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**Permanent Exclusions and Suspensions**

**Factsheet Number 10 August 2025**

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**Disclaimer**: This is a guide and should not be treated as legal advice. Although SENDIASS Manchester makes all reasonable efforts to ensure that the information contained in this factsheet is accurate and up to date at the time of publication, we cannot accept responsibility for outcomes suffered because of reliance placed upon it.

All hyperlinks contained in this factsheet were correct as of August 2025

This guide applies to maintained schools, academies, and pupil referral units in England.

This guide does not apply to 16-19 academies or 6th Form Colleges all of which have separate exclusion procedures.

This Guide is broken into two parts:

**S.51A Education Act 2002:**

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| * All schools are required to take measures to promote good discipline amongst pupils, prevent bullying, secure acceptable standards of behaviour and regulate conduct: Section .89(1) Education & Inspections Act 2006 / Education (Independent School Standards) (England) Regulations 2014 * Behaviour policies must be made clear to pupils, parents, and staff: published on the school website / publicised in writing once per year. |

## **Types of Exclusions**

There are two types of kinds of exclusion which are lawful: suspension and permanent.

### **Suspensions:**

* Suspensions can range from a half day up to 45 days (in a year) and can include lunchtime suspensions (a lunchtime suspension equates to a half day). If the number of suspensions exceed 45 days in any school year, the child is permanently excluded.
* Suspensions cannot be given for an unspecified period of time.
* Work should be arranged for the pupil from the sixth day. If the suspension is longer than 5 days, then the school must arrange suitable work.

### **Permanent exclusion**

Permanent exclusion is a serious action for a head teacher/principal to take. A pupil should only be permanently excluded for a one-off offence in profoundly serious circumstances or after a number of suspensions when the school feels it has tried everything it can to keep a child in school or if the child remaining in school could seriously harm the education or welfare of other pupils.

Incidents which may lead to exclusion:

* Serious or actual threatened violence against another student or member of staff
* Sexual abuse or assault
* Supplying illegal drugs
* Carrying an offensive weapon
* Persistent or defiant breaches of behaviour (including bullying or drug offences)

Schools cannot exclude pupils for:

* Minor incidents
* Failure to do homework.
* Poor academic performance
* Lateness or truancy
* Pregnancy
* Breaches of school uniform rules (unless persistent breach of school rules)
* Parental behaviour
* ‘Lunchtime exclusions’ – these should be formally recorded as a half-day suspension.

If a pupil has been permanently excluded, they do not return to their school and will receive their education in an alternative provision or a setting such as a Pupil Referral Unit (PRU). Manchester PRUs provide access to a balanced curriculum, small group teaching, specialist assessment and reintegration support to ensure that, wherever possible, pupils return quickly to a mainstream school. For some pupils, the PRU will continue to provide education for a longer period. Pupils attending PRUs will be able to sit national tests such as SATs (Standard Assessment Tests), GCSEs (General Certificate of Secondary Education) and other qualifications.

## **Next steps**

The parent should receive a telephone call immediately from the school informing them of the incident that has resulted in the decision to exclude their child. A letter must then be sent to the parent from the school as soon as possible (within 24 hours of the exclusion) stating:

* The type of exclusion: suspension or permanent
* The reason for the exclusion
* The length of time that the exclusion will be.
* The date and time when the child can return (unless it is a permanent exclusion)
* Your rights as a parent to appeal against a school decision to exclude – Information on how to appeal will be included in the exclusion letter sent out to parents.
* The arrangements that will be made to ensure your child can continue their education.

As a parent you can request a copy of the school behaviour policy or search the school’s website. You can also request a copy of your child’s school records to look at any incidents and witness statements that are related to the incident. You will need to give the school up to ten school days to provide the school record, and they may charge for photocopying. This may help if you want to appeal the decision.

The Government’s exclusion guidance states that pupils with SEND (Special Educational Needs and Disability) should only be permanently excluded from school in exceptional circumstances. For a pupil with SEND, schools should consider the need to identify the child’s needs and provide additional support. This could include putting in place a Pastoral Support Plan (PSP).

“Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil’s behaviour, it should try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi -agency assessment that goes beyond the pupil`s educational needs is required.”

## **Following an exclusion**

* Work should be arranged for the pupil from the sixth day. If the suspension is longer than five days, then the school must arrange suitable full-time education from (and including) day six. Schools should take reasonable steps to set and mark work during the first five days.
* For the first five school days of the suspension, it is the parent/carers responsibility to make sure the child is not in a public place during normal school hours unless there is a good reason.
* If the pupil is currently in the middle of sitting exams/SATs, then arrangements should be made so that they can continue to do this during the suspension period.
* It is good practice for a school to hold a reintegration meeting on the pupil's return to school; however, a secondary school is not obliged to if the suspension is less than five days. A reintegration meeting should be held on or before the pupil’s return to school – the suspension cannot be extended if there are reasons that the meeting does not take place. On occasions a reintegration meeting has happened at the time of the suspension if the child is anxious.
* If there have been a number of suspensions, schools should set up a Pastoral Support Programme (PSP) to include pupil and parents. It should be short, practical, and set precise and realistic behaviour outcomes in working towards positive behaviour. Where necessary it is good practice to involve other agencies at this meeting, but it is not a requirement.
* The Local Authority must make arrangements for full time education from the sixth day of the exclusion onwards.

