

Suspension from school Information for parents and carers

- Only a school's head teacher (or named deputy if the head teacher is not on the school site) can suspend a pupil.
- A head teacher may decide to suspend a pupil for a fixed period of time if the pupil has broken the school's behaviour policy. This is called a suspension.
- A child can have only 45 days' suspensions in a school year and lunchtimes count as half a day.

How should I be told that my child has been given a suspension?

Once the head teacher has decided to suspend your child, someone should contact you as soon as possible, preferably by telephone, to tell you the length of the suspension and explain the reason for the decision. The suspension usually starts the next school day but can start on the day of the incident that led to the suspension.

The head teacher must then write to you, without delay, telling you:

- The reason(s) for the suspension and the length of the suspension (ie date the suspension starts, how many days it will last and the date your child should return to school)
- Your right to put your views in writing to the governors and how you can do this;
- For longer suspensions, and where the governors must meet to consider the suspension, you have the right to attend the meeting to present your views in person and bring a friend or representative;
- That you must make sure your child stays at home (ie not in a public place without reasonable justification) during school hours and that you can be fined or taken to court if your child is found outside the home during these hours.

Should the school provide education while my child is suspended?

The school should take reasonable steps to set and mark work for your child during the first 5 days of a suspension and school should set out the arrangements for this.

Any work set should be accessible and achievable by your child outside of school. If the suspension is for more than 5 days, the school should arrange alternative full-time education from day 6 (although it may start sooner).

You should be given at least 48 hours' notice of the arrangements the school has made for this provision unless it starts before day 6. Information should include the start date, start, and finish times, where the provision will take place and who your child should report to. This information can be sent via letter, email, or text.

Governors' responsibilities to review suspensions.

1. Suspensions of 5 school days or fewer in one term:

Governors do not have to meet you; although, if you ask for a meeting, it is the council's view that it would be good practice for them to agree. If your child would miss a public exam (for example, GCSE) because of the suspension, governors must agree to meet you.

You do have the right to put your views to governors in writing. Governors must review the suspension, if asked to do so, but cannot overturn the suspension.

2. Suspensions of more than 5 school days but fewer than 15 school days in one term:

Governors must agree if you ask for a meeting. The meeting must take place within 50 school days from the date governors are notified of the suspension.

3. Suspensions of more than 15 school days, either as one suspension or in total, in one term:

Governors must meet to review the suspension(s) and you should be invited. This meeting must take place within 15 school days from the date on which governors are told that the number of days' suspension in that term is more than 15. This means that the meeting may sometimes be held after your child has returned to school. However, it is still your opportunity to make your views known to the governors.

4. What is the purpose of the Governor Disciplinary Hearing?

Governors must monitor the use of suspension in the school and the purpose of the disciplinary hearing is to listen to what you and the school have to say about your child's behaviour and to decide if

suspension, and the length of suspension, was a legal, reasonable, fair, and proportionate response to that behaviour.

Governors will consider the impact of any extenuating circumstances for your child on their behaviour as well as any special educational needs or disability (SEND) your child may have.

How do I put my views to governors?

You can put these in writing or share your views in person at a Governors Disciplinary Hearing. The governors (usually a panel of 3) at the hearing will be a sub-committee of the full governing board.

You may take someone with you. This can be a family member, friend, or adviser - anyone you feel would be supportive. You should tell the clerk if you are bringing someone with you. You will be invited to any meeting that is held, but you do not have to go.

If you want to go but cannot go at a date within the legal time limits, speak to the clerk as soon as possible to arrange a date which is convenient for you.

If your child has a social worker, they will be invited to the meeting to provide advice about whether your child's welfare, safeguarding needs and any risks were considered in the lead up to the suspension/s.

A council representative (from the Targeted Education Service) will attend the hearing if the school is:

- a maintained school or
- an academy AND you or the headteacher or the governing board request it. In such cases the council representative may only make representations with the governing board's consent.

This council representative cannot advocate on behalf of parents or the school. Their role is to advise governors about where there may be any gaps in the evidence provided by the school or where procedure may not have been followed.

What happens next?

Usually, suspensions end before governors are able to meet,

If your child is still suspended, governors will either confirm the length of the suspension or say what date your child should return to school.

- If governors **decline to reinstate** your child, the suspension stays on your child's record.
- If governors **decide to reinstate** your child, and your child is still suspended, your child should return to school (or to alternative provision if the headteacher has directed your child to be educated off-site) immediately.

In either case, a note of the governors findings will be made on your child's school file. There is no further right of appeal to governors against the suspension.

You still have the right to appeal, and/or make a claim, to the First-tier Tribunal If you think the suspension relates to a disability your child has, and you think disability discrimination has occurred. Information about this will be in the letter from the headteacher informing you of the suspension.

Return to school.

Head teachers often arrange a formal 'reintegration meeting' for your child, especially if the suspension has been for more than a few days although this is not mandatory. During a reintegration meeting, the school should communicate to your child that they are valued, and their previous behaviour should not be seen as an obstacle to future success.

You may be invited to this meeting to discuss this on the day your child is due back to school but, if you are unable or decline to go to the meeting on that morning, your child must still return to school. Your child should not be prevented from returning to a mainstream classroom if you are unable or unwilling to attend a reintegration meeting.

Additional advice.

