



# Pupil Exclusion Policy

## 1. DEFINITIONS

1.1. In this policy, 'parent' includes anyone who has parental responsibility for or care of, a child. Where a child is the subject of a care order, the LA that has parental responsibility for the child is entitled to determine to what extent the parent's exercise their parental responsibility. Throughout this policy, 'school refers to NeneGate School.

## 2. INTROUCTION

2.1. This policy is based upon the Guidance on exclusion from schools and pupil referral units in England (January 2015).

2.2. In most cases permanent exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour. At NeneGate School we have a range of strategies in place to address the types of behaviour which may lead to exclusion. This includes using the Common Assessment Framework to engage the support of other agencies. The school continues to be responsible for these pupils unless they are permanently excluded.

## 3. MANAGING BEHAVIOUR

3.1. NeneGate School has policies, procedures and staff training in place that promotes good behaviour and prevents poor behaviour. These behaviour policies are widely publicised so that pupils, all school staff and parents are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed. It is our intention to apply the behaviour policies in a consistent, rigorous and non-discriminatory way all areas of their application are monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

## 4. ALTERNATIVES TO EXCLUSION

4.1. A number of options are available to us in response to a serious breach of behaviour policy:

4.1.1. restorative justice, which enables the offender to redress the harm that has been done to a victim and enables all parties with a stake in the outcome to participate fully in the process.

4.1.2. mediation through a third party, usually a trained mediator, is another approach that may lead to satisfactory outcome, particularly where there has been conflict between two parties, for example, a pupil and a teacher, or two pupils;

4.1.3. internal exclusion which is used to defuse situations that occur in schools that require a pupil to be removed from class but may not require removal from school premises. The internal exclusion is the inclusion room with appropriate support and supervision.

## 5. REASONS TO EXCLUDE

5.1. There are four sets of circumstances in which individual pupils will be required to leave the NeneGate School site, namely where:

5.1.1. there is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the



education of welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently.

5.1.2. a pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the headteacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion;

5.1.3. and the pupil is given permission by the headteacher and SLT in charge, or person authorised by them, to leave the school premises briefly to remedy breaches of the school's rules on appearance or uniform, where this can be done quickly – easily; this should be for no longer than is necessary to remedy the breach.

## **6. THE DECISION TO EXCLUDE**

6.1. A decision to exclude a pupil permanently will be taken only:

6.1.1. in response to serious breaches of the NeneGate School's behaviour policy; and

6.1.2. if allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

6.2. A decision to exclude a pupil for a fixed period will be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

6.3. Individual fixed-period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into school afterwards.

6.4. Only the headteacher (or, in the absence of the headteacher, the Deputy head) can exclude a pupil. Other exclusion-related activities do not have to be undertaken by the head teacher personally, but may be delegated.

6.5. A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

6.6. There will, however, be exceptional circumstances where, in the head teacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

6.6.1. serious actual or threatened violence against another pupil or a member of staff;

6.6.2. sexual abuse or assault;

6.6.3. supplying an illegal drug; or

6.6.4. carrying an offensive weapon. Schools now have a power to screen



and search pupils for weapons.

6.7. NeneGate School will consider whether or not to inform the police where a criminal offence may have taken place. We will also consider whether or not to inform agencies such as youth offending teams or social workers.

6.8. Pupil's Opportunity to Participate

6.8.1. The pupil will be invited and encouraged to state their case at all stages of the exclusion process, where appropriate.

## **7. FACTORS TO CONSIDER**

7.1. Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

7.2. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher will:

7.2.1. ensure that a thorough investigation has been carried out;

7.2.2. consider all the evidence available to support the allegations, taking Account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended;

7.2.3. allow and encourage the pupil to give their version of events;

7.2.4. check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;

7.2.5. if necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's decision, for example a member of the governing body; and

7.2.6. keep a written record of the actions taken (integrity and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

## **8. STANDARD OF PROOF**

8.1. The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher and deputy head will exclude the pupil.

8.2. Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be limited. However, it may still be possible for the head teacher to make a judgement on the balance of probabilities on whether to exclude the pupil.

