

EXCLUSIONS POLICY

THIS POLICY LINKS WITH:

- BEHAVIOUR POLICY
- SEND REPORT
- EQUAL OPPORTUNITIES POLICY

Date of Latest Review:	January 2016
Next Review Date:	January 2017
Policy Available for Staff at:	VLE/Website
Policy Available for Parents at:	Main Office/Website
Headteacher:	Ms M Roberts

Introduction

The decision to exclude a student will be taken in the following circumstances:

- In response to a serious breach or persistent breaches of the Behaviour Policy
- If allowing the student to remain in the school would seriously harm the education or welfare of the student or others in school
- In cases where there has been a major breach of normal expectations of conduct

Exclusion is a serious sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher who is acting in that role).

Over serious matters which may result in a Fixed Term Exclusion, a member of the SLT should interview students. If the nature of the incident is very serious then two members of staff should be present to conduct the interview. The student should be questioned fairly and given ample opportunity to give a response. The student may be asked to provide a written statement of what happened or one of the members of staff will take notes from the interview. At this stage these statements or notes will help the Headteacher to decide on what further action should be taken.

This policy is supplementary to the Student Behaviour Policy and deals with the policy and practice which informs the use of exclusion.

Exclusion Procedure

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DFE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the St Joseph's College and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

The Governors and SLT have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days and have made arrangements for working in partnership with the other local schools to provide for education on the sixth day.

Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body as explained in the letter.

A post exclusion meeting will be held following the expiry of the fixed term exclusion with the parents and Headteacher, it may also involve a member of the Senior Leadership Team or other staff where appropriate. Where it is deemed necessary; a Pastoral Support Plan will be drawn up. This needs to be agreed with the school, student and parents. This may involve support from the SEND team with the introduction of a Pupil Passport, the Inclusion Manager or other outside agencies

During the course of a fixed term exclusion where the student is to be at home, parents are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

- The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
- The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence.

St Joseph's College will consider Police involvement for any offence which is illegal.

Factors Considered Before Exclusion

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy and the students version of events.

If the Headteacher, is satisfied that on the balance of probabilities, the student did what he or she is alleged to have done, exclusion will be the outcome.

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy
- The effect that the student remaining in school would have on the education and welfare of other students and staff

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Pupil Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's behaviour record, witness statements and the strategies used by the school to support the student prior to exclusion.

Behaviour Outside School

Students' behaviour outside school on school "business", for example, trips and journeys, away sports fixtures or a work experience placement, is subject to the Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school.

For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of school or on a journey to and from school is poor and meets the school criteria for exclusion then the Headteacher may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence, the Headteacher will have regard to the Behaviour Policy and the school's policy on drugs.

The Appeals Process

Details of how to appeal to the Governor's Disciplinary Committee will be made clear in the exclusion letter. Examples of our exclusion letters are included at the end of this policy.

Fixed Period Exclusions of five days or less

The parent/guardian may wish to make written representation to the Chair of the Governors Disciplinary Panel about the exclusion. A parent/guardian wishing to make representation should do so in writing within five school days of the reintegration meeting. Governors will respond as appropriate within twenty school days. The Chair of the Governor Panel has discretion as to whether to call a meeting or not. Whatever is done, will be recorded and placed on the student file. In considering the representations from the parent, the Chair of the Governor Panel should seek clarification and information from the school.

If a meeting is held, it will be after the period of exclusion has been served. The parent/guardian may, if they wish, have someone of their choice to accompany and assist them at the meeting. The school may be represented by the Headteacher or Deputy Headteacher. However the meeting is **NOT AN APPEAL** and will not cause an interim postponement of the exclusion.

The purpose of the meeting is to enable the parent/guardian to be satisfied that their views have been heard and consideration given as to whether more information should be added to the student's record. The decision of the Governors will be final in respect of matters regarding temporary exclusions for fixed periods in any one term of 5 days or less.

In the event of a meeting being called, Governors cannot overturn the exclusion, but can add a note to the student file. The letter informing parent/guardian of the exclusion will explain the procedure to make representations.

Fixed Period Exclusions of more than five and less than fifteen days in any one Term

For an exclusion (or series of exclusions) of more than 5 days but not more than 15 days in any one term, the Governors' meeting should take place between the 6th and 50th school day after the date of notification, if the parent/guardian requests it.

The parent/guardian must request an appeal within five School days of notification by recorded delivery.

The parent/guardian and the school will be invited to present evidence to the Governors challenging the decision to impose a fixed term exclusion. Governors will make a decision, which will be provided via the Clerk to Governors in writing to the parent/guardian and posted within five school days after the meeting.

