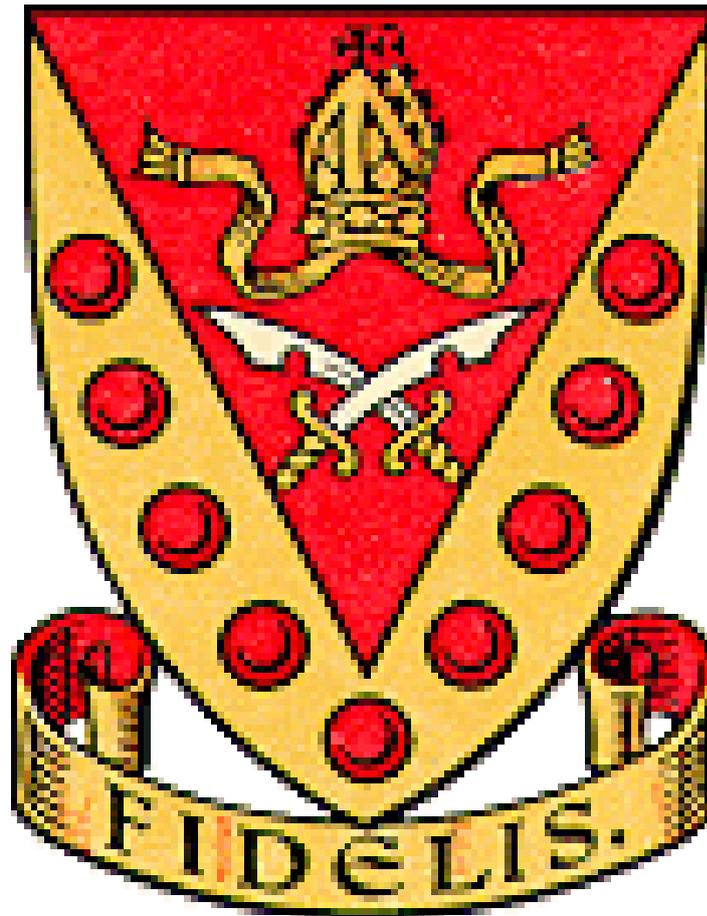


Bishopshalt School

Exclusion Policy



Responsibility	Mrs King	Date reviewed	June 2017
Headteacher	Mr K Rowe	Next review date	June 2020
Ratified by	Governing Body	Date Ratified	July 2017

EXCLUSION POLICY

This policy is subject to the Education Acts of 2002 and 2011 and the regulations issued by the DFE in 2012. References in this policy to the Head Teacher are to be construed as being references to the Deputy Head Teacher in the absence of the Head Teacher. Similarly, references to the Chairman of Governors are to be construed as being references to the Vice-Chairman of Governors if the Chairman of Governors is unobtainable. References to the 'parent' are to be read throughout as being references to "the *parent* or *guardian* of a pupil who is aged under 18, or the *pupil* if aged over 18".

1. POWER OVER EXCLUSIONS

1.1 The power to exclude a pupil from school (whether for a fixed term or permanently) may only be exercised by the Head Teacher.

1.2 The Discipline Committee of the Governing Body has the power to:

- require the Head Teacher to reinstate a pupil who has been excluded;
- uphold a fixed term or permanent exclusion imposed by the Head Teacher;

1.3 A decision permanently to exclude a pupil that has been upheld by the Discipline Committee is subject, on application by the parents, to consideration by an independent review panel. All aspects of the appeal process are the responsibility of the Local Education Authority and are not in any part within the remit of the school or its governing body.

2. DEFINITIONS

2.1 **Exclusion:** a pupil who is excluded from school is prohibited from entering any part of the school site or buildings before, during or after school hours for the duration of the period of the exclusion without the specific consent of the Head Teacher.