## **9. WHEN EXCLUSION IS NOT APPROPRIATE**

9.1. Exclusion should not be used for:

9.1.1. minor incidents such as failure to do homework or to bring dinner money;

9.1.2. poor academic performance;

9.1.3. lateness or truancy;

9.1.4. pregnancy;

9.1.5. breaches of school uniform rules or rules on appearance (for example,

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relating to jewellery, body-piercing, hairstyles, etc), except where these are persistent and in open defiance of such rules. (Pupils may be sent home, their parents first having been contacted – see paragraph 5.1.3. on recorded authorised absence to change clothes without being excluded; this should be no longer than necessary, otherwise it may amount to an unofficial exclusion – see paragraph 10.1.);

9.1.6. punishing pupils for the behaviour of their parents, for example where parents refuse or are unable, to attend a meeting and

9.1.7. protecting victims of bullying by sending them home.

## 10. UNOFFICIAL EXCLUSIONS

10.1. If a head teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

10.2. Where a pupil is sent home for disciplinary reasons for part of a school day, some head teachers have viewed this as a 'cooling off' period and have not taken action to exclude the pupil formally. There is no basis in law for this. The relevant regulations do not state a minimum length of exclusion. If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as an exclusion.

10.3. In every instance where a pupil is sent home for disciplinary reasons, head teachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day). They should ensure that:

10.3.1. they are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion.

10.3.2. child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent or carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and

10.3.3. that work is sent home or alternative provision is made.

## 11. REMOVAL OF PUPILS ON MEDICAL GROUNDS

11.1. Pupils cannot be sent home on health and safety grounds for their own protection because they are bullied. It is not appropriate to send home children with special educational needs (SEN), with conditions such as attention deficit hyperactivity disorder (ADHD) and autism, purely for that reason and schools should arrange a statutory annual or interim/emergency review if they feel they are no longer able to meet a child's needs. The child should not be sent home in anticipation of such a review.

## 12. LENGTH OF FIXED-PERIOD EXCLUSIONS

12.1. Regulations allow head teachers to exclude a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year. The limit of 45 school days applies to the pupil and not to the institution. Therefore, any days of fixed-period exclusion served by the pupil in any school in the same year will count towards the total. It is important therefore that, when a pupil transfers to a new school during the academic year, records of the fixed-period exclusions a pupil has received and served so far during the current academic year are also transferred promptly to the new school.

12.2. When imposing fixed-period exclusions head teachers should bear in mind the guidance in paragraph 6.3. concerning duration and frequency. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal authority exists. A fixed-period exclusion does not have to be for a continuous period; for example, a pupil may be normally attending school three days a week and a local further education college for the other two; so a five-day exclusion from the school could be for three days in one week and two days in the next week.

## **13. PROCEDURES FOLLOWING A FIXED-PERIOD EXCLUSION**

13.1. For a maintained school the school's obligation to provide education continues and must be met during a fixed-period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to co-operate with schools in this regard. Where a pupil is given a fixed-period exclusion of a duration of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion; this does not apply to pupils of non-compulsory school age.

13.2. During this period the school set work for the pupil to complete and arrange for it to be marked, unless the school/LA has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day. A head teacher considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision should plan;

13.2.1. to make suitable full-time provision available to the pupil from the sixth school day of any period of fixed-period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day. For a pupil with a statement of special educational needs, suitable full-time provision must be appropriate to their special educational needs as set out on the statement;

13.2.2. to ensure that work is set for the pupil to complete during the first five school days of exclusion and it is marked, unless during that time the pupil will be attending alternative provision;

13.2.2. how the time might be used to address the pupil's problems; and

13.2.3. what support will best help with the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with the parent and the pupil.

13.3. The head teacher must arrange a reintegration interview with parents during or following the expiry of a fixed-period exclusion of six or more school days of a secondary-aged pupil. The pupil should normally attend all or part of the interview. The interview should be conducted by the head teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or governor for looked –after children or children with special educational needs (SEN).

13.4. The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

13.4.1. emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;

13.4.2. discuss how behaviour problems can be addressed;

13.4.3. explore wider issues and any circumstances that may be affecting the



child's behaviour;

13.4.4. reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour;

13.5. The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to school.

13.6. The head teacher must try to arrange the interview for a date and time that is convenient to the parent. If possible the interview should be held on the day the pupil returns to school. The interview date suggested by the head teacher should be a school day but the interview can be held on a non-school day if the head teacher and parent agree. At least one of the child's parents is expected to attend the meeting.

13.7. The interview must be conducted on school premises or a home visit if needed.

13.8. The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion. The notice must be given no later than six school days before the date of the reintegration interview.

