

Suspensions & Permanent Exclusions Policy 2026/2027

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Policy Version Control

Academic Year	Amendment / Policy Changes	Section(s) Updated
2022	Full review of the Suspensions and Permanent Exclusions Policy to ensure compliance with the DfE Suspension and Permanent Exclusion Guidance (July 2022).	All sections
2023/2024	Updated arrangements for the cancellation of permanent exclusions following the publication of revised DfE statutory guidance effective September 2023.	Section 7
2024/2025	Full policy review to reflect legislative, statutory and local procedural changes relating to suspensions, permanent exclusions and pupil movement.	All sections
2025/2026	Revision of Permanent Exclusions and DfE Exclusion Codes, alongside updates to Local Authority responsibilities for pupils with SEND and Education, Health and Care Plans (EHCPs).	Section 6, including Section 6.9
2026/2027	Comprehensive review of the policy to ensure compliance with the revised DfE Statutory Guidance: Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including Pupil Movement, effective from 26 July 2026.	All Sections

1. Introduction

- 1.1 This policy sets out the arrangements for suspensions and permanent exclusions that will be operated by the London Borough of Havering in partnership with maintained schools, academies and other educational settings across the borough.

This policy should be read in conjunction with the following;

- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement July 2026.
[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions)
- LBH Off-Site Direction and Managed Moves Policy 2026/2027
- LBH Reintegration Policy 2026/2027

2. Principles

This policy sets out the principles, expectations and statutory requirements that schools and education providers in the London Borough of Havering must follow when considering suspensions, permanent exclusions, off-site directions and managed moves. It provides a consistent framework for schools, Governing Boards, Academy Trusts and the Local Authority, in line with current legislation and Department for Education (DfE) guidance. The policy will be reviewed annually and updated as necessary to reflect any changes in legislation, statutory guidance or local requirements.

- 2.1 This policy supports the Government's expectation that schools maintain high standards of behaviour and create environments that are safe, calm, orderly, inclusive and supportive. Schools should promote positive behaviour, safeguard the welfare of pupils and staff, and ensure that all children and young people can access their education free from disruption and unnecessary barriers to learning.
- 2.2 Positive behaviour and effective early intervention are fundamental to ensuring that all pupils benefit from the opportunities that education provides. While most behaviour concerns can be addressed through preventative and supportive approaches, the Government recognises that suspensions, permanent exclusions, off-site directions and managed moves are important mechanisms available to Headteachers when necessary to maintain safety, uphold standards of behaviour and protect the education and welfare of pupils and staff. Permanent exclusion should be used only as a last resort, following consideration of all relevant circumstances and appropriate support strategies.
- 2.3 Schools should ensure that decisions relating to suspensions, permanent exclusions, off-site directions and managed moves are lawful, reasonable, fair, proportionate and procedurally correct. Particular consideration should be given to safeguarding responsibilities, SEND, disability, equality duties and the individual circumstances of the pupil.
- 2.4 The Local Authority expects schools, Governing Boards and Academy Trusts to work collaboratively with pupils, parents/carers and partner agencies to promote inclusion, prevent unnecessary exclusions and secure the best possible educational outcomes for all children and young people.

3. Safeguarding Separation

The July 2026 DfE statutory guidance introduces a **new section** on safeguarding separation, providing national guidance on a practice that had previously been recognised through case law but was not explicitly covered in the statutory guidance.

The guidance explains that safeguarding separation is not a suspension or permanent exclusion. Instead, it is a temporary safeguarding measure used in exceptional circumstances where it is necessary to keep a pupil away from the school site to protect another pupil or others while a safeguarding concern is being managed or investigated.

This change provides schools with a clear statutory framework for using safeguarding separation in rare cases, while emphasising that it must not be used as a substitute for suspension or permanent exclusion where the issue is disciplinary rather than safeguarding.

Key points include:

- **Purpose**; It should only be used for safeguarding reasons, not as a disciplinary sanction or an alternative to suspension. Typical examples include serious allegations of sexual violence, sexual harassment or other significant safeguarding risks between pupils.
- **Exceptional and temporary**; The separation should last only as long as is necessary to manage the immediate safeguarding risk. Schools should keep the arrangement under regular review and end it as soon as it is safe to do so.
- **No disciplinary record**; Because it is not an exclusion, it should not be recorded as a suspension or permanent exclusion and should not be used to circumvent the statutory exclusion process.
- **Education must continue**; The school should seek to ensure the pupil continues to receive suitable education during the separation. Where the pupil cannot attend school because of the safeguarding separation, the guidance makes clear that the local authority's duty under section 19 of the Education Act 1996 to arrange suitable education may be triggered.
- **Communication and recording**; Schools should clearly explain the reasons for the separation to parents, keep accurate records of the decision-making, and work closely with the designated safeguarding lead (DSL), children's social care and, where appropriate, the police.

