

Bordon Junior School

Exclusion Policy

Introduction

Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education. The school's behaviour policy outlines expectations and key strategies for promoting good behaviour. The Government supports headteachers in using exclusion as a sanction where it is warranted. However, exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

This policy is implemented in line with guidance from Hampshire County Council (HCC) and the Department for Education (DfE).

Key Guidance and regulations:

- Exclusion from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to exclusion (DfE 2012)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Exclusions Guidance for Hampshire Schools (HCC 2010)

Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent.
Fixed period exclusions may not be for more than 45 days in any one year.

The Decision to Exclude

Exclusions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others.

The Head teacher holds responsibility for taking the decision to permanently exclude a pupil. However in the absence of the Head teacher the Deputy or other senior teacher in charge may exclude a pupil for a fixed period.

Permanent exclusion is used as a last resort, when all other reasonable steps have been taken.

A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy. At Bordon Junior School this could apply in the event of serious or threatened violence against a pupil or member of staff.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

Exclusion will not be used for minor offences or as a punishment for non-attendance.

Where a pupil is excluded, steps will be taken to refer the pupil for support or to other relevant agencies

Fixed Period exclusions may not exceed 45 days in any one year; generally at Bordon Junior School these will be around 1-3 days in length.

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break. This is subject to the normal rights of appeal.

Procedures for Exclusion

Following the decision to exclude a pupil, the Head teacher must:

- Inform the child's parents or guardians their child has been excluded, the type and length of the exclusion and the reasons for it
- Inform the parents in writing of their right to appeal to the Governing Body and to ask for an independent review panel to meet
- HCCs model letters are used for this purpose (Appendix A)
- Inform the Local Authority the same day, by use of a referral form, of the exclusion followed up by more detailed information within the next four days.
- Provide systems for work to be set for the child to undertake at home during a fixed exclusion
- Details of procedures and timescales are given in Appendix B

Procedures for permanent exclusion: Action by the Governing Body

The Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the exclusion as soon as is practicable according to set criteria (see table below for details). The meeting should be arranged at a time and place convenient for the parents within reason. All efforts should be made to provide an environment which avoids intimidation and excessive formality. The governing body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

Sept 2012

C James
Head Teacher

Appendix A – example notification letter

From Headteacher (or Teacher in charge of an Education Centre) notifying parent of a fixed period exclusion of under 6 days in one term, and where a public examination is not missed.

Date

Dear

I am writing to inform you of my decision to exclude for a fixed period of day(s). This means that s/he will not be allowed in school for this period. The exclusion begins/began on and ends on

The decision to exclude has not been taken lightly. has been excluded for this fixed period because **[SPECIFY REASONS FOR EXCLUSION]**.

[THE PARAGRAPH BELOW IS FOR PUPILS OF COMPULSORY SCHOOL AGE ONLY – REMOVE IF NOT APPLICABLE]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[INSERT DATES]** unless there is reasonable justification for this (or until the start date of any alternative provision where this is earlier). I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for to be completed on the days specified in the previous paragraph **[INSERT ARRANGEMENTS FOR THIS]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact **[INSERT NAME OF CONTACT]** on/at **[INSERT CONTACT DETAILS]** as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record. [pupil's name], where applicable, is encouraged to attend any proposed meeting.

You should be aware that if you think the exclusion has occurred as a result of discrimination, you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), and in the case of disability discrimination, or the County Court, in the case of other forms of discrimination (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

You may wish to contact the following sources of advice about exclusion from school:

[Insert name of Inclusion Officer], Inclusion Officer, Hampshire County Council at **[Insert name of Local Office]** Local Office

[Insert address of Local Office]

Phone: **[Insert phone number of Local Office]**

<http://www3.hants.gov.uk/education/parents-info/education-exclusions.htm>

The Coram Children's Legal Centre aims to provide free legal advice and information to parents on state education matters.

Phone: 0808 802 0008. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January.

<http://www.childrenslegalcentre.com>

The Advisory Centre for Education (ACE) is an independent national advice centre for parents of children in state schools.

Phone: 0808 800 0327. The advice line is open from 10am to 1pm Monday to Thursday.

<http://ace-ed.org.uk>

Department for Education statutory guidance on exclusions 'Exclusions from maintained schools, Academies and pupil referral units in England' 2012.

