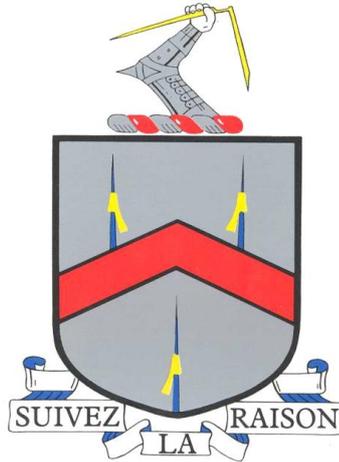


Exclusion Policy



Date Approved by Governors: 2 October 2014

Due for future review: September 2015

AG Barrett

Signed: ...

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Date: 2 October 2014.....

Ermysted's Grammar School

Exclusion Policy

Document Status			
Date of Next Review	Sept 2015	Responsibility	<i>Full Governing Body</i>
Success Criteria for review completion	To comply with DfE requirements	Responsibility	<i>Headteacher</i>
Date of Policy Creation	September 2014	Responsibility	<i>Chair of Governors ...</i>
Date of Policy Adoption by Governing Body October 2014	Signed		
Method of Communication (e.g Website, Noticeboard, etc) Website			

Aims

The governing body aims:

- To give appropriate support to the Head Teacher in exclusion issues
- To use its best endeavours to ensure that the school does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour
- To ensure that exclusion is used appropriately within the framework of the school's behaviour policy
- To discharge appropriately its statutory duties concerning the consideration of reinstatement of excluded pupils.

Procedures

The Decision to Exclude

Only the Head Teacher can exclude, or the person in charge on the day, if he is absent from school. Before deciding to exclude a pupil the Head Teacher will:

- Ensure that an appropriate investigation has been conducted
- Ensure that all the relevant evidence has been considered
- Give the pupil an opportunity to be heard
- Consult other relevant people if necessary.

Having considered these matters the Head Teacher will make a decision based normally on the balance of probability, having regard to any current guidance from the Department.

Factors to be considered before exclusion

- An appropriate investigation has been conducted
- All the relevant evidence has been considered
- The pupil's version has been heard
- If appropriate, other people have been consulted (not a member of the Discipline Committee).

If the balance of probabilities has been established, the pupil may be excluded.

Alternatives

- A restorative justice process – whereby the harm caused to the 'victim' can be redressed
- Internal exclusion (removal from class, but not the site)
- A managed move to another school.

Exclusions can either be for a Fixed term/Interim or Permanent. Indefinite exclusions are not permissible by law.

Fixed Term Exclusion

The Head Teacher is permitted to exclude a pupil for one or more fixed term periods not exceeding 45 school days in any one school year. After 45 days, a permanent exclusion will be enforced.

Interim Exclusion

On occasions, for a serious offence, the Head Teacher may decide to exclude a pupil for an interim period. This will allow further more detailed investigations to be undertaken.

On conclusion of the investigation the Head Teacher will decide that either:

- The exclusion was justified and no extension is required
- A further period of exclusion in the form of an extension is required

In both cases the School will contact the parents of the excluded pupil prior to the expiry of the initial interim period.

When exclusion is not appropriate:

Exclusion will not be used for:

- Minor incidents such as failure to do homework or to bring dinner money
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaches of school uniform rules or rules on appearance, except where these are persistent and in open defiance of such rules
- Punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable to attend a meeting
- Protecting victims of bullying by sending them home

Education of pupils excluded for a fixed term

The school will provide education from and including the sixth day of any period of fixed period exclusion of six days or longer. Days of fixed period exclusion are not to be aggregated. The education must be provided offsite. In the case of Ermysted's Grammar School this will be either:

- Outreach Worker through the provision of support from Craven PRS (if available) which will be funded from the school.
- Employment of cover staff from teacher agencies.

Education of pupils excluded permanently

The LAs will be required to provide fulltime education from day six of a permanent exclusion.

Reintegration interviews

On all occasions when a pupil is excluded from school a reintegration interview will be requested. This will initially be the day of return after exclusion.

A record will be made on the pupil file should a parent choose not to attend without good reason. The Antisocial Behaviour Act 2003 has been amended allowing a court to take into account the unreasonable failure of a parent to attend a reintegration interview when deciding to make a parenting order.

Duties of parents in relation to excluded pupils

Parents will be responsible for supervising their child during the first five days of any period of exclusion up to five days and will face a fixed penalty notice if their child is found in a public place in school hours without reasonable justification during this period.

