

# SEPTEMBER 2023 A guide for parents on school behaviour and exclusion

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## Applies to England

### Contents

1. [Creating a positive educational environment](#)
2. [What happens if your child is suspended or permanently excluded](#)
3. [Part-time timetables](#)
4. [Moving to another school](#)
5. [Attending exams or tests](#)
6. [Multiple suspensions](#)
7. [Extending a suspension or converting to a permanent exclusion](#)
8. [Cancelling a suspension or permanent exclusion](#)
9. [Returning to school](#)
10. [Unofficial or informal suspensions](#)
11. [Challenging a suspension or permanent exclusion](#)
12. [Independent review panels](#)
13. [Requesting a meeting is held remotely](#)
14. [Making a complaint](#)
15. [Where to get support](#)

Print this page

This guide is intended to support parents whose children attend a maintained school, pupil referral unit, academy school or alternative provision academy in England. It applies from 1 September 2023.

It should not be taken as a complete or definitive statement of the law nor as a substitute for the relevant legislation. Legal advice should be sought as appropriate.

## Creating a positive educational environment

Your child's school should be a calm, safe and supportive environment which your child wants to attend, free from disruption and fear of bullying.

To help create this environment, the behaviour policy of your child's school will set out how all pupils should behave, including the prevention of, and response to, bullying.

The behaviour policy should be publicised, in writing, to all school staff, parents<sup>[footnote 1](#)</sup> and pupils. You should also be able to find the behaviour policy on your child's school website.

If there are any aspects of the behaviour policy that you want to discuss, you should do this directly with your child's school.

### The role of parents

Parents have an important role in helping schools develop and maintain good behaviour. As a parent, you should get to know the school's behaviour policy so that you can support your child to follow the school rules.

Your child's school should work with you to provide your child with the right support at the right time and keep you updated about your child's behaviour. This might include letting you know if your child has broken the school rules, as well as celebrating what your child has done well.

Recognising and rewarding good behaviour helps everyone understand what is expected of them.

School rewards might include:

- verbal praise
- teachers writing to, or calling, parents to give praise
- certificates, prize ceremonies or special assemblies
- positions of responsibility, such as being a prefect or leading on a project
- whole class or year group rewards, such as a popular activity

The school behaviour policy should also set out what could happen if your child does not follow the policy. These are often called sanctions, and might include:

- a verbal warning or reminder of what behaviour is expected
- a written task, for example asking your child to write about their behaviour
- loss of privileges, for example, taking away a prized responsibility
- detention
- school based jobs, such as tidying a classroom

In the most serious of cases, the school has the power to suspend or permanently exclude your child.

### **Early support and help for your child**

If your child is finding it difficult to follow the school behaviour policy, your child's school should work with you to find out why this is.

If you have any concerns about the support your child might need, you should discuss these with the school, and this includes:

- meeting any special educational needs
- meeting needs which arise due to your child's disability
- any health needs (mental or physical)

Where possible, any support for behaviour should be put in place as soon as possible.

If needed, your child's school should use different ways to support your child to behave well. This support can take place outside of the classroom either in small groups or in one-to-one activities.

You can ask your child's school about the support that they consider appropriate for your child. If you have any concerns about the support being provided to your child, you should discuss this with the school, in the first instance.

## **Pupils with special educational needs or a disability (SEND)**

Every school has a governing board responsible for making sure the school is run well and has policies in place that promote good behaviour.

A governing board may also be called a governing body, a management committee or academy trust, depending on the type of school your child attends.

These boards have a legal duty to ensure the right support for pupils who have SEND.

The law does not prevent your child from receiving a sanction for misbehaviour, but schools do have a legal duty, under the Equality Act 2010, not to discriminate against your child because of their disability.

### **Reasonable adjustments**

A school should not assume that because your child has SEND, it must have affected their behaviour on a particular occasion. Schools should consider whether your child's SEND has contributed to their behaviour, and whether it is therefore fair and lawful to sanction them because of this.

Schools should think about any triggers of misbehaviour so they can support all pupils with SEND to behave well.

Sometimes, pupils with a disability will need reasonable adjustments made to a rule or type of sanction.

### **Education, health and care (EHC) plans**

If your child has an EHC plan, the school should speak to you about any concerns they have about your child's behaviour at an early stage. They should also contact the local authority and consider requesting an early annual review. This is when your local authority reviews your child's EHC plan to make sure it is kept up to date.

