



**Oriel Academy**  
**West London**  
an Aspirations Academy

## **EXCLUSIONS POLICY**

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## 1. Introduction

- i.1 The purpose of these guidelines is to provide LEA advice taking account of the 1996 Education Act provisions and the DfEE Circulars 10/99 and 11/99 on Social inclusion pupil support. The guidelines are part of the LEA's policy guidance relating to Access and Social Inclusion and should be read in conjunction with other policy and guidance relating to promotion improved school attendance, behaviour management and pupil support.
- i.2 It is in the interest of all concerned to ensure that the process and practice relating to an exclusion of a pupil from school meets legal requirements and is handled fairly and efficiently. The exclusion of a pupil is a serious matter; therefore it is essential that the responsibilities held by headteachers, staff, governors and LEA officers, as well as pupils and parents, are clear and understood. The guidance outlined in Circular 10/99 applies to all maintained schools.
- i.3 The LEA guidance should be seen in the context of raising standards for all pupils and enabling schools and the LEA to meet the targets identified in the LEA's Behaviour Support Plan which relate to reducing exclusions from school and improving pupil attainment and school attendance levels.
- i.4 The guidelines seek to support the development of an effective partnership between schools and the LEA in response to pupils experiencing difficulties managing their own behaviour. Our social inclusion responsibilities, along with those of partner agencies, to combat disaffection, support young people and enable them to engage in the education process are more likely to be successful through shared good practice.

## 2. School Behaviour and Discipline Policy

- 2.1 Each school must have a behaviour policy which sets the boundaries for acceptable behaviour. The behaviour policy should be well known to parents, pupils and staff. Governors and headteachers have a responsibility to regularly review their school behaviour policies to ensure they are meaningful and effective.
- 2.2 The policy should encourage good behaviour and provide for the punishment of bad behaviour. It is helpful when the policy is school specific, clear and straightforward, compatible with the home school agreement and includes guidance on strategies to counter racial and sexual harassment and bullying.

## 3. Roles and Responsibilities in the Exclusion Process

### 3.1 Governing Body

- 3.1a The governing body should take a lead in shaping the those of the school and ensuring that school's behaviour policy embodies a clear set of values and expectations that are understood and shared by staff and pupils. This carries with it a responsibility to support and advise the headteacher and staff in promoting good behaviour and Discipline. The governing body has a duty to monitor the use of

exclusion as a sanction as part of the school's discipline policy.

3.1b The governing body must ensure that the guidelines and procedures for exclusions as set out in Circular 10/99 are followed and that all exclusions are dealt with fairly and systematically, following clear procedures. Governors should be familiar with the school's policy and practice including arrangements made by the school to provide the excluded pupil with work to complete at home for exclusions less than 15 days, and the steps taken to provide alternative education for pupils excluded for more than 15 days. The use of exclusions as well as the procedures must be reviewed regularly within the context of the school's behaviour policy.

### 3.2 **Governors Discipline Committee**

3.2a The governing body must establish a Discipline Committee with responsibility for reviewing the use of exclusion within the school. The committee may comprise three to five members of the governing body, none of whom should be the headteacher. The quorum for a meeting of the Discipline Committee is three. In the case of four members being present, the chair has the casting vote.

3.2b Governing Bodies are advised that these committees should consider in their membership the overall ethnic and gender composition of the school. Governor representatives must satisfy themselves that their knowledge of the parent/carer(s) of an excluded child, or involvement in any incident, does not influence or be seen to influence their judgement. If this is the case, those concerned should withdraw from the meeting. Failure to consider this factor on the part of a governor can lead to a successful appeal to the independent appeals committee.