The procedure to exclude a pupil is to remain on file with this policy

Procedure for excluding a pupil

Informing Parents about the Exclusion

The Head Teacher will inform parents without delay (by telephone, with a follow up letter within one school day) and should be given the following information;

- In cases of fixed term exclusions, the length of the exclusion
- In cases of permanent exclusion, that it is a permanent exclusion
- The reasons for the exclusion
- The parent's right of access to the pupil's school record
- The date and time when the pupil should return to school (with a fixed term exclusion) or the number of lunchtimes for which the pupil is excluded (with lunchtime exclusions)
- With a permanent exclusion, its immediate effect and any relevant previous history
- Arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school)

The clerk to the governors will inform parents of;

- Their right to make representations to the Discipline Committee
- The name of the person to be contacted, if they wish to make representations.
- The letter to parents will also state: the latest date by which the Discipline Committee must meet to consider the case
- The name and telephone number of the LA officer to be contacted for advice
- The telephone number of ACE (the Advisory Centre for Education).
- The school will use model letters in the DfES Guidance 'Improving Behaviour and Attendance', as exemplars.

Informing the Discipline Committee and the LA

The Head Teacher will inform the Governors' Discipline Committee and the LA within one school day of:

- Permanent exclusions
- Exclusions totalling more than 5 school days or 10 lunchtimes per term
- Exclusions necessitating a pupil missing a public examination

The Head Teacher will inform the Discipline committee and the LA of fixed term exclusions amounting to 5 or fewer school days or 10 or fewer lunchtimes (or half days). The Head Teacher will include the following in his exclusion report;

- The name of the pupil
- The duration of the exclusion;
- The reason(s) for the exclusion
- The pupil's age, gender and ethnicity
- Whether the pupil has a statement or is on School Action or School Action Plus and whether he/she is in Local Authority care.

The Responsibilities of the Discipline Committee

The Discipline Committee

- The governing body will appoint a Discipline committee at the beginning of each academic year, and appoint a chair and a clerk.
- The Discipline Committee will review exclusions and fixed term exclusions of more than 5 days and consider any representations from parents.
- The governors have decided that for exclusions under 6 days only written representations will be accepted.
- The Committee will consider whether reinstatement is a practical option
- The Committee may consider more than one exclusion at any one meeting where appropriate in cases where a pupil will miss a public examination as a result of exclusion; the Discipline Committee should endeavour to meet before the date of the examination.

Discipline Committee Meetings re. Exclusions

On being informed of exclusion by the Head Teacher, the clerk or Chair must:

- with fixed term exclusions totalling fewer than 6 school days in one term, convene a meeting of the Discipline Committee to consider representations from the parents (if these have been made), but the pupil cannot be reinstated
- In the case of fixed term exclusions totalling more than 5, but not more than 15 school days, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations between the 6th and the 50th school day after being notified of the exclusion
- In cases of permanent exclusion or where one or more fixed term exclusions add up to more than 15 days in any one term, arrange a meeting to review the exclusion between the 6th and the 15th school day after being notified of the exclusion
- Invite the parent, Head Teacher and an LA officer to attend at a mutually convenient time and place
- Request written statements before the meeting; and circulate any such written statements (including any statements from witnesses)

- Send a list of those due to attend in advance to all interested parties
- The parent may be accompanied by a friend or a legal representative. The excluded pupil would usually be allowed to attend and to speak if the parent requests this
- The Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of noncompliance (i.e., its decision remains valid even if it was made out of time)

Liaison with Parents

At all stages the Head teacher is expected to seek parental cooperation.

Drug related Exclusions

Any decision to exclude will be based on the criteria spelled out in the school's drug policy

Lunchtime Exclusion

The Head Teacher can exclude a disruptive pupil for the duration of a lunch break.

Permanent Exclusion

A decision to exclude a pupil permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences have been employed to no avail or if an exceptional 'one-off' offence has been committed – examples of this are:

- Serious violence, actual or threatened, against a pupil or member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Deliberately sounding the school fire alarm
- Any other one-off offence considered by the Head Teacher to be an exceptionally serious one.

Offsite Behaviour

In certain circumstances at the discretion of the Head Teacher the school will treat poor behaviour offsite as though it occurred on the premises. This usually involves such behaviour committed on the way to and from school or during an educational visit.

Equal Opportunities

In making decisions about exclusion the Head and Discipline Committee will take into account any special educational needs, disabilities, gender, and cultural differences that may be relevant to the case. The Head Teacher will consider the advice in the DfES 'Improving Behaviour and Attendance', and any published codes of practice.

Monitoring and Review

The Head Teacher will report at least annually on the number and type of exclusions and their outcome. The Discipline Committee will review the working of this policy, make an annual report to the governing body, and make recommendations as necessary to the governing body.