Comparison of Safeguarding Separation and Suspension

Safeguarding Separation	Suspension
Used to manage an immediate safeguarding risk.	Used for disciplinary reasons following a serious breach of the school's behaviour policy.
Not a disciplinary sanction.	A formal disciplinary sanction.
Not recorded as a suspension or permanent exclusion.	Recorded as a suspension.
Temporary measure while safeguarding concerns are investigated or addressed.	Fixed-term exclusion for a specified period, up to a maximum of 45 school days in an academic year.
School and Local Authority work together to secure suitable education where the pupil cannot attend school.	School provides work for the first five school days and suitable full-time education from day six if the suspension exceeds five days.
Must be proportionate, lawful and based on safeguarding considerations.	Must be lawful, reasonable, proportionate and in accordance with DfE guidance.

Does not form part of the school's exclusion record.

Forms part of the pupil's exclusion record and must be formally recorded.

4. Headteacher Powers to use Suspensions and Permanent Exclusions

- 4.1 Suspensions and permanent exclusions may on occasion be necessary as a last resort to maintain good order, discipline and safety within the school environment.
- 4.2 When considering a suspension or permanent exclusion, headteachers should take account of the pupil's age, level of understanding and individual circumstances. Where suspension or permanent exclusion is being considered, headteachers are encouraged to seek advice from the Local Authority Inclusion Service at **inclusions@haverling.gov.uk** at the earliest opportunity.
- 4.3 Where a decision is made to suspend or permanently exclude a pupil, the headteacher must inform parents/carers of the decision without delay.
- 4.4 Where a pupil has a social worker, or is a looked after child, the headteacher must also notify the pupil's social worker and the Virtual School Head (VSH) without delay, providing details of the suspension or permanent exclusion, including its duration and the reasons for the decision.

5. Duties Under the Equality Act 2010 and Children and Families Act 2014

- 5.1 Under the Equality Act 2010 schools must not discriminate against, harass, or victimise pupils based on a protected characteristic, including sex, race, disability, religion or belief, sexual orientation, pregnancy and maternity, or gender reassignment.
- 5.2 For disabled pupils, schools have a duty to make reasonable adjustments where a provision, criterion or practice places the pupil at a substantial disadvantage. In carrying out their functions, schools must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not, and
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it.
- 5.3 These duties must be complied with when deciding whether to suspend or permanently exclude a pupil. Schools should ensure that policies, practises and procedures do not unfairly increase risk of exclusion for pupils with protected characteristics. For example, a decision to exclude a pupil whose disability-related needs have not been appropriately supported may be discriminatory.
- 5.4 Governing boards must also comply with their statutory responsibilities towards pupils with Special Educational Needs (SEN), including using their best endeavours to secure appropriate special education provision and having regard to the SEND Code of Practice.
- 5.5 Where there are concerns regarding the behaviour of a pupil with SEN, or a disability and there is a risk of suspension or permanent exclusion, schools should work in partnership with the School Inclusions Team Inclusions@haverling.gov.uk.

5.6 Where a pupil has an EHCP, schools should contact the Havering SEND Team sen@haverling.gov.uk at the earliest opportunity to discuss concerns and consider whether an early annual review is required.

6 Suspensions

The 2026 statutory guidance emphasises early intervention, safeguarding, pupil voice, SEND considerations, reintegration and the use of alternative strategies before exclusion.

6.1 Only a headteacher may suspend a pupil or withdraw a suspension.

6.2 Before suspending a pupil, the headteacher should consider the pupil's individual circumstances, including safeguarding, SEND, disabilities, social worker involvement, looked after status and, where appropriate, the pupil's views.

6.3 A suspension is the temporary removal of a pupil from school for disciplinary reasons in accordance with the school's behaviour policy. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in an academic year.

6.4 Where suspensions are repeated, schools should consider whether additional support, interventions, reasonable adjustments or safeguarding measures are needed to prevent further incidents.

6.5 During a suspension, the school must ensure the pupil continues to receive education through suitable work or learning activities. Any pupil sent home for disciplinary reasons, including to learn remotely, must be formally recorded as suspended.

6.6 Schools' duties under the Equality Act 2010 and Children and Families Act 2014 continue during a suspension. SEND needs, reasonable adjustments and safeguarding concerns must remain under review.

