of a planned intervention and agreed with all parties involved (including the parents and the admission authority of the new school). Managed moves should only occur when it is in the pupil's best interests.

Once a pupil undergoes a managed move, the pupil moves **permanently** from the original school to the new school, and the pupil's name should be deleted from the original school's admission register and added to the admission register of the new school. Where a managed move follows a period of off-site direction, the pupil will already have been registered at the school where they are receiving education off-site. In these circumstances, the deletion from the original school's register only takes place when the move becomes permanent. The pupil should be registered at one school only.

Please note: The law does not allow for a 'trial admissions' or 'trial managed move'. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. The required review of an off-site direction placement may identify alternative options, which includes a permanent managed move (for pupils placed in a mainstream school). If a managed move is agreed, the pupil's name must be removed from the original school's admission register in line with the required process.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

The original school and the new school should ensure that the managed move has been preceded by all relevant information sharing between the original school, the new school and local authority as appropriate, including, data on prior and current attainment, academic potential, a current risk assessment, and advice on effective ongoing risk management and other pupil support strategies.

Any move from one school to another must comply with the statutory School Admissions Code (unless the pupil has an Education Health and Care Plan) as well as The School Attendance (Pupil Registration) (England) Regulations 2024.

Where an in-year application is made, including where it is part of a managed move, the admission authority must allocate a place in accordance with its oversubscription criteria. This means a pupil undergoing a managed move must not be admitted ahead of pupils on a waiting list, where the school is operating one, unless the child meets the school's published oversubscription criteria more closely than those already on the list.

Managed moves are considered separately from the fair access protocol (FAP) process. Only prescribed categories of children (set out in paragraph 3.17 of the School Admissions Code) can be placed via the FAP. Children not eligible for the FAP **can only** be allocated a place at a school in accordance with its published admission arrangements

[Managed Move protocol](#)

Part-time timetables

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. There should be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must treat absence as authorised.

[Reduced timetable agreement form](#)

[Reduced timetable notification form](#)

Off-rolling and unlawful exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with statutory guidance.

Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion. Any exclusion of a pupil, even for short periods, must be formally recorded. 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 or ability, or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. 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'.

Further examples of off-rolling include:

- exercising 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 another school place
- moving a pupil to off-site alternative provision where that is not in the best interests of that pupil
- encouraging a post-16 student not to continue with their course of study when this is against the best interests of that pupil
- sending a pupil home without a formal suspension regardless of whether it occurs with the agreement of parents
- placing a pupil on a part-time timetable for behavioural reasons
- Intentionally removing a pupil from the school roll without correctly following regulations

If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the local authority. Ofsted considers any evidence of off-rolling.

Where evidence is found that pupils' names have been removed from the school admission register without a formal permanent exclusion or that a school has encouraged parents to remove their child, and leaders have not taken sufficient action to address this, it may negatively affect the school's leadership and governance evaluation.

Separation of pupils for safeguarding purposes

In certain circumstances, a school can temporarily forbid a pupil from attending its premises, for example, due to an allegation of harm by one pupil against another which might require physically separating a pupil from one or other pupils. In this scenario, the local authority must arrange education for the pupil if the school itself or the pupil's parent does not do so. This is not an exclusion on disciplinary grounds.

The school should inform parents of the reason why the pupil has been temporarily forbidden from attending its premises and in conjunction with the designated safeguarding lead (or a deputy). The governing board should also be notified without delay and ensure this is used for rare circumstances and only when separating pupils is essential and cannot practicably be done in a way that lets one or more pupils remain on school premises.

It is important to note that in physically separating a pupil from one or more other pupils schools must specifically consider their duties under the Human Rights Act 1998 and the Equality Act 2010 and the Keeping children safe in education guidance. The public law principles of acting reasonably, rationally and in a procedurally fair manner must also be followed.

Where such action is being considered, schools are strongly advised to seek advice in the first instance from:

Emma Clarke - Education Safeguarding Advisor, Achieving for Children

Email: emma.clarke@achievingforchildren.org.uk

Phone: 07894 996402

Equality Act 2010

Under the Equality Act 2010 schools must not discriminate against, harass or victimise pupils because of certain protected characteristics. These are:

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- gender
- sexual orientation

For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

Pupils special educational needs and disabilities (SEND)

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.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEND or an education, health and care plan (EHCP) it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEND.

Where a pupil has an EHCP, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHCP, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

Pastoral support plan (PSP – See Appendix A)

A PSP should be considered for any child who may be at risk of exclusion. The plan should be structured and created when a child is not responding to the school's usual behaviour strategies.

A PSP meeting should be attended by the young person (primary age pupil may only attend part of the meeting), parents, carer, school member of staff leading on the PSP and a member of staff who the child has a positive relationship with. PSP's are most successful when they are co-produced by the young person.

