



Ministry
of Defence

DCS Directive 3.2.9 Exclusion and Suspension of Pupils from DCS Schools and Settings

July 25 v3.0

General

Authorisation	Hd DCS
Senior Responsible Owner	AH Educ-Stand-PD
Point of Contact	POLRA
Review Date	October 2027
Related Policy/Guidance	Equality Act 2010 Education Act 2002 and 2011 Children and Families Act 2014 DfE Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, Including Pupil Movement Aug 2024 DfE Keeping Children Safe in Education – Sept 2024 MOD Assessment of Support Needs for Accompanied Assignments Overseas v2 2024 JSP 834 Safeguarding
Annex A	Model letter: Suspension
Annex B	Model letter: Permanent Exclusion
Annex C	Response for Permanent Exclusion

Scope

1. This Policy Directive¹ applies to the suspension and permanent exclusion of pupils from a DCS School or Setting overseas.
2. The Queen Victoria School (QVS), Dunblane will follow Scottish National statutory requirements and will apply the independent review process chaired by the Assistant Head Educ-Stand-PD DCS Schools (or designated deputy) for appeals that reach beyond His Majesty's Commissioners (HMC) level²
3. In this Policy Directive the word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period.

¹ This Policy Directive has been considered against the Public Sector Equality Duty. An EQIA has been conducted and is available on request.

² DCS represents the Secretary of State for Defence for appeals that are escalated above HMC level.

DCS Schools and Settings Locations

4. DCS recognises that suspension and exclusion especially of the under-five's can have a long-term negative impact on their development and future life chances. Excluding a pupil from a School or Setting must be a last resort and only where there has been a serious breach of the School or Settings Behaviour Policy or when allowing a child to remain causes the risk and serious harm to themselves or another person. All DCS Schools and Settings overseas must embed the following principles in both their management strategies and teaching practices as follows:

- a) Address the underlying causes of behaviours that place a child at risk of suspension/permanent exclusion
- b) Apply early interventions for children at risk of suspension/permanent exclusion
- c) Ensure any relevant referrals or signposts to other agencies for further support have been carried out.
- d) Ensure that any suspensions or permanent exclusions are lawful, reasonable, fair and proportionate

5. Ensure the most effective child centred provision for those who are suspended/permanently excluded

6. Inform improvements to practice through analysis of exclusion data

7. Within Early Years Settings ensure collaboration with all stakeholders including parents to de-escalate any issues that are not within a typical age-related expectation. Looking at alternative options such as different sessions or key groups to support maximum opportunity for success in their placement.

8. Unless otherwise directed, Schools and Settings are to follow statutory guidance contained in DfE Keeping Children Safe in Education and the MOD's policy for Safeguarding (JSP 834).³

9. Complementary DCS direction and guidance on managing behaviours for learning and restrictive physical interventions should be considered when making any decisions about suspension or exclusion.

10. DCS Schools and Settings overseas will mirror, where reasonably practicable, the statutory duty placed on Schools and Settings in England, to not discriminate against pupils on the basis of protected characteristics as defined by the Equality Act 2010. Schools and Settings must ensure the fair treatment of pupils from all groups vulnerable to suspension and permanent exclusion and have due regard to the DfE SEND Code of Practice 2014. Suspension or exclusion from DCS Schools or Settings due to SEND-related behaviours may be considered discriminatory unless it can be shown that the School or Setting cannot make reasonable

³ Guidance on behaviour and attendance in DCS Schools and Settings is detailed on the DfE's GOV.UK website.

adjustments to support the child's needs. Reasonable adjustments for children with SEND in DCS Schools and Settings must be made where reasonably practicable.

11. Children who are suspended or permanently excluded from independent or local Schools and Settings in location not serviced by a DCS School or Setting, will be managed in accordance with the School or Settings policy and the MOD Assessment of Support Needs for Accompanied Assignments Overseas 2024 policy.

Roles and Responsibilities

12. Those involved in ensuring that suspensions and permanent exclusions are appropriately managed and can support a child's education have a number of responsibilities.

13. **Head Teacher/Setting Manager** When establishing the facts in relation to a suspension or permanent exclusion decision the Head Teacher or Setting Manager must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Head Teacher or Setting Manager should accept that something happened if it is more likely that it happened than that it did not happen.

