

A parents' guide to the exclusion process

Permanent Exclusion

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This guide is designed to support parents/carers whose children are educated in Hampshire schools. The Department for Education has published a guide for parents about school behaviour and exclusion in England which is available at:

[A guide for parents on school behaviour and exclusion - GOV.UK](https://www.gov.uk/guidance/a-guide-for-parents-on-school-behaviour-and-exclusion)

1. Why am I receiving this guide?

You are receiving this guide because your child has been permanently excluded from school. This can be a very upsetting, difficult, and worrying time for you and your child. This guidance explains:

- what you can do if you want to talk to the school about the permanent exclusion.
- what you can do if you disagree with the permanent exclusion.
- where you can go for further advice and support.

Government guidance is contained in a document called ***'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'*** (July 2026) [referred to as *'DfE Exclusions Guidance'*].

www.gov.uk/government/publications/school-exclusion

2. What does Permanent Exclusion mean?

It means that a pupil is not allowed to attend school or go on to school premises permanently. The Local Authority (LA) and schools work with parents, children or young people, and a wide range of other agencies to help prevent exclusions. Headteachers may use suspension or permanent exclusion as a way of managing the behaviour of pupils. It is also used as a way of giving clear messages to the pupil involved, and the whole school community, that certain kinds of behaviour are unacceptable.

- It means the headteacher believes your child's behaviour, either over a period of time **or** in a one-off incident, was so serious that this is the most appropriate sanction, and that your child should not be allowed back to school.
- The headteacher may issue a suspension in the first instance while they investigate the incident and decide whether to issue a permanent exclusion – the suspension letter should state that permanent exclusion could be an outcome of the investigation.
- The headteacher's decision is reviewed by a panel of governors, usually called a Governors Discipline Committee (GDC).

- You and your child have the opportunity to have your say at the meeting, and you may be represented by someone who can speak on your behalf, or you can be supported by a friend if you wish.
- If applicable, your family support worker, social worker or a representative from the virtual school can be invited to the meeting.
- If the governors agree with the headteacher's decision to permanently exclude your child, you have a legal right to a review at an Independent Review Panel (IRP).
- The headteacher may cancel an exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled then the parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled.

3. Should my child have been permanently excluded?

Government guidance says that your child should only have been permanently excluded:

- in response to serious or persistent breaches of the school's behaviour policy **and**
- where allowing them to remain in school would seriously harm the education of your child or of others in the school.

Your child must not be excluded:

- simply because they have additional needs or a disability that the school feels it is unable to meet.
- for low academic attainment/ability.
- for anything you, as a parent, have done or not done – for example refused to attend a reintegration meeting following a suspension.
- if they refuse to agree to specific conditions for a return to school following a suspension.

Your child can be excluded for behaviour inside or outside school, even out of school hours and during the holidays, if the headteacher feels there is a clear link between that behaviour and maintaining good behaviour within the school, thus bringing the school into disrepute.

Only headteachers (or the nominated member of staff in their absence) have the authority to exclude a pupil. The headteacher should not exclude your child in the heat of the moment, unless there is an immediate threat to the safety of your child or of others in the school.

The headteacher may exclude your child if they feel that on the '*balance of probability*' (not the criminal test of '*beyond reasonable doubt*') your child did what they are alleged to have done. The more serious the alleged behaviour and the possible sanction, the stronger the evidence against your child needs to be. Before deciding to exclude your child the headteacher should:

- make sure that a thorough investigation has been carried out.
- involve your child in all stages of the exclusion process. They should have a chance to say what happened and, preferably, to write their own account in their own words.
- ask staff and pupils who witnessed the incident, or were involved in it, to provide written accounts.
- check whether your child was provoked into acting as they did.
- think carefully about the evidence available and apply the behaviour policy when deciding the sanction.
- ensure that the permanent exclusion is an appropriate response to what your child did.
- take into account the *DfE Exclusions Guidance* and all relevant school policies (Behaviour, Exclusions, Special Educational Needs, Drugs) and, if appropriate the *Equalities Act 2010*.
- if necessary, consult others, such as the chair of governors or the Local Authority, but **not** someone who may be involved in reviewing the exclusion.