The PSP should aim to identify if there are any triggers to the child's behaviour and aim to unpick the following.

- Identifying if there is a particular time during the school day that may be a trigger point such as unstructured times, break times, lunch times, after a specific lesson or break time.
- Identifying which subjects may be a trigger point.
- Identifying if there is a specific pupil or member of staff that triggers the behaviour.
- Capturing the child's and family's voice.
- Understanding the wider contextual factors that may be contributing to the behaviour - unmet SEND needs.
- Considering if further assessments are required to support the young person.

- Identifying a trusted adult within the school.
- Identifying a safe space within the school.
- Setting the pupil 'SMART' (specific, measurable, achievable, realistic and time limited) targets.

The types of support that can be explored:

- mentoring support
- counselling
- identifying special educational needs
- reasonable adjustments to further support the young person
- head of year support
- teaching assistant support
- additional support for identified triggers
- mediation where particular subjects or teachers are an issue
- team around the child meetings including local authority officers, early help workers, social workers and virtual school colleagues
- referral to Early Help Hub
- referral to Education Psychology Service
- alternative provision

The above lists are not exhaustive.

Section 2: Exclusion process and procedures

Factors to consider before making a decision to exclude

Before deciding whether to suspend a pupil, either for a fixed number of school days or permanently, the headteacher should:

- ensure that an appropriate investigation has been carried out, and consider all the evidence available
- take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made.
- take account of any contributing factors that are identified after an incident of poor behaviour has occurred and check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible
- if necessary consult others, but not anyone who may later have a role in reviewing the headteacher's decision, such as a member of the governing body. Achieving for Children has a designated officer who can be contacted for advice:

Adrian Bannister, Exclusions and Reintegration Officer

T: 07786 274521

E: adrian.bannister@achievingforchildren.org.uk

The decision to exclude

Only the headteacher can exclude a pupil from school. If the headteacher is absent from school, the authority rests with the most senior teacher acting in that role.

Any decision of a school, including exclusion, must be made in line within the principles of administrative law - that it is lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010), rational, reasonable, fair and proportionate.

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion:

- physical assault against a pupil
- physical assault against an adult
- verbal abuse or threatening behaviour against a pupil
- verbal abuse or threatening behaviour against an adult
- use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- bullying
- racist abuse

- abuse against sexual orientation or gender reassignment
- abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

Headteachers should take the pupil's views into account and consider them in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in schools guidance.

Standard of proof

Any decision to exclude must be in line with the principles of administrative law.

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

The standard of proof to be applied is the balance of probabilities, for example if it is more likely than not that the pupil did what they are alleged to have done, the headteacher may consider excluding the pupil.

Please note, the more serious the allegation and thus the possible sanction, the more compelling the evidence substantiating the allegation should be.

Length of a suspension

- A pupil can be suspended on one or more occasions which, when aggregated, do not exceed a total of 45 school days in any one school year.
- Individual suspensions should be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate back into the school.

Please note: The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion.

In exceptional cases only, usually where additional evidence has become available, a further suspension may be issued to begin immediately after the first period ends, or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Lunchtime suspension

Pupils whose behaviour at lunchtime is disruptive, may be excluded from the school premises for the duration of the lunchtime period. A lunch time suspension is deemed to be equivalent to one half of a school day. Therefore, parents have the same right to be given information and to make representations. Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

Behaviour outside school

The behaviour of pupils outside school can also be considered as grounds for exclusion. This will be a matter of judgement for the headteacher in accordance with the school's published behaviour policy.

The school's behaviour policy should set out what the school will do in response to all non-criminal bad behaviour that occurs anywhere off the school premises and that is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

Subject to the school's behaviour policy, the teacher may discipline a pupil for any misbehaviour when the child is:

- taking part in any school-organised or school-related activity
- travelling to or from school
- wearing the school uniform
- in some other way identifiable as a pupil at the school
- or misbehaviour at any time, whether or not the conditions above apply, that:
- could have repercussions for the orderly running of the school
- possess a threat to another pupil or member of the public
- could adversely affect the reputation of the school

Any such decision to exclude in the above circumstances must be:

- lawful
- rational
- reasonable
- fair
- proportionate

Drugs-related exclusions

In making a decision whether or not to exclude for a drug-related offence, the headteacher should be aware of the school's drug policy and should consult the designated senior member of staff responsible for managing drug incidents. However, the decision will also depend on the precise circumstances of the case, for example, the seriousness of the incident, the needs of those involved and the evidence available.

Achieving for Children has a designated Substance Misuse Service to which young people can be referred for additional support.