### **How suspensions and permanent exclusions are used**

For the vast majority of pupils, suspension and permanent exclusion may not be necessary, as early support can help manage a pupil's behaviour.

However, a suspension or permanent exclusion will sometimes be necessary as a last resort.

The Department for Education (DfE) does not provide a list of specific behaviours which mean a child can or cannot be suspended or permanently excluded.

A head teacher can issue a suspension or permanent exclusion in response to your child's unacceptable behaviour that breaks the rules, in or outside of school.

The head teacher cannot suspend or permanently exclude your child for failing to pass exams or simply because they have additional needs or a disability the school feels it is unable to meet.

### **The difference between suspension and permanent exclusion**

If your child is suspended, this means there will be a fixed number of school days when they cannot attend school. A suspension can also be for half a school day or for a certain period of the school day, for example lunchtime. Suspensions are also referred to as fixed-term or fixed-period exclusions.

For serious breaking of the school rules, or persistent disruptive behaviour, your child may be permanently excluded which means they must leave their school on a permanent basis and receive their full-time education somewhere else. Some people also call this an expulsion.

The decision to suspend or permanently exclude a child is very difficult for a head teacher to make. The rest of this guidance will help you understand the school suspension and permanent exclusion process that all head teachers must follow and where you can receive support.

The [suspension and permanent exclusion guidance](#) explains the legal responsibilities of professionals involved in suspending and permanently excluding children from school, including:

- head teachers
- governing boards
- local authorities

## **Organisations involved with suspensions and permanent exclusions**

When a head teacher decides to suspend or permanently exclude a child, different organisations are involved in the process.

### **Governing board**

Every school has a governing board responsible for making sure the school is run well and has policies in place that promote good behaviour.

Part of the role of a governing board also includes deciding whether a suspended or permanently excluded pupil should be allowed to come back to school. The governing board is led by a chair and their work is supported by a clerk. The board may also include a parent representative and should have a governor with a specific role for special educational needs (SEN).

A governing board may also be called a governing body, a management committee or academy trust, depending on the type of school your child attends.

Your child's school will be able to provide information about their governing board.

The DfE [governance handbook](#) sets out the roles and responsibilities of maintained school governing boards and academy trust boards.

### **Independent review panel**

An independent review panel is an organisation that is independent of the school and can review whether the governing board made the correct decision. Panels are chaired by someone without professional experience of working in a school, but also include a current or former school governor and a current or former head teacher who are not from the school the pupil was excluded from.

### **Local authority**

The local authority is responsible for arranging education for a child of compulsory school age (between the ages of 5 and 16) if they have been permanently excluded from school and not yet admitted to another school or receiving suitable education in some other way. They may also arrange independent review panels.

# What happens if your child is suspended or permanently excluded

## Suspension

Your child's school will let you know about the suspension as soon as possible. This will be followed up with something in writing, telling you how long your child is suspended for and why. If your child has a social worker or virtual school head, they will also be told about your child's suspension.

A suspension can start immediately (on the same school day as the misbehaviour occurred) or on another school day.

If you disagree with your child's suspension, you have the right to [challenge the decision](#) and how you do this must be set out in the letter your child's school sends to you about the suspension.

Where suspensions are becoming a regular occurrence for a pupil, head teachers and schools should consider whether suspension alone is an effective sanction and whether additional support needs to be put in place to address their behaviour.

## Permanent exclusion

Your child's school will let you know about a permanent exclusion as soon as possible. They will follow up with something in writing, telling you the reason for your child's permanent exclusion. If your child has a social worker or Virtual School Head, they will also be told about your child's permanent exclusion.

A permanent exclusion can start immediately (on the same school day as the misbehaviour occurred) or on another school day.

If you disagree with your child's permanent exclusion, you have the right to [challenge the decision](#) and how you do this must be set out in the letter your child's school sends to you about the permanent exclusion.

## **Risk of prosecution if your child is found in a public place**

For the first 5 school days of a suspension or permanent exclusion, it is your responsibility to make sure your child, (if they are of compulsory school age, between the ages of 5 and 16) is not in a public place during normal school hours unless there is a good reason, such as needing to attend a medical appointment.

