



Exclusion Policy

Fixed Period Exclusion

A fixed period exclusion means that your child will not be allowed to go to school for lunchtime periods or a number of school days. You will normally receive a telephone call followed by a letter telling you about the exclusion. The letter will tell you when your child can go back to school. The return to school will normally be preceded by a meeting with the Headteacher, but the return should not be delayed if this is not possible.

A fixed period exclusion can be for a lunchtime period or for a fixed period of one to forty-five days in an academic year. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents/carers.

Parents/carers must know the detail of the case against their child.

- If your child is excluded from school, you will get a letter giving the reasons for the exclusion. You should get this letter on the day of the exclusion.
- If your child is excluded for a lunchtime period and is entitled to a free school meal, the school will make arrangements for a lunch to be provided if required.
- If the exclusion is for five days or less and you want to discuss it with the Governors you can say that you want to make representations to the Pupil Discipline Committee. Whilst it is not imperative that they meet with you, it is good practice for them to do so.
- If your child has been excluded for between six and fifteen school days in a term, the Governors Pupil Discipline Committee must meet to discuss this, if you request a meeting. The latest date by which the Pupil Discipline Committee can meet is no later than 50 school days from the date that the Governors were notified. The school will write and tell you about the meeting and your right to attend and make your representation at the meeting. Parents/carers may wish to be accompanied by a friend or representative and advise school of a disability or special needs which would affect their attendance at a meeting held in school.
- If your child has been excluded for more than 15 school days in a term, the Pupil Disciplinary Committee must meet to review the exclusion whether or not you choose to attend.

During the Exclusion

While your child is excluded, he/she may not go to school or into the school grounds. Schools and school grounds are private places. Anyone entering without authority, which might include excluded pupils, is trespassing and will be asked to leave. The school will set work but it is up to you to make sure it is collected and returned, when completed, for marking.

You are responsible for your child while he/she is excluded. An exclusion takes effect as soon as the school has made the decision to exclude.

Behaviour Policy

An exclusion is a very serious matter and even if you do not want to meet with the Governors, it might be useful to discuss what has happened with staff at school and how you might work together to improve your child's behaviour.

We have a behaviour policy, which explains how we manage challenging and difficult behaviour in school. This policy includes sanctions for poor behaviour and rewards systems in place to help promote improved behaviour in school. Parents/carers often have a strong influence on their child's behaviour and will want to add their support to the efforts made by school to prevent further exclusions.

Permanent Exclusion

Parents must know the detail of the case against their child

- If your child is permanently excluded from school, you will get a letter giving the reasons for the permanent exclusion. You should get this letter on the day of the exclusion.
- The school will tell you about the date of the Governor's Meeting. A group of 3 to 5 governors make up the Pupil Discipline Committee or school could hold a full Governing Body Meeting, which has decision-making powers. This is a meeting that you can attend, with a friend or representative to help you. Your child can go to the meeting if you want him/her to go.
- Before the meeting, the school must send you details of all the reasons for the exclusion. The school must include all the reasons that they will present to the governors and they cannot bring in new information at the meeting. If you give new information then the school can respond to this.

During the exclusion

While your child is excluded, he or she may not go to school or into the school grounds. The school will set work but it is up to you to make sure it is collected and returned when it is completed for marking.

You are responsible for your child while he or she is excluded. An exclusion takes effect as soon as the school has made the decision to exclude.

Parents have the right to attend a meeting of the Governor's Pupil Discipline Committee or full Governing Body Meeting

- The Local Authority (LA) will discuss with you and your child an education plan so that you will be aware of what plans are in place and how it will be monitored.
- If you want to appeal against the exclusion to an Independent Appeal Committee, the letter about the exclusion decision will tell you who to write to and the deadline for doing this. You will have to state why you think the decision should be changed.

Independent Appeal Hearings

Background

Parents/carers have the right to appeal to an Independent Appeal Panel against any decision made by a Governors' Disciplinary Committee. DCSF guidance- Improving Attendance and Behaviour: Guidance on Exclusion from Schools and Pupil Referral Units – October 2004, Part 5 – Independent Appeal Panels sets out how the appeals should be handled. The guidance also includes an explanation of the management of appeals and procedures to be followed after the hearing.

