

# Exclusion Policy

## Introduction

Exclusion of pupils from a school is only to be used as a last resort, and only in response to serious breaches of the Whole School Behaviour Policy or the criminal law (DCSF Circular 10/99). The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct.

Pupil's behaviour outside of school is subject to the school's behaviour policy. Inappropriate behaviour in such circumstances will be dealt with as if it had taken place in school. For behaviour outside the school, not on school business, the Head may exclude a pupils if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

The School must take account of any special educational needs when considering whether or not to exclude a pupil. There is a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

The school will take all reasonable steps to avoid excluding a pupil, in particular, permanent exclusions will only be considered where it is clear that to allow the child to remain in school, would be seriously detrimental to the education or welfare of the pupil, or to that of others at the school. In all cases, the Headteacher, Governing Body and Local Authority (LA) will aim to resolve matters relating to pupils exclusions promptly.

## Types of exclusion

There are two types of exclusion:

1. fixed period
2. permanent

## Fixed Period Exclusions

The Headteacher, or senior teacher in her absence can exclude a pupil for up to 45 days in any academic year. The pupil's parents will be given written notice of the exclusion, and the reasons for it.

If the exclusion is for more than 5 days, or the opportunity to take a public examination is lost, the Governing Body can direct reinstatement of the pupil. The LA, after consultation with the Governors, can also direct reinstatement. Neither the Governing Body nor the LA can order reinstatement of a pupil excluded for 5 days or less. However, parents retain the right to make representations, which might include a meeting of the Pupil Discipline Committee.

Where reinstatement may be applicable, the Governing Body needs to act quickly when decisions about exclusions are to be made. For this reason, for fixed period exclusions it is reasonable for the Chairman (or Vice-chairman in their absence) to consider the exclusion and decide whether any direction to reinstate should be given to the Headteacher. However, if the child's parents indicate that they wish to make representations, a meeting of the Governing Body's Pupil Discipline Committee should be arranged at reasonable convenience to the parents, although the timescale might result in the meeting occurring after the child has returned to school. The Area Director for Children and Young People's Services, or his representative (an Inclusion Co-ordinator), should also be invited to attend this meeting. Because the Chairman may already have considered whether to order reinstatement, s/he will not be a member of the Pupil Discipline Committee. The Pupil Discipline Committee should consist of at least 3 members of the Governing Body, none of whom should be the Headteacher. Teacher Governors can be members of the Pupil Discipline committee, although this would be inappropriate if the teacher concerned has any direct interest or prior involvement in the case.

## Permanent Exclusions

Only the Headteacher can decide to permanently exclude a pupil.

In all cases of permanent exclusion, the Governing Body will convene a meeting of the appropriate Committee to consider the exclusion or any representation made by the parents.

A meeting of the Governing Body's Pupil Discipline Committee will be convened within 15 school days of the exclusion in order to consider the Headteacher's decision. The meeting will be arranged at a time and place convenient to the parents, within reason, and will try to accommodate parents' commitments.

The child's parents should be able to attend the meeting, accompanied by a friend or representative if they wish. They may make representations orally or in writing to the meeting. For children in the care of, or accommodated by, the Social Service Department, the relevant Social Worker will also be invited to attend the meeting. Parents sometimes wish the pupil to attend all or part of the meeting, and the Committee will need to decide whether to allow this. The Area Education Manager or representative should also be invited (this will normally be the Inclusion Officer).

The LA representative will be able to provide Governors with advice about practice and procedure, clerk the meeting, and make LA decisions about the exclusion. The LA's decision will not necessarily be made at the meeting; a further consultation may be required.

In most cases, it is anticipated that where parents have chosen to attend the meeting, the LA representative will be able to discuss the child's further educational provision with them.

The Pupil Discipline Committee is a formal committee of the Governing Body and where possible the school papers providing background information will be sent in advance to the committee, parents

and Area Education Manager. The decisions, and reasons for the decisions, will need to be formally minuted and the Minutes must be received by the next full meeting of the Governing Body as with any other Committee.