14. While a suspension or permanent exclusion may still be an appropriate sanction, the Head Teacher or Setting Manager should take account of any contributing factors following an incident of poor behaviour when taking the decision. For example, where it is known that the pupil has suffered bereavement, has mental health issues or been subject to bullying. Age related expectations and development must also be considered, especially in relation to Early Years.

15. Where a pupil has been suspended, the Head Teacher or Setting Manager must comply with the guidance set out in the DfE⁴ Suspension and Exclusion Guidance August 2024 in particular regarding pupils with special educational needs and/or disabilities (SEND) or social care needs.

16. The Head Teacher must consult with the District Assistant Head or Early Years Adviser (EYA), prior to any suspension or permanent exclusion decisions.

17. Consultation with the District Assistant Head goes beyond the DfE guidance and is necessitated by the impact that permanent, repeated, or extended suspensions can have on the pupil and family and the challenges of securing alternative education overseas. Following this consultation, the Head Teacher will need to inform the Chair of their SGC and overseas Commander/Command of the exclusion and arrangements for the education of the suspended/permanently excluded pupil. Where the case relates to ongoing safeguarding concerns, the DCS Safeguarding Lead must be notified.

18. **Class teacher/room leader** The class teacher or room leader is responsible for arranging age-appropriate work (including for Foundation Stages 1 and 2) to be sent home for children/young people on suspension, providing feedback and for supporting return to school strategies in the classroom.

⁴ In Scotland, the guidance document to be considered is called 'Included, Engaged and Involved.'

19. **DCS Educational Psychologists.** DCS's Educational Psychologists (EP) and Educational Welfare Officers (EWO) will provide advice to DCS Schools and Settings on return to School or Setting strategies where reintegration of a child is under consideration.

Parents/Carers are responsible for:

- a) Safeguarding their child during the suspension/ permanent exclusion
- b) arranging for their child to get to/from a designated place of learning if the child is of statutory school age
- c) providing a suitable learning environment where home tutoring is to be used
- d) being present during self-funded home tutoring sessions
- e) ensuring that their child is supervised and is not present in a public place at any time during school hours on any of the days to which the exclusion relates.
- f) working with designated school staff

20. **Schools and Settings** working in partnership with their District Assistant Head and the SGC Chair, are responsible for:

- a) informing parents and local overseas Commands of its decision and the reasons for it.
- b) considering the reinstatement of a suspended or permanently excluded pupil within fifteen school days of receiving notice of the exclusion if
 - i) it is a suspension which would bring the pupil's total number of school days of temporary exclusion to more than fifteen in a term
 - ii) it would result in a pupil missing a public examination or national curriculum assessment
- c) ensuring that a pupil's name is removed from the school admissions register if:
 - i) Fifteen school days have passed since the parents were notified of the decision to not reinstate the pupil and no application has been made for an independent review panel or
 - ii) the parents have stated in writing that they will not be applying for an independent review panel

Suspension & Permanent Exclusion Processes

21. **Suspension.** Only the Head Teacher or Setting Manager or their nominated deputy, can suspend a pupil, and this must be on disciplinary grounds. Informal or unofficial suspensions, such as sending a pupil home to 'cool off,' are unlawful (this is not applicable to Early Years settings where there is no legal duty to provide education and care), regardless of

whether they occur with the agreement of parents or carers. Informal suspensions, such as 'off-rolling'⁵ are unacceptable and must not be used.

22. A pupil cannot be suspended for more than forty-five school days in one school year. This means they cannot have one suspension of forty-five school days or more and that they cannot have lots of shorter suspensions that add up to more than forty-five school days. Detail of actions to be taken for suspension is at **Table 1**.

Period of Suspension	Action	Responsibility
1-5 days	School work sent home and marked Consideration of reintegration	Class teacher School in partnership with EP/EWO as required
6+ days	School arranges for suitable full-time education (e.g. online provider) subject to MOD restrictions Consideration of reintegration SGC Chair to be informed.	Class teacher School, in partnership with local Assistant Head and EP/EWOs as required Head Teacher (or designated deputy)
15+ days	School arranges for suitable full-time education (e.g. online provider) subject to MOD restrictions Consideration of reintegration SGC Chair to be informed and involved as required.	Class teacher School, in partnership with local Assistant Head, and EP/EWOs as required Head Teacher (or designated deputy)

Table 1

⁵ The practice of removing a pupil from a school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school rather than the pupil, including pressuring the parent to remove the child from the school roll.