NYCC EXCLUSION GUIDELINES: Headteacher – NYCC Maintained Schools, Pupil Referral Services and Academies

FIXED TERM up to and including 5 days in one term Model Letter 1	FIXED TERM adding up to more than 5 days and up to 15 days in one term Model Letter 2	FIXED TERM adding up to MORE THAN 15 days in one term and no more than 45 days in school year Model Letter 3	PERMANENT Model Letter 4
<p>1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion.</p> <p>2. Inform parents/carers of right to make representations to Gov. Body. (model letter 1)</p> <p>3. No need to hold Gov. Body meeting but must meet to consider representation between 6th and 50th school days following exclusion.</p> <p>4. Inform LA (for monitoring purposes completing form EX1/FT on page 46 within one school day).</p> <p>5. Make arrangements for setting and marking work.</p> <p>6. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (Pg4 Para 4).</p> <p>7. Maintain school exclusions database in order to monitor an aggregate of fixed term exclusions.</p> <p>8. Report exclusions termly to Gov Body (see para. 90)</p>	<p>1. Immediately inform parents/carers of type and length of exclusion and reasons for exclusion.</p> <p>2. Inform parents/carers of right to make representations to Gov. Body.(model letter 2)</p> <p>3. Inform Gov. Body and arrange meetings between 6th and 50th schools days following exclusion, if parent has requested a meeting.</p> <p>4. Inform LA (for monitoring purposes completing form EX1/FT on page 46 within one school day).</p> <p>5. Invite parent and LA* to meeting of the Gov. Body if meeting requested.</p> <p>6. Make arrangements for setting and marking work for the first 5 days.</p> <p>7. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (page 4, para. 4).</p> <p>8. Ensure all required documentation is made available to Gov. Body, Parent and LA when required.</p> <p>9. Comply with Gov. Body's resolution to uphold or to reinstate at earlier date, if Governors so resolve.</p> <p>For all fixed term exclusion over 5 days</p> <ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day • If transport required complete section on EX1/FT above to LA • Inform parents/carers of arrangements for education during the exclusion 	<p>1. Immediately inform parents/carers of type and length of exclusion, and reasons for exclusion.</p> <p>2. Inform parents/carers of right to make representations to Gov. Body.(Model letter 3)</p> <p>3. Inform Gov. Body and arrange meeting on or before 15th school day.</p> <p>4. Inform LA (and Home LA if not NY) completing form EX1/FT (page 46) within one school day.</p> <p>5. Invite parents/carers, pupil, any representatives and LA* to meeting of Governing Body at a mutually convenient time.</p> <p>6. Make arrangements for setting and marking work for the first 5 days.</p> <p>7. Make arrangements for a re-integration meeting that plans how future behaviour will be managed (page 4, para. 4).</p> <p>8. Ensure all required documentation is made available to Gov. Body, parent/carer and LA.</p> <p>9. Comply with Gov. Body's resolution to uphold or to reinstate at earlier date, if Governors so resolve.</p> <p>For all fixed term exclusion over 5 days</p> <ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day • If transport required complete section on EX1/FT above to LA • Inform parents/carers of arrangements for education during the exclusion 	<p>1. Immediately inform parents/carers of type of exclusion and reasons for exclusion.</p> <p>2. Inform parents/carers of right to make representations to Governing Body.(Model letter 4)</p> <p>3. Inform Governing Body and arrange meeting on or before 15th school days.</p> <p>4. Inform LA (and "Home" LA if not North Yorks.) completing form EX1/P (Page 47) (Form EX2 for Fixed Term made Permanent) within one school day to ensure that the LA may make the appropriate provision from the 6th day.</p> <p>5. Invite parent/carer, pupil, any representatives and LA* to meeting of Governing Body at a mutually convenient time.</p> <p>6. Make arrangements for setting and marking work for the first 5 days.</p> <p>7. Ensure all required documentation made available to Governing Body and LA.</p> <p>8. Following a decision of the Gov. Body advise the parents/carers and LA where Headteacher's decision is upheld. Advise parent of right to a review.</p> <p>9. Maintain the pupil on the school roll until the parental right to ask for the decision to be reviewed (page para. 72) is exhausted.</p>

Notes: Any reference to page numbers or paragraphs refers to Exclusion from maintained schools, Academies and pupil referral units in England (DfE Sept 2012).

- Letters may need to be translated into other languages where the parents/carers first language is not English.
- For all exclusions – if the child loses the opportunity to take a public examination or National Curriculum Test the Governing Body MUST be informed. (Para's 38, 54, 59 and Annex A of DfE Exclusion Guidance Sept 2012.
- Lunchtime exclusion counts as half day.
- A child in the care of the LA (or in voluntary care) should not be excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable

alternative full –time provision from Day 1. (Para's 22, 23, 24, 46, 48 DfE Exclusion Guidance Sept 2012).

- At all stages of the process, schools should consider the range of interventions available to meet the behavioural needs of the pupil e.g. EMS(BESD), Collaborative, CAF.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.
- Pupils aged 18 or over have the right to represent themselves instead of parent/carer.
- Any decision to exclude must be made in line with the principles of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate.