3.2c The Discipline Committee hears the case of the school and the case of the parent and comes to a decision as to whether to re-instate the pupil or uphold the exclusion. It must not take any part in defending or explaining the action taken by the school at the hearing, so that it does not appear to be biased in favour of the school. (This is a very different role from that of governors' discipline procedure by interviewing the pupils and parents to warn them that the school would not tolerate continued bad behaviour. In the latter case it was normal procedure for governors to comment during the meeting on what they have heard and impress upon pupils and parents their views on it). Under the new procedure the role is one of hearing the evidence of both sides and asking questions to clarify the situation. The information gained is then considered by the panel after all other parties have left the room, in order to reach a decision on whether to re-instate the pupil or uphold the exclusion. Clear reasons for reaching that decision must be given at this stage in writing.

3.2d It is the responsibility of the Discipline Committee to invite the parents / carers and the LEA to the meeting to consider the exclusion of the facility to be accompanied by a friend or a legal representative.

3.2e The Discipline Committee should give parents the opportunity to make written and oral representation in an environment which avoids intimidation and excessive formality.

3.2f The Discipline Committee must meet where there are representations from parents for any length of fixed term exclusion. The maximum time limit for the Discipline Committee has to meet to review fixed term exclusions of between 6 and 15 days (in

total) has been extended from 30 days to 50 days and this may be done at a full governing body meeting if one occurs within the timescale.

- 3.2g Where a pupil is excluded for a period of more than 15 days the Discipline Committee has a responsibility to meet (whether or not there are representations from parents) between the 6<sup>th</sup> and 15<sup>th</sup> school days to consider the decision of the headteacher. For permanent exclusion the Discipline Committee must also meet between the 6<sup>th</sup> and 15<sup>th</sup> school day following the date of exclusion.
- 3.2h Where an exclusion involves the loss of opportunity to take a visitors examination, the governors have the power to direct the headteacher to re-instate the pupil immediately.
- 3.2i In reaching their decision (see appendix 1a Governors Discipline Committee Meeting) the Discipline Committee must:
- i. Consider the parents' and LEA's representations
  - ii. Have regard to the guidance (10/99) and satisfy itself that it has been followed
  - iii. Consider whether appropriate and sufficient strategies have been tried by the school to improve pupil behaviour.
- 3.2j For permanent exclusion, the Discipline Committee must satisfy itself that the exclusion is really a last resort after all other possible strategies have been tried and were unsuccessful. Strategies tried and their results should be set out in the pastoral support programme (see appendix 2 Pastoral Support Programmes).
- 3.2k For children with a statement of special educational needs, it is good practice for the school to hold an immediate review of the statement rather than resort to exclusion.

### **3.3 Headteacher**

- 3.3a The headteacher is responsible for promoting and maintaining good behaviour and an orderly learning environment in accordance with the principles and practice embodied in the school's behaviour policy. The headteacher has a critical role in ensuring that all school staff, parents and pupils are clear about the standards of behaviour and expected by the school, and the response of the school when those standards are not met, including the kinds of behaviour that could lead to an exclusion.
- 3.3b Within the exclusion process, the headteacher must be able to demonstrate that any individual exclusion made in accordance with the agreed policy and criteria for the use of exclusions, and is based on an assessment of the appropriateness of exclusion given the circumstances of the individual case.
- 3.3c On the day of the exclusion, the headteacher must inform the pupil's parent or guardian of the exclusion, without delay, ideally by telephone, followed by a letter within one school day. An exclusion should normally begin on the next day (see separate section for proforma letters).