23. Where a pupil has received multiple suspensions or is approaching the legal limit of forty-five school days of fixed-period suspension in an academic year, the Head Teacher/Setting Manager should consider whether suspension is providing an effective sanction.

24. The Head Teacher or Setting Manager must provide notice of the suspension or exclusion to the pupil's parents or carers without delay. Ideally, in person or by telephone in the first instance followed by written notification. Written notice may be via email where there is consent from the parents. A model letter for suspensions is at **Annex A**.

25. Notices must include the following information:

- a) The reason(s) for the suspension
- b) The period of the suspension
- c) The parents' right to make representations and how these should be made
- d) Information on how to appeal against the suspension and other such requirements as set out in the DfE statutory guidance
- e) Arrangements for the education of suspended pupils
- f) Signposting to relevant sources of free and impartial information
- g) The letter confirming the suspension must be copied to the District Assistant Head (or designated deputy); and HQ DCS Assistant Head Specialist Support Services, the local overseas Commander/Command and to the Chair of the SGC.

26. Mirroring UK statutory guidance, parents will be informed of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

27. When a child returns to the School or Setting following a suspension, the School or Setting must hold a 'reintegration meeting' which may be supported by DCS's Educational Psychology function.

28. **Permanent Exclusion.** A decision to exclude a pupil permanently should only be taken:

- a) in response to a serious breach or persistent breaches of the school's behaviour policy.
- b) where allowing the pupil to remain in the School or Setting would seriously harm the education or welfare of the pupil or others in the School or Setting.

29. The model letter for permanent exclusion, is at **Annex B**.

30. Local Standing Orders (SO) may apply to exclusions; failure to comply with these will be treated as an offence under the Armed Forces Act (2006). Where the Commander/Command decides to retain a child overseas, they will maintain responsibility for the welfare of the child.

Education for Suspended or Excluded Pupils

31. **Suspension.** For a suspension of any length, the pupil's current school remains responsible for arranging suitable homework for the pupil from the first day. This provision is not a substitute for full time, mainstream education and carries significant risks for effective and sufficient education and socialisation of children.

32. The MOD does not have access to the range of provision normally available in England. Consequently, children who are suspended from a DCS School are not able to access alternative school-based provision. It may therefore be in the form of set work to be undertaken at home and may include online learning. DCS Schools will work in partnership with parents and children to minimise disruption brought about by extended periods of suspension'. To enable this, an Individual Support Plan (ISP) will be agreed with the parents, School, and pupil. The ISP will set out the provision of:

- a) learning
- b) objectives and outcomes
- c) where the learning will take place
- d) the learning method and media

33. The ISP will be reviewed by the parents and the School and new objectives will be agreed for the suspension period.

34. Pupils should receive a minimum of five and a maximum of twenty-five hours provision per week, depending on personal circumstances and available resources.

35. DCS Schools are to take reasonable steps to ensure that work is set and marked in a timely manner for pupils during the suspension. Work should be accessible and achievable by the pupil outside the School.

36. **Permanent Exclusion.** For a permanent exclusion, DCS Schools and Settings and other relevant supporting teams will work in partnership with the pupil and the parents and the overseas Commander/Command to identify an appropriate pathway for the child. This will initially be through a multi-agency meeting within 5 days of the exclusion.

37. Permanent exclusion constitutes a significant change in need for a child overseas and, following the multi-agency meeting a formal assessment of support needs (MASO) will be undertaken with the local command, to enable the overseas Commander/Command, to decide whether a child can continue to be supported.

38. A number of options may be available, and these may include repatriation to the UK. Where it is assessed that a child may remain overseas, the Commander/Command will maintain responsibility for welfare. Elective Home Education (EHE) is not recommended as an Alternative Provision.

39. Any discussion on availability of alternative education pathways and implications for the posting of a parent of a permanently excluded pupil should be undertaken in a way that is transparent to all stakeholders, including reference to any relevant Command-level structures.

Representations

40. For suspensions there is no right of appeal, but parents may make representations. For suspensions that do not take the pupil's total days of exclusion above five for the term, parents may make representations to the Head Teacher/Setting Manager.