2.2 **Fixed Term Exclusion:** is a refusal to admit a pupil to the school for a specified number of days. (*See Section 5 below*)

2.3 **Permanent Exclusion:** is the permanent removal of the pupil from the school roll. (*See Section 6 below*)

3. USE OF EXCLUSIONS

3.1 A decision to exclude a pupil for a fixed period or permanently will only be taken:

- i. in response to serious breaches of the school's discipline policy;
- ii. if allowing the pupil to remain in the school would seriously harm the education, safety or welfare of the pupil or of others in the school;

- iii. if a range of alternative strategies have been tried; *or*
- iv. if the exclusion is an appropriate response for a first offence - although **in most cases** a range of alternative strategies will have been tried, this does not prevent immediate exclusion for a serious offence, for example involving violence to pupils or staff.

3.2 Drugs related exclusion

- 3.2.1 DFE advises that in many cases exclusion will be the appropriate course but leaves it to schools to decide whether or not to exclude permanently for all incidents connected with drug misuse. Schools are advised to ensure that the needs of the individuals involved (as well as their peers) are taken into account both in terms of their educational and personal development, and in terms of recognising that permanent exclusion may make a young person more vulnerable to exposure to drugs.
- 3.2.2 Bishopshalt School's attitude towards the association of the school with the misuse of drugs is clearly stated in the school's Discipline and Behaviour Policy which has been endorsed by the governors.

4. THE HEAD TEACHER'S RESPONSIBILITY TO INFORM OTHER PARTIES

- 4.1 Upon deciding to impose either a fixed term or a permanent exclusion the Head Teacher will, while treating all matters to do with the exclusion in the strictest confidence, take immediate steps to inform the **parent**:-
 - 4.1.1 That their child has been excluded from the school and that the exclusion will normally start on the next day.
 - 4.1.2 the reason for deciding to exclude the pupil and the steps taken to try to avoid it;
 - 4.1.3 the arrangements for enabling the pupil to continue their education, including setting and marking the pupil's work;
 - 4.1.4 the parent's right to state their case to the Governing Body's Discipline Committee. In the event of a fixed term exclusion of five school days or less in one term, the parent may request a meeting of the Discipline Committee; in all other cases, there is a requirement for the Discipline Committee to meet to consider the exclusion;
 - 4.1.5 that the parent should contact the Clerk to the Governors if they wish to state their case to the Discipline Committee;
 - 4.1.6 the parent's right to see their child's school record;
 - 4.1.7 if the exclusion is for a fixed period, the length of the exclusion and the date and time the child should return to the school;
 - 4.1.8 if the exclusion is for lunchtimes only, the length of the exclusion (normally this will be for no more than five school days) and the arrangements for providing a meal for any pupil entitled to free school meals;

- 4.1.9 if the exclusion is permanent, the date the permanent exclusion takes effect, and details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;
- 4.1.10 the name and telephone number of a contact at the LEA who can provide advice on the exclusion process and the telephone number of the Advisory Centre for Education (ACE) helpline.
- 4.2 Upon deciding to impose either a fixed term or a permanent exclusion the Head Teacher will, while treating all matters to do with the exclusion in the strictest confidence, take *immediate* steps to inform the **Governing Body's Discipline Committee and the LEA** of:
- 4.2.1 all permanent exclusions;
- 4.2.2 all exclusions which result, separately or in total, in the pupil missing six or more school days in any one term, or which deny pupils the chance to take a public examination;
- 4.2.3 and, on a *termly basis*, exclusions for short fixed periods of one to five school days.
- 4.2.4 In each case the school will give:
- the name of the pupil;
 - the length of the exclusion;
 - the reason(s) for the exclusion;
 - the pupil's age, gender, ethnicity, and whether they are on the Special Education Code of Practice or have a statement of special education needs;
 - whether the pupil is looked after by the Local Authority.

5. **FIXED TERM EXCLUSIONS**

- 5.1 A fixed term exclusion will be imposed as a disciplinary measure in the circumstances judged as appropriate by the Head Teacher.
- 5.2 The law allows the Head Teacher to exclude a pupil for up to 45 days in a school year but normally individual exclusions will be for the shortest time necessary.
- 5.3 In all cases of more than one day's exclusion, the Head Teacher must ensure that work is set for the pupil and marked.
- 5.4 In considering excluding a pupil for a single block of more than 15 school days in a term, the Head Teacher must plan:
- to enable the pupil to continue their education;
 - how to use the time to address the pupil's problems; and

- with the LEA, what educational arrangements will best help the pupil to re-integrate into the school at the end of the exclusion.