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

....'s exclusion expires on and we expect to be back in school on **[INSERT DATE OF RETURN]** at **[INSERT TIME OF RETURN]**.

Yours sincerely

[INSERT NAME OF HEADTEACHER]

Headteacher

Appendix B - Exclusions: procedures and timescales at a glance

Fixed period exclusion 5 days or less (or 10 or fewer lunchtimes or half days)	Fixed period exclusion 6-15 days (block or accumulated in any one term) or more than 10 lunchtimes or half days
<ul style="list-style-type: none"> • Notification to parent/carer & LA immediately. No requirement for GDC/MC to meet unless parent/carer wishes to make a representation. (Although there is no legal requirement for governors to meet with parents to discuss the representation, good practice dictates that this should take place and preferably as soon as convenient to all.) Notification to the GDC once a term. • GDC/MC has no power of reinstatement or mitigation, but must place the parent's/carer's statement on the pupil's record along with a copy of the GDC view. • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place (see DCSF Guidance para 57-59). • The headteacher of a primary school must arrange a reintegration interview during or following the expiry of any fixed period exclusion. 	<ul style="list-style-type: none"> • The school shall make available, suitable full time education from day 6 of a block exclusion. • Notification to parent/carer, GDC, & LA immediately. • No requirement for GDC/MC to meet unless parent/carer wishes to make representations and then the GDC meets between 6 and 50 school days after receiving notification of the exclusion. NB However the LA would recommend that this is convened a.s.a.p. • Parents/carers may make representations to the GDC/MC orally and/or in written form. • GDC/MC has power to uphold, reinstate or mitigate the length of the exclusion (although time served will remain as served and a note will go on the pupil's file). • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place (see DCSF Guidance para 68-72). • The headteacher must arrange a reintegration interview (applies to all schools)

GDC = Governors' Discipline Committee
MC= Management Committee

Exclusions: procedures and timescales at a glance

Long fixed period exclusions 16-45 days in any one term, block or accumulated
<ul style="list-style-type: none"> • The school shall make available, suitable full time education from day 6. • Notification to parent/carer, GDC/MC, & LA immediately. • GDC/MC to meet between 6 and 15 school days after the date of the receipt by the GDC/MC of exclusion. • Parents may make representation to the GDC/MC orally and/or in written form. • LA must be consulted in order to assess whether LA statement and/or attendance at the GDC is appropriate. • Full paperwork should be provided by the school to all the parties prior to the meeting (see Section D). • LA may provide a written statement to all parties where applicable • The exclusion must be used to plan for the child and a PSP should be put into place if not already initiated. • GDC/MC has the power to uphold, reinstate or mitigate the length of the exclusion (although time served will remain as served and a note will be placed on the pupil file). • A copy of the GDC decision letter should be sent to the LA • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place (see DCSF Guidance para 68-72). • The headteacher must arrange a reintegration interview (applies to all schools)

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Exclusions: procedures and timescales at a glance

Permanent exclusion
<ul style="list-style-type: none"> • The LA shall make available, suitable full time education from day 6. • Notification to parent/carer, GDC/MC, & LA immediately. • GDC/MC to meet between 6 and 15 school days from the date of receipt by the GDC/MC of a notice of exclusion. • Parents may make representation to the GDC/MC orally and/or in written form. • The LA must be invited to the meeting at a time convenient to all parties. • Full paperwork should be provided by the school to all the parties 5 days prior to the meeting (see Section D). • LA will provide a written statement to all parties. • GDC/MC has the power to uphold, or reinstate the pupil immediately or by a particular date. They should write to parents and LA informing them of their decision within one school day. • If reinstated, the exclusion remains on the pupil record as a matter of fact, but the reinstatement is added to the record. • Parents have the right to make an appeal to an Independent Appeals Panel (IAP) even if they do not attend the GDC/MC meeting and/or if they do not wish their child to be reinstated to the excluding school. They must do this within 15 school days after the receipt of notification of the GDC decision to uphold the permanent exclusion. • IAPs will also hear appeals against permanent exclusion where disability discrimination is alleged to have taken place (see DCSF Guidance para 68-72. The decision of the IAP is binding on all parties. • See the Introduction for “relevant date” and “when a pupil comes off roll”. Schools will be notified by the LA.

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This policy is reviewed annually by the governing body in line with the policy review schedule.