

John Port School



Exclusion Policy

Revision Log	
Revision No/Date:	3 [October 2016]
Policy Manager:	Deputy Headteacher – P Smith
Policy to be reviewed by JPS on/before:	October 2017

Additional Notes
This policy links with: <ul style="list-style-type: none">Behaviour for Learning Policy

Summary of Changes		
Rev	Date of Revision	Detail of Changes
3	October 2016	General review and update
2	February 2015	Replaces the Discipline and Exclusions Policy dated September 2005

Exclusion Policy

- Discipline
- Pre-Exclusion Procedure
- Exclusions
- The Discipline Committee
- Constitution of the Appeals Committee
- Procedure for the Appeals Committee
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Appendix 1 – Draft FTE letter

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1. **Discipline**

- 1.1 It is the duty of the headteacher to determine measures to be taken with a view to:
- promoting, among students at the school, the school's philosophy of the three R's (Respectful, Responsible and Ready to Learn);
 - encouraging good behaviour on the part of those students;
 - securing that the expectation of behaviour of those students is acceptable; and
 - otherwise regulating the conduct of those students
- 1.2 It is the duty of the headteacher to make such measures generally known within school.
- 1.3 The standard of behaviour which is to be regarded as acceptable at the school shall be determined by the headteacher.
- 1.4 The power to exclude a student from the school (whether by exclusion, expulsion or otherwise) shall be exercisable by the headteacher. Exclusions may be exercised by a member of the Senior Leadership Team (SLT) under the direction of the headteacher.

2. **Pre-Exclusion Procedure**

The Headteacher holds the right to exclude a student if their behaviour is serious. However, in some circumstances where the Senior Leadership Team (SLT) is concerned that a student's behaviour is deteriorating to the point where exclusion from school is likely in the near future, a meeting should be arranged with the parents at which the school's concerns can be discussed with the parents and student, and ways in which exclusion might be prevented identified. ,

3. **Exclusions**

- 3.1 A student may be excluded from school for any serious and urgent cause that the Headteacher considers reasonable.
- 3.2 There are two types of exclusion available to the school. These, and typical reasons for their use, are

Fixed term

- to provide a "cooling off" period following a particularly disruptive incident
- a punishment following a serious offence or at the culmination of a series of offences against the school's code of behaviour
- a serious breakdown in relationships between student and school
- where the headteacher determines that the student's return to the school would seriously prejudice the education of other students in the school or where there is good reason to believe that the student's return would place the safety of other students and/or staff at serious risk

Permanent:

- Where the behaviour/s are significant enough to expel a student.
 - Headteachers should ensure that a clear distinction is made between fixed term and permanent exclusions.
- 3.3 At the time of the exclusion SLT must inform those who have parental responsibility (see paragraphs 3.5 & 3.6).
- That the student has been excluded from school.
 - The reasons for the exclusion.
 - Whether the exclusion is for a fixed period (which must be specified) or permanent
 - Whether the exclusion will result in the student losing an opportunity to take any public examination, or school reward such as 'leavers day'.

- Of the parent's right to make representations to the Discipline Committee of the Governing Body.
 - That any representations to the Discipline Committee of the Governing body should initially be made in writing to the headteacher, who may keep a copy before passing the representations to the Discipline Committee.
 - That any representations made by them to the Discipline Committee of the Governing Body will be included with a record of the student's exclusion, on the student's school record.
- 3.4 When informing parents about an exclusion it is now necessary, in light of the Children Act, to include not only the person with whom the child lives but also each person known to the school as having parental responsibility (providing there is no court order prohibiting such involvement). The person with whom the child lives should be notified of this and if they object they should be advised to consult the Appeals procedure.
- 3.5 Where a student is over the age of 18 on the date of the exclusion, any reference in these regulations to "parent" shall be a reference to the student concerned.
- 3.6 If parents are unable to express their concerns/views adequately in writing the school should advise the parents to seek help. E.g. from an Education Social Worker.
- 3.7 The Chair of Governors, the Discipline Committee of the Governing Body and the Senior Area Education Officer must be informed, without delay, of any student being excluded using form EX. The Chair of Governors and the Area Education Officer must also be informed when any exclusion has been terminated.
- 3.8 If the excluded student has been statemented, then the Educational Psychologist must also be informed in writing, in addition to those parties mentioned in Paragraph 3.8
- 3.9 If the status of an exclusion is altered, the headteacher must inform the parents in writing:-
- Of the nature of the change of status.
 - Of the reason for the change.
 - Of any new procedure or right of appeal occasioned by the change.

