



DAVENTRY UTC

EXCLUSION POLICY

Status: **Statutory**

Member of Staff responsible: **Principal**

Associated Policies and documentation

Behaviour for Learning Policy

Inclusion Policy

Disability Equality and Accessibility Plan

Anti-Bullying Policy

Safeguarding and Child Protection Policy

Equality Policy

Implementation date: September 2014

Review date: July 2015

EXCLUSIONS FROM UTC – POLICY AND GUIDELINES

Guiding Principles

Exclusion is a disciplinary sanction to be used only by the Principal, or Deputy Principal where s/he is acting in the Principal's absence, and only in response to serious breaches of the UTC's policy on behaviour. It is not an appropriate response to every form of behavioural difficulty, and should be used sparingly.

The Role of the Principal

The Principal has a duty to promote students' self-discipline, proper regard for authority, good behaviour and respect for others. School staff, parents and students should be in no doubt about the standards of behaviour expected, the consequences of not achieving these standards and the types of behaviour which may lead to exclusion.

The Principal should follow carefully the procedures set out in law and in the statutory DfE guidance "Improving Behaviour and attendance: Guidance on Exclusion from Schools and Pupil Referral Units 2012" and the LA Local Guidance 2009 "The Exclusion of Pupils from School", which are designed to ensure fairness and openness in the handling of exclusions. Following this guidance will also reduce the chance of any successful legal challenge to the exclusion at a later stage.

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

Informing the Parents or Carers

Whenever the Principal excludes a pupil, the parent (or pupil if aged 18) must be notified immediately, ideally by telephone. The initial telephone notification will be followed up by a letter within one school day.

Model letters provided by the DfE will be used to notify parents.

Informing the Governing Body and Local Authority

The Principal, within one School day, must inform the governing body and the LA of:

- a. Permanent exclusions;
- b. Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- c. Exclusions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside of Northamptonshire, the Principal must also advise the home LA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion. It is essential that the home LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits.

Length of the Exclusion

A student may be excluded for a fixed period or periods, which do not, in total, exceed 45 days in any one School year. Students will not be excluded for an indefinite period. Wherever possible, where a student exhibits continuing poor behaviour, the Principal will warn the student and the parents of the possibility of a fixed period of exclusion or permanent exclusion.

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 Principal must write again to the parents explaining the reasons for the change. The Principal may withdraw an exclusion that has not yet been reviewed by the governing body.

The Discipline Committee

Parent(s)/carer(s) can ask a Governors' Discipline Committee (GDC) to review an FPE (Fixed Period Exclusion):

Exclusions of 1 - 5 days – no right to a formal GDC hearing but the LA recommend agreeing to such a (rare) request. If the request is refused, the GDC must review the exclusion and write to parent(s)/carer(s) with the outcome. This review must take place between 6 and 50 days of the request for a review but it is good practice to do this as soon as possible after the request is made.

Exclusions of 5.5 - 15 days – right to a formal GDC if requested – again this must take place between 6 and 50 days of the request for a GDC but again it is good practice to carry out this review as soon as possible after the request is made.

Exclusions of 15.5 or more days in total in one term – a GDC must be held to review the exclusion. This must take place between 6 and 15 days of the total being reached.

The Clerk to the Discipline Committee will minute all meetings.

Responsibilities of the Discipline Committee

The Discipline Committee will be formed under the guidance of the Chairman of Governors. The committee should have three or five members, with the quorum for a meeting being three. Governors should appoint a Chair. The Chair has the casting vote when four members consider an exclusion. The Clerk to the Governors should be present to minute the meeting. Reference must be made to the DfE guidance "Improving Behaviour and attendance: Guidance on Exclusion from Schools and Pupil Referral Units 2012" and the LA Local Guidance 2009 "The Exclusion of Pupils from School".

Procedures at the Discipline Committee Meeting

The Principal will prepare a report, stating the case for exclusion and providing details of the student's previous record of behaviour and the support that has been provided. This will be circulated by the Clerk, along with any representations from the parents or the LA, and a list of those attending, prior to the meeting. In the interests of natural justice, it should be obvious to the parents that the Principal has not had contact with the Governors ahead of the meeting.

Parents should advise the Clerk in advance if they are bringing someone to support them at the meeting. Parents need to be made aware that secondary age students can be invited to the meeting.

"If the Principal has not used exclusion in accordance with DCSF Guidance, the Discipline Committee should normally direct reinstatement."

The Committee may find it helpful to agree the following procedure before the meeting commences:

- Invite family and Principal (or member of staff representing the School) to join the meeting;
- Chair welcomes and introduces everyone;
- Chair outlines the purpose of the meeting and the procedures to be followed;
- Chair invites Principal (or representative) to present the case for exclusion;

- Family has an opportunity to question the Principal (or representative);
- Governors have an opportunity to question the Principal (or representative);
- Chair invites family to speak;
- Principal (or representative) has an opportunity to question the family;
- Governors have an opportunity to question the family;
- Chair asks the Principal (or representative) to summarise the case for exclusion;
- An opportunity for final comments from the family;
- Principal (or representative) and family leave the meeting;
- Governors discuss and reach a decision;

Where the Discipline Committee decides to uphold a permanent exclusion, the Clerk will inform the parents of their right of appeal to an independent appeal panel. The DUTC Trust is responsible for arranging independent appeals.

Parents must register their appeal within 15 school days of the Discipline Committee's decision and the independent appeal panel must meet within 15 school days of the parents' notice of appeal being lodged. Their decision is final and binding on all parties.

Notification of the Decision

The Clerk must notify the parents and the LA of the Committee's decision within one school day of the date of the hearing, giving the reasons for the decision. The Committee will not attach conditions to the reinstatement of a student. A note of the Discipline Committee's views on the exclusion, together with a copy of the Principal's exclusion letter will be placed on the student's record. Parents have no right of appeal to an independent panel against a fixed term exclusion.

It is essential that all matters be dealt with as fairly as possible.

Approved:
Review date: