

The Darent Federation of Schools

Suspension and permanent exclusion policy



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Suspension and Permanent Exclusion Policy

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Suspension and Permanent Exclusion Policy

1. Purpose and Principles

This policy explains how The Darent Federation will use, record and review suspensions and permanent exclusions. It applies to Kemsing Primary School and Sundridge and Brasted CE Primary School. It should be read alongside each school's Behaviour Policy and the current Department for Education statutory guidance.

We are committed to ensuring that every child receives an education in a safe, calm, caring and inclusive environment. Decisions will be lawful, reasonable, fair and proportionate. We will listen to pupils, work with families and professionals, and consider unmet need, safeguarding, special educational needs and disabilities before reaching a decision.

Suspension is an essential behaviour-management tool and may be used where warranted. Permanent exclusion will be used only when absolutely necessary and as a last resort. The Federation will not operate a blanket no-exclusion policy where doing so could expose pupils or staff to unreasonable risk.

The Federation aims to:

- apply the suspension and permanent exclusion process fairly, consistently and lawfully
- ensure that pupils, staff and families understand the process and their rights
- protect the safety, welfare and education of the whole school community
- identify needs early and use appropriate support to prevent exclusion wherever possible
- make reasonable adjustments for disabled pupils and use best endeavours to meet special educational needs
- support successful reintegration following suspension, off-site direction or safeguarding separation
- monitor pupil movement so that no pupil is unlawfully removed from education or placed at avoidable risk of becoming not in education, employment or training.

Off rolling and unlawful exclusion

The Federation will not remove a pupil from the admission register except on lawful grounds and in accordance with the School Attendance Pupil Registration England Regulations 2024. We will not:

- send a pupil home for disciplinary reasons without formally recording a suspension
- encourage or pressure a parent to withdraw a pupil, electively home educate or accept a managed move to avoid exclusion
- use suspension, permanent exclusion, alternative provision, managed moves or part-time timetables to improve performance data or inspection outcomes
- place a pupil in alternative provision where this is not in the pupil's best interests
- use a part-time timetable to manage behaviour.

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2. Legal framework and related guidance

This policy has been prepared with regard to the following legislation and statutory guidance, as amended from time to time:

- Education Act 2002, including section 51A and section 29A
- School Discipline Pupil Exclusions and Reviews England Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- Education Provision of Full-Time Education for Excluded Pupils England Regulations 2007, as amended
- Education Educational Provision for Improving Behaviour England Regulations 2010, as amended and applied by the Education Educational Provision for Improving Behaviour Application to Academies and Pupil Referral Units and Minor Amendments Regulations 2026
- School Attendance Pupil Registration England Regulations 2024
- Equality Act 2010
- Children and Families Act 2014
- Human Rights Act 1998
- DfE Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement, July 2026.

The Federation will also have regard to current versions of:

- Arranging Alternative Provision
- Behaviour in Schools
- Keeping Children Safe in Education
- Mental Health and Behaviour in Schools
- SEND Code of Practice
- Working Together to Safeguard Children
- Working Together to Improve School Attendance
- Other relevant Kent County Council procedures.

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3. Definitions

Term	Meaning
Suspension	A fixed-period exclusion on disciplinary grounds. It may cover one or more fixed periods and may include part of a school day.
Permanent exclusion	A decision on disciplinary grounds that a pupil is no longer permitted to attend the school unless reinstated. It does not permit immediate deletion from the admission register.
Exclusion	A collective term covering suspension and permanent exclusion.
Parent	A birth parent, any person with parental responsibility and any person who has care of the pupil, including a foster carer. Where practicable, all those with parental responsibility will be involved.
Relevant person	The parent where the pupil is under 18, or the excluded pupil where they are aged 18 or over.
Cancelled exclusion	An exclusion cancelled by the headteacher before the governing body has met to consider reinstatement.
Alternative provision	Suitable full-time education arranged for a pupil away from their school, including provision required from the sixth school day of a qualifying exclusion.
Off-site direction	A temporary direction by the governing body requiring a pupil to attend another education setting to improve future behaviour. It is not a punishment for past misconduct.
Managed move	A voluntary, permanent transfer to another school, agreed by the parent, pupil where appropriate, both schools and relevant partners.
Remote access	Participation in a meeting through electronic means such as a live video link.

