

## **Exclusion Policy**

### **Introduction**

#### **Aims and objectives of the policy**

The Blue Coat School sets out to make clear the importance that students follow the Behaviour Policy in accordance with the School Rules: A compatible 'Notes for Students' addendum is attached to the Behaviour Policy.

#### **Exclusion will be used for the following:**

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive or potentially offensive or dangerous weapon.
- Where allowing a student to remain in School would be seriously detrimental to the education of other students, to the welfare of other students, staff or of the pupil him/herself.
- More usually it follows a series of breaches of the School's Behaviour Policy and after a range of strategies to resolve the student's behaviour issues have been implemented and have failed.

#### **The Exclusion Procedure**

Only the Headteacher or acting Headteacher may exclude a student. This power will not be delegated to anyone else.

#### **Duration of Exclusions**

- The Headteacher may exclude a student for one or more fixed periods not exceeding a total of 45 days in any one school year.
- If a student is excluded for lunchtimes only, each lunchtime counts as a half day.
- The Headteacher may exclude a student permanently if a judgement is made that the circumstances warrant it.
- The Headteacher must notify Governors in order to convene an Appeal Meeting if the decision is taken to exclude a student for more than 5 days.

#### **Action Following Any Exclusion**

Following any exclusion of whatever type or duration, the Headteacher will:

- Inform the parents/carers of the period and nature of the exclusion.
  - For internal exclusion, parents can be informed via telephone call from a designated member of the Senior Leadership Team. This must be recorded by that member of staff and placed on the child's file.

- For external exclusion, written information will be provided from the Headteacher.

In either case; information to parents/carers will give the reasons for the exclusion.

In the case of an external exclusion, information to parents/carers will:

- Give the reasons for the exclusion.
- Advise the parents about rights of representation about the exclusion to the Governing Body and how these representations may be made.
- Make arrangements to provide suitable full time education from the sixth day onwards for pupils who have been given a fixed period of exclusion.
- Discuss with the Deputy Headteacher (Children's Services) whether it is appropriate to inform the Local Authority Social Inclusion Team that the School has a student who is at risk of permanent exclusion.

For any exclusion of more than 5 days, be it in a single block of days, an accumulation of short exclusions of more than 5 days in any one term, or a permanent exclusion, the Headteacher will additionally:

- Notify the Local Authority, giving the details of the exclusion and reasons for it.
- Notify the Governing Body giving the same details.
- Notify the Deputy Headteacher (Children's Services) to inform the Local Authority Social Inclusion Team that the School has a student who is at risk of permanent exclusion.

If any exclusion of even 1 day would cause a student to miss a public examination, the Headteacher will inform the Local Authority and the Governing Body.

The Headteacher will make a termly report to the Governing Body on all exclusions, covering:

- The number and type of exclusions.
- The reasons, gender, ethnicity and age of students and whether they were already on Individual Education Programmes or Pastoral Support Programmes.
- Repeated exclusions and the School's response to them.
- Links with parents.
- Referrals to Fair Access or New Protocol for transfer to another school.
- Truancy, punctuality and attendance figures.
- Follow-up action, including what has subsequently happened to permanently excluded students.

### **The Role of the Governing Body**

The Governing Body will review various categories of exclusions and will consider any representations made by the parents of the excluded student. If

the student is aged 18 or over, he/she may represent him/herself, should there be an appeal, provided there is parental agreement.

The Governing Body has no power to increase the severity of an exclusion. It can, however, uphold an exclusion or direct the student's reinstatement, in the event of an appeal, either immediately or by a particular date.

### **Discipline/Appeals Committee**

In the event of an appeal the Governing Body will need to establish a discipline committee to which it delegates its functions in respect of exclusions. (Hereafter referred to as 'the committee')

The committee will:

- Consists of at least three Governors.
- Ensure that all Governors who serve on a Discipline Committee have received training to help them discharge their duties. A Clerk to the Discipline Committee is also appointed.
- Can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.