5.5 At the completion of the period of exclusion and as part of the process for the effective reintegration of the pupil into the school:

5.5.1 the Head Teacher may require the pupil to sign an undertaking with regard to his/her future good conduct and in particular that he/she will not repeat the offence which led to the original exclusion;

5.5.2 the parent of a pupil aged under 18 may be required to sign as a witness of the child's undertaking;

5.6 In exceptional circumstances, where the Head Teacher decides that the exclusion of a pupil which was originally for a fixed period should be extended or made permanent, the Head Teacher will follow the procedure for notifying the parents, the Discipline Committee and the LEA set out in Section 4 above.

6. PERMANENT EXCLUSIONS

6.1 A permanent exclusion is imposed by the Head Teacher as a disciplinary measure for the most serious offences.

6.2 Upon deciding to impose a permanent exclusion, the Head Teacher will follow the procedure for notifying the parents, the Discipline Committee and the LEA set out in Section 4 above.

6.3 The Discipline Committee is required to meet to consider all cases of permanent exclusion.

7. THE DISCIPLINE COMMITTEE

7.1 The Clerk to the Discipline Committee will arrange for the committee to meet:

7.1.1 upon the request of a parent in the case of a fixed term exclusion of five school days or less;

7.1.2 in all cases of exclusion which result in a pupil, separately or in total, missing six days or more in any one term or which deny a pupil the chance to take a public examination;

7.1.3 in all cases of permanent exclusion.

7.2 **Membership:** the Discipline Committee will be established in accordance with the relevant DFE regulations.

7.2.1 The Committee will consist of three to five governors one of whom shall be either the Chairman or the Vice-Chairman of Governors who will act as Chairman of the Discipline Committee. The Head Teacher and others employed at the school may not be members of this Committee.

7.2.2 The quorum for a meeting of the Discipline Committee will be three governors.

7.2.3 The proceedings of the Discipline Committee will be in accordance with the relevant DFE regulations.

7.2.4 If a governor has a connection with the pupil or the incident that could affect their ability to act impartially they will not serve at the hearing.

7.3 **Meetings:**

7.3.1 If an exclusion for five school days or less causes the pupil to miss sitting a public examination, the Discipline Committee will try to meet **before** the public examination. If, exceptionally, the Chair of the Discipline Committee does not consider it to be practical for the committee to meet, the chair may consider the exclusion and decide whether to reinstate the pupil.

7.3.2 If a pupil has been excluded several times for 5 school days or less each time, the Discipline Committee should meet once the pupil has missed more than 5 days in a term. If the pupil is excluded again that term the committee should meet again to consider the exclusion.

7.3.3 If a pupil has been excluded for a period of between 6 and 15 school days in a term, the Discipline Committee will meet between the 6th and the 50th school day after the notice of the Head Teacher's decision to exclude the pupil. The minimum time limit allows the parent and the LEA time to put together their cases, and for a "cooling-off" period between the Head Teacher's decision and the governors' consideration.

7.3.4 If a pupil has been excluded for over 15 school days, the Discipline Committee will meet between the 6th and the 15th school day after the notice of the Head Teacher's decision to exclude the pupil.

7.3.5 If a pupil has been permanently excluded the Discipline Committee will meet between the 6th and the 15th school day after the notice of the Head Teacher's decision to exclude the pupil.

7.4 **Timing of meetings:** a meeting of the Discipline Committee will take place at a time that is convenient for all parties. Normally at least five days' notice will be given of the meeting although this may be waived by mutual consent. Once the arrangements for the meeting have been agreed, any change in them must be approved by the Discipline Committee.