41. Where a pupil would be suspended for more than 5 but less than 15 school days in the term, parents may make representations which must be considered by the SGC working with the District AH, within 15 school days of receiving the notice of exclusion, as to whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing committee is not required to meet and cannot direct the reinstatement of the pupil.

Independent Review Panel (IRP)

42. For a permanent exclusion, the IRP provides independent scrutiny of the Head Teacher/Setting Managers exclusion decision, bringing together the views of the SGC, DCS and DCS Schools and Settings. An IRP meeting should be arranged within fifteen school days of receiving a parental request. Clear minutes of the meeting should be taken as a record of the evidence that was considered. The administration of the meeting will be arranged by the DCS School or Setting and should be conducted in the location in which the DCS School or Setting is situated. An IRP meeting must also be arranged where:

- a) suspension would bring the pupil's total days of suspension above 15 for the term
- b) the pupil will miss a public examination or national curriculum assessment

43. In addition to the requirement for IRP meetings to be held in the above circumstances, parents can request an IRP meeting for a suspension of more than five school days in a single term. This must be notified to the Chair of the SGC within ten school days of receiving the suspension letter and copied to the District Assistant Head and the DCS Assistant Head Specialist Support Services.

44. An IRP should comprise:

- a) one member of the SGC, either the Chair of the SGC or their nominee to act as Chair
- b) the District Assistant Head
- c) one Head Teacher or Setting Manager from another DCS School or Setting in a different area. Or a school improvement professional from a different district
- d) the EP, where a child has SEND needs

45. The IRP must consider:

- a) the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interest of other pupils and people working at the School or Setting.
- b) any representations made by the parents.

- c) any representations made by the Head Teacher/Setting Manager.

46. When establishing the facts in relation to an exclusion decision, the IRP must apply the civil standard of proof, i.e., 'on the balance of probabilities' rather than 'beyond reasonable doubt.'

47. The parents and Head Teacher/Setting Manager have the right to make representations to the IRP in person and/or in writing. If attending in person, the IRP should ask all parties to withdraw before deciding. The IRP should aim to reach a unanimous decision. Where this is not possible, the decision will be taken by simple majority.

48. The IRP has the right to either uphold the exclusion or to direct the pupil's reinstatement. If the latter, this may be immediately or earlier than the last date set for the suspension. Where reinstatement is not practical because for example, the pupil has already returned to the School or Setting or the parents make clear they do not want their child reinstated, the IRP must, in any event, consider whether the Head Teacher's or Setting Managers decision to suspend the pupil was justified based on the evidence. The IRP does not have the right to increase the length of a suspension.

49. The IRP decision must be notified to the parents and Head Teacher/Setting Manager in writing without delay.

50. If an IRP upholds the Head Teacher or Setting Managers decision to exclude a pupil permanently, parents can appeal to a Permanent Exclusion Appeal Panel (PEAP).

Permanent Exclusion Appeal Panel (PEAP)

51. If the IRP upholds the decision that a pupil should be excluded permanently, parents have a right of appeal to a PEAP. If parents wish to exercise this right, the appeal must be notified to HD DCS within ten school days of receiving the IRP decision.

52. The PEAP will be chaired by Hd DCS, or a designated deputy. The other member of the PEAP will be a representative from the staff of the relevant Comd HQ at Lt Col (equivalent) or above. If requested by the parents or considered necessary by the chair of the PEAP, a DCS Special Educational Needs (SEN) expert (not involved in the case), may be appointed to advise the panel.

53. The PEAP meeting should be arranged within fifteen school days of receiving an appeal. The meeting should ideally take place in the same area as that in which the School/Setting is situated. If this is not practical, the Chair will determine how the meeting will be conducted, including the possibility of PEAP members and other parties to the meeting attending online. The administration of the meeting will be carried out by DCS School/Setting staff.

54. The PEAP must consider:

- a) the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interest of other pupils and people working at the school
- b) any representations made by the parents

- c) any representations made by the Head Teacher or Setting Manager
- d) if present, the advice given by the DCS SEN expert

55. The PEAP should aim to reach a unanimous decision. Where this is not possible, the Chair will have the casting vote.

56. The PEAP has the right either to uphold the exclusion or to direct the pupil's reinstatement. The PEAP decision must be notified to the parents and Head Teacher or Setting Manager in writing without delay.