#### **NB.**

- If one of the committee has knowledge of the student(s) involved in the exclusion, or of the incident that led to that exclusion that could affect his/her impartiality, he/she should step down.
- The chair has a casting vote in all cases where an even number of Governors are considering the case.
- If the exclusion could result in a student missing a public examination, the committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the exclusion and decide whether to re-instate the student (these are the only circumstances in which the Chairperson alone will review an exclusion). When this occurs, the parents also have the right to make oral representations. If possible, the Chair of Governors will have the advice of the clerk or a Local Authority officer. The committee or Chair of Governors may agree to allow the student back on to the school premises for the sole purpose of sitting an examinations but they are not obliged to do so.

### **Convening an Appeal Meeting**

#### ***For Fixed Term Exclusions of 5 – 15 days***

If the parents of an excluded student makes written representations

- The committee will consider them
- No statutory time limits apply to the consideration of such exclusions
- The committee has the discretion to agree to a meeting to discuss the exclusion, if this is requested by the parents.

- In the case of a fixed term exclusion of more than 5 but not more than 15 school days, the committee, once having agreed to hold a meeting will hold that meeting between the 6<sup>th</sup> and the 50<sup>th</sup> school day after receiving notice of the exclusion from Headteacher

### ***For Longer Fixed Term Exclusions and Permanent Exclusions***

- Should the exclusion be for more than 15 days, or the total of fixed term exclusions be more than 15 days that term, or if the exclusion is a permanent one, the committee will convene a meeting to be held between the 5<sup>th</sup> and the 16<sup>th</sup> school day after the date of receipt of a notice to consider the exclusion.
- The parents, the Headteacher and a Local Authority officer will be invited to the meeting at a time and a place convenient to all the participants within the statutory time limit. The parent and the school may each be accompanied by a friend/advisor.
- The committee will ask for any written statements including witness statements in advance of the meeting.
- A designated Clerk will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties including the student if it is known that he/she will be present.

Note – if a student has a number of lunchtime exclusions in any one term which add up to more than 5 school days, the rules listed above also apply.

### **Conduct of the Meeting**

The meeting will be conducted as follows:

- No party to the review will be alone with the committee before, during or after the meeting.
- The clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold an exclusion or re-instate the student.
- The School representative, usually the Headteacher, will present the School's case and can be questioned by all the other parties.
- The parents will be asked to give their reasons for appealing. The parents case could be put forward by a friend or advisor and if this is the case, the parents and the student, if present, will be asked if they have anything to add. Once the case has been presented questions can be asked by all other parties.
- The Local Authority representative will provide information on support for students in the Local Authority and how similar incidents have been dealt with by other school, and can be questioned on these, but may not comment on the specific case being discussed.
- The School will sum up its case.
- The parents or their representative will sum up their case.
- All the parties except the committee and the clerk leave.

The committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

### **The Decision – Fixed Term Exclusions**

The Clerk may help the committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards.

In reaching that decision, the committee will be mindful that in the non statutory Guidance the government **does not** think that exclusion is justified for:

- A breach of uniform or appearance, except for persistent defiance.
- Minor incidents such as failure to complete homework or to bring in money owed.
- Poor academic work.
- Lateness or truancy.
- Pregnancy.
- Misdeeds by a child who has special educational needs, except for very serious offences.

In the case of fixed term exclusion, it is possible that the exclusion may already have expired and the student is back in school. In that case:

- The committee will decide whether the Headteacher's decision to exclude the student was justified, based on the evidence.
- The outcome should be added to the student's record for future reference.

In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the committee should simply record whether or not they believed that the Headteacher's decision was justified. This view should be recorded and sent to the parents.

If the fixed term exclusion is still operative:

- The committee will decide whether or not the Headteacher's decision to exclude was justified.
- They can either uphold the exclusion, which will have to run its course, or
- Direct the student's reinstatement either immediately or on a named date.

The Committee through the Clerk must inform the parents, the Headteacher and the Local Authority of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the Headteacher to reinstate the student.

The Blue Coat School have in place established procedures both for the return to school of a student whose fixed term exclusion has been upheld, and for the reinstatement of a student whose exclusion has been overturned. On their return, a student first has a meeting with the Headteacher or another senior member of staff, responsible for the student's welfare, along with his/her parents.

### **Permanent Exclusion**

The Blue Coat School follow the Department for Education Guidance which sets out reasons why it would normally be inappropriate to reinstate a student. These are:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying illegal drugs.
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules.