#### **14. RULES FOR EXCLUDED PUPILS**

14.1. During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification.

#### **15. PROCEDURES FOR REVIEW AND APPEAL**

15.1. The head teacher must notify the governing body and LA of the types of exclusion listed in paragraph 17.6.1. Where governing bodies are notified of an exclusion, they must (whether or not the parent requests) review any exclusion which is a permanent exclusion from their school, or a fixed-periods exclusion that would result in a pupil being excluded for more than 15 school days in any term, or missing a public examination.

15.2. Further details, including those for shorter fixed-period exclusions, are as set out in paragraphs 18.4.1. to 18.4.7. The governing body must decide whether or not to reinstate the pupil, if appropriate, or whether the head teacher's decision to exclude the pupil was justified and appropriate. The governing body can delegate the function of reviewing exclusions to a committee consisting of at least three governors, which may be called the discipline committee see paragraph 17.9.

**16.** The LA must make arrangements for Independent Appeal Panels<sup>1</sup> to hear appeals against permanent exclusions where the governing body upholds the exclusion.

#### **17. PROCEDURES FOLLOWING PERMANENT EXCLUSION**

17.1. In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal

<sup>1</sup> Further guidance is available from School Behaviour & Attendance Policy: Guidance from schools and pupils referral units (PRUs) 2015

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has expired without an appeal being brought. During the first five school days of a permanent exclusion the school will send work home for the pupil to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification.

17.2. All exclusions cases should be treated in the strictest confidence. Only those who need to know the details of exclusion should be informed of them.

17.3. In exceptional cases – usually where further evidence has come to light – a fixed-period exclusion may be extended, or converted to a permanent exclusion. In such cases the head teacher must write again to the parents explaining the reasons for the change. The head teacher may withdraw an exclusion that has not yet been reviewed by the governing body.

17.4. Whenever a head teacher excludes a pupil must be notified immediately, ideally by telephone followed up by a letter. When the parent must be notified in writing on when the pupil is excluded.

17.4.1. Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from next school day, notice must be given before the start of that day.

17.4.2. Where the pupil is excluded in the morning session and the exclusion takes effect from the afternoon, notice must be given before the start of the afternoon session.

17.4.3. Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

17.5. Notices must be in writing and must state:

17.5.1. for a fixed-period exclusion, the precise period of the exclusion;

17.5.2. for a permanent exclusion, the fact that it is a permanent exclusion;

17.5.3. the reasons for the exclusion;

17.5.4. the parent's right to make representations about the exclusion to the governing body/management committee and how the pupil may be involved in this;

17.5.5. the person whom the parent should contact if they wish to make such representations (this will usually be the Clerk to the governing body/management committee);

17.5.6. the school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification; and that the parent may be prosecuted, or may be given fixed penalty notice, if they do not do so;

17.5.7. the arrangements made by the school for enabling the pupil to continue his or her education during the first five school days of an exclusion, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;

17.5.8. the school days on (or school day from) which the pupil will be provided with alternative suitable full-time educational provision and will be required to attend such alternative provision.

17.5.9. that, if appropriate see paragraph 13.3. the parent will be invited to attend a reintegration interview and that the parents failure to attend will be a factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if this is applied for. Details of time, date and location of the interview should be included in the letter for exclusions of up to



five days. Any proposed interview should be held no later than the fifteenth school day, following the pupils return to school.

17.5.10 Letters may need to be translated into other languages, where parents' first language is not English.

17.5.11. Letters should also mention:

17.5.11.1. the latest date by which the governing body must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than five school days in any one term, and would not result to the pupil missing a public examination);

17.5.11.2. the parents right to see and have a copy of his or her child's school record upon written request to the school;

17.5.11.3. if the exclusion is permanent, the date it takes effect and any relevant previous history;

17.5.11.4. the name and telephone number of an officer of the LA who can provide advice; and

17.5.11.5. the telephone number of the Advisory Centre for Education (ACE) exclusions information line – 0207704 9822, their website address: [www.ace-ed.org.uk](http://www.ace-ed.org.uk), and the fact that a text 'AskACE' can be sent to 68808. ACE is a long established independent national charity providing advice to parents.

17.6. Informing the governing body and the LA.

17.6.1. Within one school day the head teacher must inform the governing body and the LA of:

17.6.1.1. permanent exclusions;

17.6.1.2. exclusions which would result in the pupil being excluded for more than five school days in any one term; and

17.6.1.3. exclusions which would result in the pupil missing a public examination.

