



# KING EDWARD VI HANDSWORTH SCHOOL FOR GIRLS

---

## Exclusion Policy

---

### Document Control

Document Ref:		Date Implemented:	
Version:		Date Modified:	
Revision due date:			
Reviewed by:		Sign and Date:	
Authorised by:		Sign and Date:	

Mr Nick Heppel (Deputy Head) is responsible for reviewing and updating this procedure.

### Change History

Version	Date	Description

### Related Documents/Policies

Reference	Title

## **POLICY**

The Governors wish exclusions from school to be used on rare occasions where there is a serious breach of discipline. Theft, assault, use of drugs, bullying, possession of a weapon, inappropriate use of new technologies or extreme rude behaviour towards a member of staff would be grounds for exclusion as would poor behaviour over a period of time when all other sanctions (*for example detentions, meetings with parents, internal exclusion*) have failed. Permanent exclusions will only be used when it would not be in the best interests of the girl or the school community to have her in the school in the future.

## **PRACTICE**

### The Law

- The Education and Inspections Act 2006
- The Education and Skills Act 2010
- The Education Act 2002, amended in 2011
- The School Discipline Regulations 2012
- Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2012.

### The Role of the Headmistress

- The Headmistress has a duty to ensure that good behaviour is the norm in the school so that all pupils may benefit from the opportunities provided. Only the Headmistress has the power to exclude (but the Deputy Heads may exceptionally exclude in her absence). She should maintain a register of exclusions.
- The Headmistress must, without delay, notify the governing body and the Local Authority of:
  - A permanent exclusion (including where a fixed period exclusion is made permanent);
  - Exclusions which would result in the pupil being excluded for more than five school days in a term; and
  - Exclusions which would result in the pupil missing a public examination or national curriculum test.
- For all other exclusions, the Headmistress must notify the Local Authority and governing body once a term. These notifications should include the reason for the exclusion and the duration of any fixed period exclusion.

### The Role of the Governing Body

- The Governing Body has a duty to support the Headmistress in the maintenance of sound discipline in the school. It should establish procedures for dealing with exclusions and for monitoring them. The Governing Body should keep under review any exclusion for more than five days.

### Fixed Period Exclusions: Procedures

(Note – for parents read pupil if she is aged 18 and over)

1. The Headmistress will write to the parents to notify them of the period of exclusion and the reason for it. The Headmistress will tell the parents that they may make representations about the exclusion to the School Governors' Pupil Discipline Committee (PDC) and how any representations should be made.
2. The school should take reasonable steps to set and mark work for pupils during the first five days of a fixed term exclusion. For fixed period exclusions of more than

five school days, the governing body or Local Authority must arrange suitable full time education for any pupil of compulsory school age.

3. *Following a fixed term exclusion, a re-integration meeting will be held between the parents, the student and the Headmistress and Deputy Head. A member of SLT and/or the relevant PAL will also attend. The purpose of the meeting will be to re-establish clear expectations relating to the misdemeanour which resulted in the exclusion. Notes on the discussion and outcomes of this meeting, made by the member of SLT or PAL, will be kept in the student's file.*
4. The Headmistress will write to the PDC outlining the reasons for the exclusion. A copy of the letter to the parent may be enclosed. The members of the PDC will be asked to contact the Clerk to the Governors if they wish to meet to discuss the case. Under the terms of reference of the PDC, meetings may be called at the request of two Governors.
5. The PDC may be content to note the position, but if the parents make representations about the exclusion, the PDC will need to meet.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the PDC will consider any representations made by parent, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

6. The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
  - The exclusion is permanent;
  - It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; and
  - It would result in a pupil missing a public examination or national curriculum test.
7. If reinstatement is to be considered for the above reasons, a meeting must be arranged. The Clerk to the Governors will call the meeting and invite the parents together with a friend or representative. In most cases the duration of the fixed period exclusion will end before a meeting can be called.
8. The conduct of hearings is important. Natural justice requires that the pupil and parents should be told the reasons for the exclusion (the initial letter should cover this) and be able to state their own case and question the evidence. Governors should do their best to verify the evidence submitted to them. Once all the evidence has been heard, the Headmistress and parents should withdraw while the committee makes its decision. Any appearance of bias must be avoided. In particular everyone present should have the same papers. The governing body should ensure that clear minutes are taken of the meeting.

