



SOUTH MOLTON
COMMUNITY COLLEGE
— supporting success —

Exclusion from School Policy

Adopted by the Governing Body: February 2015

We follow the Statutory guidelines as issued by the Department for Education.

GUIDING PRINCIPLES

- We wish to minimise the time, which children spend out of school because we value school and learning time. Exclusions will, therefore, be used sparingly and restricted to serious breaches of school discipline.
- Exclusion is a disciplinary sanction, which can be used only by the Principal or a Vice Principal acting in the Principal's absence.
- Exclusion from school is used as a sanction for serious breaches of school discipline.
- Exclusions are used sparingly; alternative sanctions are always considered and used whenever they are more appropriate.
- Permanent exclusion will be used only as a last resort and when allowing the child to remain in school would be seriously detrimental to the education or welfare of the pupil, or that of others at school.
- Counselling, support and advice are seen as important behaviour modification measures, which will be used both alongside and as an alternative to exclusion.

CONSEQUENCES FOR UNACCEPTABLE BEHAVIOUR, WHICH WILL BE USED AS ALTERNATIVES TO EXCLUSION (OR USED ALONGSIDE EXCLUSION)

- Extra work.
- Detention.
- "On Report".
- Internal exclusion. (including the Hub)
- Contact with parents/guardians.
- Behavioural Agreement with the pupil and his/her parents/guardians.
- Set up a Behaviour Support Plan.
- Input from the agencies where appropriate.

PRELIMINARY FACTORS TO BE CONSIDERED PRIOR TO EXCLUSION

- Previous behavioural record.
- Extenuating domestic or other circumstances.
- Parental, peer or other pressures, which may have contributed to the behaviour.
- Whether the incident was provoked by racial or sexual harassment.
- The severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring.
- Effects on other people in the school, especially the effects on their safety and welfare and whether or not he misbehaviour seriously disrupts the education of other pupils.

- Whether the incident was perpetrated by the pupil on his/her own or as part of a group.
- Whether or not the behaviour occurred at school or when the pupil was on the way to, or from, school. If the latter, consider the extent to which the behaviour had a serious negative impact on the life or "reputation" of the school.
- Whether or not it is also appropriate to seek the support of other agencies, such as the Education Social Worker, Educational Psychologist, or Behaviour Support Service.
- Whether or not it is more appropriate to give special educational needs support.

EXCLUSION IS NOT APPROPRIATE FOR:

- Non-attendance at school.
- Failure to complete homework.
- Breaking a Behavioural Agreement. (It is the specific incident, which might lead to exclusion, not the broken Agreement).
- Pregnancy.
- Contravention of uniform regulations.
- Minor offences.

BEHAVIOUR WHICH IS LIKELY TO LEAD TO EXCLUSION

Pupils will normally be "suspended" if they assault or bully pupils. In a very minor case, the "suspension" will be lesson suspension and the length of that suspension will be the time that is taken to undertake an enquiry into the behaviour. In other instances, exclusion from school will be the appropriate response.

Pupils are regularly reminded that swearing in school is inappropriate. If a pupil swears directly at a member of staff, the pupil will be excluded from school for up to five days.

Students should "expect" to be excluded if they are found in possession of illegal substances at school. The emphasis is on "expect"; much depends upon the use and purpose of the substances and on the circumstances at the time.

Other behaviour might lead to exclusion. For example, if a pupil refuses to accept the authority of a teacher by refusing a reasonable request or instruction and thus the pupil undermines the teacher's authority. The seriousness of this behaviour depends on the audience and context. It is, however, very likely to lead to lesson suspension or in more serious cases, to exclusion from school.

These are examples of serious misbehaviour, which are very likely to result in fixed term exclusion from school.

- Consuming alcohol on school premises or on a school trip.
- Unprovoked physical attack on a pupil, which caused minor injury or seriously frightened the victim.
- Fighting other than minimum self-defence against unprovoked or unavoidable physical attack.
- Theft.
- Serious challenge to staff authority, e.g. swearing at a member of staff.

- Repeated failure to accept school authority.
- Possession of illegal drugs on school premises or on a school trip.
- Intentional damage to property.