**You might be prosecuted if your child is found in a public place during the first 5 school days of a suspension or permanent exclusion.**

## **Educating your child while they are suspended or permanently excluded**

If your child has been suspended for 5 school days or less, your child's school should set and mark work for the school days they are suspended. This can include using online programmes such as Google Classroom or [Oak National Academy](#).

If a suspension is longer than 5 school days, your child's school must arrange suitable full-time education to begin from the sixth school day of the suspension, if they are of compulsory school age (between the ages of 5 and 16).

For permanent exclusions, the local authority must arrange suitable education to begin from the sixth school day of the permanent exclusion, if they are of compulsory school age (between the ages of 5 and 16). This type of education is called alternative provision and includes education provided at pupil referral units, as well as some other types of education settings.

Suitable education is defined as efficient education suitable to the child's age, ability and aptitude and to any special educational needs the child may have.

## **Pupils with special educational needs or a disability (SEND)**



The law does not prevent a pupil with SEND from being suspended or permanently excluded. However, schools do have a legal duty under the Equality Act 2010 not to discriminate against a pupil by suspending or permanently excluding them from school because of their disability and reasonable adjustments may need to be made.

Schools should consider whether your child's SEND has contributed to the breaking of the school rules, and if so, whether it is right and lawful to issue a suspension or as a last resort, permanent exclusion. Schools must also ensure that they do not discriminate against disabled pupils by increasing their risk of suspension or permanent exclusion more than other pupils without a good reason.

### **Concerns about behaviour**

If your child has SEND and you have concerns about their behaviour in school and risk of being suspended or permanently excluded, you should discuss this with the school in the first instance. The school should work with you to ensure the right support is in place for your child.

There are also a number of organisations that can provide [free advice on behaviour, suspension and permanent exclusion of pupils with SEND](#).

If your child has an EHC plan, the school should speak to you about any behavioural concerns at an early stage. They should also contact the local authority and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

### **Challenging a decision**

If your child has been suspended or permanently excluded and you believe it occurred due to discrimination, you can make a claim to the [First-tier Tribunal](#) (in relation to disability) or a County Court (for other forms of discrimination). You must do this within 6 months of the suspension or permanent exclusion.

You can also challenge a suspension or permanent exclusion through the governing board and [independent review panel](#), if relevant.

### **When a school cannot meet your child's needs**

Suspension or permanent exclusion should only happen in relation to a child's behaviour. Your child's school should not suspend or permanently exclude your child because they are unable to meet their needs, for example if they have SEN or a disability, and schools should not place pressure on you to home educate your child.

If your child has an EHC plan and your child's school says they are unable to meet their needs, you should talk to your local authority who may arrange an early review of the plan.

### **Requesting an EHC needs assessment**

If your child does not have an EHC plan but you think your child needs more specialist help that cannot be met from the school's SEN support, you can ask your local authority for an EHC needs assessment for your child.

It is often helpful to discuss such a request first with the school to see if they can provide relevant evidence or are willing to make the request themselves. A needs assessment could lead to your child getting an EHC plan.

If your child has already been suspended or permanently excluded, you should raise this at both the governing board meeting and the independent review panel (if you request one).

## **Part-time timetables**

There are very limited circumstances in which your child's school should place your child on a part-time timetable. This should only happen if a part-time timetable is required because of your child's physical or mental health needs.

Your child's school should not be using a part-time timetable to manage your child's behaviour. If you believe your child's school has placed them on a part-time timetable because of their behaviour you should approach the school to discuss your concerns in the first instance.

## **Moving to another school**

Sometimes it may be necessary for your child to be educated somewhere else.

## **Off-site directions**

To support your child with their behaviour, your child's school can decide that your child will be educated somewhere else for a limited period.

Your child could be educated at another school or alternative provision setting. This could also include your child splitting time between 2 different locations. This should only be used when it is the best way to support your child's behaviour. This arrangement is commonly known as off-site direction.

If your child has an EHC plan, the local authority should be told about an off-site direction placement.

## **Managed moves**

In some cases, your child's school may decide it is best for your child to move to another school permanently following an off-site direction placement. This is known as a managed move.

Managed moves should be voluntary and have your agreement before they take place. Your child's school should not pressure you into agreeing to one. If you feel pressured into agreeing to a managed move, it is very important that you raise this with the school's governing board.