A copy of this letter must be sent to the Senior Area Education Officer, the Chair of Governors, and the Discipline Committee of the Governing Body.

- 3.10 If the parents submit written representations to the Governors or where the exclusion will result in the student losing an opportunity to take any public examination, a meeting of the Discipline Committee must be called within 15 days (on which the school is open) of the date of the last exclusion.
- 3.11 When an urgent exclusion is necessary, care should be taken to ensure that the child is able to get home and that the parents are prepared in advance for his or her arrival.
- 3.12 A permanently excluded student must remain on the school roll until he/she is enrolled at another school. The student's name should remain on the admissions register and also in an attendance register where he/she should be registered as authorised absent using symbol 'X'.??

4. The Discipline Committee

- 4.1 The Governing Body shall establish a Discipline Committee to discharge the functions conferred on it by Article 13 of the Articles of Government for the School. (Article 13 has been incorporated into this policy in sections 1, 2 and 3).
- 4.2 The Discipline Committee shall consist of not less than three members of the Governing Body, none of whom shall be the Headteacher.

- 4.3 The quorum for the Discipline Committee of the Governing Body shall be any one third (rounded up to a whole number) of the membership when complete, or two members of the committee, whichever is the greater.
- 4.4 It is the duty of the Discipline Committee, where they have been informed of the permanent exclusion of a student from the school -
- (a) to consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated;
 - (b) where they consider that he should be reinstated, to give the appropriate direction to the headteacher; and
 - (c) where they consider that he should not be reinstated, to inform the student (if he is aged 18 or over) or a parent of the student (if he is under 18) of their decision.

This meeting must take place within 15 days, (on which the school is open) of the date of the last exclusion.

- 4.5 The headteacher must invite the parents in writing to attend the meeting whether or not they have made representations to the Discipline Committee. They must be given at least 7 days' notice of the time, date and venue of the meeting. They must also be informed that they may be accompanied by a friend, and the excluded student. Parents shall be asked to state if they are to be accompanied at the meeting and by whom.
- 4.6 If the Senior Area Education Officer wishes to make information available to the Discipline Committee or to make representations to the Discipline Committee on behalf of the Authority, these shall be made available in writing to the Head, parents and anyone accompanying the parents, the students and Governors at the meeting.
- 4.7 Any Governor who has been involved in a capacity other than that of a governor (e.g. as parent, head or member of staff) with disciplinary action taken against the student, must withdraw from the meeting of the Discipline Committee called to consider the exclusion of that student before the Committee consider their decision.
- 4.8 The Head shall prepare a confidential written report to the Discipline Committee which shall be sent to the parents and the Area Education Office at least seven days before the meeting, and copies handed to governors, the parents, and anyone accompanying the parents, the student, and the representative of the Chief Education Officer at the beginning of the meeting and time shall be set aside for those governors to read the report. All copies of the report circulated at the meeting shall be collected and destroyed at the conclusion of the meeting. The original of the report shall be retained by the school on a confidential file. The report shall refer to the student by initials only and shall include:-
- A full account of the events which led to exclusion,
 - A record of contacts between home and school.
 - Attendance record.
 - Schools attended previously (with dates if known).
 - An assessment of the student's ability.
 - An assessment of the student's attainments.
 - Whether another agency such as the Educational Psychology, Probation or Social Service is known to be involved with the student or his family.
 - Any further comments which the headteacher considers relevant.
- 4.9 The headteacher shall present his or her report in the presence of the parents and/or their friend who shall be given an opportunity to ask questions of the headteacher. The parents (and/or their friend) and the student shall then be offered an opportunity to speak and the headteacher given an opportunity to put questions to them. The Committee may question the headteacher, parents and student at any stage. The headteacher and/or the parents may invite a third party to give information to the Committee which is relevant to the

exclusion. The headteacher, parents and governors shall be given an opportunity to ask questions of any such third party giving information.