4. Roles and Responsibilities

4.1 Executive Headteacher

Only the Executive Headteacher may suspend or permanently exclude a pupil. In the Executive Headteacher's absence, this power may be exercised only by a person formally appointed to carry out the functions of the headteacher as acting headteacher: Colette Taylor, Head of School at Sundridge & Brasted. The statutory power will not otherwise be delegated another member of staff.

The Executive Headteacher will ensure that each decision and all subsequent notifications, educational arrangements and records comply with this policy and statutory guidance.

4.2 Federation Governing Body

The governing body will oversee the lawful and proportionate use of exclusion, arrange education where it has the statutory responsibility to do so, consider reinstatement when required, and monitor pupil movement and equality implications. Its reinstatement functions may be delegated to a committee of at least three governors.

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4.3 Kent County Council

Kent County Council will receive notification of every exclusion, arrange suitable full-time education following permanent exclusion from the required day, arrange an independent review panel when lawfully requested and fulfil its responsibilities for pupils with education health and care plans and looked-after children.

4.4 Pupils, Parents, Social Workers and Virtual School Heads

Pupils and parents will be supported to understand and participate in the process. Where a pupil has a social worker, or is looked after, the social worker and or Virtual School Head will be notified and involved as required by the statutory guidance.

5 Decision to Suspend or Permanently Exclude

5.1 Lawful authority and grounds

A pupil may be suspended or permanently excluded only on disciplinary grounds. Behaviour outside school may be considered where this is consistent with the Behaviour Policy. Every decision will be lawful, reasonable, fair and proportionate and will take account of the school's duty of care.

A pupil may be suspended for one or more fixed periods up to a maximum of 45 school days in a single academic year. Suspensions do not have to be continuous. Suspensions imposed by another school during the same academic year will be included when monitoring the limit.

A suspension may be for part of a school day. A lunchtime suspension counts as half a school day. The full statutory notification and recording requirements apply.

Permanent exclusion will be considered only:

- in response to a serious breach or persistent breaches of the school's Behaviour Policy
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others, including staff or pupils.

5.2 Evidence and pupil participation

The Executive Headteacher will establish the facts on the balance of probabilities, meaning that it is more likely than not that the event occurred. Before deciding, the Executive Headteacher will, where appropriate:

- consider all available evidence, including evidence that supports the pupil's account
- take the pupil's views into account in light of their age and understanding
- provide appropriate support or advocacy so the pupil can express their views and explain how those views were considered
- consider contributing factors identified after an incident, including bereavement, bullying, mental health needs, exploitation, domestic abuse or other safeguarding concerns
- consult the designated safeguarding lead where safeguarding considerations arise
- consider whether behaviour may be connected to SEND or disability and whether reasonable adjustments and appropriate provision were in place
- consider the public sector equality duty and the school's duties under the Equality Act 2010 and Children and Families Act 2014
- consider whether the pupil is looked after, previously looked after, has a social worker or is otherwise vulnerable
- consider whether additional support, early help, pastoral intervention, multi-agency work, off-site direction or a voluntary managed move would be appropriate.

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5.3 Prohibited uses and consecutive decisions

A pupil will not be excluded simply because the pupil has SEND or a disability that the school feels unable to meet, because of academic attainment or ability, or because the pupil or parent did not meet a condition such as attending a reintegration meeting.

A suspension cannot be extended or converted into a permanent exclusion. If significant further evidence emerges, the Executive Headteacher may issue a further suspension or a permanent exclusion to begin immediately after the original suspension ends. This will be a separate decision with a fresh written notice and all relevant parties will be informed without delay.

6 Safeguarding Separation

In rare circumstances, the school may temporarily forbid a pupil from attending the premises to separate pupils for safeguarding purposes, for example while an allegation of harm by one pupil against another is investigated. This is not a disciplinary suspension or permanent exclusion.