4. The school will contact you about the exclusion

The headteacher or their nominated representative will let you know immediately (generally by telephone) about a permanent exclusion and the reason for it. If relevant, your family support worker, social worker, and virtual school headteacher will also be notified. This will be followed up as soon as possible with a letter which includes:

- the reason for the permanent exclusion.
- how your child's education will continue.
- details for setting and marking work for your child to do during the first five days.
- Confirmation that the Local Authority will, from day 6, provide an education for your child (further information about this will follow)
- your right to challenge an exclusion at the GDC, how to do this and how your child may be involved.
- the phone numbers of the LA Inclusion Support Service (ISS) which can offer information and advice.
- your rights under the *Equality Act*.
- Child Law Advice contact details.

- notification that during the first five days of the permanent exclusion you may receive a penalty notice from the LA if your child is present in a public place during school hours without good reason, for example a doctor's appointment.

5. What should I do now?

- Read the information you have been sent and contact us if you have any questions.
- Wait for the clerk to contact you about the meeting, they will look for a time when you are available to attend.
- Think about what you would like to say to the governors at the GDC meeting. The questions below will give you an idea of some of the areas you may like to consider. Alternatively, you may choose to use the pupil and parent voice form which has been sent to you along with this guidance. You can either send the form to the clerk to share in advance of the meeting or bring it to the meeting.

The school are preparing an evidence pack of information about your child and the circumstances of the PEX. You will receive a copy of this five days before the meeting.

What does your child say about the permanent exclusion?

Talk to your child as soon as possible and take down what they say, in their own words. If you need more details, ask questions such as:

- Where were you when the incident happened?
- What led up to you doing what you did?
- Who else was involved?
- Who saw what happened?
- What did the teacher(s) say?

Was this a serious breach of the school's behaviour/discipline policy?

If you don't think it was, explain why. Your child's view of the incident is very important, and your child should have been given the chance to write an account of what happened before the headteacher made the decision to suspend or permanently exclude them. If your child wants to use this as a chance to apologise for something, they could do so in writing and/or do so at the meeting if you and your child are attending. Your child may need to think of ways of putting things right if possible.

What do others say?

You have the right to see all the written accounts made by staff and by other pupils. Look at what the headteacher says, look at what others say. Did the school take statements from your child and witnesses before your child was

excluded? Do any of the accounts support your child's version of events? If there are important disagreements between the statements, highlight them. Has there been a misunderstanding?

You may want to say a little about your child

What sort of person is your child? Imagine you are describing them to a stranger. Remember their good points. Are there any positive reports about your child? Is there someone official, like a playgroup leader, youth worker or employer who might write a letter about them? Describe your child and add anything that explains why your child behaved as they did, or which you think shows that the permanent exclusion may not be fair, reasonable or proportionate.

Think about your child at the time of the permanent exclusion

Was anything upsetting your child at school or at home? Was there pressure from others? Could anything else have affected their behaviour? Have they been bullied, racially or sexually harassed, or faced discrimination inside or outside of school? If drugs are involved, is your child more likely to be in contact with drugs through not being in school? If your child was at school instead of being excluded would this seriously harm the education and welfare of your child or of others?

Think about the incident

If others were involved in the same incident, the GDC will consider the fairness of the sanction of your child **and** of others involved in the incident. It is for the headteacher to decide in each individual's case, and taking all their respective circumstances into account, what sanction(s) are fair, reasonable and proportionate – which may mean that the pupils receive different sanctions.

Check your child's school record

You have the right to see your child's full school record. Does it include information which is new to you and may affect your case? There may be information relating to your child that is confidential to the school (for example, Police Intelligence which is not part of your child's record, and which cannot be shared with you or Governors).

Consider any special circumstances

The *DfE Exclusions Guidance* says that certain groups of pupils are more at risk of suspension or permanent exclusion and headteachers must consider whether pupils in those groups need extra support in school. These groups include pupils:

- starting primary or secondary school.
- with special educational needs or who have an Education Health Care Plan (EHCP).
- from minority ethnic backgrounds, including the Traveller community.
- in care (looked-after).
- in receipt of free school meals.
- who are Young Carers.

- in families under stress.
- who are pregnant or are parents.
- who are unaccompanied asylum seekers.

Even if your child is in one of these groups, they may still be permanently excluded if the incident is so serious that the headteacher decides there is no appropriate alternative.

Does your child have emotional and behaviour difficulties and/or a learning difficulty?