The Head teacher following an exclusion must, without delay notify the governing body and local authority.

Parents may appeal against a school’s decision to exclude. Information on how to appeal will be included in the exclusion letter sent out to parents.

* The Local Authority following a permanent exclusion must make arrangements for full time education from the sixth day of the exclusion onwards. This will normally be in the PRU/Federation.
* Where a pupil has an EHC plan the local authority may need to review the plan or call an emergency review if necessary. Parents can request this.
* The governors must meet between the 6th and 15th school day following receipt of notice of the exclusion and inform you and the Local Authority as to their decision whether they agree or will overturn the exclusion. You will be invited to the meeting to put your case across.
* Suspensions are different as a pupil would have more than five fixed period exclusions but less than 15 school days in a term and the governing body must consider within fifty school days.

If you disagree with the Head teacher’s decision you should write immediately to the chair or clerk of the governing body. They will then give you an opportunity to put your case to the Governor’s Discipline Committee. Make sure you have your case written down to refer to and have copies of any witness statements, so you are clear as to why you feel the decision to exclude was incorrect. For a child with special educational needs and/or disabilities check whether there was any indication of being provoked, bullied, or discriminated against.

When establishing the facts in relation to an exclusion decision, the governing body must apply the civil standard of proof – i.e., ‘on the balance of probabilities,’ it is more likely than not that a fact is true.

If the Governors uphold the Head Teacher's decision, then you can appeal to an Independent Review Panel. An Independent review panel does not have the power to direct a governing board to reinstate an excluded pupil.

**The Governing Body must:**

* Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil’s special educational needs).
* Circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
* Allow parents and pupils to be accompanied by a friend or representative.
* Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (considering the pupil’s age and understanding) or participate by other means if attending the meeting is not possible.

**When considering the exclusion, the governing body must consider:**

* The interests and circumstances of the excluded pupil.
* The circumstances in which the pupil was excluded; and
* The interests of other pupils and people working at the school.

In reaching a decision on whether or not to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was lawful, reasonable, and procedurally fair, taking account of the head teacher’s legal duties.

* Uphold an exclusion; or
* Direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing body must, in any event, consider whether the head teacher’s decision to exclude the child was justified based on the evidence.

The governing body must notify parents, the head teacher and the Local Authority of its decision, and the reasons for its decision, in writing and without delay. The governing body should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

In the case of a permanent exclusion, the governing body’s notification must also include the following information:

* The fact that it is permanent.
* Notice of the parents’ right to ask for the decision to be reviewed by an Independent Review Panel, including the date by which an application for a review must be made.
* The name and address to whom an application for a review (and any written evidence) should be submitted.
* That any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil’s special educational needs are considered to be relevant to the exclusion; Those parents have a right to require the Local Authority / Academy Trust to appoint a special educational needs (SEND) expert to attend the review.
* Details of the role of the SEND expert and that there would be no cost to parents for this appointment. The parents must make clear if they wish for a SEND expert to be appointed in any application for a review.
* Parents may, at their own expense, appoint someone to make written and/or oral representations to the panel and those parents may also bring a friend to the review.
* In addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) to the (Special Educational Needs and Disability), First-Tier Tribunal in the case of disability discrimination, or the County Court in the case of other forms of discrimination;
* That a claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place, e.g., the day on which the pupil was excluded.

In the light of their consideration, the Governing Body can either: Re-instate the pupil by overturning the exclusion or agree to the permanent exclusion of the pupil.

## **What will happen at an Independent Review Panel?**

If the governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

* Within fifteen 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, within fifteen school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.
* [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents)

These are strict deadlines and any application made outside of the legal time must be rejected by the Local Authority / Academy Trust.

Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

Parents must submit written representations and, if applicable, supporting evidence, when lodging their application. New evidence can be submitted to the Independent Review Panel. However, when deciding whether to quash the decision, the panel should only take account of evidence available to the governing body at the time of making its decision not to reinstate. The Panel can take account of evidence that they consider would, or should have been available to the governing body, and that the governing body ought to have considered if they had been acting reasonably.

The Local Authority / Academy Trust must constitute the Panel with either 3 or 5 members:

A lay member to chair the panel.

