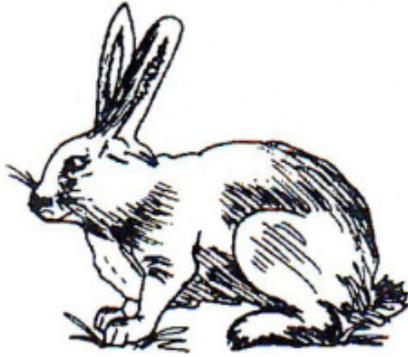


# *Exclusion Policy*



*Harefield Junior School*  
*May 2013*

## **Introduction**

Harefield Junior School will ensure that its Exclusion Policy conforms to legal requirement. In particular these include:

DfES Circular 10/99 "Social Inclusions: Pupil Support"

DfES "Improving Pupil Behaviour and Attendance; Guidance on exclusions from schools and PRUs" September 2008

Revised guidance which takes effect from September 2012

The policy dovetails with other school policies, particularly those referring to Behaviour , Bullying and Inclusion.

In partnership with parents and carers, Harefield Junior School will work to ensure that pupils understand the reasons for our expectations of appropriate behaviour and those pupils conform to the code of conduct and school rules. We have a duty of care to keep pupils safe as part of our responsibility to provide a calm learning environment for them.

## **About Exclusion**

Exclusion should be a last resort. Strategies of early intervention, multi-agency assessment and the implementation of the school's behaviour policy may be sufficient to deal with disruptive behaviour. We are working with very young children who are learning how to behave. It is the duty of all in school to ensure that we are providing the children with opportunities to develop these skills.

However, good discipline in schools is essential so that all pupils can learn therefore the government supports Headteachers in using exclusion as a sanction when warranted.

Behaviours that have been identified as both unacceptable in school and in law are:

- Threatening behaviour
- Drinking alcohol under age Abusive behaviour
- Physical violence
- Damage to property
- Smoking
- Possessing any offensive weapons
- Bringing aerosol cans into school
- Possessing and/or using illegal drugs
- Theft
- Sexist and racist behaviour
- Truancy

The decision to exclude a pupil must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate
- Age appropriate

When considering exclusion schools must not discriminate on

- Sex
- Race
- Disability (including a duty to make reasonable adjustments)
- Religion or belief
- Sexual orientation
- Pregnancy / maternity
- Gender re-assignment

Harefield Junior School will ensure that their statutory duties with regards to Special Educational Needs will be met.

### **Fixed Period Exclusions**

A fixed period exclusion does not have to be for a continuous period of time.

Exclusions can range in length for a short fixed term - one or two days, or lengthier exclusions for more serious incidents.

Fixed Period Exclusions cannot exceed 45 days in a school year.

Where a pupil is at risk of exclusion from school, the school must demonstrate that they have taken reasonable steps to bring about a change in behaviour.

At Harefield Junior School this must include where applicable:

- Individual Education Plans
- Behaviour plans
- Playground Contracts
- Minutes of any meetings
- Sanction records
- Parent/carer contracts
- Evidence of multi-agency intervention
- Pupil voice
- Reintegration meetings and minutes of the meetings

### **Permanent Exclusions**

A permanent exclusion should be in response to:

- Persistent or serious breaches of the school's code of conduct
- Where allowing the pupil to remain in school would seriously harm the education or welfare of other pupils

The decision to exclude a pupil from school ('in house' or external exclusion) rests with the Headteacher and, in their absence, or unavailability, with the Deputy Head / Assistant Headteacher who will make it clear they are acting in the Headteacher's absence.

When a pupil is excluded for a fixed period the exclusion will be for the minimum time judged sufficient to ensure that the pupil and others in the school understand that the behaviour has been unacceptable.

For exclusions of more than one day work will be set and marked. Arrangements for collecting work will be explained to parents. Where a pupil is excluded for a single block of more than fifteen days in a term arrangements will be made to enable the pupil to

continue his or her education and to facilitate the pupil's reintegration into school at the end of the exclusion.