MODEL LETTER FOR SUSPENSIONS
(Official-Sensitive Personal when complete)

Dear *[parent's name]*

I am writing to inform you of my decision to suspend *[pupil's name]* for a fixed period of *[specify period]* school days and will not be allowed back into school until *[date]*.

[Pupil's name] has been suspended because *[reason for temporary exclusion]*.

[For pupils of compulsory school age]

While suspended, you have a duty to ensure that *[pupil's name]* is not present in a public place during school time unless there is reasonable justification for this. We will set work to be completed during this time. *[Specify the arrangements for this]*. Please ensure that work set by the school is completed and returned to us promptly for marking.

[For suspensions not exceeding five school days]

If you disagree with my decision to suspend *[pupil's name]*, you have the right to make representations to me, but there is no right of appeal.

[For suspensions which would bring the pupil's total days of exclusion above 15 in a term, or which would result in the pupil missing a public examination or national curriculum assessment]

Because the suspension means that *[pupil's name]* will have been suspended for more than 15 days this term, an Independent Review Panel meeting will be arranged to review my decision. You will have the opportunity to make representations to the Independent Review Panel if you wish. Further information about the meeting will be provided by your school.

OR

Because the suspension would result in *[pupil's name]* missing a public examination/national curriculum assessment *[delete as appropriate]*, an Independent Review Panel meeting will be arranged to review my decision. You will have the opportunity to make representations to the Independent Review Panel if you wish. Further information about the meeting will be provided by your school.

[For suspensions which bring the pupil's total days of temporary exclusion in that term to more than five but less than 16]

If you choose to request it, an Independent Review Panel meeting will be arranged to review my decision. The panel would comprise one member from the School Governance Committee (SGC), the District Assistant Head, and the Head Teacher at a different MOD School. You would have the right to make representations to the Independent Review Panel, in writing, in person or both. If you wish to request an Independent Review Panel meeting, you should confirm this in writing to the chair of the SGC, copied to the District Assistant Head of DCS Schools *[district AH's name and contact details]* within ten school days of receiving this letter. The Chair of the SGC is *[Chair's name and contact details]*.

[Optional paragraph]

You and *[pupil's name]* are requested to attend a reintegration meeting with me *[or name of other staff member]* at *[place]* on *[date]* at *[time]*. If this is not convenient, please contact the school as soon as possible to arrange an alternative date and time. The purpose of the meeting is to discuss how best to manage your child's return to school and to avoid any further exclusions.

To reiterate, *[pupil's name]*'s suspension expires on *[date]*, and they are expected to be back in school as usual on *[date]* at *[time]*.

Yours sincerely

[Name]

Head Teacher/Setting Manager *(delete as appropriate)*

Copies:

SGC Chair

District Assistant Head

MODEL LETTER FOR PERMANENT EXCLUSION

(Official-Sensitive Personal when complete)

Dear *[parent's name]*

I am writing to inform you of my decision to permanently exclude *[pupil's name]* with effect from *[date]*. This means that *[pupil's name]* will not be allowed back to this *[School/Setting]* unless reinstated by an Independent Review Panel or a Permanent Exclusion Appeal Panel.

I realise that this exclusion may be upsetting for you and your family, but the decision to exclude *[pupil's name]* permanently has been taken only after very serious consideration. This is because *[reasons for the exclusion, including why this amounts to a serious and/or persistent breach of the school's behaviour policy and why it is believed that allowing the pupil to remain would seriously harm the education or welfare of pupils or others]*.

As this is a permanent exclusion, an Independent Review Panel meeting must be arranged to review my decision. The panel will comprise one member from the School Governance Committee, the District Assistant Head, and the *[Head Teacher/Setting Manager]* at a different DCS *[School/Setting]*. The panel has the power either to reinstate *[pupil's name]* or to uphold the permanent exclusion. You have the right to attend the panel meeting to state your views about the exclusion and whether *[pupil's name]* should be reinstated.

You will be notified separately of the date for the Independent Review Panel meeting, which should be within fifteen school days of the date of exclusion. You can be accompanied at the meeting by a friend or representative if you wish.

If the Independent Review Panel upholds the decision, you have the right of appeal to a Permanent Exclusion Appeal Panel.

While excluded, the *[School]* will continue to set (and mark) work for *[pupil's name]* to do at home. However, this is only a temporary arrangement pending a decision about an alternative *[School]* placement. I would ask you to ensure that the work set by the *[School]* is completed and returned promptly for marking.