These are examples of behaviour, which are very likely to result in permanent exclusion from school.

- Serious misbehaviour of the type, which leads to temporary exclusion persists despite previous sanctions and support.
- Unprovoked serious attack on a pupil.
- Serious attack on a member of staff.
- Serious damage to school property.
- Possession of illegal drugs with a view to supplying to others.
- Possession of illegal drugs on a second occasion.

PERIOD OF EXCLUSION

The vast majority of exclusions will last from one to five school days, the length of the exclusion being commensurate with the severity of the offence. An exclusion lasting more than five days may be used in response to very serious misbehaviour.

A fixed period exclusion of up to five days may need to be extended under certain circumstances, e.g. to allow time for further reports or supportive work with pupils or parents/guardians.

ROLE OF THE ASSISTANT VICE PRINCIPAL

As the school's most senior pastoral manager, the Assistant Vice Principal (Pastoral) plays the key role in many aspects of the exclusions procedure:

1. Monitor all potential exclusion cases as they emerge, and fully appraise the Principal of these developments.

The Assistant Vice Principal will also involve the Education Social Worker, Educational Psychologist and/or Behaviour Support Team as appropriate.

It is also likely that the Assistant Vice Principal, or Head of Year will organise a case conference with parents as one of the strategies to improve the pupil's behaviour before it reaches the stage of exclusion or "further exclusion".

2. Prior to any potential exclusion, the Assistant Vice Principal, or another member of the Senior Management Team, will undertake a thorough disciplinary enquiry, which leads to a recommendation that the Principal (or Acting Principal) should or should not exclude the pupil. In such circumstances, the pupil facing exclusion will be given an opportunity to express a view on the incident orally and/or will be required to make/sign a written statement. The Vice Principal will establish whether or not a possible exclusion would mean the pupil may lose the opportunity to take a public examination. If so, the Principal will be informed of this and if the Principal decides to exclude the pupil, the Chair of Governors' attention will be drawn to the implication for public examinations.

3. The Assistant Vice Principal may arrange for the pupil to work in isolation until the end of the school day, at which time the pupil will be given an exclusion letter for delivery to the parents/guardians if the pupil cannot be collected beforehand.

4. In the case of a pupil excluded for more than five days, ensure the smoothest possible re-integration of the pupil on return from exclusion.
5. Attend the Governors' Discipline Committee Meeting, if requested by the Principal to do so.

ROLE OF THE PRINCIPAL OR ACTING PRINCIPAL

Only the Principal or an Acting Principal can exclude a pupil. This decision will be made after a thorough disciplinary enquiry prior to the Principal's decision.

If the Principal decides to exclude a pupil, he will instigate the exclusion letter. (The Principal will also need to inform the Clerk to the Discipline Committee for **all** exclusions exceeding 15 days singly or cumulatively in a term.) On the day of permanent exclusion one copy will be sent to the L.E.A. In the case of either temporary or permanent exclusion, a letter will be given to the pupil to deliver to his/her parents and a duplicate copy posted to the parents/guardians.

The Principal will sign the L.E.A. Notification of Exclusion form, which will be completed by the Principal's Personal Assistant. The Principal will check and amend as necessary the contents of the Behaviour Summary before it is posted to parents/guardians. (This includes checking that the action taken in response to every incident is shown clearly.

A pupil will not be sent home during the school day unless the Principal or Deputy Principal has informed the parents/guardians in advance. It is not sufficient to send a pupil home during the course of a school day with a letter for delivery to the parents/guardians.

An overview of exclusions from School will be included in the annual Principal's Report to the Discipline Committee.

ROLE OF PRINCIPAL'S PERSONAL ASSISTANT

Details of the exclusion are passed from the Principal to his Personal Assistant enabling the Personal Assistant to create the appropriate letter to parents/guardians.

The letter is then sent to parents/guardians, together with a copy of the Exclusion Booklet. If the parents/guardians collect the pupil, the letter and booklet can be handed to them by the Principal. If the pupil has to stay until the end of the day in the event of parents/guardians not being contacted then the pupil takes the letter and booklet home.