7.5 **Documentation**

7.5.1 The Clerk to the Governors will notify all parties of the date, time and place of the meeting. The Clerk will also inform all parties of the procedures to be followed, the arrangements for the distribution of documents relating to the exclusion, and information about those attending the meeting.

7.5.2 The Discipline Committee may have access to the pupil's school file during their proceedings and to any documentation associated with the exclusion. Where appropriate, relevant documents will be distributed to all parties concerned, with the exception of any documentation that may compromise the right of confidentiality of the pupil/s concerned.

7.5.3 Prior to the meeting the Head Teacher will send to the parent, the Chairman of Governors and to all members of the Discipline Committee a written report:-

- of the incident(s) that led to the exclusion;
- of any other significant and relevant incidents or behaviour;
- of any other relevant information about his/her work behaviour, attendance and punctuality;
- of any other relevant interventions or support strategies that have been put in place.

7.5.4 The parent may submit documents on behalf of the pupil which relate either to the incident(s) that led to the exclusion or to any other relevant factors. These should be sent to the Clerk to the Governors at the School address at least three days before the meeting so they can be distributed to the Head Teacher and all members of the Discipline Committee prior to the Hearing.

7.6 Attendance at the Discipline Committee meeting

7.6.1 The pupil who has been excluded will attend the meeting unless there is good reason for him/her not to do so and will be dressed in full school uniform. If the pupil is aged under 18, he/she must be accompanied by the parent. They may be accompanied by a friend or adviser if they so wish. They may all remain present throughout the meeting except as provided for in 7.7.7 and 7.7.8 below.

7.6.2 The Head Teacher is required to attend the meeting and may remain present throughout except as provided for in 7.7.8 below.

7.6.3 For exclusions of 15 school days or more, and for permanent exclusions, a representative from the Local Education Authority (LEA) will be invited to attend the meeting to give the view of the LEA on the appropriateness of the exclusion. The LEA is entitled to make a statement to the Discipline Committee when they are considering whether to uphold an exclusion, for example, about how other schools in the Authority have responded to similar incidents.

7.6.4 In order to establish the facts more clearly, and to increase their understanding of the incident(s) that led to the exclusion, the Discipline Committee may ask the Clerk to the Governors to arrange for the attendance at the meeting of relevant staff, pupils or other people.

7.6.5 Both the parent and the Head Teacher may request that the Discipline Committee hear evidence from relevant staff, pupils or other people. The Discipline Committee shall have discretion to decide whether to comply with such a request. Sufficient notice of such an intention must be given to the Clerk as to allow for the attendance at the meeting of the people concerned to be arranged.

7.6.5 The Clerk to the Governors will act as Clerk to the Discipline Committee and will be present throughout the Discipline Committee meeting in order to record the

proceedings. He/she is not a member of the Discipline Committee and has no part to play in its decisions. The role of the Clerk to the Discipline Committee is to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions.

7.7 Proceedings of meetings of the Discipline Committee

- 7.7.1 The Clerk to the Governors will introduce the pupil, parent(s), Head Teacher and the members of the Discipline Committee to each other. The Chairman of the Discipline Committee will then take charge of the meeting.
- 7.7.2 The Chairman will check to ensure that all parties have received copies of all the documents to be used at the meeting by either the Head Teacher or the parent. The Discipline Committee will have discretion to decide if, and at what point, evidence from witnesses called by either side may be produced.
- 7.7.3 The Chairman will invite the Head Teacher to refer firstly to his report of the incident(s) that led to the exclusion and to explain why the decision to exclude was taken and secondly to the other aspects of the report on the general work, behaviour, punctuality and attendance of the pupil.
- 7.7.4 At each stage the pupil and the parent may be requested to explain and comment on the matters raised and may themselves raise questions.
- 7.7.5 The Chairman will invite the parent and/or pupil to present the case on behalf of the pupil and to answer any questions put by the Head Teacher and members of the Discipline Committee that arise.
- 7.7.6 The Chairman will ensure that members of the Discipline Committee have no further questions to ask of the pupil and then will invite first the Head Teacher and then the pupil and the parent to make any remaining comments they wish in the pupil's presence.
- 7.7.7 At this point, the Chairman may require the pupil, if aged under 18, to leave the meeting so that the parent may have the opportunity to draw the attention of the Discipline Committee to any background factors which have relevance to the exclusion but that he/she prefers should be considered in the pupil's absence.
- 7.7.8 The Chairman will allow first the Head Teacher and then the parent a final chance to comment on the exclusion and then both the Head Teacher and the parents will be asked to leave the meeting while the Discipline Committee makes its decision which will be communicated to all parties by letter despatched the following day.