A managed move should only occur when it is in your child's best interests and all parties, including the new school and you, agree it would be best for your child to move to another school permanently.

Schools should not use a 'trial period' or 'trial admission' for managed moves, as a managed move is a permanent move to another school.

If your child has an EHC plan, their school should contact the local authority prior to the move and if the local authority, both schools and you are in agreement that there should be a managed move, the local authority will need to follow the process for changing an EHC plan.

## Attending exams or tests

Where a suspension or permanent exclusion would mean that your child misses a public exam (such as a GCSE) or National Curriculum Test, the governing board must, if possible, decide before the date of the exam whether they should be allowed back to school.

### Maintained schools

If this is not possible, the Chair of Governors, if your child's school is a maintained school, can decide on their own whether to allow your child back.

### Academies

If your child's school is an academy, their return may be considered by a smaller trust board, if the trust's articles of association allow them to do so.

There is no automatic right for a suspended or permanently excluded child to take a public exam or Statutory Assessment Test (SAT) (National Curriculum Test) on the school's premises; this is entirely at the governing board's discretion.

You should contact your child's school and [challenge the decision](#) if you are concerned that your child will miss a public exam or National Curriculum Test.

## Multiple suspensions

There is no limit on the number of times your child can be suspended, but schools must not suspend your child for more than a total of 45 school days in one school year.

In circumstances where your child has reached the 45 school day limit in the current school year, the school cannot issue any further suspensions. They can only issue a permanent exclusion. School days when your child was permanently excluded also count towards the limit if they were later allowed to come back to the school.

## **Extending a suspension or converting to a permanent exclusion**

In general, schools are not allowed to extend a suspension or convert a suspension into a permanent exclusion. However, in exceptional cases, usually where further evidence has come to light, a suspension may be 'extended' by:

- issuing a further suspension to begin immediately after the first period ends
- issuing a permanent exclusion to begin immediately after the end of the suspension

## **Cancelling a suspension or permanent exclusion**

A head teacher can cancel any suspension or permanent exclusion that has not yet started or has already started but only if the governing board has not yet held a meeting to consider whether the pupil should be reinstated.

When an exclusion is cancelled:

- the head teacher must notify you without delay, providing the reasons why the exclusion has been cancelled
- the headteacher must also notify the:
  - governing board
  - local authority
  - social worker and Virtual School Head, if your child has one
- your child must be allowed back into the school from which they were suspended or permanently excluded without delay
- the governing board is no longer required to consider whether your child should be reinstated (because they should be reinstated anyway)
- you should be offered the opportunity to meet the head teacher to discuss the circumstances that led to the suspension or permanent exclusion being cancelled
- any school days spent out of school as a result of any suspension or permanent exclusion before it is cancelled will count towards the maximum of 45 school days permitted in any school year

If you accept the offer of a meeting to discuss a cancellation, it should be arranged without delay.

A permanent exclusion cannot be cancelled if your child has been suspended or permanently excluded for more than 45 school days during the current school year.

## **Returning to school**

When your child returns to school after a suspension, the school should explain how your child will be supported to manage their behaviour.

It is good practice for your child's school to hold a meeting with you and your child before they return to school. This can happen before school starts on the first school day your child returns to school after the suspension period.

If you cannot attend the meeting this should not prevent your child returning to school. It is unlawful to make such meetings a requirement for a child to return to school following a suspension.

## **Unofficial or informal suspensions**

Your child's school is not allowed to just send your child home 'to cool off' because of their behaviour. This is an 'informal' or 'unofficial' suspension. A child can only be suspended through the formal suspension process, which is described in this guidance, which includes notifying parents in writing.

If your child has been removed from the school without the formal suspension process being followed, you should discuss this with the head teacher in the first instance. You should follow the school's complaints procedure to complain to the governing board if you are not satisfied.

## **Challenging a suspension or permanent exclusion**

If you disagree with the head teacher's decision to suspend or permanently exclude your child, you have the right to challenge the decision and request a meeting to do so. You can also [request that the meeting is held remotely](#).

The head teacher should allow your child to explain why they behaved in such a manner before making their decision whether to suspend or permanently exclude them and support them to take part in the full suspension or permanent exclusion review process.

### **For a suspension**

You will get a letter from your child's school telling you what to do if you disagree with the suspension.