Fixed Period Exclusions of more than fifteen days in any one term

For a fixed period exclusion (or series of temporary exclusions) adding up to more than fifteen days in any one term, the panel must meet between 6 and 15 school days from the date of exclusion whether the parent/guardian requests it or not.

The parent/guardian and the School will be invited to present evidence. Governors will make a decision which will be provided via the Clerk to Governors in writing to the parent/guardian and posted within 5 school days after the meeting.

Where a student is excluded on a number of occasions, their situation will be reviewed leading to either the agreement of a Pastoral Support Plan or permanent exclusion, either on the grounds of there being a serious one-off incident or on the grounds of persistent and defiant misbehaviour. The decision will be conveyed in writing and include details of the procedure for a parent/guardian to follow in exercising their right of appeal against permanent exclusion.

Permanent Exclusion

The parent/guardian will be informed in writing by the Headteacher of their right of appeal against a decision to exclude permanently. The parent/guardian will be advised that they may, if they wish, have someone of their choice to accompany and assist them at the appeal meeting. Appeals should be made in writing to the Chair of the Governor Panel via the Clerk to Governors within ten School days of notification of the exclusion.

A minimum of three Governors will constitute the Governor Panel convened for the purpose of considering appeals against permanent exclusions. The Chair of Governors, who will have previously been consulted regarding permanent exclusions, will not be a member of this Governor Student Appeals Committee.

For permanent exclusions the Governor Panel should meet between the 6th and 15th school day after notification by parent(s) / guardian(s) of their wish to appeal.

There is no restriction on Governors who have served on a fixed period exclusion panel serving on any subsequent exclusion panel for the same student. The decision of the Governors will be final.

Any meeting of the Governor Panel may, at their discretion, consider in sequence more than one exclusion case at that meeting.

Appropriate permanent exclusion forms will also be completed. If permanent exclusion is upheld, parents/carers have the right to an the independent appeal against a permanent exclusion. Details of this process will be communicated to parents/guardians from the Governor's Disciplinary Panel.

If the Governors Disciplinary Panel uphold an exclusion the parents/careers have the right to appeal to the Independent Review Panel via the clerk to the Review Panel.

Procedure for Meetings of Governors to hear Parents'/Carers' Representations

All Student Discipline Committee meetings will be conducted using the procedure below:

- Written statements will be requested in advance from Parents and the School by the Clerk to the Governors.
- The School and Parents will be allowed to call witnesses. Any witnesses should provide written statements in advance.
- Documents should be circulated at least five days in advance alongside a list of all those attending to all parties. (These documents will include witness statements generally showing witness names unless it is judged be putting these witnesses at risk).
- The student should be allowed to attend and to speak if the parents request this.
- Where an allegation of misconduct is in dispute, Governors will apply the balance of probabilities standard proof.

The procedure for hearing the representations and evidence will be as follows:

1. The School Case

- a) The Headteacher or Deputy Headteacher presents the School case
- b) The parents/carers question the Head or Deputy
- c) The Governors question the Head or Deputy Headteacher

2. The Parents'/Carers' Case

- a) The parents/carers present their case
- b) The Head or Deputy question the parents/carers
- c) The Governors question the parents/carers

3. Summing-up by the School

The Head or Deputy sums up the School case

4. Summing-up by the Parents/Carers

The parents/carers sum up their case

5. All those present, bar the Pupil Disciplinary Committee and Clerk, withdraw from the meeting to allow the Committee to consider the case.

Procedure for requesting an Independent Review Panel (IRP)

- Appeals to an IRP, should be made in writing within fifteen School days of notification of the permanent exclusion having been upheld.
- Any application made outside the legal timeframe will be rejected by the school.
- Parents may request an IRP even if they did not make a case to, or attend the original meeting where the Governing Body considered the exclusion.
- Parents have the right to request the presence of an SEND expert at an IRP, irrespective of whether the child has a recognised SEND.

EXAMPLE CORRESPONDENCE:

Fixed Period Exclusion - Less Than Five days

Private & Confidential

«Parent_Postal_Salutation»

«Address_1»

«Address_2»

«Address_3»

«Address_4»

«Post_Code»

1 April 2011

Dear «Parent_Salutation»

«Student_Forename» «Student_Surname»– Year «Year»

I regret to inform you that after considering all the available evidence, I have decided to exclude «Student_Forename» for a fixed term of «Number_of_Days» School days from «Exclusion_Start» until «Exclusion_End» inclusive. I realise that this decision may well be upsetting for you and your family but the decision to exclude «Student_Forename» has not been taken lightly. «Student_Forename» has been excluded for this fixed period for «Exclusion_Reason».

