



QEGSMAT

Exclusion Policy

City of Derby Academy

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Date	December 2017
Review date	
Approved by	
Governor Minute No:	

Version History			
Version	Date	Detail	Author
1.00	22/11/2017	Initial Draft	PS

Contents

1. Discipline
2. Pre-Exclusion Procedure
3. Exclusions
4. Post Exclusion Meetings
5. The Discipline Committee
6. The Independent Review Panel

Appendix 1 – Draft Fixed Term Exclusion [FTE] letter

Appendix 2 – Draft Permanent Exclusion [PEX] letter

1. Discipline

1.1 It is the duty of the Headteacher to determine measures to:

- a. promote the school's philosophy of the three R's (Respectful, Responsible and Ready to Learn);
- b. encourage good behaviour;
- c. secure that the expectation of behaviour is acceptable;
- d. otherwise regulate the conduct of 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 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 unacceptable. 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. This meeting will provide the opportunity for the school's concerns to be discussed with the parents and student, and ways in which exclusion might be prevented.

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: -

1. 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 a good reason to believe that the student's return would place the safety of other students and/or staff at serious risk

2. Permanent:

- Where the behaviour/s is/are serious breaches of the school behaviour policy.
- 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:

- 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 'Year 11 prom'.
- Of the parent's right to make representations to the Local Governing Body (LGB).
- That any representations to Local Governing body should initially be made in writing to the Headteacher, who may keep a copy before passing the representations to LGB.
- Of the link to the statutory guidance for exclusions.
(<https://www.gov.uk/government/publications/school-exclusion>)

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 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.

3.6 The Chair of Governors, LGB and the Senior Area Education Officer must be informed, without delay, of any student being excluded permanently; for a period of five days or longer; and if the exclusion would lead to a student missing a public examination or national curriculum test.

3.7 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

3.8 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 Local Governing Body.

3.9 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 LGB must be called within 15 days (on which the school is open) of the date of the last exclusion.

3.10 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.

3.11 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 absence.

3.12 During the first five days, work will be provided and assessed. However, when the cumulative period of exclusion exceeds 5 days the City of Derby Academy will provide an alternative provision. This alternative provision may include: -

- Home tuition for a period of time
- Access to virtual/online learning
- A place in the school Referral Centre
- A place in another school alternative provision
- A place at the CODA Connect alternative provision

4. Post Exclusion Meetings

4.1 The purpose of the post exclusion meeting will be

- To discuss and review the decision for the school to exclude the student
- For the Headteacher to establish whether it is safe and right for the student excluded to readmitted or whether another exclusion should be issued
- To answer any questions the parents/guardians have
- To discuss and agree any support that needs to be put in place to support the student
- Where appropriate to review the students SIP (Student Intervention Plan)

4.2 The readmission meetings will be held at the City of Derby Academy and will be chaired by:

- First exclusion – Assistant Headteacher (AHT), Head of Year (HOY) or Deputy Head of Year (DHOY)
- Second Exclusion – Deputy Headteacher (DHT), Assistant Headteacher (AHT), Head of Year (HOY) or Deputy Head of Year (DHOY)
- Third Exclusion - Headteacher (HT), Assistant Headteacher (AHT), Head of Year (HOY) or Deputy Head of Year (DHOY)
- Fourth or more Exclusion - Headteacher (HT), Assistant Headteacher (AHT), Head of Year (HOY) or Deputy Head of Year (DHOY), Governor

5. The Discipline Committee – (For permanent exclusion)

5.1 The Local 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).

5.2 The Discipline Committee shall consist of not less than three members of the Local Governing Body, none of whom shall be the Headteacher.

5.3 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 they should be reinstated immediately, reinstated by a particular date or not reinstated;
- b. where they consider that they should be reinstated, to give the appropriate direction to the Headteacher;
- c. where they consider that they should not be reinstated, to inform the student (if aged 18 or over) or a parent of the student (if 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.

5.4 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.

5.5 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.

5.6 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.