6.8 Partial-day suspensions may be used where appropriate. Lunchtime suspensions must be recorded as half a school day and count towards the total number of days suspended.

6.9 Schools must record all periods of suspension using the 'E' (Suspended) attendance code in accordance with attendance regulations and statutory guidance.

6.10 Following a suspension, schools should support the pupil's successful reintegration into education. Schools should have regard to the **LBH Reintegration Policy 2026/2027**, and complete a reintegration meeting and plan, where appropriate, to identify any support required and reduce the risk of further suspensions.

6.11 A suspension cannot be extended or converted into a permanent exclusion. Where new evidence emerges, a further suspension or permanent exclusion may be issued following a fresh, lawful and proportionate decision.

6.12 For secondary pupils suspended for three days or more, schools should consider a referral to the 5 Day Direction (5DD) Programme via the LBH Inclusions Gateway Referral Form. The programme supports behaviour improvement and successful reintegration. Repeat referrals will not normally be accepted within the same academic year unless agreed by the Local Authority in exceptional circumstances. [LBH Inclusions Gateway Referral Form - Havering Online Forms - Section 1](#)

6.13 For primary pupils suspended for three days or more, schools should seek advice and support from the Inclusion Service via inclusions@havering.gov.uk.

7 Permanent Exclusions & DfE Exclusion Codes

- 7.1 Only the Headteacher has the authority to permanently exclude a pupil from a school. The decision must be lawful, reasonable, fair and proportionate, and made in accordance with statutory guidance.
- 7.2 Before permanently excluding a pupil, the headteacher should consider whether appropriate support, interventions or alternatives, including off-site direction or a managed move, have been explored in accordance with the Havering Off-Site Direction and Managed Move Policy.
- 7.3 Permanent exclusion should only be used as a last resort. Headteachers should carefully consider the pupil's individual circumstances, including any SEND, safeguarding concerns, vulnerability factors, previous interventions and the potential impact of exclusion, before making a decision.
- 7.4 Where a Headteacher believes that a permanent exclusion may be necessary, they should contact the Local Authority via inclusions@havering.gov.uk, providing details of the incident and circumstances. This will ensure appropriate advice, oversight and a clear audit trail between the school and the Local Authority.
- 7.5 A permanent exclusion means that a pupil is no longer allowed to attend the school unless subsequently reinstated by the Governing Board or following an Independent Review Panel process. The decision to exclude a pupil permanently should only be taken:
- In response to a serious breach or persistent breaches of the school's behaviour policy; and
 - Where allowing the pupil to remain in school would seriously harm the education, welfare or safety of the pupil or others within the school community.
- 7.6 Schools must notify the Local Authority of the DfE reason for the permanent exclusion and provide an Inclusions Gateway Referral form, along with a copy of the letter that was sent to the parent from the head teacher. [LBH Inclusions Gateway Referral Form - Havering Online Forms - Section 1](#)
- 7.7 The school remains responsible for setting and marking suitable work for the pupil during the first five school days of the exclusion where alternative provision has not yet commenced.
- 7.8 The Local Authority has a statutory duty to arrange suitable full-time education from the sixth school day following the first day of the exclusion. Where the excluding school is located outside the pupil's home authority, responsibility rests with the pupil's home Local Authority.
- 7.9 Where a pupil has an EHCP, the Local Authority SEND Team will review the placement and consult with parents/carers and relevant professionals as required. For advice contact the SEND Team at sen@havering.gov.uk.
- 7.10 Schools **must** record the relevant DfE reason code when notifying the Local Authority of a suspension or permanent exclusion. The table below sets out the recognised DfE codes to support consistent reporting and monitoring.

Reason Code	Code
Abuse against sexual orientation and gender identity	LG
Abuse relating to disability	DS
Bullying	BU
Damage to property	DM
Drug and alcohol related	DA
Inappropriate use of social media or online technology	MT
Persistent disruptive behaviour	DB
Physical assault against a pupil	PP
Physical assault against an adult	PA
Racist abuse	RA
Sexual misconduct	SM
Theft	TH
Use or threat of use of an offensive weapon or prohibited item	OW
Verbal abuse / threatening behaviour against a pupil	VP
Verbal abuse / threatening behaviour against an adult	VA
Wilful and repeated transgression of protective measures in place to protect public health	PH