Safeguarding separation will be used only where separation is essential and cannot practicably be achieved while allowing the affected pupils to remain on the premises. The designated safeguarding lead or deputy will take a lead role and will:

- make and record a case-specific decision based on professional judgement and the best interests of the children
- complete and regularly review a risk and needs assessment
- consider duties under the Human Rights Act 1998, Equality Act 2010, SEND legislation and Keeping Children Safe in Education
- work with children's social care, the police and other agencies as required
- inform parents of the reason and notify the governing body without delay
- ensure that suitable education is arranged by the school, parent or local authority under section 19 of the Education Act 1996, as applicable
- keep the arrangement under frequent review and end it as soon as separation is no longer necessary.

7 Notification Following an Exclusion

7.1 Parents

Whenever the Executive Headteacher suspends or permanently excludes a pupil, parents will be notified without delay of the period and reason. Written notice will also be provided without delay and will state:

- the reason for the exclusion
- the period of suspension or the fact that the exclusion is permanent
- the right to make representations to the governing body and how the pupil may be involved
- how and to whom representations should be submitted
- the right to request a meeting by remote access and how to make that request
- where governors must consider reinstatement, the right to attend, be represented at the parent's own expense and bring a friend
- the arrangements made for the pupil's continuing education
- the parent's duty during the first five school days or until alternative provision begins, if earlier
- sources of free and impartial advice, including the DfE guide for parents, Kent SEND Information Advice and Support Service, Coram Child Law Advice and IPSEA.

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For a pupil of compulsory school age, the notice will identify the days on which the parent must ensure that the pupil is not present in a public place during school hours without reasonable justification. This information will be given without delay and by the end of the afternoon session on the first day at the latest.

Where alternative provision is arranged, parents will be told its start date, session times, address and reporting arrangements. If these details are not available on the first day, they will be provided without delay and normally at least 48 hours before the provision begins. Less notice may be given for provision beginning before the sixth day with parental consent.

Electronic statutory notices will be used only where the parent has given written agreement to receive notices in that form.

7.2 Social worker and Virtual School Head

Where a pupil has a social worker, the social worker will be notified without delay of every suspension or permanent exclusion, its period and reasons. Where the pupil is looked after, the Virtual School Head will also be notified without delay. They will be informed of any governing body meeting and invited to attend and share relevant information.

7.3 Governing body and local authority

The governing body will be notified without delay of:

- every permanent exclusion, including one following a suspension
- any exclusion that takes the pupil's total above five school days or ten lunchtimes in a term
- any exclusion that would result in the pupil missing a public examination or national curriculum test.

The governing body will be informed once each term of any other suspensions not previously notified.

Kent County Council will be informed without delay of every suspension and permanent exclusion, regardless of length. If a permanently excluded pupil lives in another local authority area, that home authority will also be notified without delay.

Notifications will include the reason and duration, or the fact that the exclusion is permanent.

8 Education During an Exclusion

The school will take reasonable steps to set and mark work during the first five school days of a suspension or permanent exclusion where the pupil is not attending alternative provision. Work will be accessible and appropriate, and the school's duties towards pupils with SEND or disabilities remain in force. Any pupil sent home for disciplinary reasons and asked to complete work remotely will be formally recorded as suspended.

For a suspension of more than five consecutive school days, the governing body must arrange suitable full-time education for a compulsory-school-age pupil to begin no later than the sixth school day. Consecutive suspensions are cumulative for this duty.

For permanent exclusion, the pupil's home local authority must arrange suitable full-time education to begin no later than the sixth school day after the first day of permanent exclusion.

For a looked-after child or a child with a social worker, the school and local authority should work together to arrange suitable alternative provision from the first day following suspension or permanent exclusion wherever possible. Immediate arrangements for a looked-after child will be documented in the Personal Education Plan.

Where a pupil has an education health and care plan, the local authority may need to review the plan or reassess need to identify a new placement.

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9 Cancelling an Exclusion

The Executive Headteacher may cancel an exclusion that has begun or has not yet begun, but only before the governing body has met to consider reinstatement. Where an exclusion is cancelled:

- parents, the governing body, local authority and, where applicable, the social worker and Virtual School Head will be notified without delay and told the reason
- the governing body's duty to consider reinstatement ends
- parents will be offered an opportunity to meet the Executive Headteacher without delay
- the pupil will be allowed to return to school without delay
- days already spent excluded will count towards the 45-day annual maximum.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in the academic year, or would have exceeded that limit by the time cancellation took effect.