For general advice: 020 8547 6920

Referral pathway via SPA: [Single Point of Access Referrals](#)

School related weapon or potential weapon incidents

Schools should follow the agreed AfC protocol where a school-based weapon incident occurs. Such incidents could include:

- the carrying in school of knives, weapons or something which could potentially be used as a weapon
- the school being informed about the possibility of a student carrying weapons outside of school
- threatened use of a weapon by a student, whether inside or outside of school

Further information: [AfC weapons incident protocol](#)

Vaping

It is illegal to sell cigarettes or nicotine containing vapes to under-18s, but it is not illegal to smoke or vape underage and punishment should be proportionate.

Further information: [Vaping - AfC Guidance](#)

Suspected criminal behaviour

In cases where a member of staff or headteacher suspects criminal behaviour, the school should make an initial assessment of whether an incident should be reported to the police only by gathering enough information to establish the facts of the case. These initial investigations should be fully documented, and schools should make every effort to preserve any relevant evidence.

Once a decision is made to report the incident to police, schools should ensure any further action they take does not interfere with any police action taken. However, schools retain the discretion to continue investigations and enforce their own sanctions so long as it does not conflict with police action.

When making a report to the police, it will often be appropriate to also make a report to local children's social care. As set out in 'Keeping children safe in education' (KCSIE), it would be expected in most cases that the designated safeguarding lead (or deputy) would take the lead.

Further information: [When to call the police - Guidance for schools](#)

Permanent exclusion

A decision to exclude a pupil permanently is a serious one and **should only be taken as a last resort, and:**

- in response to serious breaches, or persistent breaches, of the school's behaviour policy **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted **all** available internal and external support strategies for addressing a pupil's presenting needs.

Please note: It is particularly important that a headteacher can evidence this as the efforts to avoid a permanent exclusion will be explored during the appeal process.

Cancelling exclusions

A headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- the headteacher must notify the parents, the governing board, the local authority and the pupil's social worker and Virtual School Headteacher (VSH) as applicable, without delay, the notification must also provide the reason for the cancellation
- the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement
- parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the being cancelled which should be arranged without delay
- the pupil must be allowed back into the school from which they were excluded without delay
- any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year

A checklist of good practice (see Appendix B)

This is intended to help headteachers make sure that appropriate interventions have taken place to avoid an exclusion.

Informing parents about an exclusion

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion in sufficient detail in order to understand the extent of the issue just from this letter. Therefore the following details should be provided; what happened, who was responsible, where did it occur, when, and the impact of the behaviour on others
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this

Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically **if** the parents have given written agreement for this kind of notice to be sent in this way

Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the governing body have been understood.

Exclusion letters

A [booklet of model letters](#) has been provided for schools that include all the relevant information that needs to be provided to the parent of an excluded pupil. Sufficient detail on the reasons for the sanction should be given in the letter to demonstrate reasonableness as this is the school's formal notification of the decision. It should therefore detail:

- Who did what?
- Where and when did it happen?
- Impact on others?

Parental co-operation

If a parent does not comply with a suspension, for example by sending the suspended child to school, or by refusing to collect or arrange collection of them, the school must consider the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk.

Informing the local authority (Achieving for Children)

When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, **without delay**. This is achieved by emailing a copy of the exclusion letter together with a completed Notification of Exclusion form to:

adrian.bannister@achievinforchildren.org.uk or via USO-FX (username: [abanni3.314](#)).

NB: In the case of an out-borough resident, the school should also send a copy of the exclusion letter to the pupil's home local authority.

Informing social workers and virtual school headteacher

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the virtual school headteacher, if the pupil is a looked after child, of the period of the suspension or permanent exclusion and the reason(s) for it.

Informing the governing body

Within one school day, the headteacher must inform the governing body of:

- suspensions that will result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term
- suspensions that will result in the pupil missing a public examination or national curriculum test
- permanent exclusions

Continuing education

Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include using any online pathways such as Google Classroom or Oak National Academy.

Day 6 provision

Where a pupil is given a suspension of six school days or longer, the governing body of the school has a duty to arrange suitable full time educational provision from and including the sixth school day of the suspension.

During this period the school should set work for the pupil to complete and for it to be marked, unless the school has made arrangements, on a voluntary basis, for suitable full-time provision to commence earlier than the sixth day.

For a headteacher considering whether to exclude a pupil for a period that would mean they must provide suitable full-time educational provision, they should plan the following.

- Provision should normally be off-site, but a school may make provision on-site where arrangements for shared on-site provision have been made with the governing body of at least one other school and is available to excluded pupils from that or those other schools.

- Ensure that work is set for the pupil to complete during the first five school days of suspension and that it is marked, unless during that time the pupil will be attending alternative provision.
- Ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance (see model letters).
- How the time might be used to address the pupil's problems and what support will best help with the pupil's reintegration into the school at the end of the exclusion.

Reintegration meetings

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction or separation for safeguarding purposes. They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

Model Reintegration Policy

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. 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.

Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- daily contact with a designated pastoral professional in school
- use of a report card with personalised targets leading to personalised rewards
- ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
- planned pastoral interventions
- mentoring by a trusted adult or a local voluntary organisation (eg, [Oxygen](#))
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage

It is important to note that it is illegal to prevent a pupil from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

Procedure following permanent exclusion

In the case of a permanent exclusion, the pupil remains on the roll of the school until:

- any appeal is determined
- the time limit for the parents to lodge an appeal has expired without an appeal being brought
- the parent has informed the governing body or AfC in writing that no appeal is to be brought

During the first five school days of a permanent exclusion, the school must set appropriate work for the pupil to complete.

From the sixth day of a permanent exclusion, the local authority where the pupil is resident is responsible for ensuring that suitable full-time education is provided. Schools should immediately complete a [APPP referral form](#) for any resident of Kingston or Richmond who has been permanently excluded in order to facilitate such provision.

Governing body hearing

Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider the interests and circumstances of the pupil, and that of other pupils, staff, and school community.

Those entitled to attend a governing board hearing and make representations are:

- parents and young person
- the headteacher or representative
- the pupil's social worker if the pupil has one
- a representative from the Virtual School if the young person is looked after
- and the local authority (in the case of a maintained school)

Please note: an additional staff member can attend the hearing at the **discretion** of the chair where there is a clearly established need for them to do so. Given that the headteacher has made the decision to exclude, it is for them to answer any questions from the panel and parent, as to the rationale for exclusion.

In the light of its consideration, the governing board can:

- decline to reinstate the pupil
- direct reinstatement of the pupil immediately or on a particular date

Evidence

Supporting evidence that the school should consider submitting to a governors hearing:

- a copy of the school's behaviour policy, code of conduct and SEN policy
- a detailed report regarding the incident(s) that led to the exclusion with copies of any witness reports
- a review of the pupil's achievements and conduct, including sanctions and records of previous incidents
- an account of the strategies employed by the school to improve the pupil's behaviour, including any pastoral or pupil support plan
- any consideration of the SEN Code of Practice
- an account of any meetings with parents or carers to discuss the pupil's difficulties

Independent review panel (IRP)

If applied for by the parents within the legal time frame, the local authority or in the case of an academy, the academy trust, must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

The legal time frame for an application is within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion, or where an application has not been made within this time frame, within 15 school days of the final determination of a claim under the Equality Act 2010 in relation to the exclusion.

If requested by parents in their application for an independent review panel, the local authority or academy trust must appoint an SEND expert to attend the panel and cover the associated costs of this appointment. The role of the SEND expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion.

Following its review the panel can decide to:

- uphold the exclusion decision
- recommend that the governing body reconsiders their decision
- quash the decision and direct the governing body considers the exclusion again

Where the panel directs or recommends that the governing body reconsiders their decision, the governing body must reconvene to do so within 10 school days of being given notice of the panel's decision.

Requests for remote access meetings for governing board meetings or IRPs

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access, but this **should not** be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification or the governing board's written notification to the parents that they can request an IRP.

Holding meetings via remote access must **only** be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness or disease.

Appendix A: Pastoral support plan

Name

Year group

The aim of this plan is to:

- summarise concerns to date
- outline strategies and targets to support the pupil
- involve all parties in preparing the plan

Specific areas of concern

1.	
2.	
3.	

Other agencies involved

Agency	Name of worker	Contact number or email
1.		
2.		

Support plan (SMART targets - specific, measurable, achievable, realistic, and timely)

Targets	Interventions to support	By whom
1.		
2.		
3.		

First review date (two weeks)	
Second review date (four weeks)	
Final review date (six weeks)	

Appendix B: A checklist of good practice

The following checklist will be helpful in evidencing the strategies the school has attempted to avoid recourse to a suspension or permanent exclusion, and can be used to collate information needed for a governing body hearing or independent review panel.

Action taken:	When	Details
Tutors, heads of department, year heads and deputy or assistant heads have talked to the pupil (recorded in the pupil file) to advise of concerns and offer advice.		
Positive strategies have been employed to improve behaviour (including a pastoral support plan).		
The school has written to the parents expressing concern and detailing the presenting problems.		
The parents have been invited to school in order to discuss problems and have been made aware of the possible consequences of poor behaviour, including suspension, and that this is consistent with the school's discipline policy.		
The school's SENCo or learning support has investigated whether or not the behavioural problems could be linked to a learning difficulty and appropriate strategies have been employed as recommended by the SEN Code of Practice.		
Referrals have been made to outside agencies to obtain additional advice and support. Eg, • Educational Psychology • Early Help Resilience Network (EHRN) • Education Inclusion Support Service (initial Remote consultation) • Early Advice & Intervention Panel (EAIP) • Cause for Concern Panel (secondary only) • Single Point of Access • Alternative Provision Placement Panel		

Appendix C: A summary of governing boards duties

A summary of the governing board's duties to review the headteacher's exclusion decision