Copies of the letter are sent to:

- (i) Chair of Governors
- (ii) Chair of Discipline Committee
- (iii) Senior Administrator, Devon County Council
- (iv) (In the event of permanent exclusion - Clerk to Governors)

The Personal Assistant will complete the Devon County Notification of Exclusion Form and forward it with a copy of the exclusion letter to the Senior Administrator, Devon County Council. Copies of both exclusion letter and form are kept in the Exclusion file.

ROLE OF THE CHAIR OF GOVERNORS

The Principal or, on his behalf the Deputy Head (Pastoral) will always try to contact the Chair of Governors prior to any permanent exclusion. A copy of every exclusion letter is passed to the Chair of Governors.

EXCEPTIONAL ROLE OF THE CHAIR OF THE DISCIPLINE COMMITTEE

When exclusion means the pupil may lose the opportunity to prepare for and take a public examination, the chairman will decide, on behalf of the governing body, whether to endorse the exclusion or direct reinstatement.

RESPONSIBILITIES OF THE L.E.A.

The L.E.A.'s role is to oversee the exclusion procedures and to give their view on the appropriateness of the exclusion. The L.E.A. can make a statement to the Discipline Committee when they are considering whether to uphold an exclusion, for example about how other schools in the Authority have responded to similar incidents.

ROLE OF THE DISCIPLINE COMMITTEE

If the parents/guardians give notice that they wish to make representation, a meeting of the Discipline Committee will be convened to discuss the exclusion as soon as practicable. This Committee comprises the Governor members of the Partnership Advisory Group under the chairmanship of the Vice Chairman of the Governing Body.

Whenever the Principal permanently excludes a pupil, the Discipline Committee will meet to consider the exclusion and any representations made by the parents/guardians. This meeting will be held within 15 school days (but not before 6 school days) of the date of notification by the Principal. The Clerk to the Governors will invite an L.E.A. Officer to attend the meeting. (This should now happen for all exclusions 5+ days).

Unless otherwise agreed in advance by the Chair of the Discipline Committee, the Clerk to the Discipline Committee should attend the Discipline Committee meeting. All meetings of the Discipline Committee should be minuted and a copy of the minutes placed in the pupil's file.

PROCEDURE TO BE FOLLOWED BY THE DISCIPLINE COMMITTEE WHEN MEETING TO CONSIDER PERMANENT EXCLUSIONS (Governors will adapt the procedure if the parents/guardians have asked to make representation in respect of a fixed term exclusion).

1. The formal meeting should not start until all parties are present: Discipline Committee members (minimum quorum is 3); Headteacher, Senior Pastoral staff or whoever is representing the school and the Clerk to the Discipline Committee. In addition, when parents/guardians have decided to make representations, the following should be present:

The L.E.A. representative and if they wish to attend, the parents/guardians, pupil and a "friend" of the family.

2. The Chairman will open the meeting by stating its purpose and the procedure shown below. S/he will then ask all parties present to introduce themselves.

3. When the parties introduce themselves, any relative of the excluded pupil (other than the parents/guardians or any relative of other pupils involved in any alleged incidents must declare their interest at this point. They must withdraw unless decided otherwise by the Governors, who will seek advice from their Clerk. *Note: the parents/guardians may if they wish have someone of their choice accompanying and assisting them at the meeting or they may send a representative.*

4. The Chairman will invite the Principal or his representative to give the reasons for exclusion. The Principal will then state the reasons recorded in the exclusions letter sent to the parents/guardians.

5. The Chairman will then ask other school staff present if they wish to add further relevant information. The Senior Pastoral staff will then summarise the information shown on the Pastoral record, a copy of which will have been supplied in advance to the parents/guardians and Governors. Whilst the school representative/s might wish to comment on one or more specific incident from the pastoral record, it is not essential to do so. The school representative/s will not, however, introduce or comment on any

incident which has not been mentioned in the pastoral record or in the Principal's letter to parents/guardians excepting if the parents/guardians or their representative have raised an issue which can be better understood by the Discipline Committee if the school responds to these comments.

6. The Chairman will then invite Governors and the parents/guardians (or their representatives), to ask questions if they wish.

7. The Chairman will then ask if any of the parties would like a short recess to consider the information.

8. If the parents/guardians or their representative are present, the Chairman will invite them to express their views. In their absence, the Chairman will invite the Clerk to the Governors to read any written representation that they have passed to him.