- 3.3d If the excluded pupil is look after by a local authority then the social services department must also be informed.
- 3.3e Where an exclusion is more than five days and / or involves the loss of opportunity for a pupil to take a visitors examination, the headteacher must also and at once inform the governing body and the LEA.
- 3.3f The headteacher is expected to inform the LEA exclusions section (Access & Social inclusion) immediately of all exclusions, regardless of their duration. The LEA, in turn, will collate and produce analysis reports to indicate trends and to inform strategies for improvement.
- 3.3g Where an exclusion is permanent or covers more than five days within any one term the headteacher has a responsibility to ensure that a full and clear report is made ready for the Discipline Committee and LEA. This report must include a full investigation of any incident/s and the strategies employed by the school to help the pupil maintain their place within the school, including the pastoral support programme. Where appropriate, witness statements should be included from both staff and pupils. Individual pupils should not be named within any report apart from the pupil who has been excluded. This report must be received by the LEA at least 3 days before the Discipline Committee meeting. Time-scales are summarised in stages in the exclusions procedures.
- 3.3h The law allows headteachers to exclude a pupil for up to 45 days in a school year. However, individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day make it more difficult for the pupil to reintegrate into the school. In all cases of more than a one day exclusion, work should be set and marked.
- 3.3i A headteacher considering excluding a pupil for a single block of more than 15 days in a term must plan to enable the pupil to continue their education and use the time to address the pupil's needs.
- 3.3j Only the headteacher has the power to exclude a pupil for school, with the rare exception of the senior / deputy headteacher acting in the absence of the headteacher. Where the absence of the headteacher is a short-term, it is strongly recommended that any exclusion be made for a minimum number of days, pending the return of the headteacher to the school.

### **3.4 The LEA**

- 3.4a The LEA has responsibility for an overview of school behaviour policies and practice including the use of exclusion and therefore expects to be represented at the Discipline Committee meeting. It has targets for the reduction of permanent exclusions which are set out in the Education Development Plan and Behaviour Support Plan.
- 3.4b The LEA's role is to give a view on the appropriateness of the exclusion in the light of the DfEE guidance and to inform the Discipline Committee of how similar incidents have been dealt with elsewhere in the authority. The LEA can also make a written statement to the Discipline Committee when they are considering whether to uphold the exclusion.

## 4. The Use of Exclusion

### 4.1 Fixed Term

4.1a A decision to exclude a child for a fixed term period should be taken only in response to a serious breach of school discipline. A range of alternative strategies to resolve the pupil's disciplinary problems, including the involvement of other relevant agencies, should have been tried. The headteacher should also consider whether allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others in the school.

4.1b Exclusion should not be used for:

- i. Minor incidents i.e. failure to do homework
- ii. Poor academic performance
- iii. Non-attendance or lateness
- iv. Pregnancy
- v. Breaches of school uniform policy including hairstyle or jewellery (unless it becomes clear that pupil's refusal to wear appropriate uniform is an act of defiance and all other strategies have been exhausted)
- vi. Offences which took place out of school hours and away from the school, unless these meet the criteria in paragraph 4.3
- vii. Punishing pupils for the behaviour of parents, for example a fixed term exclusion until the parents agree to attend a meeting.

### 4.2 Permanent Exclusions

4.2a Permanent exclusion is an extremely serious step. A decision to permanently exclude a pupil should be taken only in response to a very serious breach of a school's behaviour policy. Permanent exclusion is the final step in a process when all other strategies have been tried and proven unsuccessful, including the implementation of a pastoral support programme. Permanent exclusion is not a positive 'fresh start' process – it is a rejection of the pupil by a school. 60% of pupils permanently excluded from one school fail to complete their normal education process.

4.2b The letter from the DfEE on 21<sup>st</sup> January 2000 concerns the use of permanent exclusion for a one-off or first offence. Although re-iterating the fact that in most cases the above paragraph 5.1a will apply, it goes on to say that there may be circumstances where, for a serious offence, it would not be appropriate to apply the 'prior alternative strategy'. This could be where allowing the pupil to remain school. However, the decision to permanently exclude should not be taken in the 'heat of the moment' but 'only when the headteacher has had further opportunity to consider the incident in question'. This would indicate that a fixed term exclusion should be used

in the first instance while further consideration is given to the long term strategy to deal with the pupil.

### **4.3 Drugs Related Incidents**

4.3a In some cases exclusion will be the appropriate course, but schools should consider carefully whether or not to exclude permanently for incidents connected with drug abuse. Temporary exclusions may be more appropriate. Schools need to ensure that their action takes into account the needs of the individuals involved (as well as their peers) both in terms of their education and personal development, recognising that permanent exclusion may make a young person more vulnerable to exposure to drugs. More advice is contained in the DfEE circular 4/95 Drug Prevention and Schools.