17.7. Detailed exclusion reports should be sent to the LA and the governing body.

Reports should include the following:

17.7.1. the pupils name, the length of the exclusion, the reason of the exclusion, the pupil's age, gender and ethnicity.

17.7.2. whether the pupil has a statement of SEN, is being assessed for such a statement, or is on School Section or School Action Plus;

17.7.3. whether the pupil is looked after as defined in section 22 of the Children Act 1989; and

17.7.4. for fixed-period exclusions of pupils of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

17.8. Marking attendance registers following exclusions.

17.8.1. Where pupils are excluded for a fixed period and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations and pupils attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or D (Dual registration).

17.8.2. Pupils who are permanently excluded must not be deleted from either the admission register or the attendance register until the appeal process has





been completed. If no alternation provision is made before the sixth day of exclusion for them to continue their education whilst excluded but still on the school roll, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations, they should be marked using appropriate attendance code, such as Code D (Dual registration).

17.9. The governing body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee may be called the Discipline Committee. It is very important that governors who are called upon to review exclusions receive training to equip them to discharge their duties properly.

17.10. Where the governing body establishes a Discipline Committee it should appoint a clerk to the Committee. The quorum for a Discipline Committee meeting is three members. If any governor has a connection with the pupil, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down. The chair has the casting vote in all cases where an even number of governors are considering the case.

17.11. At one meeting the governing body may consider more than one exclusion so long as it complies with the statutory time limits relating to each one.

17.12. If any exclusion would result in the pupil missing a public examination, the governing body should try to meet before the date of the examination. If, exceptionally, it is not practical for the governing body to meet before the time when the pupil is due to take the public examination, either the chair of governors or the chair of the management committee – using his or her powers to act in an emergency – may consider the exclusion and decide whether or not to reinstate the pupil (these are the only circumstances in which the chair of governors or the chair of the management committee can alone review an exclusion).

17.13. In such cases the parent has the right to make oral representations to the governing body or, as the case may be, the chair. If possible, the chair should have the advice of the clerk and an LA officer. In some cases, depending on the nature and seriousness of the exclusion, the governing body may exercise its discretion to allow an excluded pupil on the premises for the sole purpose of taking a public examination.

## **18. GOVERNING BODY ROLE IN REVIEWING EXCLUSIONS**

18.1. There is no legal requirement for the Head teacher to inform the governing body of short fixed-period exclusions (i.e. those of up to and including five school days in total in any one term) as they occur, with the exception of such an exclusion which would result in the pupil missing a public examination. The law requires the head teacher to report short fixed-period exclusions once a term to the governing body and LA.

18.2. The governing body must, in the case of a fixed-period exclusion of five school days or fewer in one term (and which does not bring the pupils total number of days of exclusion to more than five in one term), consider any representations made by the parent. If representation from the parent are received the governing body must consider them, but they cannot direct reinstatement (model letter 1), although they

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can place a copy of their findings on the pupil's school record. In such cases the governing body has discretion to agree to a meeting if the parent requests a meeting to discuss the exclusion. No statutory time limits apply to the consideration of such exclusions, but the governing body should consider responding promptly to any request from the parent.

18.3. An excluded pupil under the age of 18 should be allowed and encouraged to attend the hearing and to speak on his or her own behalf, if he or she wishes to do so, subject to their age and understanding.

18.4. On receiving notice of an exclusion from the head teacher and deputy head, the governing body:

18.4.1. must, in the case of a fixed-period exclusion of more than five, but not more than 15 school days in one term (which does not bring the pupil's total number of days of exclusion to more than 15 in one term), convene a meeting between the 6<sup>th</sup> and the 50<sup>th</sup> school day after receiving notice of the exclusion, to consider the exclusion but only if the parent requests such a meeting (model letter 2).

18.4.2. must, in the case of a permanent exclusion, or a fixed-period exclusion of more than 15 school days in one term (or which brings the pupil's total number of days of exclusion to more than 15 in one term) convene a meeting between the sixth and the fifteenth school day after the date of receipt of notice to consider the exclusion (model letter 3 and 4). If a pupil's total number of days of fixed-period exclusion(s) of the pupil in the same term would again trigger the governing body's duty to consider the circumstances of the exclusion;

18.4.3. must invite the parent, head teacher and an LA officer to the meeting at a time and place convenient to all parents (but in compliance with the relevant statutory time limits);

18.4.4. should ask for any written statements (including witness statements) in advance of the meeting; and

18.4.5. should circulate, at least five days in advance of the governing body meeting, any written statements (including witness statements) and a list of those who will be present at the meeting to all parties, including the pupil if it is known that they are to attend the meeting.

