

TARLETON ACADEMY

Exclusion Policy

N.B. The unawareness by a member of staff, student or parent of this policy will not be, in itself, sufficient reason to withdraw its application. Access to this policy will be through the school's website and available to staff and students on the Moodle.

General

This is a Governing Body policy. The Governors have made and published a Student Behaviour policy. In this policy the Governors have determined that student exclusion in appropriate circumstances is a disciplinary penalty that can be used in the school.

The Governing Body has taken account of the DCSF advice contained in 'Improving Behaviour and Attendance: Guidance on Exclusion From Schools and Student Referral Units'.

The Head teacher and members of the school Behaviour Review Committee are expected to acquaint themselves fully of their duties under the policy, and the relevant DCSF guidance. The Governors who serve on the Behaviour Review Committee will all have undertaken relevant training.

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 student beyond what is necessary to modify behaviour;
- to ensure that exclusion is used appropriately within the framework of the school's behaviour policy; and
- to discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded students.

Procedures

These procedures follow the statutory advice in Circular 10/99, and the DCSF five part Guidance 'Improving Behaviour and Attendance'.

The Decision to Exclude

1. Students should only be excluded:

in cases of a serious breach of the school's behaviour/discipline policy and if the continued presence of the excludee in the school would seriously damage the

education or the welfare of other students or staff.

2. Only the Head teacher can exclude, or the person in charge on the day, if they are absent from school).

Before deciding to exclude a student the Head teacher will:

- will ensure that an appropriate investigation has been conducted;
- ensure that all the relevant evidence has been considered;
- give the student an opportunity to be heard; and
- consult other relevant people if necessary.
- ensure that the internal checklist has been completed

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 DCSF.

Factors to be Considered before an exclusion

- an appropriate investigation has been conducted;
- all the relevant evidence has been considered;
- the student's version has been heard; and
- if appropriate, other people have been consulted (not a member of the Discipline Committee).

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

Alternatives

For example:

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

When Exclusion Is Inappropriate

In cases of:

- minor breaches of discipline;
- poor academic performance;
- truancy or lateness;
- pregnancy;
- non-compliance with uniform regulations; and
- in response to the (unacceptable) behaviour/attitude/conduct of a student's parents.

Exclusions can either be for a Fixed term or Permanent.

Indefinite exclusions are not permissible by law.

Fixed Term Exclusion

The Head teacher is permitted to exclude a student for one or more fixed term periods not exceeding 45 school days in any one school year.

The school will continue to provide education for an excluded student (whilst he/she remains on roll) and, particularly in the case of an exclusion of more than 15 days, the Head teacher, in consultation with the relevant members of staff will consider the following:

- how the student's education will continue;
- how his/her problems might be addressed in the interim; and
- reintegration post-exclusion.

Procedure for Excluding a Student

1. Informing Parents About the Exclusion

The Head teacher or his representative should 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;
- 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 should also state:

- the latest date by which the Student Exclusion Committee must meet to consider the case;
- the parent's right of access to the student's school record;
- the date and time when the student should return to school (with a fixed term exclusion) or the number of lunch-times for which the student is excluded (with lunch-time 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 name and telephone number of the LA officer to be contacted for advice; and
- the telephone number of ACE (the Advisory Centre for Education).

- Parents of fixed-term or permanently-excluded students are required by the EIA2006 to ensure that the excluded student is not present in a public place during normal school hours on a day which is one of the first five school days to which the exclusion relates.

The school will use model letters in the DCSF Guidance 'Improving Behaviour and Attendance', as exemplars.

The school may offer the services of the Parent Support Officer to support parents throughout the process of exclusion.

2. Informing the Behaviour Review Committee and the Local Authority (LA)

The Head teacher will inform the Governors' Behaviour Review Committee and the LA within one school day of:

- permanent exclusions;
- exclusions totalling more than 5 school days or 10 lunch-times per term;
- exclusions necessitating a student missing a public examination; and
- The Head teacher must inform the Behaviour Review committee and the LA of fixed term exclusions amounting to 5 or fewer school days or 10 or fewer lunch-times (or half days) in toto per term on a termly basis.

The Head teacher must include the following in his/her exclusion report;

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

The Responsibilities of the Behaviour Review and Student Exclusion Committees

1. The Behaviour Review Committee

The Governing Body will appoint a Behaviour Review Committee at the beginning of each academic year, and appoint a chair and a clerk. The Behaviour Review Committee will consist of all governors eligible to review exclusions (i.e. non-staff governors who have been trained).

The Behaviour Review Committee will review all exclusions on a termly basis and consider any representations from parents. The governors have decided that for exclusions under 6 days only written representations will be accepted.

With fixed term exclusions totalling fewer than 6 school days in one term, the termly meeting of the Behaviour Review Committee will consider representations from the parents (if these have been made), but the student cannot be reinstated;

A Student Exclusion Committee will be constituted as required consisting of three members of the Behaviour Review Committee in order to review exclusions.

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 student will miss a public examination as a result of exclusion, the Student Exclusion Committee should endeavour to meet before the date of the examination. In extremis with fixed term exclusions, the chair of the Committee may consider the exclusion on his/her own and may reinstate.

2. Student Exclusion Committee Meetings re. Exclusions

a) On being informed of an exclusion by the Headteacher, the clerk or chair must:

- 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;

and should

- request written statements before the meeting; and
 - circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties.
- b) The meeting should be conducted in accordance with the principles set out in Part 4 of Improving Behaviour and Attendance – Guidance on Exclusion from Schools. The parent and the Head teacher may be accompanied by a friend or a legal representative. The excluded student would usually be allowed to attend and to speak if the parent requests this.
- c) The Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (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 co-operation.