### **4.4 Incidents Involving Weapons**

4.4a Particular care should be taken when considering whether exclusion is a suitable response to an incident perpetrated by a pupil with a statement of special educational needs. In the first instance, the school should consider whether the pupil's statement and programme of support remains appropriate. An immediate review should be called. Where exclusion is considered for a pupil with a statement, the school must show that the pupil's statement has been implemented and the appropriate level of support allocated. Good practice indicates that where a pupil has a statement the school will consult with the SEN section.

## **5. Exclusion Process Timetable**

5.1a All exclusions should be monitored by the school, governing body / Discipline Committee and LEA.

5.1b Schools are therefore required to notify the LEA of all exclusions. To keep the paperwork to a minimum, for less than 5 day exclusions and exclusions which do not aggregate to more than 5 days the school should simply send a copy of the letter to parents and the exclusion monitoring proforma to the Access and Social Inclusion Team.

5.1c Where an exclusion is for more than 5 days, or an aggregate of more than 5 days in any one term, the Discipline Committee must convene a meeting.

5.1d It is essential that the possibility of a conversion to permanent exclusion is made explicit in the original letter to parents.

### **5.2 Permanent Exclusion**

5.2a This is an exclusion where the pupil is permanently excluded from school. The education of the pupil remains the responsibility of the school whilst the exclusion procedures are being followed. The pupil's name cannot be removed from the school roll until such time as the process of exclusion and appeal has been carried out.

### **5.3 Immediate Action Following Exclusion**

- 5.3a The headteacher has a legal duty to inform parents / LEA of each and every exclusion. The headteacher must inform parents / carers of an exclusion without delay, and take all reasonable steps to ensure that the parents / carers receive the information as soon as possible. The letter to the parent should clearly state the reasons for the exclusion so that these can be fully understood, and all the circumstances known, even if the parent has been contacted by telephone and informed of the situation.
- 5.3b The letter to the parents / carers should be signed by the headteacher, or by the most senior teacher acting in the headteacher's absence. A copy of the appropriate LEA 'Exclusion from School' leaflet for parents must be sent with the letter. Schools should consider whether parents of the pupils need a letter in their first language.
- 5.3c Where a child is 'looked after' by the local authority, Social Services must be informed, as well as the birth parent if appropriate.
- 5.3d In all cases the chair of governors and LEA Access and Social Inclusion section must be informed.
- 5.3e The paperwork should be sent to the LEA within 6 school days of the exclusion and at least 3 days before the Discipline Committee meeting. This will enable the headteacher / LEA reintegration panel (formerly Headteachers Exclusion Panel) to meet within the appropriate timescales.

## **6. Meeting of the Discipline Committee**

### **6.1 Arrangement for the Meeting**

- 6.1a The Discipline Committee has a statutory duty to consider any parental views, consult each other, and decide whether or not to direct reinstatement for all fixed term exclusions of more than 5 days. Governing Bodies have a statutory duty to appoint a Clerk to the Discipline Committee.
- 6.1b For permanent exclusions, the Discipline Committee is under a statutory duty to consider whether a permanent exclusion should stand, and to consider whether to direct the headteacher to reinstate the pupil. The Discipline Committee is required in law to provide the LEA and parents with an opportunity to express their views and have them considered (this is a very different role from that of the governors discipline panel which some schools had, where governors played a part in the school discipline procedure by interviewing pupils and parents to warn them that the school would not tolerate continued bad behaviour. In the latter case, it was normal procedure for governors to comment during the meeting on what they have heard and impress upon pupils and parents their views on it). Under the new procedure the role is one of hearing the evidence of both sides and asking questions to clarify the situation. The information gained is then considered by the panel after all other parties have left the room in order to reach a decision on whether to re-instate the pupil or uphold the exclusion. Clear reasons for reaching that decision must be given at this stage in writing.