* 1 (or 2) school governor(s), who have served as a governor for at least twelve consecutive months in the last five years, provided they have not been teachers or head teachers during this time; and
* 1 (or 2) head teacher(s) or individual(s), who has/have been head teacher(s) within the last 5 years.

A clerk will also be present to provide advice to the Panel and parties to the review on procedure, legislation, and Statutory Guidance on exclusions. The clerk does not take part in the decision-making process.

The role of the Panel is to review the governing body’s decision not to reinstate a permanently excluded pupil. In reviewing the decision, the Panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel can decide to:

* Uphold the exclusion decision.
* Recommend that the governing body reconsiders their decision; or
* Quash the decision and direct that the governing body considers the exclusion again.

When considering the governing body’s decision, the Panel should apply the following tests which need to be satisfied to quash the decision:

* Illegality – Did the head teacher and / or governing body act outside the scope of their legal powers in taking the decision to exclude?
* Irrationality – Did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting in such circumstances could have made it?
* Procedural impropriety – Was the process of exclusion and the governing body’s consideration so unfair or flawed that justice was clearly not done?
* If any of these criteria are met, the Panel can quash the decision of the governing body and direct that they consider the exclusion again.

Where the criteria for quashing a decision have not been met, the Panel should consider whether it would be appropriate to recommend that a governing body reconsiders their decision not to reinstate the pupil. This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the Panel believe justify a reconsideration of the governing body’s decision.

In all other cases the panel should uphold the exclusion.

There is no further right of appeal against the decision of an Independent Review Panel. However, if you feel that the Review Panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned. The body this complaint should be made to will depend on the type of school involved:

#### **For community, voluntary controlled, voluntary aided and foundation schools**

* A complaint should be made to the [Local Government Ombudsman](http://www.lgo.org.uk/) (LGO) (hyperlink correct as of February 2025).
* The LGO have an advice line number which you can call for further advice: 0300 061 0614.) (Telephone number correct as of February 2025)

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#### **For academies**

* A complaint should be made to the Secretary of State who will pass the complaint to the Department for Education (Education Funding Agency). They can be contacted on 0370 000 2288.

## **Can I request a special educational needs (SEND) expert attend the Independent Review Panel (IRP)?**

Parents have a right to request the attendance of a SEND expert at the IRP, regardless of whether or not the school recognises that their child has SEND.

The SEND expert should be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEN (Special Educational Needs) and disability.

SEN experts must be impartial. Another Local Authority or Academy Trust can employ the SEND expert, but they should not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The purpose of this is to avoid a conflict of interest.

The appointment of a SEND expert is for the Local Authority / Academy Trust to make, but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this may include offering parents a choice of SEND expert.

The SEND expert’s role is similar to an expert witness. They should provide impartial advice to the Panel on how SEND might be relevant to the exclusion. The SEND expert should base their advice on the evidence provided to the panel. The SEND expert’s role does not include assessing the pupil’s SEND.

The focus of the SEND expert’s advice should be on whether the school’s policies, which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable, and procedurally fair. If the SEND expert believes that this was not the case, they should advise the Panel on the possible contribution that this could have made to the circumstances of the pupil’s exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert should advise the Panel on whether they believe the school acted in a legal, reasonable, and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil’s exclusion.

## What happens when the Independent Review Panel (IRP) recommends the governing body reconsiders the exclusion?

Where the IRP directs or recommends that the governing body reconsiders its decision, the governing body must reconvene within ten school days of being given notice of the IRP’s decision.

If, following a direction to reconsider, the governing body does not offer to reinstate the pupil within ten school days of being notified of the Panel’s decision, a negative adjustment may be made to the school’s budget of £4,000.00.

In the case of an academy, the school would be required to make an equivalent payment directly to the Local Authority in which the school is located. This payment will be in addition to any funding that would normally follow an excluded pupil.

In the case of either a recommended or directed reconsideration, the governing body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

* the parents.
* the head teacher.
* The Local Authority and, where relevant, the ‘home Authority.’

If the governing body upholds the exclusion again, there is no further right to refer the matter to the IRP. However, it might be possible to challenge the decision on the grounds listed below, if the governing body:

* Made an error in law.
* Acted unreasonably.
* Was in breach of natural justice.

The [Application for judicial review](https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/high-court/) should be made promptly, but at least within 3 months of the date of the decision. You would need legal representation should you decide to pursue this course of action.

## **When can I bring a judicial review claim against the decision of the Independent Review Panel (IRP)?**

As noted above, there is no appeal from the decision of an IRP. However, the IRP’s decision may also be subject to judicial review (on the same grounds as above); if successful, the judge could quash the original decision and order that a fresh hearing is arranged. The same time limit of three months applies. You would need legal representation should you decide to pursue this course of action.

