



ABINGDON
HOUSE SCHOOL & COLLEGE

Exclusion Policy

Job title: Deputy Head

Last review date: September 2021

Next review date: September 2022

In all AHS Policies, unless the specific context requires otherwise, the word parents' refers to parents, guardians and carers or any other person in whom is vested the legal duties and responsibilities of a child's primary caregiver.

AHS employs the services of the following consulting companies to ensure compliance are met and best practice implemented

**Peninsula HR online
Peninsula Business Safe (Health and safety)
Care Check (DBS)
Educare (On line CPD)**

Introduction

Exclusions may be temporary or permanent.

A decision to exclude a pupil is taken only:

- a) in response to a serious breach or repeated breaches of the School's behaviour policy; and/or
- b) if allowing the pupil to remain in the school would significantly harm the education or welfare of the pupil or others in the school.

Only the Head Teacher or a member of staff acting in their absence as their deputy can exclude a pupil.

Pupils may be excluded

- for one or more fixed periods
 - *sine die* pending some further investigation and/or decision
- or
- permanently.

A decision to exclude a pupil permanently is a serious one, and may characteristically 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.

The school is obliged to consider whether to inform the police where a criminal offence appears to have potentially taken place. Where appropriate, the school also considers whether to inform other agencies, e.g. Social Care Services, the Local Authority etc.

Where a police investigation leading to possible criminal proceedings has been or may be initiated, the evidence available may be very limited. This does not itself preclude the Head Teacher from making a judgement on whether to exclude the pupil.

Length and character of fixed period exclusions

The regulations allow the Head Teacher to exclude a pupil permanently or for one or more fixed periods not exceeding 45 School days in any one School year. Individual exclusions are for the shortest time appropriate in the judgement of the Head Teacher. After a 45 day exclusion, the school must either permanently exclude the pupil involved or re-admit him/her.

In all cases of more than a day's exclusion, where relevant and practicable, work is set and marked. Where such work is set: it is the parent's responsibility to ensure that work sent home is completed and returned to school; it is the pupil's

responsibility to ensure that he/she takes home the textbooks and other materials necessary for work.

Following an exclusion, the student will have a re-integration meeting prior to returning to lessons. They must be accompanied by a parent/carer.

Behaviour outside School

Pupils' behaviour outside school - on school business, school trips, "away" school sports fixtures, or work experience placements, for example - is subject to the school's behaviour management policy. Inappropriate behaviour in these circumstances is dealt with as if it had taken place in school.

For inappropriate behaviour outside school, but not on school business, the Head Teacher may exclude a pupil if there is a link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. Pupils' behaviour in the immediate vicinity of the school or on a journey to or from school, or behaviour anywhere which is capable of bringing the school into disrepute, for example, can be grounds for exclusion.

Disabled Pupils

The School is mindful of its legal duty under the Disability Discrimination Act 1995 as amended not to discriminate against disabled pupils by excluding them because of their disability. This applies to permanent and fixed term exclusions. The definition of disability under the Act covers pupils with physical, sensory, intellectual or mental impairments. Discrimination means treating disabled pupils less favourably than other pupils without justification. It also means failing to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers. What constitutes a reasonable step will depend on the circumstances of each case.

PROCEDURE FOR EXCLUDING A PUPIL

Consideration of possible temporary or permanent exclusion

The process undertaken in the event of a possible temporary or permanent exclusion is set out in the flow diagram at Appendix A.

Procedures following permanent exclusion

The Governors operate arrangements to review promptly all exclusions from the School.

In the case of a permanent exclusion the pupil remains on the school roll until

- an appeal is determined
- the time limit for an appeal has expired without an appeal being brought
or
- the parent has informed the school that no appeal is to be brought.

Informing parents about the exclusion

Whenever the Head Teacher excludes a pupil, the parent is notified at the earliest opportunity, usually by telephone via the Head Teacher (or delegated member of the senior staff) or followed up by a letter from the Head Teacher within one working day.

Letters of notification of exclusion state:

- the reasons for the exclusion
- for a fixed period exclusion, the precise period of the exclusion
- where, in the case of a fixed period exclusion, any further disciplinary action is being deliberated
- for a permanent exclusion, the fact that it is a permanent exclusion
- where appropriate, details of the parent's right to make representations about a permanent exclusion to the Discipline Panel

Expectations of parent/carer and child during exclusion

Parents/carers have a duty to ensure that their child is not present in a public place in school hours during the specified dates of exclusion, unless there is reasonable justification for this. We 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 your child to be completed on the days specified in the exclusion notification. In order to support your child's engagement, we would ask that work set by the school is completed and returned to us promptly for marking.

You have the right to make a written statement about this decision to the Governing Body Disciplinary Committee (GDC). If you wish to make representations please contact **Simon Coles** on/at **s.coles@cavendisheducation.com** , as soon as possible. Whilst the GDC has no power to direct reinstatement, nor erase the exclusion from the pupil record, they must consider any representations you make and may place a copy of their findings on your child's school record.