10 Governing Body Consideration and Reinstatement

10.1 When governors must consider reinstatement

Circumstance	Governing Body Action
Permanent exclusion; more than 15 school days in a term; or exclusion causing a missed public examination or national curriculum test	Meet and decide whether to reinstate within 15 school days of receiving notice. Where a test would be missed, consider the matter before it where reasonably practicable.
More than five but no more than 15 school days in a term and parents make representations	Meet and decide whether to reinstate within 50 school days of receiving notice.
More than five but no more than 15 days and no parental representations	No meeting is required and governors cannot direct reinstatement.
Five school days or fewer	Consider any parental representations, but governors cannot direct reinstatement and are not required to meet the parents.

Where an exclusion causes a pupil to miss a public examination or national curriculum test and a full committee cannot meet in time, the Chair of Governors, or Vice Chair if the Chair is unavailable, may consider reinstatement alone.

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10.2 Preparing for and conducting the meeting

Where governors are required to consider reinstatement they will:

- avoid discussing the merits of the exclusion with any party outside the meeting
- request relevant written evidence, including witness statements, SEND information and the pupil's school record
- where possible, circulate evidence and the attendee list to all parties at least five school days before the meeting
- invite the parents, the pupil where appropriate, the Executive Headteacher, a local authority representative, the social worker where applicable and the Virtual School Head for a looked-after child
- allow parents and the pupil to be accompanied by a friend or representative and make reasonable adjustments
- enable and encourage the pupil to attend or otherwise express their views, taking account of age and understanding
- consider the interests and circumstances of the pupil and the interests of other pupils, staff and the school community
- apply the balance of probabilities and decide whether the exclusion was lawful, reasonable and procedurally fair
- consider welfare, safeguarding, equality and SEND duties
- take clear minutes explaining the evidence considered and how the decision was reached.

Governors may decline to reinstate or direct reinstatement immediately or on a specified date. A required meeting must still occur where the suspension has ended or the parents do not want reinstatement; governors must decide whether the pupil should or would have been reinstated.

The outcome will be recorded on the pupil's educational record. Relevant papers will be retained with the record and evidence relating to an exclusion will be kept for at least six months.

10.3 Notification of the decision

Governors will notify the parents, Executive Headteacher, local authority and, where relevant, the home authority, social worker and Virtual School Head of the decision and detailed reasons in writing without delay.

If governors decline to reinstate a permanently excluded pupil, the notice will explain:

- the right to request an independent review panel and the 15-school-day deadline
- where and how to apply and submit evidence
- the right to request remote access
- the right to request, at no cost, a SEN expert whether or not the school identifies the pupil as having SEN
- the role of the SEN expert
- the right to appoint a representative at the parent's own expense
- routes and six-month time limit for an Equality Act discrimination claim
- sources of free and impartial advice.

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11 Independent Review Panels and Reconsideration

Parents may apply to Kent County Council for an independent review panel within 15 school days of receiving notice that governors have declined to reinstate following permanent exclusion. The review should begin within 15 school days of the application. Parents may request remote access and may require the appointment of an independent SEN expert at no cost, regardless of whether the pupil has identified SEN.

The panel may uphold the decision, recommend that governors reconsider, or quash the decision and direct reconsideration. It does not itself reinstate the pupil.

Where reconsideration is recommended or directed, the governing body will reconvene within ten school days. It will consider the matter conscientiously and afresh in light of the panel's findings, take clear minutes and notify the parents, Executive Headteacher, local authority and any home authority of its decision and reasons in writing without delay.

Following a direction to reconsider, a financial adjustment of £4,000 may be ordered if the governing body does not offer reinstatement within ten school days. The governing body will comply with any direction to place a note on the pupil's educational record.

12 Admission Register and Records

A permanently excluded pupil will remain on the admission register until:

- 15 school days have passed since parents were notified that governors declined to reinstate and no independent review application has been made or
- the parents have stated in writing that they will not apply for an independent review.

Where an application is made in time, the pupil will remain on roll until the review is determined or abandoned and any recommended or directed reconsideration has been completed. Removal will not be backdated.