18.4.6. The governing body must comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to comply. Accordingly their decision will not be invalid simply on the grounds that it was made out of time.

18.4.7. It should be noted that the governing body's role is to review exclusions imposed by the head teacher, who alone has the power to exclude. It follows that the governing body cannot increase the severity of exclusion, for example by extending the period of fixed-period exclusion or by imposing a permanent exclusion in substitution for fixed-period exclusion.

18.4.8. The governing body can uphold exclusion; or direct the pupil's reinstatement, either immediately or by a particular date. If the governing body cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they can place a copy of their findings on his or her school record.

18.4.9. Governors should bear in mind that, in the case of a permanent exclusion, if an appeal is lodged the independent appeal panel will not just review the governor's meeting; it will re-hear all the facts of the case including any fresh evidence.

## 19. PROCEDURES AT THE GOVERNING BODY MEETING

19.1. The governing body should conduct the meeting along the lines shown in **Annex 2**. Where an allegation of misconduct against the pupil is in dispute the governing body should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the pupil did what he is accused of.

19.2. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of beyond reasonable doubt to be applied, but it does mean that when investigating more serious allegations head teachers will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour, if relevant to the allegation) in determining whether it is distinctly more probable than not that the pupil has committed the offence.

19.3. The governing body should allow and encourage the excluded pupil to attend the meeting and speak, subject to their age and understanding. They should allow the parent to be accompanied by a friend or legal representative at their request.

19.4. The LA is not required (and it may not be practical) to send a representative to all governing body exclusion meetings in its area.

19.5. The head teacher should attend meeting to clarify points and answer any questions relating to the incident or events leading to the exclusion.

19.6. No party to the review should be alone with the governors at any point before, during or after the meeting.

19.7. The governing body may ask the LA officer (if in attendance) for advice. However, it should make its decision alone, asking the other parties, including the LA officer, to withdraw. The clerk may stay with the governing body to help it by reference to the notes and with the wording of the decision letter.

19.8. Where the exclusion is for more than five school days in total in one term and where reinstatement is practical, the governing body should decide whether to direct reinstatement. In reaching its decision the governing body should consider:

20.8.1. any representations made by the parent, the pupil and the LA;

20.8.2. whether on a balance of probabilities the pupil did what he or she is alleged to have done; and

20.8.3. whether the head teacher has complied with the law on exclusion and has had regard to this guidance on exclusion.

19.9. In considering whether to direct reinstatement, the governing body/management committee should seek the LA's views as to what support could be made available to assist with reintegrating the pupil.

## 20. GOVERNING BODY DECISION

20.1. Where reinstatement is not practical, because for example the pupil has returned to school following the expiry of fixed-period exclusion, or because the parent makes clear he or she does not want their child reinstated, the governing body must consider whether the head teacher's decision to exclude the child was justified, based on the evidence. The outcome of its review should be added to the pupil's school record for future reference.

20.2. There are only two decisions open to the governing body – to uphold the exclusion or to direct the pupil's reinstatement, either immediately or by a particular date.



20.3. If the governing body cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they should annotate his or her school record with their findings.

20.4. The governing body must inform the parent, the head teacher and the LA of its decision in writing within one school day of the hearing, stating the reasons.

20.5. Where the governing body decides to uphold a permanent exclusion, its letter to the parent should also include the following information:

- 20.5.1. the reason for the decision;
- 20.5.2. their right to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent (normally the clerk to the appeal panel);
- 20.5.3. the date by which any notice of appeal should be lodged (15 school days after the day on which notice in writing was given of the governing body's decision. Where the notice is sent by first class post it is treated as having been given on the second working day after it was posted);
- 20.5.4. that any notice of appeal must set out the grounds on which the appeal is made; and
- 20.5.5. that any claim on grounds of disability discrimination should also be set out in the notice of appeal.

## **21. AFTER THE MEETING**

21.1. A copy of the governing body's decision letter should normally be placed on the pupil's school record with copies of relevant papers. Exclusions can only be expunged from the pupil's school record through direction from the courts or rectification of personal data. In deciding how long to retain school records schools must comply with freedom-of-information and data-protection legislation.