For more information about suspension from school, and sources of advice and support, visit [the Wiltshire Council website](#), and the [DfE website](#)

Information for parents and carers

- Only a school's head teacher (or named deputy if the head teacher is not on the school site) can permanently exclude a pupil.
- A head teacher may decide to permanently exclude a pupil if:
 - The pupil has seriously or persistently broken 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 such as staff or pupils in the school.

Can my child be permanently excluded for a serious single incident?

Permanent exclusion would, in most cases, be used as a last resort after all other strategies have been tried without sufficient success and will usually follow several suspensions. However, sometimes a pupil will do something so serious that, in the head teacher's judgement, permanent exclusion is justified to protect staff and/or pupils at the school.

How should I be told that my child has been permanently excluded?

Once the head teacher has decided to permanently exclude your child, someone should contact you immediately, preferably by telephone, to tell you about the permanent exclusion, which will usually start the next school day but can start on the day of the incident that led to the exclusion.

The head teacher must then write to you, without delay, telling you:

- The reason for the permanent exclusion;
- The date the exclusion begins;
- That the governors must meet to consider the exclusion and your right to attend the meeting to present your views in person and bring a friend or representative;
- And that you must make sure your child stays at home (ie not in a public place without reasonable justification) during school hours and that you can be fined or taken to court if your child is found outside the home during these hours.

What happens to my child's education when they have been permanently excluded?

The school should take reasonable steps to set and mark work for your child during the first 5 days of a permanent exclusion and school should set out the arrangements for this. Any work set should be accessible and achievable by pupils outside of school.

From day 6, the council has a duty to ensure alternative education is in place for any pupil of compulsory school age.

You will be contacted by a colleague in the council to discuss the arrangements for their education at alternative provision.

What happens next?

The clerk to the governors will contact you to invite you (and your child) to a Governor Disciplinary Hearing. This is a meeting that must be held for the governing board **to review the head teacher's decision**. The meeting must be held within 15 school days after the governing board is notified of the permanent exclusion.

If you want to attend but cannot meet within that timeframe, the clerk should aim to arrange for a time and date that is convenient to you.

Your child does not have to attend if you do not think this is a good idea. If you want to take someone with you to support, it will be helpful to tell the clerk in advance so that seating is arranged.

What is the Governing Board?

The Governing Board will set up a sub-committee of school's governors, usually 3 governors who are the panel at the hearing. The panel will follow guidance from the government and the school's policies on behaviour. They will review the headteachers decision. To help them, they will want to hear your views and those of your child (if he/she wants to attend or make a written statement to the governors) before deciding whether to uphold the head teacher's decision permanently exclude or to send your child back to school.

What evidence will be given?

The head teacher will provide the clerk with any relevant papers from your child's school file and prepare a report on your child, including details of the incident that led to your child's exclusion and any support which the school has given your child to help with his/her behaviour and learning.

Any witness statements should also be available.

If you want to put anything in writing for governors to consider, this should be sent to the clerk to arrive at least 5 school days before the meeting.

Where possible, papers for the meeting should be sent out to all parties at least 5 school days before the meeting.

If your child has a social worker, they will be invited to the meeting to provide advice about whether your child's welfare, safeguarding needs and any risks were considered before the permanent exclusion.

A council representative (from the Targeted Education Service) will attend the hearing if the school is:

- a maintained school or
- an academy and if you or the headteacher or the governing board request it. In such cases the council representative may only make representations with the governing board's consent.

This council representative cannot advocate on behalf of parents or the school. Their role is to advise governors about where there may be any gaps in the evidence provided by the school or where procedure may not have been followed.

What happens at the meeting?

The chair of the committee will introduce everyone and explain the procedure that will be followed.

- The head teacher will put the case for permanent exclusion. Governors will ask the head teacher questions and you, and the other parties can then also ask questions about what has been said.
- You or your representative will then be asked for your views and your child may make a statement (if they wish to). You may then be asked questions to help governors determine whether the head teacher's decision to permanently exclude your child was legal fair reasonable and proportionate.
- The social worker (if your child has one) will be asked to comment.
- The council representative will be asked to comment.
- The head teacher will summarise the case for permanent exclusion.
- You will be given a chance to share any additional views before the meeting closes.

Everyone but governors and the clerk then leave the room and governors will consider the evidence that has been presented and reach a decision. The clerk will write to you and the council setting out the decision and the reasons for it.

- If governors do not uphold the head teacher's decision, the permanent exclusion will be removed from their record. **You can then decide if you want your child to return to school.**
- If the exclusion is upheld, your child will continue with the alternative provision arrangements until another school is found.

What do I do if I don't agree with the governors' decision?

If the exclusion is upheld, you have the right to request a review by an Independent Review Panel (IRP). You may also request that the panel appoints a Special Educational Needs (SEN) expert to attend the hearing. The SEN expert can attend whether or not your child has an Education Health and Care Plan (EHCP). Details will be in the letter you receive from governors following the hearing.

What can an IRP do?

The panel can review the governors' decision to uphold the permanent exclusion and can either:

- Uphold the Governing Board's decision;
- Recommend that the board reconsiders reinstatement or
- Quash the decision and direct that the Governing Board reconsiders reinstatement.

The panel cannot directly reinstate your child. The panel's decision is legally binding on the parents, the school, and the council.

If you believe that the panel's decision is unreasonable or that the procedure was not followed correctly and that this might have made a difference to the panel's decision, you may complain to the Local Government Ombudsman or ask for a Judicial Review of the decision through the courts.

Additional advice.

For more information about permanent exclusion from school, and sources of advice and support, visit [the Wiltshire Council website](#), and the [DfE website](#)