- 4.10 When the Discipline Committee has heard all the information, the Head, any Governor who has been previously involved in another capacity, student, parents and anyone accompanying them, and any third party present to give information, shall withdraw while the committee considers the matter.
- 4.11 The Discipline Committee shall decide whether the student should be reinstated and, if so, set a date for the student's return to school.
- 4.12 It is the duty of the headteacher, where he has excluded a student from the school -
- (a) in circumstances in which the student would, as a result of his exclusion from the school, lose an opportunity to take any public examination; or
 - (b) in circumstances in which upon being informed of the exclusion, the Discipline Committee are under the duty referred to in paragraph 4.4 to comply with any direction for the reinstatement of the student given by the Discipline Committee.
- 4.13 The Discipline Committee must immediately inform the parents, the head and the Senior Area Education officer in writing of the governors' decision. If they decide that the student should not be reinstated, the Discipline Committee must send a copy of the Head's report to the Senior Area Education officer if he has not already received a copy.
- 4.14 It is the duty of the Discipline Committee, when (following the consideration which they are required to give to the case by virtue of paragraph 4.4 they inform a student, or a parent of a student, of their decision that the student should not be reinstated, to inform the student or (as the case may be) parent of his right to appeal against the decision under the arrangements referred to in Article 14.
(Article 14 has been incorporated into this policy in Sections 5 and 6).
- 4.15 The parents will be informed that they have 14 days from the date of the letter of the Discipline Committee to exercise their right of appeal.

5. The Appeals Committee

- 5.1 It is the duty of the Governing Body to establish appeal committees to deal with appeals in relation to decisions on the following matters:
- (a) refusal to admit a child as a student of the school; and
 - (b) the refusal to reinstate a student permanently excluded from the school.
- Subject to the provisions of this section the governing body may make joint arrangements for this purpose with the Governing Body of one or more other grant-maintained schools.
- 5.2 An appeal committee established for the purpose described in paragraph 1 above shall consist of 3, 5 or 7 members nominated by the Governing Body from among persons appointed by then under paragraph 5.3 below; and sufficient persons may be appointed to enable two or more appeal committees to sit at the same time.
- 5.3 The persons appointed to an appeal committee shall comprise:
- (a) members of the Governing Body other than such members who are also members of the Discipline Committee (subjects to paragraphs 5.7 and 5.8 below); and
 - (b) persons chosen by the Governing Body who are independent of that Governing Body.

Members of the committee who are members of the Governing Body may not outnumber

the other members by more than one.

- 5.4 For the purposes of paragraph 3(b) above, a person shall be held to be independent of the Governing Body if he is not a member or former member of that body or an employee of the school or the parent of a registered student or students at the school. Such a person must have experience in education, or be acquainted with the educational conditions in the area in which the school is situated, or be the parent of a registered student or students at another maintained school in the area.
- 5.5 The quorum for an appeal committee shall be any one third (rounded up to a whole number) of the membership when complete, or two members of the committee, whichever is the greater.
- 5.6 The appeal committee shall elect a chairman from among their number, and appoint a clerk who shall not be a member of the committee.
- 5.7 A person who is a member of the governing body of the school shall not be chairman of an appeal committee.
- 5.8 No member of the staff of the school may be a member of an appeal committee.
- 5.9 A person shall not be a member of an appeal committee for the consideration of any appeal if he was among those who made the decision or took part in discussions as to whether the decision should be made.
- 5.10 The Governing Body may make provision to pay the travel and subsistence expenses of members of an appeal committee who are not school governors in accordance with a scheme made by them and approved by the Secretary of State. Any such scheme may from time to time be varied or revoked by a subsequent scheme so made and approved.

