



Moorside High School

Exclusions Policy

• • • • • • •

Date Reviewed:January 2019
Date of Next Review:January 2020.....
Reviewed by:Inclusion Committee

January 2019



Exclusions Policy at Moorside High School

The principal legislation to which this policy relates to is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Equality Act 2012 and
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007.

Moorside High School aims to create an orderly school in which study is valued. The school's behaviour policy, anti-bullying policy and inclusions policies are therefore closely linked and play an important role in the implementation of this policy.

The Governors have approved a Behaviour Policy in which there is a staged approach to managing behaviour in line with the recommendations of the Elton Report. Therefore the use of temporary (fixed period) and permanent exclusion should be seen as part of the school's overall staged approach to the management of pupil behaviour in order to allow learning to take place.

The Governors accept the Government's recent views on reducing the numbers of all kinds of exclusions in the interests of pupils themselves, and of society as a whole.

Temporary (fixed term) exclusions are therefore used sparingly when the school's behaviour policy has been breached.

The exceptions to this, which would result in permanent exclusion, would be:

- a) where there has been a serious breach, or persistent breaches of the school's behaviour policy
and/or
- b) where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

Generally, fixed term exclusions are for a short period (2, 3 or 5 days), although the school has the right to use a fixed term exclusion of up to 45 days per year in exceptional cases. Parents must always be involved

in the discussions about the pupil who has a temporary exclusion, and it is normal practice to ask the parent into school at the time when an excluded pupil is being readmitted.

For a fixed period exclusion of more than five school days, the governing body (or local authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. The provision must begin no later than the sixth day of the exclusion.

The school also attempts to use internal exclusion as an alternative to temporary exclusions. In internal exclusions, the pupil will work under the direct supervision of the Inclusion Team or a member of the Senior Management Team and may have a modified timetable to prevent contact with other pupils at lunchtime and break times. Internal exclusions have the advantage of retaining the pupil in school and ensuring that their education continues. However, they can put a heavy burden on pastoral staff, and the impact of this measure on other pupils must be kept in mind.

If appropriate, a pupil may be referred to the Governors' Discipline Panel which will review the pupil's full history and will make recommendations for a final attempt to modify and improve the pupil's behaviour, working with parents, and other agencies where appropriate. At this stage, if not already in place, a Pastoral Support Plan will be agreed by all parties which will contain the agreed targets and plan of action. Failure to meet the targets agreed in the Behaviour Contract/Pastoral Support Plan, will normally result in the pupil being referred back to the Headteacher, who will either:

- a) find alternative educational provision for the pupil, or
- b) permanently exclude the pupil

When a pupil is excluded, the school will make sure the parent is notified immediately, ideally by telephone, and that the telephone call is followed by a letter within one school day. An exclusion will normally begin on the next school day.

Letters about fixed period and permanent exclusions will explain:

- Why the Headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- The arrangements for enabling the pupil to continue their education, including setting and marking the pupil's work;
- The parent's right to state their case to the Governing Body's Discipline Committee, and that they should write in the first instance to the Headteacher;
- The latest date the parent can put a written statement to the Discipline Committee;
- The parent's right to see their child's school record;

- If the exclusion is for a fixed period, the length of the exclusion and the date and time the pupil should return to school;
- If the exclusion is permanent, the date the permanent exclusion takes effect, and details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;
- The name and telephone number of a contact at the Local Authority who can provide advice on the exclusions process and the contact details for other organisations who can offer impartial advice.

All correspondence will be in plain English and will try to avoid unnecessary jargon. Exclusion cases should be treated in the strictest confidence.

Informing the Discipline Committee and the Local Authority

The Headteacher will inform the Governing Body's Discipline Committee and the Local Authority immediately of:

- All permanent exclusions;
- All exclusions which result, separately or in total, in the pupil missing more than six school days in any one term, or which deny pupils the chance to take a public examination.

Short fixed period exclusions of one to five school days should be reported termly to the Committee, unless more frequent reports are asked for.

For each exclusion reported the school will give:

- The name of the pupil;
- The length of the exclusion;
- The reason(s) for the exclusion;
- The pupil's age, gender, ethnicity, and whether they are on the SEN Code of Practice or have a statement of special educational needs;
- Whether the pupil is looked after by the Local Authority.

Responsibilities of the Governing Body

The Headteacher should provide a report on pupil behaviour in each report to the full governing body and include in this the number of temporary and permanent exclusions. The Governors' Pastoral Committee

should monitor the operation of this Exclusions Policy, together with the wider Behaviour Policy of which it forms part.

The Discipline Committee

The Governing Body's Discipline Committee is made up of three or five governors (not including the Headteacher) and its task is to review the use of exclusion within the school, including considering the views of the parent of an excluded pupil, and deciding whether or not to confirm exclusions of more than five school days or those where a pupil would miss an opportunity to take a public examination. The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusion and to handle the administrative arrangements for considering exclusions. The Governing Body may nominate three or five governors to serve on the Discipline Committee or a pool of governors from which three or five will serve as the Discipline Committee to consider particular exclusions. The quorum for a meeting is three. If a governor has a connection with the pupil or the incident that could affect their ability to act impartially they should not serve at that hearing. If four members consider an exclusion, the chair has the casting vote.

If the exclusion is fewer than five days, the Discipline Committee cannot direct re-instatement, but will consider any statement from the parent. For exclusions of more than five days in a term, or where a pupil loses the opportunity to take a public examination, the Discipline Committee will consider the exclusion and decide whether the pupil should be re-instated. If a pupil has been excluded several times for fewer than five days each time the Discipline Committee should meet once the pupil has missed more than **six** days in the term. If the same pupil is excluded again that term, they should meet again to consider the exclusion. Provided that the time limits are met, Discipline Committees may use a meeting to consider more than one exclusion.

If exclusion for fewer than five days causes the pupil to miss sitting a public examination, the Discipline Committee should try to meet before the public examination. The normal minimum time limits do not apply. If, exceptionally, the chair of the Committee does not consider it practical for the Committee to meet, the chair is empowered by the Governors' Pastoral Committee to consider the exclusion and decide whether to re-instate the pupil. Apart from this, the procedures for considering these exclusions are the same as the procedures for exclusions of more than five days in a term.

After the Meeting

A note of the Discipline Committee's view on the exclusion will normally be placed on the pupil's record with a copy of the Headteacher's exclusion letter.

The Local Authority's role is to give their view on the appropriateness of the exclusion. The Local Authority 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.

The Local Authority has the responsibility for conducting appeals.

Complaint to the Independent Review Panel (IRP)

Only a parent can complain to the IRP. The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

Following its review the panel can decide to:

- Uphold the exclusion decision;
- Recommend that the governing body reconsiders their decision, or
- Quash the decision and direct that the governing body considers the exclusion again.

The Role of the Secretary of State

The role of the Secretary of State is to provide, from time to time, guidance on the use of exclusions. But the Secretary of State cannot intervene in the proceedings or decision of an appeal panel.