## **General Procedures**

Where possible the decision to exclude and the reasons for the exclusion will be made to parent/carer by telephone on the same day. It will always be followed up with a formal letter, sent by first class post within one school day of the decision, explaining the reasons for exclusion. A copy of the letter must be sent to the Chair of Governors.

The letter will explain:

- Why the Headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- The arrangements for enabling the pupil to continue their education, including the setting and marking of work;
- The parent/carer's right to see their child's school record within fifteen school days of the decision (or earlier where possible);
- Where the exclusion is for a fixed period, the length of the exclusion and the date and time the pupil should return to school;
- Whether the exclusion is permanent, the date from which it takes effect, the details of any relevant previous warnings, fixed period exclusions and other disciplinary measures prior to the present incident (this may take time to collate and could be contained in a follow up letter rather than delay this letter), the name and telephone number of a contact at the LA who can provide advice on the exclusion process and the telephone number of Education Welfare which is 01895 250858

The letter will inform parents of their right to make representation in writing and/or in person to the Governors Pupil Discipline Committee of the Governing Body. A friend or a legal representative may accompany the parent if they so wish.

A copy of the letter will be sent to:

The Chair of Harefield Junior School Governors

The letter will be circulated to the following LA officers

Senior Education Officer, Pupil Support

Attached Education Welfare Officer

Behaviour Support Team

Attached Educational Psychologist (if applicable)

Where a fixed period exclusion is extended or converted into a permanent exclusion a further letter will be sent explaining the reasons. In this situation there is a new right for the parents to state their case to the Governors Pupil Discipline Committee.

See **Appendix A**.

Following the meeting of the Pupil Discipline Committee the chair of the Committee will communicate the decision of the Committee to the parents by sending a letter by first class post within one school day. The letter will give the reasons for the decision and, in the case of exclusions of more than five days explain the parents' right to appeal to an independent appeal panel and details of how to make such an appeal. A copy of this letter will also be sent to the Local Authority and other appropriate agencies.

The parents and pupil will be asked to attend a re-entry interview. The purpose of this meeting will be to re-emphasise the new start and to gain assurances from the pupil about future behaviour. If appropriate, phased re-integration will be managed over a limited period of time.

A note of the Pupil Discipline Committee's decision will be placed on the pupil's record with a copy of the Headteacher's exclusion letter.

All exclusions are reported termly to the full governing body.

### **Permanent Exclusions**

The Headteacher will inform the LA of the decision to exclude permanently as soon as possible.

A meeting of the Pupil Discipline Committee will be convened between the 6th and 15th school day after notice of the exclusion to the parents. The purpose of the meeting is to hear any representation from parents and/or the LA and to decide whether to reinstate the pupil.

The pupil will not be removed from the school's admissions register until the appeal process has been concluded or the time limit for an appeal has expired.

NB: Notice of exclusion refers to the letter to parents notifying them of the exclusion. This date is deemed to be the day after the letter was sent by first class post or the day on which the letter was delivered by hand.

## **Appendix A**

### **Pupil Discipline Committee**

The Chair of Governors, at the school address, acts as the point of contact for parents wishing to make representation to the Pupil Discipline Committee.

The Headteacher will convene meetings of the Pupil Discipline Committee as and when necessary.

The Pupil Discipline Committee will comprise three or five members of the governing body (excluding the Headteacher). The quorum for a meeting is three and, in the event of four members being present, the chair of the Committee has the casting vote. The Pupil Discipline Committee is convened from the governors on the Pupil Discipline Committee.

The chair of the committee will ensure before a meeting that no members of the Committee have any particular connection with the pupil or the incident, which could affect his or her ability to act impartially.

Membership of the Pupil Discipline Committee will be confirmed at the Autumn Term meeting of the full governing body.

### **Arranging a Pupil Discipline Committee (from ‘Pupil Discipline Committees – Guidance for Governors’)**

#### **When does a Pupil Discipline Committee have to meet?**

- For exclusions totalling 5 school days or less in any one term where the parent makes representations;
- For exclusions totalling more than 5 days but not more than 15 days in any one term where the parent requests a meeting;
- For exclusions totalling more than 15 school days in any one term;
- Permanent exclusions;
- Fixed term exclusions made permanent;
- Where a pupil would lose the opportunity to sit a public examination.