- 6.1c Pupils may attend Discipline Committee meetings, although it is not recommended that this always be the case, particularly with younger pupils. In some circumstances therefore, the parents or the chair of the Discipline Committee may feel that it is inappropriate for the pupil to attend some or all of the meeting, and every effort should be made to accommodate the child elsewhere in the school for the duration of the meeting.
- 6.1d Arrangements for the meeting will be made by the Clerk to the Discipline Committee in consultation with the chair. The parents / carers and LEA will have already been notified in writing by the headteacher of the decision to exclude, and parents / carers will have been sent a copy of the information leaflet for parents.
- 6.1e For an exclusion of between six school days and fifteen school days in a term a meeting must be set up between 6<sup>th</sup> and 50<sup>th</sup> school day to consider exclusion (changed from 30 to 50 days). Meetings to discuss a permanent exclusion must take place within 15 school days to be within law.

## **6.2 Preparing for the Meeting**

- 6.2a The purpose of a meeting is for the Discipline Committee to consider whether an early reinstatement of the excluded pupil is justified and to consider parents' views and those of the LEAS.
- 6.2b The Discipline Committee must therefore have sufficient information on which to base their decision on whether to reinstate a pupil or uphold the exclusion in the form of a report.
- 6.2c The purpose of the headteachers' report is to provide a factual account of the behaviour / incident and a detailed explanation of why the exclusion was justified. In order that a proper assessment can be made at the meeting, the quality of the report must be such that those present at the meeting are able to make a sound and reliable decision.
- 6.2d Investigation and preparation of the exclusions report can be time consuming for headteachers. However, it is important that the report is full enough to ensure that the Discipline Committee, parents / carers and the LEA are fully aware of the facts of the case and the headteachers' reasons for deciding to exclude. If sufficient information is not provided then it is possible that the meeting will decide to reinstate the pupil.
- 6.2e Where the exclusion is the outcome of persistent failure by the pupil to comply with standards of behaviour, then the headteacher must indicate in the report quite clearly the instances that have led to the exclusion and the schools' response. The report should not be merely a catalogue of misdemeanours. The pastoral support programme, its monitoring and review should be included. In most cases it will be sufficient to reflect upon the pupil's behaviour over the past 12 months. Details of evidence will need to be available and may be challenged by parents at appeal hearings. It is important not to include allegations that cannot be substantiated. A check list for reporting to a Discipline Committee is available.
- 6.2f The clerk to discipline panel should ensure that there is a suitable room available for the hearing and that a proper account of the meeting is taken. This may be required

for an independent appeal if the parent is unhappy with a decision not to reinstate a pupil.

## **6.2 Format of the Meeting**

6.2a The Discipline Committee and the director education's representative will take part in the discussion to consider the exclusion. The meeting itself will normally be chaired by the chair of the Discipline Committee, although all committee members have an equal part to play in the decision making.

6.2b The meeting must be conducted fairly and in accordance with the authority's equal opportunities policy. As far as possible, there should be a minimum of formalities, but the rules of natural justice must always be followed.

- i. The chair of the meeting should explain the purpose of the meeting to all present, how the meeting will proceed and stress the confidentiality of the meeting. The possible outcomes of the meeting should be explained.
- ii. The headteacher (and with the agreement of the governors, any staff he/she wishes to invite) should first explain the problem as they see it and in the particular the reasons why they feel permanent exclusion is necessary.
- iii. Reports submitted by other agencies, such as the education psychologist, education welfare service, behaviour support team will be considered. Governors and parents may also ask the LEA for information and support services available to the school or other alternative educational provision in the area at this point or later in the meeting.
- iv. The parents and friend should then be given the opportunity to ask questions or challenge anything that has been said.
- v. The parents and friend may then present any information they wish to explain the situation as they see it, and state the grounds on which they disagree with the decision if that is the case.
- vi. The headteacher may then ask questions if they wish.
- vii. The governor and the director of education's representative should be able to intervene and ask questions where appropriate to satisfy themselves that the facts surrounding the actions of the pupil, school and parents have been established.
- viii. The chair should ensure that the parents feel they have been able to make all their points to the governors and the representative for the director of education and may then sum up. The chair should ask the director of education's representative if they wish to add anything else.
- ix. The governors' Discipline Committee will then consider their decisions independently and separately from all other parties.