8 Cancelling Permanent Exclusions

- 8.1 Only the Headteacher may cancel a permanent exclusion at any time before the Governing Board meets to consider reinstatement, including after the exclusion has commenced.
- 8.2 The Headteacher must notify parents/carers, the Governing Board, and the Local Authority without delay. Where applicable, the pupil's Social Worker and Virtual School Head (if pupil is a Looked After Child), The notification must clearly set out the reason for the cancellation.
- 8.3 Once a permanent exclusion has been cancelled, the Governing Board is no longer required to consider reinstatement and any planned meetings for this purpose should not proceed.
- 8.4 Parents /carers should be offered an opportunity to meet with the Headteacher to discuss the circumstances surrounding the exclusion and its cancellation. This discussion should take place as soon as reasonably practicable.
- 8.5 The pupil must be reinstated to the school roll and permitted to return to school without delay following the cancellation of the permanent exclusion.
- 8.6 Any period of suspension served prior to the cancellation of permanent exclusion will count towards the statutory maximum of 45 school days permitted in an academic year.
- 8.7 A permanent exclusion cannot be cancelled if doing so would result in the pupil having exceeded, or exceeding, the statutory maximum of 45 school days of suspension in the same academic year.

8.8 Based on the current DfE statutory guidance effective from **26 July 2026**, the key differences are:

Suspension	Permanent Exclusion
A temporary removal	A permanent removal from the school roll.
The pupil remains on the school roll and is expected to return to the school following the suspension period.	The pupil does not return to the school and must receive education through another placement.
Can be for a fixed number of days or part of a school day (e.g. lunchtime suspension).	Is the most serious sanction available to a headteacher and should only be used as a last resort.
The maximum total suspension period is 45 school days in a single academic year.	There is no return to the school unless the exclusion is overturned through the statutory review process.
Schools should support the pupil's reintegration and consider a reintegration meeting following the suspension.	The governing board must consider whether the pupil should be reinstated, and parents have the right to seek an Independent Review Panel if reinstatement is not directed.
Used where a temporary removal from school is a proportionate response to a serious breach of the school's behaviour policy.	Used where allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others, or following a serious breach of the behaviour policy.

9 Off-Rolling and Unlawful Exclusions

The London Borough of Havering is committed to ensuring that exclusions, pupil movement and alternative educational arrangements are lawful, transparent and in the best interests of the child. Schools must follow statutory guidance and ensure no pupil is removed from education except through lawful processes.

Schools should work with pupils, parents/carers, the Local Authority and partner agencies to identify appropriate support and interventions, ensuring exclusion is used only where necessary, proportionate and lawful. Off-rolling and unlawful exclusions are not permitted.

Schools must maintain accurate records and ensure decisions relating to exclusions, managed moves, off-site direction, alternative provision, elective home education and removal from roll comply with statutory requirements and DfE guidance.

Examples of off-rolling may include:

- Sending a pupil home for disciplinary reasons without recording a formal suspension.
- Encouraging or pressuring parents to electively home educate due to behavioural concerns.
- Advising parents to seek an alternative school place to avoid suspension or permanent exclusion.
- Using a managed move, off-site direction or alternative provision where it is not in the pupil's best interests.
- Placing a pupil on a part-time timetable without a clear rationale, parental agreement, regular review and exit plan.
- Removing a post-16 pupil from a course of study where this is not in the pupil's best interests.

SEND and Equality Duties

9.1 Schools must not exclude, remove from roll, or otherwise disadvantage a pupil because of their SEND, disability, medical needs or additional vulnerabilities. Schools must demonstrate

that they have considered reasonable adjustments, appropriate interventions and support, and their duties under the Equality Act 2010 and the Children and Families Act 2014.

10 Coding for Cancelled Suspensions & Permanent Exclusions

- 10.1 If a permanent exclusion is subsequently cancelled, the exclusion must not be removed from the school's records. The record should be retained and annotated with the reason for the cancellation.
- 10.2 Schools requiring advice on the recording of cancelled permanent exclusions, including attendance coding and pupil record requirements, should contact **Data.Manager@haverling.gov.uk** for guidance.