#### **What are the time limits within which the meeting must take place?**

- The legislation states that the time limits run from when the Headteacher informs the governing body and the LA which must be ‘without delay’. The guidance interprets this as being within one school day of the exclusion.

#### **For exclusions of more than 15 school days – including permanent exclusions.**

Between 6 – 15 school days

#### **For exclusions of 15 school days or less**

Between 6 and 50 school days

#### **For exclusions where the opportunity to sit a public examination would be lost**

If at all possible, before the examination is sat; or otherwise within the above timescales.

NB: the Chair of the Governing Body can act alone in cases of urgency (Regulation 6, School Governance (Procedures) (England) Regulations 2003).

The time limits must be complied with, but if the governing body fails to meet within those limits, it must still review the exclusion. Any decision made will be valid even though not made within the prescribed period.

### **Who can attend the meeting?**

- Members of the Pupil Discipline Committee
- Clerk to the Committee
- Headteacher
- Parents
- Parents' Supporter/representative
- LA Representative
- Pupil

(Unless there is a strong reason to refuse, the chair to the committee should allow the excluded pupil to attend the meeting and speak as appropriate if the parent and pupil ask for this).

For exclusions of less than six school days, parents may not have the legal right to attend the meeting, but if they wish to address governors then careful consideration should be given to that request. If acceded to, both the parents and the Headteacher should be heard. (Lunchtime exclusions equate to half a school day).

### **Agenda for Pupil Discipline Committee Meeting**

1. The chair explains the format of the meeting.
2. The school representative explains the case for the exclusion.
3. The parents or their representative may question the school representative on the facts of the case.
4. Members of the Pupil Discipline Committee may question the school representative on the facts of the case.
5. The parents or their representative present their case.
6. The school representative may question the parents or their representative on their case.
7. Members of the Pupil Discipline Committee may question the parents or their representative on the case.
8. Where present the pupil may be asked to speak.
9. The school representative sums up.
10. The parents or their representative sums up.
11. The school representative, parents, parents' representative (where present) and pupil (where present) withdraw.
12. The committee reaches its decision.

### **Appeals against permanent exclusion**

Where parent/carers dispute the decision of the governors not to reinstate a permanently excluded pupil, they may ask for this decision to be reviewed by an independent review panel.

The role of the independent panel is to review the Governing Body's decision. It **does not have the power** to reinstate a permanently excluded pupil.

The panel can:

- Uphold the decision
- Recommend that the Governing Body reconsider their decision
- Quash the decision and require the Governing Body to consider the exclusion again

Whether or not the school recognises that an excluded pupil has Special Educational Needs, the parents have the right to request the presence of the SEN expert. Their role is to provide impartial advice as to how the SEN could be relevant to the exclusion. Where the SEN expert is present, the panel must seek, and take into account, their evidence. The Local Authority or Academy Trust must constitute the panel with three or five members made up of:

- A lay person to chair the panel who has not worked in a school in a paid capacity apart from any experience as a governor or volunteer.
- School Governors who have served for at least twelve consecutive months during the last five years though not have been a teacher or Headteacher during this time.
- Headteacher or people who have been a Head teacher in the last five years.

Panel members and clerks must have undertaken training within two years of the review.

**Panel members must not:**

- Be members of the Governing Body of the excluding school.
- Headteacher or former headteacher of the excluding school.
- An employee of the excluding school.
- Have connections with the exclusion which might influence their impartiality.
- Have not had the required training within the last two years.

**A panel may direct a Governing Body to:**

- Quash the decision and require the Governing Body to consider the exclusion again.
- Recommend that the Governing Body reconsider their decision.

**Reconsidering an exclusion following a review:**

The Governing Body must reconvene within 10 days. If they do not offer to reinstate the pupil within 10 days an adjustment may be made to the school's budget to the sum of £4,000.