When the committee decides to uphold a permanent exclusion, a letter to the parents (or to the student if aged 18 or over) will state:

- Their reason for the decision
- The right of the family to appeal to an Independent Appeal panel, together with the name and address of the person to whom any notice of appeal should be sent.
- The date by which any notice to appeal should be lodged.
- That any notice of appeal must set out the grounds on which the appeal is made.
- That any claims on grounds of disability discrimination can be set out.

If the committee decides to overturn the exclusion, again as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the Governing Body's views on the exclusion will be placed on the student's school record with copies of relevant papers.

### **Independent Appeals Panels**

The Blue Coat School advises parents that they can appeal against the decision by the Governors committee to uphold a permanent exclusion. The Local Authority is responsible of managing and training independent panels concerning cases of permanent exclusion in all schools and Student Referral Units maintained by the authority. An independent panel can uphold or overturn the decision of a Governors' Committee, their ruling is binding and final.

## **Follow Up**

Until the appeals procedure is exhausted the student remains on roll. Work will be set and marked by the School for the first 15 days following the exclusion. After that, the responsibility for the child's education passes to the Local Authority.

Should the Local Authority place an excluded student with us, we will not refuse to take such a student unless we are full. However, if the child has already been excluded from two or more schools, then our Governing Body may refuse to take him/her.

## **Addendum: Parenting Orders**

Under the anti-social Behaviour Act 2003, Local Authorities have powers to apply for a parenting order to help address children's behaviour in school. If necessary, the Blue Coat School will request the Local Authority to make an application for a parenting order if we feel it necessary to help us address a child's behaviour in school. A parenting order is a court order which compels parents to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.

Parenting orders will only be considered following a permanent exclusion or a second fixed term exclusion with 12 months, particularly if parents have not responded to the opportunity to meet with us or the Governor's committee.

## **Financial Implications of Exclusion**

Should a student be permanently excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain the school budget for a little longer if the parent chooses to appeal to a Governors' committee and then an independent appeals panel. The money will, however, be removed from the school's budget on the day after the independent panel upheld a permanent exclusion.

This is to ensure that the money follows the child to whatever form of education he/she receives after the exclusion. Special arrangements can be made if the child moves to another authority or would be about to move anyway from one phase of education to another e.g. at Key Stage 4 to 5 transfer.

## **External Contacts**

Geraldine Irish  
Social Inclusion  
Sefton Grange  
Croxteth Drive  
Liverpool  
L17 3EZ  
0151 233 1419

## **Quick Guide to the Exclusion Policy/Procedure**

Exclusions are used for:

- Serious actual or threatened violence, sexual abuse or assault, supplying banned substances, carrying a potentially offensive or dangerous weapon.
- The situation where if the student was to remain in School it would cause a detriment to the education or the welfare of other students, staff or the individual involved.
- A serious of breaches of the Behaviour Policy when strategies to resolve the issue have failed.

### **Only the Headteacher or acting Headteacher may exclude a student**

- Exclusions cannot exceed 45 days in any one school year.
- If more than 5 days the Headteacher must notify Governors.
- Parents will be informed of all exclusions – giving details of period, nature and reasons for the exclusion and their to representation.
- Where exclusion exceeds 6 days arrangements for suitable full time education must be made by the Headteacher.
- For exclusions of over 5 days or if the student will miss a public examination as a result, the Local Authority and the Governing Body will be informed.

If the Governing Body are to hear appeals:

- The committee must consist of at least 3 Governors (who must be suitably trained) and a Clerk to the Governors.
- No members of the committee must have knowledge of the student involved.
- The Chair has the casting vote in all cases where an even number of Governors are considering the case.
- If the student will miss a public examination, wherever possible the case should be heard before the date of the examination.
- For fixed term exclusions of 5-15 days – the Governors consider the parents written representations and will arrange a meeting to be held between the 6<sup>th</sup> and 50<sup>th</sup> school day after notification.
- For longer fixed term of more than 15 days or permanent exclusions – a meeting will be held between the 5<sup>th</sup> and 16<sup>th</sup> school day after notification.
- If they uphold a permanent exclusion they will inform the parents in writing of their decision and their right of appeal to an Independent Appeal panel including details of how to contact them and dates for the appeal to be made by. (The Independent Appeal panel can uphold or overturn the Governors decisions and their ruling is binding and final.