Advice for parents/carers upon notification of an exclusion

You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability). Making a claim would not affect your right to make representations to the discipline committee.

You may wish to contact your local authority, as they can provide advice to you. 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 <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

Informing the Discipline Panel

Within one School day the Head Teacher informs the Governors' Discipline Panel via the Director of Operations of:

- a permanent exclusion
- an exclusion which will result in the pupil being excluded for more than fifteen School days in any one term
- an exclusion which will result in the pupil missing a public examination

RESPONSIBILITIES OF THE DISCIPLINE PANEL

The Discipline Panel

The Governing Body convenes a Discipline Panel to review exclusions and consider any representations made by parents.

The quorum for a Discipline Panel meeting is two members. If a Governor has a connection with the pupil, or has knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she steps down. If two or four members consider an exclusion, the Panel Chair has the casting vote.

If an exclusion would result in a pupil missing a public examination, the Discipline Panel try to meet before the date of the examination. If, exceptionally, in the case of a fixed period exclusion, the Panel Chair does not consider it practicable for the Panel to meet before the time when a pupil is due to take the public examination, he/she alone may consider the exclusion and decide whether or not to reinstate the pupil (these are the only circumstances in which the Chair sits alone to review an exclusion).

In advance of its meeting, the parent has the right to make written representations to the Panel or, as the case may be, the Chair.

Where appropriate, the Chair may seek external advice in deciding whether or not to uphold an exclusion by the Head Teacher.

Where reinstatement is not relevant because the pupil has returned to school following the expiry of a fixed period exclusion or because the parent makes it clear he or she does not want his child reinstated, the Discipline Panel may nevertheless decide not to uphold the Head Teacher's exclusion of the pupil. This decision is added to the pupil's school record for future reference.