If your child's behaviour is very challenging and disrupts their schoolwork, they may have emotional and behavioural difficulties which are affecting their learning, and they may need extra support at school. If your child does not get the support they need, this may lead to poor or worsening behaviour. Further information is in the *Special Educational Needs Code of Practice*, which is available at:

If your child has special educational needs (SEN), schools should use their best endeavours to put all reasonable adjustments in place to avoid exclusion. If your child already has an EHCP and the school has tried all alternatives to permanent exclusion, the headteacher should liaise with the LA's Special Education Needs & Disability (SEND) Team about holding an interim annual review.

If the headteacher does decide to permanently exclude your child, they should use the time between the initial decision and the GDC meeting to see whether more support could and needs to be put in place.

Were drugs involved?

Check the school's policy on drugs. The headteacher should consult the school's drugs co-ordinator and take account of the school's Drug Policy and the precise circumstances of your child's case.

Was discrimination, harassment or bullying involved?

Check the school's Behaviour and Equality Policies. If you feel bullying, discrimination or harassment were involved in the incident, give details.

Does your child have a recognised disability?

If so, do you believe that the permanent exclusion was as a result of behaviour related to that disability?

Schools have a legal duty not to discriminate against disabled pupils by suspending or permanently excluding them from school because of behaviour related to their disability. A person does not have to have a formal diagnosis to be considered disabled under the *Equality Act 2010*.

Permanent exclusion of a disabled pupil for a reason related to their disability can only be justified if there is a material and substantial reason for the sanction. If

reasonable adjustments could have been made by the school and were not, the school may not be able to justify such a sanction.

Where there is an allegation of discrimination under the *Equality Act 2010* in relation to a permanent exclusion, you may make a claim to the First-Tier Tribunal (disability discrimination) or a County Court (other forms of discrimination).

Consider strategies used to improve behaviour

Schools should work with you and your child to avoid permanent exclusion. Any problems should be discussed with you at an early stage and an action plan to improve behaviour agreed with you and your child. Other strategies, such as a managed move, referral to an Education Centre (EC) or other form of Alternative Provision (AP), restorative justice, mediation, and internal suspension, should have been considered and discussed with you. Has the school done all it could to support your child and avoid permanent exclusion?

If, despite using strategies to change behaviour, your child had several suspensions and was at risk of permanent exclusion, the school should put in place a Pastoral Support Plan (PSP) or an Individual Behaviour Plan (IBP) and talk to you about the risk of permanent exclusion. You should be involved in the setting up of a PSP or an IBP. The school can also seek advice from the LA Inclusion Support Service and, for primary pupils, the local Primary Behaviour Support Unit or, for secondary pupils, the local Education Centre.

Sources of further advice and guidance are listed on page 1616 of this booklet.

6. Day 6 Provision

For **Secondary School** pupils - From the 6th day of a permanent exclusion your child will be offered a place at the local education centre. They will contact you to arrange this. Your child must attend this placement, ISS and the education centre will work together to support this.

For **Primary School** pupils – From the 6th day of a permanent exclusion your child will be offered education at the local primary behaviour service centre. They will contact you to arrange this.

If your child has an **EHCP**, the local authority SEN service will help to decide what would be the best education for your child.

7. The Governors Discipline Committee meeting

The role of the Governors is to review the headteacher's decision to suspend or permanently exclude your child. Permanent exclusions are very serious, and governors will consider whether it has been carried out correctly and that the decision takes account of your child's needs. The Governors' role is **not** to rubber stamp the headteacher's decision.

The clerk to the GDC will write to you confirming the date and time of the meeting. The clerk will send the school's evidence pack to you and everyone else attending the GDC. The evidence pack should arrive at least five days before the meeting and will include all or some of the following:

- a written summary by the headteacher.
- written accounts by staff and pupils who saw, or who were involved in, the incident for which your child was suspended or permanently excluded.
- a written account by your child of what happened.
- a behaviour log.
- academic reports.
- details of any special educational needs your child may have.
- an Individual Education Plan, if relevant, setting out your child's needs and the strategies and support in place to address these, as well as information about any other services or agencies involved.
- a copy of any PSP or IBP, which may include the involvement of other agencies for children or young people who have been, or are at risk of being, permanently excluded.
- attendance records.
- relevant school policies.