I have arranged an appointment to meet with you and <Student_Forename> where the terms and conditions of «Student_Forename»'s readmission will be discussed together with appropriate support for <Student_Forename>. This meeting is scheduled for «Reinstatement_Date» at «Time».

During the period of exclusion, «Student_Forename» must not attempt to come onto School premises for any reason, nor must «heshe» be in the vicinity of the School to make contact with the other students at break time, lunch time or at the close of the School day.

It is your responsibility to supervise «Student_Forename» during this exclusion period. You could face a fixed penalty notice if «Student_Forename» is found in a public place in school hours without reasonable justification.

We will set work for «Student_Forename» during the period of exclusion. XXXX will arrange the details of this work. Please ensure that this work is completed and returned to us promptly for marking. Should you require any supplementary work, you should contact «XXXXXX».

You have a right to see a copy of «Student_Forename»'s School record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. There will be a charge for the cost of photocopying.

As «Student_Forename» has been excluded for less than five days this term, you have the right to make a written representation to the Governors' Disciplinary Committee should you wish to complain about the exclusion. If you decide to do this, please write to Your letter must be sent within five School days of «Student_Forename's» readmission meeting and you will receive a reply within 20 School days.

In response to any representations, the Chairman of the Governor's Disciplinary Committee has discretion as to whether to call a meeting or not. The Chair will reply in writing to your representations. Whatever is decided will be recorded and placed on the student file. As this exclusion is for less than five days, Governors will not overturn the exclusion, but may add a note to the student file.

You may wish to contact Geoff Tideswell, the Exclusions Officer for Stoke-on-Trent LA, who can provide advice. You can contact him at Geoff.tideswell@stoke.gov.uk or telephone him on 01782 236821. You may also 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, except Bank Holidays and 24 December to 1 January. The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

This letter, whenever possible, will be delivered by hand of «Student_Forename» and a copy is being forwarded to you by first-class post today.

Yours sincerely

Fixed Period Exclusion - Greater than Five Days & 15 Days or Less in Any One Term

Private & Confidential

«Parent_Postal_Salutation»

«Address_1»

«Address_2»

«Address_3»

«Address_4»

«Post_Code»

01 April 2011

Dear «Parent_Salutation»

«Student_Forename» «Student_Surname» – Year «Year»

I regret to inform you that after considering all the available evidence, I have decided to exclude «Student_Forename» for a fixed term exclusion of «Number_of_Days» School days from «Exclusion_Start» until «Exclusion_End» inclusive. I realise that this decision may well be upsetting for you and your family but the decision to exclude «Student_Forename» has not been taken lightly. «Student_Forename» has been excluded for this fixed period for «Exclusion_Reason».

I have arranged an appointment to meet with you and <Student_Forename> where the terms and conditions of «Student_Forename»'s readmission will be discussed together with appropriate support for <Student_Forename>. This meeting is scheduled for «Reinstatement_Date» at «Time».

During the period of exclusion, «Student_Forename» must not attempt to come onto School premises for any reason, nor must «heshe» be in the vicinity of the School to make contact with the other students at break time, lunch time or at the close of the School day.

It is your responsibility to supervise «Student_Forename» during the first five school days of this exclusion. You could face a fixed penalty notice if «Student_Forename» is found in a public place in school hours without reasonable justification.

We will set work for «Student_Forename» during the period of exclusion. XXXX will arrange the details of this work. Please ensure that this work is completed and returned to us promptly for marking. Should you require any supplementary work, you should contact «XXXXXX». From the sixth school day of «Student_Forename»'s exclusion full-time education will be provided at XXX until the last school day of «his/her» exclusion period. Further details regarding these arrangements will follow.

You have a right to see a copy of «Student_Forename»'s School record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. There will be a charge for the cost of photocopying.

If you wish to appeal about this exclusion to the Governing Body, you may do so by writing to my PA Fiona Uschmann. If you wish to appeal, you must do so within five School days of the date of this letter.

The Governors' Disciplinary Committee would then meet on a date between the 6th and 50th School day after the Clerk to the Governors receives your appeal. At an appeal meeting, parent(s) and the School would be invited to present evidence. In the event of your making an appeal, the Clerk to the Governors' will write to you with full details of the procedures and dates for a meeting.

You may wish to contact Geoff Tideswell, the Exclusions Officer for Stoke-on-Trent LA, who can provide advice. You can contact him at Geoff.tideswell@stoke.gov.uk or telephone him on 01782 236821. You may also 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, except Bank Holidays and 24 December to 1 January. The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

This letter, whenever possible, will be delivered by hand of «Student_Forename» and a copy is being forwarded to you by first-class post today.