7.8 Decisions of the Discipline Committee

- 7.8.1 In reaching their decision whether to reinstate the pupil or to uphold the exclusion, the Discipline Committee should:
 - consider the statements from the Head Teacher, parents and the LEA;
 - have regard to current DFE guidance;

- consider whether the Head Teacher has tried sufficient approaches to improve a pupil's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.
 - For permanent exclusion, the Discipline Committee should **normally** satisfy itself that all possible strategies to improve a pupil's behaviour have been tried and have failed. This is not meant to prevent immediate action to protect pupils or staff. A permanent exclusion can be given for a first offence, for example involving violence.
- 7.8.2 If the exclusion is for five school days or less, the Discipline Committee cannot direct re-instatement, but will consider any statement from the parent.
- 7.8.3 For exclusions of 6 school days or more in a term, or where a pupil loses the opportunity to take a public examination, the Discipline Committee may decide to reinstate the pupil or to uphold the exclusion.
- 7.8.4 The Discipline Committee may decide to reinstate a pupil who has been excluded permanently by the Head Teacher or to uphold the permanent exclusion.
- 7.8.5 The Discipline Committee may not impose conditions upon the pupil before agreeing to his/her reinstatement.
- 7.8.6 If the Discipline Committee decides to direct reinstatement it should discuss with the LEA whether extra short-term support would help to ensure successful re-integration.
- 7.8.7 If the Discipline Committee confirms the Head Teacher's decision to impose a fixed term exclusion, it should be satisfied that there are satisfactory arrangements for the pupil to continue their education while away from school.
- 7.8.8 The decision of the Discipline Committee is final with regard to all fixed term exclusions. There is a right of Appeal with regard to permanent exclusions (*see Section 8 below*).

7.9 Communication of Discipline Committee Decisions

- 7.9.1 It is the duty of the Discipline Committee within one day to notify in writing the following of their decision either to reinstate the pupil or to uphold the permanent exclusion of the pupil:
- the parent;
 - the Head Teacher;
 - the Chairman of the Governing Body
 - the Local Education Authority
- 7.9.2 When the Discipline Committee has decided permanently to exclude a pupil, the written confirmation will include:-
- a report of the main aspects of the Discipline Committee meeting;

- a statement of the decision of the Discipline Committee permanently to exclude the pupil;
- a statement of the reason for the Discipline Committee reaching their decision;
- a formal notice to the parent of his/her right of appeal to an independent appeal panel.

7.9.3 A note of the Discipline Committee's views on the exclusion will normally be placed on the pupil's record with a copy of the Head Teacher's exclusion letter.

8. RIGHT TO AN INDEPENDENT REVIEW

8.1 If the exclusion is permanent the parents have a right to have the decision reviewed by an independent panel to be set up by the Academy Trust .

8.2 All aspects of the review process are the responsibility of the Academy Trust. The Academy Trust will write to the parents to:

- tell the parents the last date on which an application for a review can be made, which will be 15 school days from the date the parents receives notice;
- give the name and contact details for the Clerk and explain that the parent's application for a review must be made in writing and set out the grounds for the review;
- give full details of the arrangements and procedures for the independent review.

9. REVIEW OF EXCLUSION POLICY

9.1 Major revisions to the Policy arising from DFE amendments to the procedure will be approved by the Governing Body, as required. Minor procedural and formatting revisions will be made as a result of the annual review of the Policy conducted by the Head Teacher

9.2 Review date for minor procedural and format revisions: As required.

9.3 Person Responsible: Head Teacher.