Drug-related Exclusions

Any decision to exclude must be based on the criteria spelled out in the school's drug policy (which also cover the school's approach to legal drugs) and the school's drug co-ordinator will be consulted before a decision to exclude is made.

Lunchtime Exclusion

The Head teacher can exclude a disruptive student for the duration of a lunch break.

Fixed-term and Permanent Exclusions

The following offences will result in fixed-term exclusions:

- Wilful Damage to school property
- Taking any form of drug including alcohol
- Bringing into school any offensive weapon
- Using obscene language to any member of the school staff
- Premeditated physical assault
- Supplying offensive weapons under the school's auspices
- Persistent bullying

This is not an exhaustive list. Serious offences described above whether as a one-off or repeated may be converted to a permanent exclusion if the Head teacher deems such a response to be appropriate. Students may be excluded for a fixed-period at the discretion of the Head teacher for other offences not covered above.

The following one-off offences will result in a permanent exclusion:

- Supplying drugs under the school's auspices
- Assault on any member of the school's staff
- The use of an offensive weapon to intimidate a student or a member of staff

This is not an exhaustive list. Students may be excluded permanently at the discretion of the Head teacher for other offences not covered above.

Off-site Behaviour

In certain circumstances at the discretion of the Head teacher, the school will treat poor behaviour off-site as though it occurred on the premises.

Equal Opportunities

In making decisions about exclusion, the Head teacher 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 DCSF document 'Improving Behaviour and Attendance', and any published codes of practice.

The school will try to ensure that its procedures leading up to exclusion take into account the possibility of a student's disability, where there is evidence that some disability might be involved in the behaviour. Certainly, where a student, or the student's parents, or the school itself, has sought medical or psychological help, no permanent exclusion will be instigated before the medical/psychological report has been received and properly taken into account.

However, the ability of the school, in certain circumstances, to respond to the student's disability may be constrained by the failure of other support services to communicate effectively about the student's difficulties with the school. In those circumstances, the Governing Body believes that permanent exclusion may be an appropriate means of ensuring that the student's needs are addressed.

The school will ensure that it has regard to the following guidance, which follows advice from the Disability Rights Commission. The school has ensured that:

- staff are trained in the nature of disabilities;
- staff are aware of any children with disabilities;
- it has taken the trouble to seek a proper diagnosis;
- it has sought help from the LA; and
- it has made what adjustments it could with its own resources and the LA's, taking into account the diagnosis, including changes to the timetable of the child (e.g. to keep an autistic child out of the corridors at peak changeover time).

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.

Parenting orders in case of exclusion and misbehaviour

The Education and Inspections Act 2006 amends s20 of the Anti-social Behaviour Act 2003.

A 'relevant body' (which in the case of maintained schools will be the Governing Body or Local Authority) may now apply to a magistrate's court for a parenting order in respect of a

student who appears to be engaging in behaviour which would warrant exclusion for a fixed period or permanently.

This right will apply even if there is any practice at the school restricting the use of exclusion, or where there might be grounds for not excluding the student relating to his/her education or welfare after exclusion. The new law makes clear that any policy the school might have that restricts exclusions in certain circumstances is not relevant in the context of parenting orders. The relevant factor is the seriousness of the misbehaviour.

The court can make an order if it is satisfied that the student has engaged in the misbehaviour above, or, in any case, if the court thinks that an order would be desirable in the interests of improving the student's behaviour.

In deciding whether to make a parenting order the court must take into account the failure of a parent, without reasonable excuse, to attend a reintegration interview under s89 of the Education and Inspections Act 2006 (reintegration interview in case of fixed period exclusion) when requested to do so in accordance with regulations made under that section. (Such regulations have not yet been made).

The Act also allows further regulations to be made. One power will be to make provision for which governing body may apply for a parenting order where a student has been admitted to a relevant school after being permanently excluded from another. Another possible regulation will cover how costs will be shared.

Duties of parents in relation to excluded students

Parents of fixed-term or permanently-excluded students are required by the EIA2006 to ensure that the excluded student is not present in a public place during normal school hours on a day which is one of the first five school days to which the exclusion relates and is specified in the notice from the school - or in the case of an exclusion for 5 days or less, on any of those days to which the exclusion relates. If the child is excluded before the start of the afternoon session that day will count as the first day of the exclusion.

Only a LA can institute proceedings against the parent.

The notice the school has to send to the parent must give information about the exclusion, specifying the day on which full-time education will be provided, and setting out the days on which the parent is subject to the duty to ensure that the student does not appear in a public place. The notice can be served by any effective method (e.g. by sending it home with the child).

The parent can be liable to a fine not exceeding level 3 on the standard scale.

Parents have a defence of 'reasonable justification' for the failure.

Penalty notice

The parent can be served with a penalty notice for failure, allowing the parent to pay a penalty as a way of discharging any liability for failing to ensure that the excluded child does not appear in a public place. Any authorised member of staff can issue the penalty notice.

'Authorised staff member' means:

- a Head teacher of a relevant school in England, or
- a member of the staff of a relevant school in England who is authorised by the Head teacher of the school to give penalty notices,

The Secretary of State is empowered to make regulations about the administration of penalty notices.

N.B. The unawareness by a member of staff, student or parent of this policy will not be, in itself, sufficient reason to withdraw its application. Access to this policy will be through the school's website and available to staff and students on the Moodle.

The Governing Body will review this policy on an annual basis.

Adopted by the Governing Body

Date: 30th March 2010