You can ask the school's governing board to consider allowing your child to come back to school immediately if either:

- your child has been suspended for more than 5 school days
- the suspension means they will miss a public exam, such as a GCSE

If the suspension is for less than 5 school days, you can still ask the governing board to hear your views, but they cannot bring your child back to school early and are not required to meet you.

### **Timeline for arranging a governing board meeting**

The timeline for when the governing board will meet depends on how many school days in total your child has been suspended for, including any previous suspensions or cancelled permanent exclusions.

If this suspension means your child has been, or will be, out of school this term for a total of more than 5 school days but no more than 15 school days due to suspensions or cancelled permanent exclusions, and you have contacted the governing board about the suspension, the governing board must meet within 50 school days of being told about this suspension.

For suspensions that on their own, or in addition to previous suspensions or cancelled permanent exclusions, will mean your child's total number of days out of school is above 15 for the term, the governing board must meet within 15 school days of being told about the suspension.

If your child will miss a public exam because of this suspension, the governing board must try to meet before the date of the exam and must meet within 15 school days of being told about the suspension.

You must be invited to the governing board meeting about your child's suspension and allowed to comment on the suspension of your child or share information.

### **For a permanent exclusion**

You will be invited to a meeting with the school governing board if your child has been permanently excluded. This will happen within 15 school days of the school governing board being told about the permanent exclusion and you must be allowed to comment on the permanent exclusion or share information.

If the governing board does not decide that your child should be allowed to come back to school, you can ask for an [independent review panel](#) to review their decision. This is organised by your local authority (or academy trust if the school is an academy). The governing board must tell you how to do this.

### **What happens when a governing board considers reinstating a suspended or permanently excluded pupil**

#### **Before the meeting**

If a governing board meeting has been scheduled to consider allowing your child to return to school, you will receive something in writing from your child's school inviting you to attend the meeting.

You can send written information for the governing board to consider before the meeting. The school should explain how to do this.

#### **The governing board meeting**

The meeting will probably take place at the school or may take place remotely if you have requested this.



You can also request that a friend or representative (for example, from a charity or advocacy organisation) attend with you. You should inform the governing board if you will be bringing someone with you.

The governing board must also invite the following people to the meeting:

- the head teacher
- a representative of the local authority (in the case of a maintained school or pupil referral unit)
- your child's social worker, if they have one
- the virtual school head, if your child is looked after by the local authority (in care)

Each of these people should be given an opportunity to speak and ask questions.

As a parent, you will have the chance to explain why you think your child should not have been suspended or permanently excluded and why they should be reinstated. You may also be asked questions.

### **After the meeting**

You will be sent something in writing shortly after the governing board meeting explaining what decision the governing board has made and the reasons for their decision.

The decision will either be:

- not to reinstate your child
- to reinstate your child

If your child is not reinstated, your child will not be able to return to school until the end of their suspension, or at all if they are permanently excluded.

If they are permanently excluded your local authority must arrange educational provision from the sixth school day of the permanent exclusion.

If your child is reinstated, you should be told when your child can return to school, if they have not returned already.

## **Independent review panels**

If your child has been permanently excluded and the governing board decides not to reinstate them, you have the right to request an independent review panel. The governing board must explain to you how to do this. You must apply within 15 school days of receiving the governing board's decision.

An independent review panel may take place:

- at your child's school
- in another school building
- at the local authority's offices
- remotely if you have requested it

The panel members will include:

- a current or past head teacher
- a current or past governor

These will be from another school, not the one your child attended.

The independent review panel members should be independent and impartial.

## **SEN experts**

You can ask for a SEN expert to attend an independent review panel, regardless of whether the school recognises that your child has SEN. You should include this in your application for an independent review panel.

## **Requesting a meeting is held remotely**

You can ask for a governing board meeting or independent review panel (IRP) meeting to be held via the use of remote access technology, such as video conferencing software.

However, remote meetings should not be the automatic choice and face-to-face meetings should always be encouraged.

For governing board meetings, the head teacher must tell you in writing that you can ask for the meeting to be held remotely. For IRP meetings, the governing board must tell you in writing that you can ask for the meeting to be held remotely.