The hearing might progress in the following manner:-

- a) Headmistress, statement in support of the report.
- b) Parents may question the Headmistress.
- c) Parents' statement to the meeting.
- d) Headmistress may question the parents.
- e) The Headmistress may be invited to make a closing statement.

- f) The parents may be invited to make a closing statement.
9. Parents and Headmistress leave the meeting while the Committee considers its decision. Members of the Committee may ask questions at any stage and it may be appropriate to call witnesses.

Evidence may come out as a result of questioning during the hearing. It may be appropriate to adjourn so that all the parties can have time to consider the new evidence and respond to it. The governing body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headmistress' legal duties. The governing body may use Annex A from the DfE publication 'Exclusion from maintained schools, Academies and pupil referral units in England' (2012) when reviewing the Headmistress' decision to exclude.

10. The decision of the Committee will be reported to the Parents and Headmistress. The PDC can either uphold an exclusion or direct reinstatement of the pupil immediately or on a particular date.
11. There is no access to an appeal committee.
12. It is possible for the Head to change a fixed-term exclusion into a permanent exclusion. This might be reasonable if the facts were still being established, or new facts emerged, but otherwise could be seen as unfair. If this happens, the process starts again as a permanent exclusion.

### **Permanent Exclusions: Procedures**

(Note – for parents read pupil if she is aged 18 and over)

1. The Headmistress will write to the parents (without delay) about the permanent exclusion and the reason for it; it might be appropriate to telephone the parents as well. The notification should also document for reference any relevant previous warnings, fixed period exclusions or other disciplinary measures taken prior to excludable behaviour being committed (this might need to be in a follow-up letter). The parents should be notified that they may make written or oral representations to the PDC; they should make their intentions known within seven days of notification. They should be told that they have a right of access to the school's curricular records on the pupil.

The Headmistress will tell the parents that the PDC will meet to consider the reinstatement or to confirm the permanent exclusion of the pupil.

2. The Headmistress will copy the above to the PDC.
3. The Clerk to the Governors will call a meeting, invite the parents etc.
4. The considerations and procedure are as above. The decision may be to uphold the permanent exclusion, or end the exclusion and expunge it from the record.

If the decision is upheld by the PDC, the Clerk to the Governors will tell the parents (by recorded delivery) and invite an appeal to an Independent Review Panel (IRP) within fifteen days, setting out the grounds of the appeal.

5. If the decision is upheld by the PDC, the clerk will tell the Local Authority.

## **Appeals against Permanent Exclusions to an Independent Review Panel**

1. If there is an appeal against a permanent exclusion, it is to an Independent Review Panel. The Local Authority or Academy Trust, must at their own expense, arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil. Parents must appeal within fifteen school days of notice being given to them by the governing body of their decision to uphold a permanent exclusion. Any application for an appeal made outside the legal time frame must be rejected by the Local Authority.
2. The Independent Review Panel should comprise of five members from any of the following three groups; a lay member (who has not worked in any school in a paid capacity and so could be a governor) to chair the panel, school governors who have served for at least 12 consecutive months in the last five years and individuals who have been a Head teacher within the last five years. On appointing Independent Review Panel members, every care should be taken to avoid bias.
3. An Independent Review Panel clerk should be appointed. This clerk should be different to the clerk of the PDC. The clerk will advise the panel and parties on procedure, legislation and statutory guidance on exclusions. The clerk will circulate copies of relevant papers 5 days in advance of the review, attend the review and ensure that minutes are produced.
4. Families may request the attendance of a “SEN Expert” at an Independent Review Panel.
5. The panel should uphold the exclusion unless there is some illegality, an irrational decision by the governing body or some procedural impropriety. The Independent Review Panel does not have the power to direct the governing body to reinstate an excluded pupil.
6. The clerk will write by recorded delivery to the parents, giving the result of the appeal.
7. The parents may subsequently involve the Local Authority Ombudsman, seek judicial review or complain to the Secretary of State.

## **MONITORING AND EVALUATION**

Reviewed and amended May 2015.