11. Governing Board Consideration of Permanent Exclusions

- 11.1 The Governing Board has a statutory responsibility to review permanent exclusions and certain suspensions in accordance with DfE statutory guidance. The Governing Board must ensure that exclusion decisions are lawful, reasonable, fair, proportionate and procedurally correct.
- 11.2 When considering a permanent exclusion, the Governing Board must review all relevant evidence and consider:
- Whether the Headteacher's decision was lawful, reasonable and procedurally fair
 - The circumstances and interests of the excluded pupil
 - The interests of other pupils and staff at the school
 - Any relevant equality, safeguarding and SEND considerations
- Following its consideration, the Governing Board may:
- Decide not to reinstate the pupil
 - Direct the reinstatement of the pupil immediately or from a specified date
- 11.3 For permanent exclusions, the Governing Board must meet to consider the exclusion within **15 school days** of receiving notice of the exclusion. Governing Board meetings should ordinarily be held in person. However, meetings may be conducted through remote access where permitted by DfE statutory guidance and where arrangements allow all participants to engage fully, fairly and safely in the proceedings.
- 11.4 The excluding school is responsible for preparing and distributing all meeting documentation. Papers should be circulated to parents/carers, Governors and any invited parties at least 5 school days in advance of the meeting to allow proper consideration of the evidence and representations.
- 11.5 For maintained schools, the Local Authority may make representations at the Governing Board meeting. For academies, parents/carers may request Local Authority attendance, with the Governing Board determining whether the representative attends as an observer or makes representations.
- 11.6 Where the exclusion relates to a pupil with a Social Worker or a Looked After Child, the Governing Board should ensure that the views of the Social Worker and/or Virtual School Head are considered in accordance with statutory guidance.
- 11.7 The Governing Board must communicate its decision and reasons in writing to the parent/carer, Headteacher, Local Authority and any other relevant parties without delay,

ensuring that information about any further rights of review or appeal is provided where applicable.

12 Independent Review Panels (IRP)

- 12.1 Following a Governing Board decision not to reinstate a permanently excluded pupil, a parent/carer may request an Independent Review Panel (IRP). Requests must be submitted within **15 school days** of receiving written notification of the Governing Board's decision. Requests should be made through the Education Appeals Service.
<https://www.educationappeals.com/>
- 12.2 Advice booklets can be downloaded and viewed at www.edap.link/myPEXbook. Parents should read this booklet before they submit the form at www.edap.link/myPEXappealform to lodge an IRP.
- 12.3 For independent advice about the IRP process contact Education Appeals Dotcom directly for guidance and support via 0203 151 0400.
- 12.4 Parents/carers requesting an Independent Review Panel may also request the appointment of a Special Educational Needs and Disability (SEND) Expert. The SEND Expert provides impartial advice to the panel on the relevance of SEND to the exclusion and the school's policies and practices.
- 12.5 An Independent Review Panel does not reconsider the facts of the incident or decide whether the pupil should be reinstated. Instead, the panel reviews whether the Governing Board's decision not to reinstate the pupil was lawful, reasonable and procedurally fair, having regard to the DfE statutory guidance.
- 12.6 Following its review the Independent Review Panel may;
- Uphold the Governing Board's decision
 - Recommend that the Governing Board reconsiders its decision
 - Quash the Governing Board's decision and direct it to reconsider the exclusion where the panel finds the decision to be flawed.
- 12.7 Parents/carers who believe a pupil has been discriminated against because of a disability in relation to an exclusion may make a claim to the First-tier Tribunal (SEND) or, where applicable, the County Court. Independent advice should be sought regarding the appropriate route and timescales.
- 12.8 The availability of an Independent Review Panel does not affect a parent's/carer's right to pursue a disability discrimination claim through the appropriate legal tribunal or court.

13 Funding

- 13.1 In accordance with the Local Authority's funding arrangements, financial adjustments may be applied where a pupil is permanently excluded from a mainstream school. The purpose of these adjustments is to contribute towards the cost of securing alternative educational provision and supporting the pupil's ongoing educational needs.
- 13.2 For Local Authority maintained schools, where a pupil is permanently excluded, the school's budget share may be adjusted in accordance with the Local Authority's approved funding scheme and financial regulations. Any adjustment will be based on the pupil-led funding attributable to the excluded pupil and the proportion of the financial year remaining. The value of any adjustment will depend on the pupil's inclusion in the relevant school census

and, where applicable, may extend across more than one financial year.

- 13.3 For academies, the Local Authority may seek a financial contribution in line with locally agreed arrangements and any applicable funding protocols. The value of the contribution will normally reflect the pupil-led funding associated with the excluded pupil for the remainder of the relevant funding period. The value of any adjustment will depend on the pupil's inclusion in the relevant school census and, where applicable, may extend across more than one financial year.
- 13.4 Funding adjustments will be applied in accordance with the Local Authority's funding arrangements and may be subject to changes in legislation Department for Education (DfE) requirements, or local funding agreements.
- 13.5 Additional pupil-specific funding streams may also be reviewed where appropriate, including funding associated with an Education, Health and Care Plan (EHCP), High Needs funding, Pupil Premium, or other targeted allocations. Any adjustments will be determined in accordance with the relevant funding regulations and local procedures.
- 13.6 Schools are expected to work collaboratively with the Local Authority to ensure that funding transfers and associated arrangements support the timely provision of suitable education for permanently excluded pupils.