## Proceedings

The Pupil Discipline Committee will do everything possible to establish an atmosphere of informality where the parties can put their case in a straight-forward way.

At the start of the Hearing the Chairman will welcome the parties and introduce those present. The procedure should then be explained to those present.

Sufficient time will be allowed for each party to put its case.

The order of the Hearing will be as follows:

- The Headteacher explains the reasons for the exclusion;
- Questioning of the headteacher who also answers any questions put by the Committee or the parents;
- The parents provide any information they wish to be considered;
- The parents answer any questions put by the Committee or the Headteacher;
- Summing up by the Headteacher;
- Summing up by the parents.

The Committee may ask questions at any time if they require clarification of what is being said or if they need more information in order to reach their decision.

The Headteacher and parents will leave the meeting while the Committee considers its decision.

## Decision

The Pupil Discipline Committee has the power to:

- A. direct the Headteacher to reinstate an excluded pupil; or
- B. confirm the exclusion.

If the Pupil Discipline Committee directs the Headteacher to reinstate a pupil, the decision is binding on the Headteacher with no right of appeal.

If the Pupil Discipline Committee declines to reinstate a pupil, the LA will either confirm that decision or direct the Governors and Headteacher to reinstate. The LA must decide which of these it will pursue within 20 school days of the exclusion. In either case the committee must inform the parents and the LA of its decision within 1 day of the meeting.

If the LA directs reinstatement, the Governing Body has the right of appeal to an independent Appeals Committee.

If both LA and the Governing Body decide not to order reinstatement, the LA must notify the parents of their decision within 20 school days of the permanent exclusion. This will be in writing.

## Parents Right of Appeal

The LA will, at the same time, provide the parents with information about their right of appeal to an independent Appeals Committee.

If the parents wish to do so, they must lodge their appeal with the County Solicitor, who acts independently of the Education Department, within 15 school days of being notified of the Authority's decision. The County Solicitor will make arrangements for the appeal to be heard within 15 school days of receiving the parent's Notice of Appeal form.

The parent's appeal to an independent Appeals Committee is against the LA's decision not to reinstate a pupil, however, whilst the Authority will present the case, it is likely that they will wish to call the Headteacher and Chairman of the Pupil Discipline Committee as witnesses.

## Continued Responsibility for the Pupil's Exclusion

A pupils' name will remain on the roll of the school until the appeal process is complete, whether it has been initiated by the parents, or the Governing Body, or until the time allowed for an appeal to be lodged has elapsed, or the parents have given notice that they do not intend to appeal. During this time the school will, where practicable set and mark work for the pupil.

## Possible outcomes

When a pupil is permanently excluded, the outcome might be one of the following:

- Transfer to another school;
- Attendance at a Unit or tuition at home;
- Special educational provision;
- Reinstatement at school.

The position of each permanently excluded pupil is unique. Great care will be taken by the school and the LA Office staff to deal with the exclusion as quickly as possible, and to make effective plans for the excluded pupil's education.

## Readmission

If pupils are to be readmitted after a fixed term or permanent exclusion, the parents will be offered the opportunity to meet the Headteacher.

## Managed move

A managed move to another school to enable the pupil to have a fresh start in a new school may be considered. The LA may ask another Inclusion Co-ordinator to admit the pupil. This should only be done with the full knowledge and co-operation of all the parties involved, including the parents, governors and the LA, and in circumstances where it is in the best interests of the pupils concerned.

## Removal from the school for other reasons

The Headteacher may send a pupil home, after consultation with the pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff. This is not an exclusion and should be for the shortest time possible.

## References

- DFE Circular No. 10/94 – Exclusion from Schools;
- LA Notes of Guidance for Headteachers re. procedures following exclusion of a pupil;
- AMA/ACC Code of Practice on Procedure for Admission, Exclusion and Reinstatement Appeals.