Where the Discipline Panel decide not to direct the Head Teacher to

(a) reinstate a permanently or temporarily excluded pupil

(b) confirm an exclusion decision by the Head Teacher

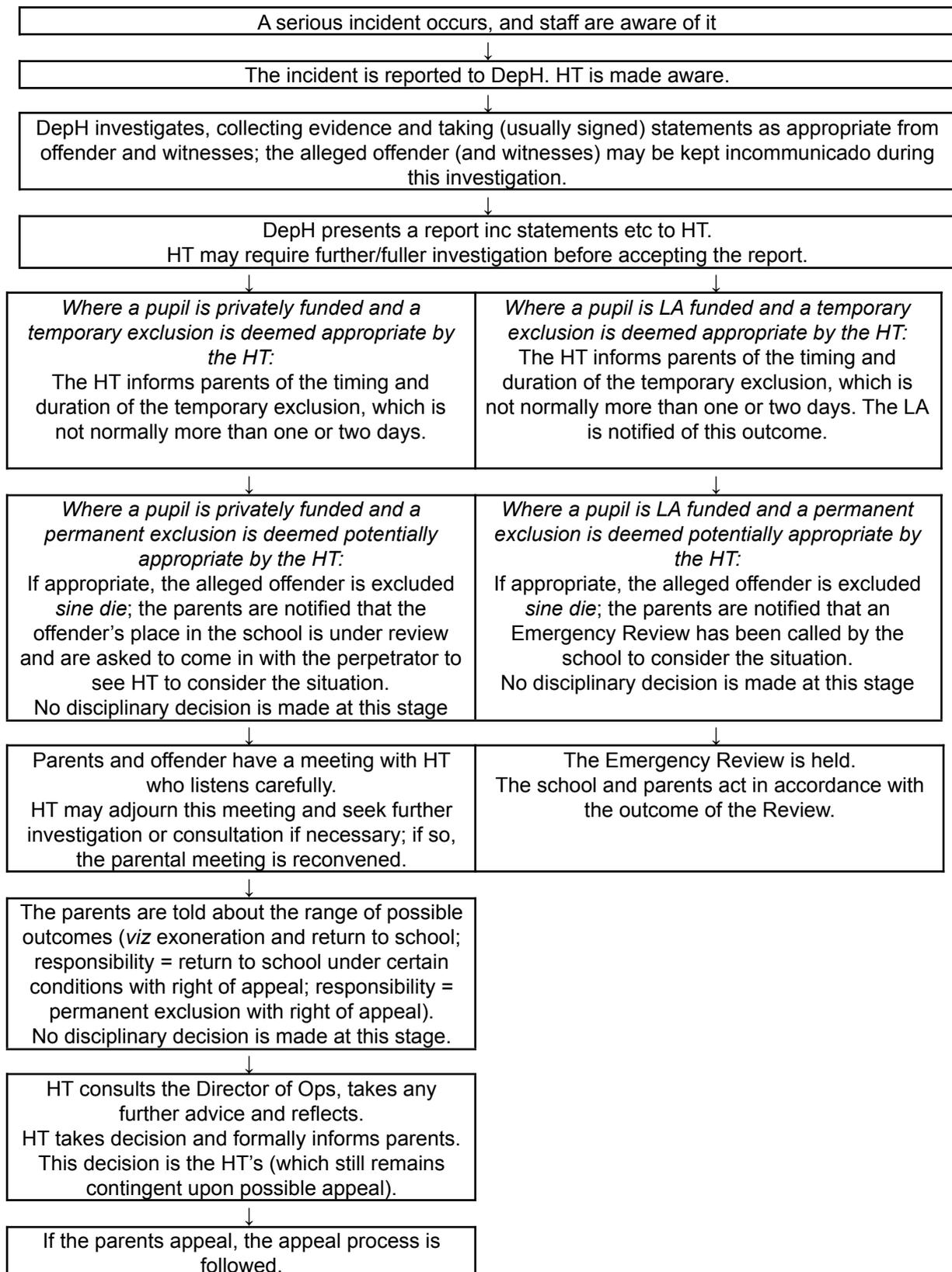
or

(c) increase an exclusion decision by the Head Teacher

their letter to the parent indicates the reason for the decision.

After a meeting, a note of the Discipline Panel's views on the exclusion is normally placed on the pupil's school record with a copy of relevant papers.

Appendix A SERIOUS BEHAVIOURAL INCIDENT PROCEDURE



Appendix B: ADDENDUM TO EXCLUSION POLICY: GUIDANCE NOTES FOR THE HEARING OF EXCLUSION APPEALS TO THE GOVERNORS

- 1 The Chairman or their Deputy shall appoint an Appeal Panel, normally comprising two Governors.
- 2 The Head Teacher's Secretary is normally the Secretary to the Appeal Panel.
- 3 The Panel shall not include any Governor (normally the Operations Director) who may have been consulted.
- 4 On receipt of a parental request for an Appeal Hearing the Panel shall receive and review all relevant documentation from the Head Teacher. Prior to the Hearing the Secretary shall ensure that copies of all such documentation shall be provided to the parent/guardian of the pupil.
- 5 A date, time and location for the Appeal Hearing shall be agreed with the parent/guardian of the pupil, normally with at least five working days' notice.
- 6 Prior to the Hearing the Secretary shall invite the parent/guardian to make any further representations to the Panel.
- 7 The parent/guardian may be accompanied at the Hearing, but the Panel would not expect them to be formally represented other than in exceptional circumstances and by prior agreement.
- 8 Procedure at the Hearing. The Chairman of the Panel shall:
 - a. thank the parent/guardian for coming, and explain that this is an Appeal Hearing following the Head Teacher's decision.
 - b. formally introduce him/herself and the other Panel members.
 - c. if applicable, note that the parent is accompanied, by whom, and in what capacity their companion is present.
 - d. advise the parent of their rights, namely
 - i. to present their Appeal
 - ii. to ask questions on matters of fact
 - iii. to take notes
 - iv. to consult with their companion, and
 - v. to request adjournments
 - e. summarise factually and briefly the events that lead to the exclusion, and the reason given by the Head Teacher for the exclusion.

- f. ask if the parent needs further explanation of any point of fact.
- g. ask the parent/guardian to amplify the grounds of the Appeal, if he/she has any other questions relating to the Head Teacher's decision, and to submit any further information
- h. ensure that full notes are taken of the representations.
- i. not hesitate to adjourn at any time (and to take advice where necessary) to consider any difficult / unusual points raised by the parent/guardian, or to research any issue on behalf of the pupil; an adjournment can be for a few days if necessary.
- j. during the hearing
 - i. ensure that all documents relevant to the Appeal have been copied to the other side
 - ii. avoid reference to any matter that is not directly related to the Appeal
 - iii. maintain an open mind
- k. when all the points have been aired, ask the parent/guardian and the Head Teacher if they wish to add anything further before the Hearing is closed and you consider their decision.
- l. explain that the Panel will communicate their decision in writing to the parent/guardian within five working days; explain that that decision is considered final, as far as Abingdon House School procedures are concerned.
- m. immediately after the Hearing, ensure that the notes of the meeting fairly reflect the matters raised.
- n. after due consideration by the other Panel Members and after a conclusion has been reached, draft, agree and send a letter to the parent/guardian communicating the Panel's decision; the letter should include brief reasons for the decision, and be copied to the Head Teacher.

Note: Nothing which is undisclosed to the parent/guardian may be taken into account by the Panel in reaching their decision, and in the event that anything comes to light prior to the decision being made that the Panel regards as relevant to their decision such information must be disclosed to the parent/guardian who shall be given the opportunity to comment.