***Academies – a parent may invite an LA rep to attend a meeting of the Academy's governing body as an observer and he/she can only make representations with the governing body's consent.**

NYCC EXCLUSION GUIDELINES: Governors – NYCC Maintained Schools, Pupil Referral Services and Academies

FIXED TERM up to and including 5 days in one term	FIXED TERM adding up to more than 5 days and up to 15 days in one term	FIXED TERM adding up to MORE THAN 15 days in one term and no more than 45 days in school year	PERMANENT
<p>1. No need to meet unless any representation from parents/carers. Then meet to consider the representation. Governors can meet with parents if they choose.</p> <p>(Cannot direct reinstatement where fewer than 5 days unless pupil loses opportunity to take a public examination).</p>	<p>1. Meet on or before the 50th school day to consider exclusion, if parents/carers request a meeting.</p> <p>2. Ask for written statements from parents/carers/LA and Head before the meeting and circulate to all who will be attending (including the pupil if he/she is attending) together with a list of who will be attending.</p> <p>3. After considering Headteacher's, parents/carers' and LA's* representations and the guidance – Exclusion from maintained schools, Academies and pupil referral units in England, DfE Sept 2012 determine</p> <p>a) whether pupil was responsible for the behaviour and, if so</p> <p>b) was the Headteacher's action lawful, reasonable and procedurally fair taking into account of the Headteacher's legal duties?</p> <p><u>Or</u></p> <p>c) if the Governors come to a different view – reinstate immediately or on a particular date.</p> <p>4. Ensure LA are sent a copy of the decision when informing parents/carers.</p>	<p>1. Consult with parent/carer/LA*/ Headteacher to agree mutually convenient date for meeting. Meet on or before the 15th school day to consider exclusion.</p> <p>2. Ensure the school has provided all required documentation for circulation to all who will be attending (e.g. governors, LA Rep, parents/carers and the pupil if he/she is attending) together with a list of who will be attending.</p> <p>3. After considering Headteacher's, parents/carers' and LA's* representations and guidance – Exclusion from maintained schools, Academies and pupil referral units in England, DfE Sept 2012 determine</p> <p>a) whether pupil was responsible for the behaviour and, if so</p> <p>b) was the Headteacher's action lawful, reasonable and procedurally fair taking into account of the Headteacher's legal duties?</p> <p><u>Or</u></p> <p>c) if the Governors come to a different view – reinstate immediately or on a particular date.</p> <p>4. Ensure LA (and "Home" LA if not North Yorkshire) are sent a copy of the decision when informing parents/carers.</p>	<p>1. Consult with parent/carer/LA*/ Headteacher to agree mutually convenient date for meeting. Meet on or before the 15th school day to consider permanent exclusion.</p> <p>2. Ensure the school has provided all required documentation for circulation to all who will be attending (e.g. governors, LA Rep*, parents/carers and the pupil if he/she is attending) together with a list of who will be attending.</p> <p>3. After considering Headteacher's, parents/carers' and LA's* representations and guidance – Exclusion from maintained schools, Academies and pupil referral units in England, DfE Sept 2012 determine</p> <p>a) whether pupil was responsible for the behaviour and, if so</p> <p>b) was the Headteacher's action lawful, reasonable and procedurally fair taking into account of the Headteacher's legal duties?</p> <p>c) were strategies deployed to mitigate the effects of behaviour including the use of Individual Provision Map &/or risk assessment & CAF?</p> <p><u>Or</u></p> <p>d) if the Governors come to a different view – reinstate immediately or on a particular date.</p> <p>4. Ensure governor attendance at Independent Review Panel (IRP) if required.</p> <p>5. Ensure LA (and "Home" LA if not North Yorkshire) are sent a copy of the decision when informing parents/carers.</p> <p>6. If the IRP request the governing body reconsiders an exclusion following a review please refer to para.162 -165 of the guidance.</p>

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- Lunchtime exclusion counts as half day.
- A child in the care of the LA (or in voluntary care) should not be excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full –time provision from Day 1. (Para's 22, 23, 24, 46, 48 DfE Exclusion Guidance Sept 2012).
- At all stages of the process, schools should consider the range of interventions available to meet the behavioural needs of the pupil e.g. EMS(BESD), Collaborative, CAF.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

- Pupils aged 18 or over have the right to represent themselves instead of parent/carer.
- Any decision to exclude must be made in line with the principles of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate.
- Governors should not interpret a parent's acceptance of full-time education off-site as signalling agreement with the Headteacher's decision to exclude.

* **Academies – a parent may invite an LA rep to attend a meeting of the Academy's governing body as an observer and he/she can only make representations with the governing body's consent.**