## 7. Outcomes

### 7.1 Fixed Term Exclusions Over 5 Days

- 7.1a At the end of the meeting, the Discipline Committee, having considered representations from parents and the LEA, will decide whether to uphold the headteacher's decision to exclude. They may also consider if an earlier date for reinstatement is justified. Governors may comment where they consider additional support is needed to facilitate reintegration.
- 7.1b The Discipline Committee's decision should be clearly communicated to the parent / carer without delay. It may be appropriate to reconvene to inform the parent / carer and LEA at the end of the meeting or contact them as soon as possible afterwards. The Discipline Committee should notify in writing, the parent and LEA of their decision, within one school day of the hearing giving their reasons.
- 7.1c The letter to the parents / carers must confirm the decision of the Discipline Committee setting out clearly the reasons for their decision. A copy of this letter should normally be placed in the pupil's file. Parents may ask the governing body to correct any inaccuracies in the child's school record. Governors may refuse to do this but must nevertheless attach the parents written request for correction to the school record and this must be treated as part of the record. Parents have the right to a copy of their child's record.
- 7.1d If the headteacher has not used exclusion in line with the statutory guidance and school behaviour policy, the Discipline Committee should direct reinstatement.

### 7.2 Permanent Exclusions

- 7.2a The Discipline Committee, having consider representations from parents and the LEA should satisfy itself that all possible strategies to improve a pupil's behaviour, including the pastoral support programme, were tried and were unsuccessful. For children with statements of SRN, a revision of the statement may be a more appropriate course of action.
- 7.2b If the headteacher has not used exclusion in line with the DfEE guidance and school behaviour policy, the Discipline Committee should normally direct reinstatement. If the Discipline Committee decides to direct reinstatement, it may discuss whether short-term support would help to ensure successful reintegration. Reinstatement may not be conditional however.
- 7.2c If the Discipline Committee decide not to reinstate the pupil, the clerk to the committee should write to notify parents / carers of this decision within one school day of the hearing. The letter should explain clearly the reasons for the Discipline Committee's decision, and must explain the parent / carer's right of appeal to an independent appeals committee, and of their right to make oral and written representations to that committee. The notification must make it clear that the parents should set out their grounds of appeal within 15 school days of notice from the LEA of their right to appeal. The letter should highlight the date on which the parental right to appeal expires. The parent has the right to appeal even if they did not make a case to the Discipline Committee.

## 8. Appeals

- 8.1 Parents have the right to an independent appeal following a permanent exclusion being upheld by the governing body. This appeal is against the governing body decision not to reinstate the pupil.
- 8.2 Parents must appeal in writing to the LEA, stating their reasons, within 15 school days of notification of their right to appeal by the governing body or LEA. Parents must be notified of their right to appeal at the same time as they are notified that the governing body do not intend to direct the pupils reinstatement. A failure to comply with the time limits set leads to loss of the right to appeal so it is vital that parents are warned of this in writing.
- 8.3 The appeal committee must normally meet not more than 15 school days after parental or governing body notices. In exceptional circumstances, the LEA or governing body has discretion to go beyond the 15 day limit where the parents request more time.
- 8.4 The decision of the Independent is final and binding on all parties. The appeal committee is required to communicate its decision to all parties within 2 school days of the appeal hearing.
- 8.5 The parental appeal will only be heard if the parent / carer wishes the pupil to be reinstated.