## **22. LOOKED AFTER CHILDREN**

22.1. Looked-after children are no less able than other children. Many looked-after children have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. NeneGate School will proactively support and cooperate with foster carers and the local authority as a corporate parent in doing everything possible to avoid exclusion a looked-after child. Exclusion from school and permanent exclusion in particular, can place a great strain on care placements and lead to even more disruption in a child's life if the care placement breaks down as a result.

22.2. Exclusion of looked-after children will be an absolute last resort. NeneGate School will work together in partnership with other professionals and try every practicable means to maintain them in school and to exclude them only in the most exceptional circumstances. Before exclusion, schools, in conjunction with the local authority, should first consider alternative options for supporting the looked-after child or young person. No looked-after child should be excluded from a school without discussion with the local authority to ensure that there is a suitable alternative provision available elsewhere.

22.3. The child social workers should be involved at the earliest opportunity to work with the school to avoid the need for exclusion. The role of designated teacher for



looked-after children in a school is central to involving other children's services and, where appropriate, securing additional support.

22.4. In cases where a looked-after child or young person is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. At any exclusion hearings, especially where support for the child may not be consistent or robust, the school will ensure that children and young people have a voice and that they feel they are being listened to. The hearing should take place in an atmosphere where they feel comfortable and able to speak openly.

### 23. REVIEW

23.1. This policy will be reviewed every two years unless change of legislation dictates otherwise.

Signed ..... on .....[date]

Chair of the Governing Body

Date for Review: .....

### Revision History

Rev. No.	Date	Changes	Sign
1			
2			
3			
4			
5			
6			



## **ANNEX 1 – Model Letters**

Model letters can be found attached with this policy or a copy in the Main Office.

## **ANNEX 2 – PROCEDURE AT GOVERNOR DISCIPLINE COMMITTEE HEARINGS**

Procedure for governor meeting to consider a permanent exclusion from school.

Following introductions from the chair of the committee:

1. The Head Teacher introduces the report that has been circulated previously, drawing attention to salient points;
2. The parent(s), child and supporter may ask the Head Teacher questions about what is in the report or what has been said;
3. Members of the committee may ask the Head Teacher questions;
4. LA representative may ask the Head Teacher questions;
5. The parents(s), pupil and supporter put forward their views and comments to the Governor Discipline Committee and LA representative;
6. The Head teacher may ask questions of the parent(s), child and supporter;
7. The Governor Discipline Committee may ask questions of the parents(s), child and supporter;
8. The LEA representative may ask questions of the parent(s), child and supporter;
9. The chairman draws attention to the points, Annex 3 that the Governor Discipline Committee will need to address in determining their decision;
10. The Head Teacher may request a brief adjournment to consider whether he/she wishes the pupil to be reinstated to the light of the representative made;
11. Summing up by the Head Teacher;
12. Summing up by the parent(s) and/or by the supporter;
13. Statement from the Education Officer/LA representative on the appropriateness of the permanent exclusion;
14. The parent(s), pupil, Head Teacher, LEA representative and anyone else who is not a member of the Governor Discipline Committee must leave the meeting for the Governor Discipline Committee to determine, with reasons, whether to direct reinstatement or to uphold the Head Teacher's decision.



### **ANNEX 3 – GUIDANCE FOR GOVERNOR DISCIPLINE COMMITTEE**

Guidance for governor discipline committee members in determining whether to reinstate or uphold a permanent exclusion.

In determining whether or not to direct reinstatement, the Governor Discipline Committee will need to consider:

1. Have the facts about the incident(s) that led to the permanent exclusion been established?
2. Was a full investigation, including the questioning of the pupil and witnesses, undertaken?
3. Is it clear how the incident(s) relate to the Schools Code of Conduct and Behaviour Policy?
4. Was the pupil responsible for the behaviour that led to permanent exclusion?
5. Was permanent exclusion a reasonable response to the incident(s)?
6. What is the previous record of behaviour of the pupil and what strategies, plans, programmes and action have been undertaken by the school to understand and improve the pupil's behaviour?
7. To what extent are the facts agreed between all the parties concerned?
8. What facts are in dispute and what conclusions can the Governor Discipline Committee make from the evidence presented to them?
9. What are the pupil's educational needs?
10. What effect, if any, would permanent exclusion have on the pupil's opportunity to take and anticipated success at, any public examination?
11. What effect may a pupil's reinstatement have on the school?
12. What is in the best interest of the pupil?
13. Are there mitigating factors to be considered?