If there is no verbal or written representation, the Chairman will move straight to section 12 of this procedure and will adopt the following procedure accordingly (e.g. omit elements referring to L.E.A. Officer, Clerk to Governors, presence of parents/guardians their representative/the child, etc.). A written or verbal statement from the L.E.A. Officer may be considered.

9. The Chairman will invite the Governors, school representative/s to ask questions if they wish.

10. If the parents/guardians or their representative have questioned the validity of information relating to specific incidents which led to permanent exclusion, the School representative/s will be asked by the Chairman to comment on these matters.

When the parents/guardians or their representatives have questioned the validity of information relating to previous incidents from the pupil's written pastoral summary, the Chairman will request further comment from the school if the Governors believe the parent's or their representative's comments have created real doubt about the accuracy of the written pastoral summary.

11. The Chairman will then remind the parties of stages 12 and 13. S/he will then ask if any of the parties present would like a short recess to consider the information presented to the Discipline Committee or, in the case of parents/guardians and school representatives, to add finishing touches to their summary of the case.

12. The Chairman will invite the Principal or his representative to summarise the school's case.

13. The Chairman will invite the parents/guardians or their representative to summarise their case.

14. If the pupil is present with his/her parents/guardians, the Chairman may ask the pupil if s/he wishes to make a comment before the Governors make their decision.

15. The Chair of the Governors Discipline Committee will invite the L.E.A. representative to make a statement on behalf of the L.E.A.

16. The Chairman will ask the Governors if they wish to seek clarification on points or issues raised by: the parents/guardians or their representative or of the pupil; the Principal or the Senior Pastoral staff.

17. The Chairman will state that the Governors will now consider the Principal's decision to permanently exclude the pupil, at the end of which the Governors will decide either to uphold that decision or will direct the Principal to reinstate the pupil in school.

The Chairman will state that only the Governors will consider this matter, but they will ask the Clerk to remain to offer specific advice on exclusion matters, although s/he will have no part in the Governors' actual decision. The Clerk or his/her representative will record the Governors' decision. This will be communicated to the parents by letter, which will be posted by the school the day following the Discipline Committee meeting. If parents/guardians have made representation, the letter will be sent by first class post.

The Chairman will indicate that s/he will recall all parties if during the Governors' discussions, they wish to seek further clarification. In the meantime, the parents/guardians or their representative, the pupil, the school staff and any Governors whose connection with the excluded pupil requires them to withdraw, must leave the meeting.

18. The Chairman will then invite Governors to consider the permanent exclusion in the light of the Exclusions Policy, which has been agreed by the school's Governing Body. If, during discussion, it becomes evident that the Exclusions Policy needs to be amended, the Governors may recommend that as a separate issue. They must, however, use the Governors agreed and published policy in respect of the case being considered.

The Governors may wish to test the permanent exclusion being considered against the school policy by considering the following points from the policy:

*At the Discipline Committee meeting, the parents might have introduced new information, which was not considered by the Principal when he permanently excluded the pupil. **ALL** evidence can be considered by the Governors, not just that which was known on the date of the exclusion.*

AREAS FOR CONSIDERATION BY THE DISCIPLINE COMMITTEE

Before reaching a decision about whether or not to uphold the exclusion the Discipline Committee may wish to consider:

(a) The efforts or strategies taken by the school to address the behavioural needs of the pupil. For example: involving parents/guardians; setting reasonable behavioural targets; withdrawing privileges; internal suspension from lessons, etc.

(b) The intervention requested by the school from external agencies. For example: Social Services, Behavioural Support team, Educational Psychologist, Youth Service.

(c) The effort the school has made to consult key people. For example: Local Support Services and outside agencies, County Hall-based L.E.A., Staff, Legal Services, the parents/guardians.

(d) The extent to which the pupil's return to school would be seriously detrimental to the safety, welfare and education of other pupils.

If the answer is yes, the Clerk to the Governors will be asked to inform the parents/guardians or their representative, pupil and school staff, that they are no longer required and may leave if they wish to do so. In this case the Clerk to the Governors will explain to the parents/guardians that s/he will write a letter to them on the next school day and post it to them by first class post.