The school will make the prescribed return to the local authority and use the appropriate attendance code while the pupil remains on roll. Code E will normally be used where the permanently excluded pupil is not attending alternative provision; an appropriate code such as D or B will be used where provision is attended and the conditions for that code are met.

When the pupil is admitted elsewhere, the Common Transfer File will normally be transferred within 15 school days of the pupil ceasing to be registered. The designated safeguarding lead will transfer the child-protection file separately, securely and in accordance with Keeping Children Safe in Education, obtaining confirmation of receipt.

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13 Reintegration

The school will support successful reintegration after a suspension, cancelled exclusion, off-site direction or safeguarding separation. A strategy will be communicated at a reintegration meeting before or at the beginning of the pupil's return and will be reviewed and adapted with the pupil, parents and relevant professionals.

The strategy will offer a fresh start, reinforce that the pupil is valued, rebuild belonging and engagement, help the pupil understand the effect of behaviour and meet expectations, address learning gaps and respond to SEND, health, pastoral or safeguarding needs. Support may include regular contact during absence, a named adult, personalised targets, mentoring, planned pastoral intervention, academic support and multi-agency involvement.

A pupil will not be prevented from returning because a parent is unable or unwilling to attend a reintegration meeting.

A part-time timetable will not be used to manage behaviour. In exceptional circumstances where a temporary part-time timetable is in the pupil's best interests, it will be agreed with the parent, supported by the appropriate leave-of-absence arrangements, have a clear time limit and return-to-full-time plan, and be formally reviewed regularly.

14 Off Site Direction

Off-site direction is a temporary intervention intended to improve future behaviour. It will not be used as a punishment for past misconduct and will normally be considered only where suitable in-school intervention or outreach has been unsuccessful or is inappropriate. The governing body is responsible for making and reviewing the direction.

The school will identify the pupil's behavioural, SEND, health, safeguarding and educational needs; define the objectives and proposed maximum duration; assure the suitability and safety of the provider; maintain a broad and balanced curriculum; and plan monitoring and reintegration.

Parents and, where the pupil has an education health and care plan, the local authority will be notified in writing as soon as practicable and no later than two school days before the direction begins. The notice will state:

- the address of the provision and the person to whom the pupil should report
- the number of days for which the requirement is imposed
- the reasons and objectives
- the start and finish times and any break between morning and afternoon sessions.

Parents and, for a pupil with an education health and care plan, the local authority may request a review in writing. The governing body will hold the review as soon as reasonably practicable unless a review took place in the preceding ten weeks. Governors will otherwise review the placement at intervals appropriate to the pupil and give parents and the local authority, where applicable, at least six days' written invitation to attend or submit views.

The school will monitor attendance, progress, welfare and safeguarding. Where a pupil attends another school while dual registered, the appropriate attendance code will be used. The direction will end when its objectives are achieved, it is no longer appropriate or another lawful arrangement is agreed.

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15 Managed Moves

A managed move is a voluntary process leading to the pupil's permanent admission to another school. It will be considered only where it is in the pupil's best interests. The parent, pupil where appropriate, both schools, the local authority where relevant and involved professionals will be given the information needed to make an informed decision without pressure.

There is no lawful category of trial managed move. If a temporary placement is needed to improve behaviour, the off-site direction procedure will be followed. A pupil will not be excluded because a parent refuses a managed move.

Before a managed move, the school will evidence the support already provided, share safeguarding and SEND information securely, agree the curriculum and support arrangements and consult the local authority where required. For a pupil with an education health and care plan, the move will take place only through the appropriate statutory process and agreement with the local authority. Removal from the original school's admission register will occur only when the move becomes permanent and the pupil will be registered at one school only.

16 Remote Access Meetings

Face-to-face meetings are the default. Parents may request that a governing body meeting or independent review panel be held using remote access. Where the request is made correctly, it will be granted if the responsible body is satisfied that the meeting can be held fairly and transparently.

If the parent does not request remote access or expresses no preference, the meeting will normally be in person. A remote meeting without parental request may be used only where extraordinary events or unforeseen circumstances make an in-person meeting not reasonably practicable.