The role of the Appeal Hearing

The role of the Independent Appeal is either to uphold the decision to exclude, or direct immediate reinstatement or reinstatement at some future date; or it may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement. In coming to this decision the Independent Appeal Panel has to decide whether the exclusion was in line with the national guidance and the school's discipline and behaviour policy, the interests of the pupil and other pupils and staff at the school and the fairness of the exclusion.

The Pupil Discipline Committee cannot put forward new evidence or grounds to support the exclusion.

The Independent Appeal Panel is looking at the decision reached by the Disciplinary Committee and the reasons for that. However, if the parents/carers or the CSA produce new information, the Pupil Disciplinary Committee can respond.

The Hearing

Independent Appeals Hearings are independent and generally follow a similar format as to the Pupil Disciplinary Committee's meeting. The school puts forward its case, which can be questioned by the Independent Appeal Panel and the parents/carers. The parents/carers put forward their case and the Independent Appeal Panel and the school can ask questions. The school then sums up as do the parents/carers. All parties leave the room, excluding the clerk. The Independent Appeal Panel will then discuss and reach an agreed decision.

The Headteacher would normally represent the school and a nominated member of the Pupil Disciplinary Committee would be invited to attend. The Pupil Disciplinary Committee and the parents/carers may have legal representation.

The LA will be present at hearings and may make oral or written representation. The clerk to an Independent Appeal Panel minutes the proceedings. The minutes are not public documents but should be retained by the LA for a period of at least five years, as they may need to be seen by a court or by the Local Government Ombudsman, should the Independent Appeal Panel process be challenged.

Detailed guidance on the conduct of an Independent Appeal Hearing is set out in DCSF Guidance Part 5. Schools should look carefully at this information, particularly in relation to Evidence and Witnesses paragraphs 113 – 119 when involved in an Independent Appeal Hearing.

The Remit of the Independent Appeal Hearing

The decision of the Independent Appeal Panel is final and there is no further appeal against the decision. If the parents/carers believe that there has been maladministration in the process, then they can complain to the Local Government Ombudsman but this is a complaint about the process, not about the actual decision.

The Local Government Ombudsman might make a recommendation or a fresh hearing. If this was practical the LA would normally be expected to comply. If either the parents/carers or the Pupil Discipline Committee consider that the Panel's decision is perverse, they may apply to the High Court for a judicial review.

This must be done promptly and no later than three months after the decision. If it was found that the Panel's decision was unlawful or unreasonable (in narrow legal sense of 'unreasonable', i.e. irrational or perverse), the decision could be quashed and the LA be directed to hold a fresh appeal hearing before a newly constituted panel.

After the Appeal Hearing

If the parents/carers are unsuccessful in the appeal, the exclusion will stand and the responsibility for arranging education for the excluded pupil rests with the LA. The Inclusion Officer will work with the pupil, parents/carers to gather all the relevant information to help support the family through the re-integration process to appropriate education provision.

If the parent is successful, then the pupil is entitled to return to school. Schools will need to discuss and plan how to manage what could be a difficult situation for a pupil's return to school. Whilst delay is not acceptable, it is reasonable to expect a meeting with the pupil and parents/carers prior to re-entry so that there can be an agreed planned return to school.

Details of an exclusion may not be deleted from the pupil's record, even where reinstatement is directed. The Pupil Discipline Committee must, however, comply with any parental request to append their appeal statement to the pupil's record. It will be for the Pupil Discipline Committee to decide what details of the exclusion are included in the pupil's school record in accordance with DCSF guidance.

Sue Parker

08/01/2010

Revised and updated by	Sue Parker
Date	September 2013
Date ratified	September 2013
Review date	September 2014 (In line with Behaviour Policy)

Date re ratified	September 2015
Review date	September 2016 (In line with Behaviour Policy)