The following people will attend the meeting:

- **3 governors**, one of whom will act as chair of the GDC.
- a **clerk** to take minutes and advise on procedure if necessary.
- the **headteacher** and any other relevant staff members (SENCo for example or head of year, who may be able to answer very detailed questions about your child's school history).
- an **LA representative** will attend permanent exclusions meetings at mainstream schools but can only attend an Academy GDC if invited by the Academy. However, you can ask for a LA representative to be present, but the Academy can ask that they attend only as an observer.
- if applicable, your family support worker, social worker or a representative from the virtual school can also attend.
- your child – if they want to give their views and you, and your child, are comfortable doing that – you may want to agree with them before the meeting

what part they will take if they do attend. For example, do they want to answer questions, make a statement, or just be present.

The meeting will follow a clear agenda which will be sent to you with the invitation to the meeting. The LA has a standard agenda, which most GDCs follow but may alter the order of questions:

- Introduction by Chair of the Committee and explanation of procedures
- Submission by headteacher
 - Questions by governors
 - Questions by parents/carers
 - Questions by LA
- Submission by parents/carers
 - Questions by governors
 - Questions by headteacher
 - Questions by LA
- Local Authority Statement
 - Questions by governors
 - Questions by headteacher
 - Questions by parents/carers
- Summing up by headteacher including any responses necessary following the LA Statement
- Summing up by parents/carers
- All parties, except clerk and governors, leave the meeting
- Decision by Governors Discipline Committee. Governors will discuss the evidence they have seen and heard during the meeting and make their decision. None of those attending the meeting should be on their own with governors before, during or after the meeting, except the clerk who stays to record the decision and reasons for it, and then sends you a letter giving that information. The letter should be sent without delay.

The Governors must consider:

- whether, on the balance of probability, your child did what they are alleged to have done, and which school policies were not followed by your child.
- whether the correct procedures were used by the school and whether the school applied its own policies and the *DfE Exclusions Guidance*.

- the seriousness of the incident and whether the permanent exclusion was in proportion to what your child did and to any sanction given to others involved in the incident.
- whether, in the case of a permanent exclusion, your child's return to school would seriously harm the welfare or education of your child or of others in the school community.
- any relevant previous breaches of school policies.
- the support provided by the school, when it was put in place and whether it had been in place long enough to have had a significant impact on your child's behaviour.
- any special education needs and/or disability your child may have.
- whether your child is in a vulnerable group, as defined by the *DfE Exclusions Guidance*.
- any reasonable adjustments the school should have had in place for your child.
- any mitigating circumstances, such as being provoked or having had new medication prescribed or a change of medication.

The Governors can only choose between two decisions:

- uphold the permanent exclusion
- or**
- direct reinstatement.

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.

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.

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 the governing board 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.

If you wish for the meeting to be held remotely you must inform the school within **3 school days** of receiving written notification about the exclusion.

8. What should I bring to the GDC meeting?

These are things that might be helpful, but you do not have to bring them:

- your copy of the school pack.
- a pen and paper to make notes during the meeting.
- any extra information that you would like to share at the meeting. (This can also be sent to the Clerk in advance of the meeting, so everyone has time to read it.)
- some ideas of questions you want to ask the headteacher about the school pack.
- a statement you have prepared to share at the meeting. (This could be done using the pupil and parent voice form sent to you with this guide.)

9. What happens next?

If the decision is to reinstate, the GDC has the power to set a date for your child's return to school. This should be as soon as possible but, if it is not immediately following the GDC, there may be a delay to allow enough time for you, your child, school staff and any other agencies involved to agree a plan to support your child's return and help it to be as successful as possible.

If the governors uphold the permanent exclusion, you can ask for a further review by an Independent Review Panel (IRP). The details on how you request a review will be contained within a letter from the clerk. The inclusion support service will send you a form to complete which will specify whether you want an IRP. If you do not want an IRP, the school can remove your child from roll on the date the form is received.

If you ask for an IRP, your child must remain on the excluding school's roll until you have been notified of the IRP decision. This remains the case even if you do not wish your child to return to that school and/or your child has gone on roll at another school since being permanently excluded.

Whether or not a school recognises that a pupil has SEN, you (or your child if they are aged 18 or over) have the right to ask for a SEN Expert Witness to attend the IRP. The SEN Expert Witness's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion and whether the school acted reasonably in relation to its legal duties when excluding the pupil.

Independent Reviews

You have **15 school days** from the date you receive written notification of the GDC decision to write to ask for an IRP.

You must put in writing your reasons for requesting the review and the form **MUST** be received by the deadline given or you lose the right to an IRP.

The IRP must be held no later than 15 school days from the date your request is received. However, as with a GDC, if the IRP is postponed for any reason, the decision it reaches is still legally binding.