6. Procedure of the Appeal Committee

- 6.1 An appeal shall be by notice in writing to the clerk of the appeal committee, setting out the grounds on which it is made.
- 6.2 On receiving notice of an appeal by a parent or student the appeal committee:
 - (a) Shall afford the appellant the opportunity of appearing and making oral representations;
 - (b) may allow the appellant to be accompanied by a friend or to be represented; and
 - (c) shall allow the headteacher, Governing Body, or any committee of the governing body to make written or oral representations.
- 6.3 In considering any appeal, the appeal committee shall take into account (amongst other things) any representations made to it by any of the persons or bodies to whom it is required to afford an opportunity to make representations.
- 6.4 In the event of a disagreement between the members of an appeal committee the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the committee shall have a second or casting vote.
- 6.5 The decision of an appeal committee and the grounds on which it was made shall be communicated by the committee in writing to the appellant and to the Governing Body and headteacher.
- 6.6 All appeals shall be heard in private except when otherwise directed by the Governing Body but any member of the Council on Tribunals may attend as an observer any meeting of an appeal committee at which an appeal is considered.
- 6.7 Subject to paragraphs 6.1 and 6.6 above, all matters relating to the procedure on appeals,

including the time within which they are to be brought, shall be determined by the Governing Body.

EXCLUSION POLICY - APPENDIX 1

Draft Fixed Term Exclusion Letter

Date

Address

Dear

**Re: Student + Form
Fixed Term Exclusion**

I am writing to inform you of my decision to exclude **name** from school for a fixed term of **?? days**, i.e. **list days inclusive** for **Student** should return to school on **date**.

I am concerned that this will be **student's ??? fixed term exclusion** during **his/her** time at John Port School.

You have the right to make a representation to the Discipline Committee of the Governing Body which you may do so by writing to me. I will pass your letter to the Discipline Committee and a copy will be included, with a record of your **son's/daughter's** exclusion in **his/her** school record.

For information and advice regarding the exclusion process, you may wish to make contact with:

- Michael Ball, Student Services, Godkin House, 2 Park Road, Ripley, Derbyshire, DE5 3EF.
- Coram Childrens' Legal Centre 08088 020008

The 2006 Education and Inspections Act makes it a requirement for you and your child to meet with me, or my representative, once **name** returns to school on **date**. I have enclosed information regarding some of the legal implications of the 2006 Act.

A meeting has, therefore, been provisionally arranged for **???** at **???** hrs in my office. Mr ? [Assistant Head] and Mr ? [Head of Year] will be present at this meeting along with myself. I am particularly concerned that this will be **?? ? fixed term exclusion** during **his/her** time at the school, as a consequence of this, a School Governor will also be in attendance to discuss **??** future at John Port School.

Owing to the nature of this incident, a School Governor will also be present at this meeting.

Please contact Mrs A Renshaw [my Personal Assistant] on 01283 734111, extension 185, to confirm your attendance.

Yours sincerely,



C Sainsbury
Headteacher

Enc: Education & Inspections Act 2006

The school does not have a record of Mr ??? postal address and is, therefore, unable to forward a copy of this correspondence to him.

EXCLUSION POLICY - APPENDIX 2

Draft Permanent Exclusion Letter

Date

Address

Dear

**Re: Student + Form
Permanent Exclusion**

It is with regret that I am writing to inform you of my decision to exclude ? from school permanently with effect from ? for ?

I must point out that you have a duty to ensure that ? is not present in a public place in school hours during the first five school days of this exclusion unless there is reasonable justification. I also have to inform you that you could be prosecuted or receive a penalty notice if this condition of exclusion is broken.

Work will be set by the school for the first five days and I will ask ? [Head of Year] to liaise with you as a matter of urgency. If you would return completed work to us, it will be marked and then returned to you.

From the sixth school day onwards [i.e. ?] the Local Authority will provide suitable education.

You have the right to make a representation to the Discipline Committee of the Governing Body which you may do so by writing to me. I will pass your letter to the Discipline Committee and a copy will be included, with a record of your son's exclusion in her school record.

For information and advice regarding the exclusion process, you may wish to make contact with:

- Michael Ball, Student Services, Godkin House, 2 Park Road, Ripley, Derbyshire, DE5 3EF.
- Coram Childrens' Legal Centre 08088 020008

The Committee must meet within 15 school days of the beginning of the exclusion, i.e. on or before ?

I will write to you again shortly to give you details of the date and time of the meeting of Governors should you wish to attend. You will have the right of appeal to an independent review panel should you wish to make further representation once the Governors have met.

Yours sincerely,



C Sainsbury
Headteacher

Enc: Education & Inspections Act 2006