Examples of potential maladministration that could lead to a complaint include the following:

* The Panel was not properly constituted, e.g., a member of the panel was not truly independent and had links to the school.
* The Panel relied on information provided by the school that has subsequently been shown to be false.
* A parent was not allowed to properly participate in the proceedings.
* A parent did not receive proper notice of the Panel hearing.

## **What can I do if the exclusion involved disability discrimination?**

If parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) to the [First-tier Tribunal (Special Educational Needs and Disability)](https://www.gov.uk/special-educational-needs-disability-tribunal/overview), in the case of disability discrimination.

In order to fall under the protection of the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents), a pupil needs to be classed as ‘disabled’ for the purposes of the Act. A person is disabled if they have a physical/mental impairment which is long term (has lasted or will last for more than 12 months) and has a substantial effect on their ability to carry out normal day to day activities. The school is under a duty not to discriminate against a person, who is classed as disabled for the purposes of the act.

The [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) requires that educational establishments must take reasonable steps to ensure that disabled pupils are not substantially disadvantaged compared with pupils who are not disabled. Educational establishments have a duty to avoid the substantial disadvantage caused by a provision criterion or practice. The duty applies to the provision of education and access to any benefit, service, or facility.

When the duty arises, the issue to be considered is whether the adjustment is reasonable.

Schools have statutory duties not to discriminate against pupils based on protected characteristics such as disability or race. Schools should consider the fair treatment of pupils from groups, who are vulnerable to exclusion.

If a child has SEND, school should be checking they are having the right support to avoid exclusion. If the pupil has an EHC plan an interim review should be held if they are at risk of being excluded

## **Considerations for those with SEND or EHC plans.**

If the exclusion may be related to disability discrimination (in the meaning of the Equality Act 2010) parents can make a claim within 6 months of the exclusion. A governing body has been found to have discriminated against a pupil with a disability when placing the pupil on a part-time timetable.

(All hyperlinks were correct as of August 2025)

* [The Children’s Legal Centre](http://www.childrenslegalcentre.com)
* [ACE Education](http://www.ace-ed.org.uk/advice-about-education-for-parents/exclusion-from-school) provides independent advice and information for parents or carers on education issues.
* [Schools’ suspensions and permanent exclusions 2023](https://www.gov.uk/government/publications/school-exclusion)

## Related links to **Independent Provider of Special Education Advice (known as IPSEA)**

* [What steps does the school have to take?](https://www.ipsea.org.uk/what-steps-does-the-school-have-to-take)
* [What should I do if my child is excluded?](https://www.ipsea.org.uk/what-should-i-do-if-my-child-is-excluded)
* [Disability discrimination and exclusions](https://www.ipsea.org.uk/disability-discrimination-and-exclusions)
* [Advice on writing ‘written representations’ to the Governors](https://www.ipsea.org.uk/advice-on-writing-written-representations-to-the-governors)

## Other statutory guidance

[Behaviour and discipline in schools’ guidance for governing bodies](https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies) - This guidance explains:

* Why maintained schools must have a behaviour policy.
* what it must cover
* the role of the governing body and head teacher in shaping their school’s behaviour policy.

[Statutory guidance on alternative provision](https://www.gov.uk/government/publications/alternative-provision) - This guidance covers the use of alternative provision where education is arranged by:

* Local authorities for pupils who, because of exclusion, illness, or other reasons, would not otherwise receive suitable education.
* Schools for pupils on a fixed period exclusion.
* Schools for pupils to improve their behaviour off-site.

## Non-statutory guidance hyperlinks:

* [About the use of reasonable force in schools. Gov uk.](https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools)
* [Preventing Bullying Gov.uk](https://www.gov.uk/government/publications/preventing-and-tackling-bullying?msclkid=46bc06b9a60411ecbd86e0e4e1097c51)
* [Autism Education Trust - Exclusions](https://www.autismeducationtrust.org.uk/exclusions?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

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| **Contact Details for SENDIASS Manchester**  Helpline Telephone number: 0161 209 8356. Please clearly leave your name, contact number and a brief message on the answerphone and a member of the team will contact you within 24 hours or the next working day.  **Or**  Email your query to us: [**sendiass@manchester.gov.uk**](mailto:sendiass@manchester.gov.uk) leaving your name, child’s name and their date of birth.  You can complete our website contact form: [**Contact Us (iasmanchester.org)**](https://www.iasmanchester.org/contact)  Visit Manchester SENDIASS website [**About SENDIASS Manchester (iasmanchester.org)**](https://www.iasmanchester.org/)  Manchester SENDIASS Podcasts [**Listen to our SEND Talk podcasts**](https://www.iasmanchester.org/podcasts)  Manchester SENDIASS YouTube channel [**https://www.youtube.com/@SENDIASSManchester**](https://www.youtube.com/@SENDIASSManchester)    **QR code for the website QR code for Facebook page** |