The role of the panel is to review the GDC decision and the way it was reached **NOT** the decision made by the headteacher. In reviewing the GDC decision, the panel must consider the interests and circumstances of your child and the circumstances in which they were excluded and consider the interests of the rest of the school community.

The IRP will have three panel members, all of whom must be independent of the school or the Academy, none of whom can have any prior knowledge of the exclusion or have any connection with anyone involved in the GDC, whether governors, school staff or you as parents. The panel members consist of a lay (non-education) member who acts as chair, a serving or recently retired governor of a maintained school, and a serving or recently retired headteacher.

An IRP does not have the power to direct a governing board to reinstate an excluded pupil. However, it can come to the following conclusions:

- uphold the exclusion decision and your child will remain permanently excluded.
- recommend that a governing board reconsiders its decision: a GDC does not have to reconsider the decision but if it does, this must be done within 10 school days of being given notice to reconsider.
- quash the decision of the governing board where it considers that the decision was flawed in light of the principles applicable on an application for Judicial Review and direct that the GDC reconvene within 10 school days of being given notice to reconsider their decision.

Discrimination

If you consider that your child has a disability and you feel that they have been discriminated against by being excluded, you may make a claim under the *Equality Act 2010* to the First-Tier Tribunal (Special Educational Needs and Disability):

☎ 01325 289 350 or at: <http://www.justice.gov.uk/tribunals/send>

or the County Court, in the case of other forms of discrimination.

A claim of discrimination made under either of these routes should be made within six months of the date on which the discrimination is alleged to have taken place, eg: the day on which the pupil was excluded.

In addition, advice and support about this is available through the Equality Advisory Support Service:

☎ 0808 800 0082 or at: <http://www.equalityadvisoryservice.com/>

10. What happens if my child remains permanently excluded?

Secondary school pupils

Your child will have been receiving full-time-equivalent education from Day 6 of the exclusion at your local Education Centre. This will continue, alongside an assessment of your child's needs, until your child goes on roll at another school. Your child may be ready to return to a school immediately or might benefit from further support to address their behaviour before going back to a school.

When your child is ready to return to a school, this will be discussed with you, and you will be asked which school(s) you prefer. The Education Centre will work with you and directly contact suitable schools whereby your preferences, and the needs of your child, are considered before a place is confirmed.

Primary school pupils

ISS will work with you, PBS, and the LA Admissions Team (and Hampshire SEND Service if relevant) to identify a new school place, as soon as possible.

Admission to a new school

The Education Centre/Primary Behaviour Service will support you and your child in finding a new school placement in your local area.

You have the right to independently apply for a new school place via the in-year admissions process. You can find further information about this here: [Applying for a school place in-year | Education and learning | Hampshire County Council](#)

Some academies organise their own admissions. Check the individual websites of any Academies for details of how to apply.

If your child has an EHCP, you need to work with the SEN Team to identify a new school.

11. Further Information Advice and Guidance

Inclusion Support Service

Children's Services, Hampshire County Council, Elizabeth II Court, The Castle, Winchester, Hampshire SO23 8UG

☎ 0370 779 0123

exclusion.queries@hants.gov.uk

<https://www.hants.gov.uk/educationandlearning/educationinclusionservice>

The Coram Children's Legal Centre aims to provide free legal advice and information to parents/carers on education matters

☎ 020 7713 0089 The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January

<http://www.childrenslegalcentre.com>

SENDIASS

Hampshire Special Education Needs & Disability Information, Advice & Support

[Hampshire SENDIASS | Impartial SEND Advice & Support](#)

IPSEA

Independent information and support on the suspension and permanent exclusion of children with SEND

[Independent Provider of Special Education Advice \(IPSEA\)](#)

DfE

Department for Education Statutory Guidance on exclusions is published online

<https://www.gov.uk/government/publications/school-exclusion>

Department of Education guide for parents

[A guide for parents on school behaviour and exclusion - GOV.UK \(www.gov.uk\)](#)

Equality Advisory and Support Service

☎ 0808 800 0082

[Equality Advisory and Support Service \(equalityadvisoryservice.com\)](https://equalityadvisoryservice.com)

SEN and Disability Discrimination Tribunal

☎ 01325 289 350

[First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK](#)

Talk to Frank drugs helpline

 0300 123 6600

[Honest information about drugs | FRANK \(talktofrank.com\)](https://talktofrank.com)