## **Considerations**

When deciding whether to request a remote meeting, you should consider:

- your internet connectivity, whether it is good enough and not intermittent or slow
- if you have a suitable space free from distraction to enable you to fully take part
- whether a face-to-face meeting may be better

The governing board, or organisation that arranges IRP meetings, must be satisfied that:

- those taking part will be able to comment on, or share information about the issues remotely
- the meeting can be held fairly and openly this way

Each person attending the meeting should be able to hear and be heard and (where using a live video link) see and be seen throughout the meeting.

If a governing board, or the organisation that arranges IRP meetings, does not think that a meeting can be held fairly and openly via remote access, they should talk to you about how a face-to-face meeting can be arranged that will be convenient for you.

## **Arranging the meeting**

The governing board, or organisation that arranges IRP meetings, should tell you about the technology that will be used for the meeting.

Where you have not expressed a preference, a face-to-face meeting must be arranged.

Governing boards and organisations that arrange IRP meetings should not pressure you to have a remote meeting if you have not requested one.

### **Extraordinary events or unforeseen circumstances**

If there is a reason related to extraordinary events or unforeseen circumstances, such as a pandemic, it may not be possible for a governing board meeting or independent review panel to be held in person. In this situation the meeting can be held using remote access and does not require you to specifically request a remote meeting.

### **Issues with technology**

Issues with the technology or internet network during the remote meeting can cause problems if they prevent:

- those taking part from being able to:
  - discuss the issues fully
  - be seen and heard
- the meeting from being held fairly and openly

If it is not possible to resolve the issues, a face-to-face meeting must be arranged by the governing board, or organisation that arranges IRP meetings, despite your request.

### **Other requirements**

The use of remote access does not alter other exclusion process requirements that apply to governing boards, organisations that arrange IRP meetings or independent review panels.

For example, if you request the appointment of a SEN expert to advise a review panel, the organisation that arranges IRP meetings must appoint one and cover the cost as normal. You may be joined by a friend as normal.

## Running the meeting

The governing board, or organisation that arranges IRP meetings, should take reasonable steps to help you access the technology required. For example, governing boards and organisations could run a 'test meeting' to check if your technological device is suitable.

If another person joining the meeting requires support to access or use remote access technology, the governing board or organisation should help to ensure the meeting can be held promptly.

## Taking part

Information should be shared with you to explain how you can effectively take part in the meeting. This includes:

- providing clear instructions about how you can join the meeting virtually, and how relevant documents will be distributed in a timely manner ahead of the meeting
- providing a named person who you can contact with any questions you may have beforehand
- holding a pre meeting with you and other people participating to check that the available technology is suitable, and everyone understands how to access the meeting
- the chair explaining the agenda at the start and providing clear guidance on how the meeting will be run, for example:
  - how you and other people attending should indicate they wish to speak
  - how any 'chat' functions should be used
  - whether there will be any breaks in meeting
- how you and other people attending can access advocacy services during the meeting

## Making a complaint

If you are unhappy about how the exclusion process (including the reviews) has been dealt with for your child, you can complain to DfE.

Before you can [submit a complaint about a school](#), you need to have first gone through the school's complaints procedures. It is a legal requirement

for all maintained schools to publish their complaints policy on their website, and all academies are encouraged to do so as well.

If you have complained to the school and you are not happy with their handling of your complaint, you can [complain to DfE](#).

When you submit a complaint you should provide copies of:

- all correspondence sent to and received from the school, including any decision letters, in connection with the suspension or permanent exclusion and complaint
- any notes or minutes of any meetings held in connection with the suspension or permanent exclusion and complaint

### **Complaints about independent review panels**

If you are unhappy about the way the independent review was carried out following your child's permanent exclusion you can:

- [complain to the Local Government and Social Care Ombudsman](#) - for maintained schools
- [complain to DfE](#) - for academies

### **Where to get support**

A number of organisations provide free advice on suspension or permanent exclusion matters, including:

- [Coram's Child Law Advice service](#) - telephone: 0300 330 5485 (Monday to Friday, 8am to 6pm)
- [ACE education](#) - telephone: 0300 0115 142 (Monday and Tuesday, 10am to 1pm during term time)
- [Your local SEND information and support \(IAS\) service](#) - information and support for children and young people with SEND, including on suspensions and permanent exclusions

- [Independent Provider of Special Education Advice \(IPSEA\)](#) - independent information and support on the suspension and permanent exclusion of children with SEND

1. This guide uses 'parent' to refer to both parents and carers. [↩](#)

[Back to top](#)

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