Yours sincerely

Fixed Period Exclusion - 15 Days or More in Any One Term

«Parent_Postal_Salutation»

«Address_1»

«Address_2»

«Address_3»

«Address_4»

«Post_Code»

01 April 2011

Dear «Parent_Salutation»

I regret to inform you that after considering all the available evidence, I have decided to exclude «Student_Forename» for a fixed term of «Number_of_Days» School days from «Exclusion_Start» until «Exclusion_End» inclusive. I realise that this decision may well be upsetting for you and your family but the decision to exclude «Student_Forename» has not been taken lightly. «Student_Forename» has been excluded for this fixed period for «Exclusion_Reason».

I have arranged an appointment to meet with you and «Student_Forename» where the terms and conditions of «Student_Forename»'s readmission will be discussed together with appropriate support for «Student_Forename». This meeting is scheduled for «Reinstatement_Date» at «Time».

During the period of exclusion, «Student_Forename» must not attempt to come onto School premises for any reason, nor must «heshe» be in the vicinity of the School to make contact with the other students at break time, lunch time or at the close of the School day.

It is your responsibility to supervise «Student_Forename» during the first five school days of this exclusion. You could face a fixed penalty notice if «Student_Forename» is found in a public place in school hours without reasonable justification.

We will set work for «Student_Forename» during the period of exclusion. XXXX will arrange the details of this work. Please ensure that this work is completed and returned to us promptly for marking. Should you require any supplementary work, you should contact «XXXXXX».

You have a right to see a copy of «Student_Forename»'s School record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with this. There will be a charge for the cost of photocopying.

As «Student_Forename» has been excluded for more than 15 days this term, the Governors must automatically meet to consider the exclusion. The latest date the Committee can meet is «Committee_Meet_Date_15_school_days_aft». I will write to you shortly giving you the exact date. You have the right to attend this meeting if you wish to do so in order to make representations and be accompanied by a friend.

You may wish to contact Geoff Tideswell, the Exclusions Officer for Stoke-on-Trent LA, who can provide advice. You can contact him at Geoff.tideswell@stoke.gov.uk or telephone him on 01782 236821. You may also 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, except Bank Holidays and 24 December to 1 January. The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

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Yours sincerely

Permanent Exclusion

Private & Confidential

«Parent_Postal_Salutation»

«Address_1»

«Address_2»

«Address_3»

«Address_4»

«Post_Code»

01 April 2011

Dear «Parent_Salutation»

«Student_Forename» «Student_Surname»– Year «Year»

I regret to inform you of my decision to exclude «Student_Forename» permanently from «Exclusion_Start». This means that «Student_Forename» will not be allowed back to school pending a meeting by the Disciplinary Committee of the Governing Body.

I realise that this decision may well be upsetting for you and your family but the decision to exclude «Student_Forename» has not been taken lightly. «Student_Forename» has been excluded permanently because «Exclusion_Reason» (including any previous history here).

As this is a permanent exclusion, the Governors' Disciplinary Committee will meet to consider the exclusion. At the review meeting you may make representations to the Committee if you wish. The latest date on which the Committee can meet is «Committee_Meet_Date_15_school_days_aft» If you wish to make representations to the Governing Body and wish to be accompanied by a friend or representative, please contact Fiona Uschmann, at school, as soon as possible. You will (whether you choose to make representations or not) be notified by the Clerk to the Governor's Disciplinary Committee of the time, date and location of the meeting. Please inform me if you have a disability or special needs which would affect your ability to attend a meeting at the school. Please also inform me if it would be helpful for you to have an interpreter present at the meeting.

During the period of exclusion, «Student_Forename» must not attempt to come onto School premises for any reason, nor must «heshe» be in the vicinity of the School to make contact with the other students at break time, lunch time or at the close of the School day.

It is your responsibility to supervise «Student_Forename» during the first five school days of this exclusion. You could face a fixed penalty notice if «Student_Forename» is found in a public place in school hours without reasonable justification.

We will set work for «Student_Forename» during the first five school days of this exclusion. XXXX will arrange the details of this work. Please ensure that this work is completed and returned to us promptly for marking. Should you require any supplementary work, you should contact «XXXXXX».

Your Local Authority has been informed of this decision. They will be responsible for providing full-time education for «Student_Forename» with effect from the sixth school day of the exclusion. They will contact you direct to make the necessary arrangements. You have a right to see a copy of «Student_Forename»'s School record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of «Student_Forename»'s School record. There will be a charge for the cost of photocopying.

You may wish to contact Geoff Tideswell, the Exclusions Officer for Stoke-on-Trent LA, who can provide advice. You can contact him at Geoff.tideswell@stoke.gov.uk or telephone him on 01782 236821. You may also 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, except Bank Holidays and 24 December to 1 January. The Department for Education statutory exclusions guidance can be found at www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

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Yours sincerely