Yours sincerely

[signature]

[Head Teacher/Setting Manager] (delete as appropriate)

Copies:

SGC Chair

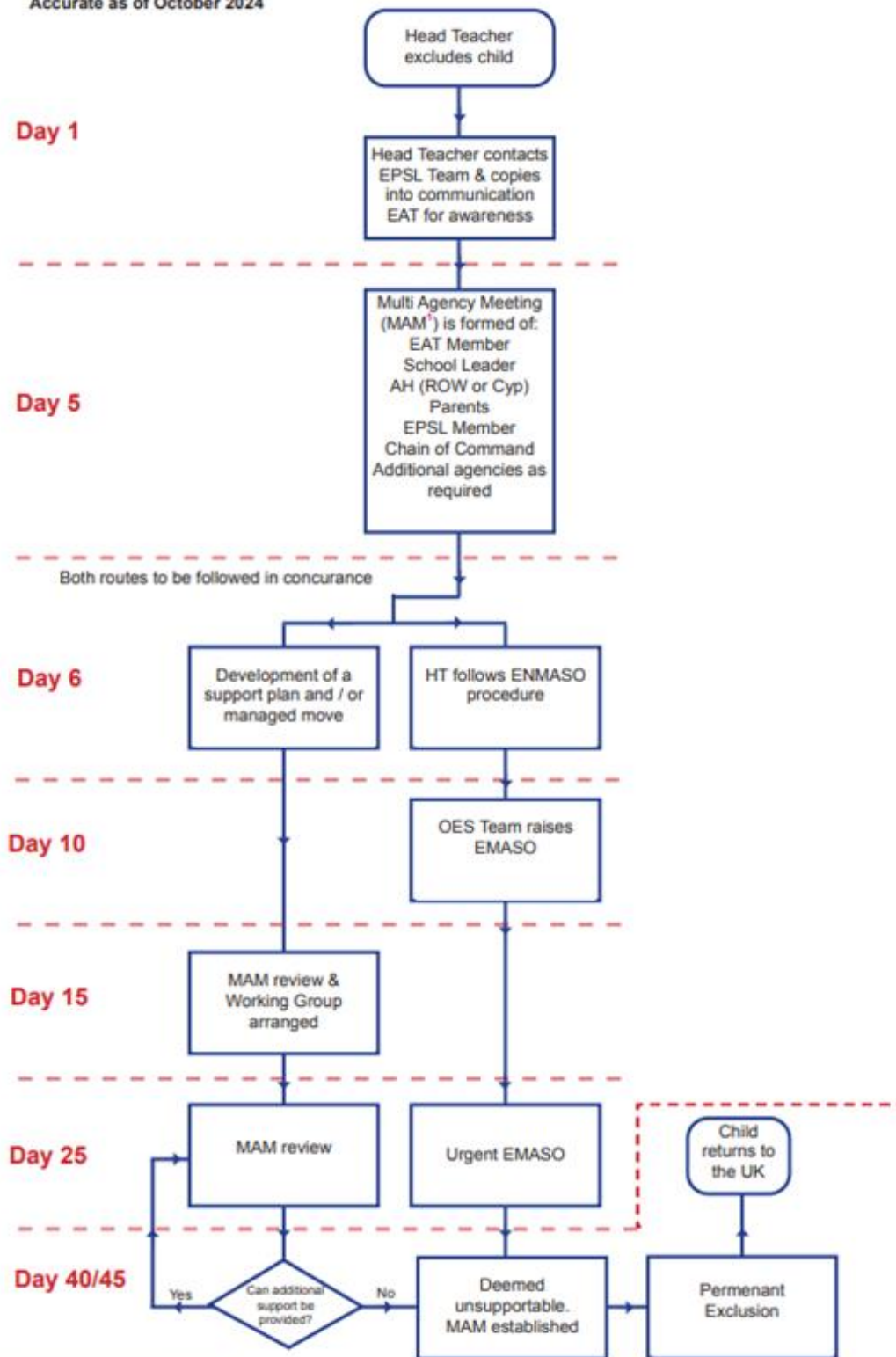
Head DCS

District Assistant Head

DCS Assistant Head Specialist Support Services

RESPONSE FOR PERMANENT EXCLUSION⁶

Accurate as of October 2024



⁶ Note this flow chart also applies to DCS Settings