5.7 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.

5.8 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.

5.9 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.

5.10 The Discipline Committee shall decide whether the student should be reinstated and, if so, set a date for the student's return to school.

5.11 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 5.3

to comply with any direction for the reinstatement of the student given by the Discipline Committee.

5.12 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.

5.13 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 5.3, 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).

5.14 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 through an independent review panel.

6.The Independent Review Panel

6.1 It is the duty of the Academy Trust to arrange an independent review panel 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.

6.2 Statutory guidance for arranging and appointing an interim review panel are set out in the section 8 and 9 of the 'exclusion from maintained schools, academies and pupil referral units in England'. (<https://www.gov.uk/government/publications/school-exclusion>)

EXCLUSION POLICY - APPENDIX 1

Draft Fixed Term Exclusion Letter

Name and Address

Dear

Re: JOE BLOGGS (tutor group) - Date of Birth xx/xx/xxxx

I am writing to inform you of my decision to exclude **(Name)** on a fixed term basis for the following reason(s):

-
-
-

The length of the exclusion from the Academy is **x** days and begins on **xx/xx/xxxx**. This means that **(Name)** will not be allowed in school for this period.

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. Therefore a meeting will be held on **(date)** at **(time)** with myself which you and **(name)** should attend in order to discuss **his/her** behaviour in school. **Xxxx [Senior leader]** and **xxxx [Head of Year]** will also be present.

I am also particularly concerned that this will be **(name)**, **xth** 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 **(name)** future at the City of Derby Academy.

If this date is inconvenient, please do not hesitate to contact the Academy to arrange a mutually convenient time. You are welcome to bring a friend or supporter with you to the meeting.

We will set work for **(name)** to be completed on the days during the period of **his/her** exclusion **[detail the arrangements for this]**. Please ensure that work set by the Academy is completed and returned to us promptly for marking.

As **(name)** has been excluded for 6 or more cumulative days, the City of Derby Academy will provide an alternative provision. This alternative provision may include one or more of the following :-

- Some home tuition for a period of time
- Access to virtual/online learning
- A place in the school Referral Centre
- A place in another school alternative provision

- A place at the CODA Connect alternative provision

If the provision is at another school, (name) will need to be dropped off and collected from the school reception. In addition, (name) will be expected to follow the expectations of that school and attend in full CODA uniform.

You have the right to make a representation to the Local Governing Body which you may do by writing to me. I will pass your letter to the Local Governing Body, with a record of your **son's/daughter's** exclusion and **his/her** school record. Whilst the Local Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

For your information the following sources of information are available to you:

- You may find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on www.childrenslegalcentre.com.

The advice line is open from 8am to 8pm Monday to Friday.

- The Department for Education statutory exclusions guidance can be found at www.gov.uk/government/publications/school-exclusion

You also have a duty to ensure that your child is not present in a public place in school hours during this exclusion period unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates.

Yours sincerely

Mr P Smith
Headteacher

EXCLUSION POLICY - APPENDIX 2

Draft Permanent Exclusion Letter

Date

Address

Dear

Re: JOE BLOGGS (tutor group) - Date of Birth xx/xx/xxxx

It is with regret that I am writing to inform you of my decision to exclude (name) from school permanently with effect from (date).

I am writing to inform you of my decision to permanently exclude (Name) from the City of Derby Academy for the following reason(s):

-
-
-

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 the Local Authority will provide suitable education.

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

There will be a hearing chaired by a subcommittee of the Local Governing Body within 15 school days of the beginning of the exclusion. The hearing will review the permanent exclusion from both parties and decide if the permanent exclusion will be upheld. 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.

For your information the following sources of information are available to you:

- You may find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on www.childrenslegalcentre.com.

The advice line is open from 8am to 8pm Monday to Friday.

- The Department for Education statutory exclusions guidance can be found at www.gov.uk/government/publications/school-exclusion

I must point out that you have a duty to ensure that (name) 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.

Yours sincerely,

P Smith

Headteacher