19. After the Clerk to the Governors has returned to the meeting, the Chairman will ask the Governors to decide to vote on one of two initial decisions:

- (i) Uphold the permanent exclusion.
- (ii) Direct the Principal to reinstate the pupil.

In the event of a tied vote, the Chair will cast a second vote.

If the decision is to uphold the permanent exclusion, the Chairman will ask Governors to decide on which of three reasons for exclusion should be included in the "standard" letter to parents/guardians.

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- (i) ...return to school could be seriously detrimental to the education of other pupils.
- (ii) ...return to school could be seriously detrimental to the safety and/or welfare of other pupils and/or staff.

(iii) ...return to school could be seriously detrimental to the education of other pupils and the safety and welfare of other pupils or staff.

If the Governors' decision is to direct re-instatement, the Chair will ask the Discipline Committee to agree the date on which the pupil will be reinstated. Normally, the pupils will be reinstated as soon as possible.... The letter to parents/guardians will be posted on the next school day by first class post and, therefore, the pupil could return the day after this, i.e. the third school day after the meeting. This would give time for the Principal to inform all staff of the decision. It would also give time for a smooth transitional return for the pupil.

In any event, the date of return must be within five school days of the meeting at the latest.

If the Clerk to the Governors is not present, the Chair of the Discipline Committee will inform the Clerk of Governors of the decision at the end of the meeting by note via his pigeon hole or by telephone early on the next school day.

If an exclusion is taken to the Independent Appeal Committee, the governing body will be represented by the Chair of the Discipline Committee and one volunteer from the Discipline Committee, or a legal representative.

ROLE OF THE CLERK TO THE GOVERNORS - PERMANENT EXCLUSION

(The Clerk to the Governors will adapt the following procedures if the parents wish to make representation to governors in respect of a fixed term exclusion).

1. In the morning of the first school day after a permanent exclusion, the Principal's P.A. will deliver a copy of the exclusion letter and a copy of the permanent exclusions timetable to the Clerk to the Governors. As soon as possible after receiving the timetable and preferably on the same morning, the Clerk to the Governors will start to make contact with the following people in order to agree a date and time for a meeting of the Discipline Committee.

- (i) Chair of the Discipline Committee.
- (ii) Relevant L.E.A. Officer.
- (iii) Each Governor Member of the Discipline Committee.
- (iv) Principal.
- (v) Vice Principal.

The time/date must be mutually agreeable to the Chair of the Discipline Committee, at least two and preferably three other members of the Discipline Committee, the L.E.A. and the Principal.

2. If during school days 3 to 7 on the permanent exclusions timetable, the parent indicates a wish to make written or oral representation to the Governors, the Clerk will:

- (i) Write to the parents/guardians, sending the letter by first class post.
- (ii) Telephone the Chair of the Discipline Committee and the relevant L.E.A. Officer, confirming that the parent/guardian is making representation to the Governors.
- (iii) Write to Governor members of the Discipline Committee and the relevant L.E.A. Officer, confirming that the parent/guardian is making representation to the Governors.
- (iii) Write to the Governor members of the Discipline Committee enclosing copies of the original exclusion letter to parents/guardians L.E.A. Notification of Exclusion form, pastoral summary and a copy of the "procedures to be followed by the Discipline Committee".
- (iv) Pass copies of the above Governors' letter to the Principal, Vice Principal (Pastoral).

3. If by the end of school day 7 the parents/guardians have not made known their intention to make representation to Governors, the Clerk will on school day 8:

(i) Telephone or fax the relevant L.E.A. Officer and inform him that the parents/guardians are not making representation.

(ii) Write to Governor members of the Discipline Committee enclosing copies of the original exclusion letter to parents/guardians, L.E.A. Notification of Exclusion form, pastoral summary and a copy of the "procedures to be followed by the Exclusions Discipline Committee".

(iii) Pass copies of the above Governors' letter to the Principal and Vice Principal (Pastoral).

4. A copy of the letter to parents/guardians will be sent by the Clerk to the Chairman of Governors, Chair of Discipline Committee and to the relevant L.E.A. Officer.