Before and during a remote meeting, the responsible body will ensure that:

- participants have suitable technology and can hear and be heard and, for video, see and be seen throughout
- all participants can make representations and fulfil their function
- equality duties and reasonable adjustments are met
- the meeting remains fair, transparent, confidential and free from avoidable interruption
- parents can be accompanied by the support to which they are entitled.

If unresolved technical problems or safeguarding concerns prevent fair and effective participation, an in-person meeting will be arranged without delay. Social workers and Virtual School Heads must be permitted to join remotely, including where the main meeting is in person, provided effective participation and fairness can be maintained.

17 Police Involvement and Criminal Proceedings

The Executive Headteacher need not postpone an exclusion decision solely because a police investigation is underway or criminal proceedings may follow. The decision will be made on the evidence available at the time, with additional steps taken where necessary to ensure fairness and with safeguarding procedures followed throughout.

A governing body required to consider reinstatement cannot postpone its meeting and will decide on the evidence available. Parallel criminal proceedings do not automatically require an independent review panel to adjourn; the panel will consider the charge, availability of evidence and witnesses, likely delay and risk of injustice.

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18 Monitoring and oversight

The Executive Headteacher will maintain reliable records of exclusions, including suspensions imposed by other schools during the same academic year, and monitor the 45-day limit. The governing body will receive a termly report and will challenge and evaluate patterns in:

- the number, length, timing and reasons for suspensions and permanent exclusions
- repeat suspensions, cancelled exclusions and reintegration outcomes
- SEND, disability, disadvantage, ethnicity, sex, looked-after status, social-worker involvement and other relevant characteristics
- pupils removed from roll, managed moves and off-site directions
- safeguarding separation arrangements
- attendance and registration codes
- the quality, cost, attendance, safeguarding and impact of alternative provision
- the support, external-agency involvement and reasonable adjustments used before exclusion.

Information will be considered at federation and individual-school level. Small numbers will be handled carefully to preserve confidentiality. Governors will seek assurance that pupil movement is necessary, lawful and in the pupil's best interests and that emerging patterns lead to appropriate action.

19 Complaints and discrimination claims

The merits of an exclusion decision are considered through the statutory representation, reinstatement and independent-review processes described in this policy. Concerns that the process was not followed may also be raised through the Federation Complaints Policy where appropriate.

A claim of disability discrimination may be made to the First-tier Tribunal Special Educational Needs and Disability. Claims concerning other protected characteristics may be made to the County Court. Claims should normally be lodged within six months of the alleged discrimination. Families may wish to obtain independent legal or SEND advice.

20 Linked Federation Policies

- Alternative Provision Procedures
- Attendance Policy
- Behaviour Policy
- Child Protection and Safeguarding Policy
- Complaints Policy
- Equality Information and Objectives
- Physical Intervention Policy
- SEND Policy and SEND Information Reports
- Supporting Pupils with Medical Conditions Policy.

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Appendix 1 Statutory Timescales

Action	Timescale
Notify parents of the exclusion and reasons	Without delay
Notify social worker and or Virtual School Head where applicable	Without delay
Notify local authority of every exclusion	Without delay
Notify governors of a qualifying exclusion	Without delay
Notify parent of public-place duty	Without delay and by the end of the first afternoon session at the latest
Provide alternative-provision details	Without delay and normally at least 48 hours before provision begins
Set and mark work	First five school days where alternative provision is not attended
Start full-time provision for a qualifying suspension or permanent exclusion	No later than the sixth school day
Governors consider permanent exclusion, more than 15 days, or missed test	Within 15 school days of notice
Governors consider more than five and no more than 15 days after representations	Within 50 school days of notice
Parent requests independent review	Within 15 school days of governors' notice
Independent review begins	Within 15 school days of the application
Governors reconsider following panel recommendation or direction	Within 10 school days of notice
Transfer Common Transfer File after registration ceases	Normally within 15 school days

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Appendix 2 Independent Review Panel Training

Kent County Council must ensure that all panel members and any clerk have received the required training within the two years before the review. Training must cover:

- the requirements of the relevant primary legislation, regulations and statutory guidance
- the need for the panel to observe procedural fairness and the principles applicable to decision-making
- the role of the chair and the clerk
- the duties of headteachers, governing bodies and panels under the Equality Act 2010
- the effect that SEND can have on behaviour and the importance of reasonable adjustments.