

	<p><b>The Duston School Policy</b></p>	
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<b>Policy Title</b>	<b>Exclusions</b>	<b>Version No.</b>	<b>3</b>
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<p><b>Rationale</b></p>	<p>A decision to exclude a pupil permanently should only be taken:</p> <p><i>"in response to a serious breach, or persistent breaches, of the school's behaviour policy; <b>and</b> where allowing the pupil to remain in school would <b>seriously harm</b> the education or welfare of the pupil or others in the school".</i></p>
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<p><b>Policy Statement</b></p>	<p><b>Policy Statement</b></p> <p>The school requires everyone to show respect, tolerance and understanding towards others. In this atmosphere staff and students, through self-discipline and consideration are expected to behave in a sensitive and civilised fashion.</p> <p>Disciplinary procedures identify the appropriate action to be taken when a student's behaviour fails to meet the requirements of the school's policy on Behaviour and Discipline and/or involves a criminal act.</p> <p>The decision to exclude a student lies with the Principal. A student may be excluded permanently or for one or more fixed periods up to a maximum of 45 school days in a single academic year.</p> <p>The behaviour of students outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Principal in accordance with the TDS published behaviour policy.</p> <p>The Principal is the only person empowered to exclude students. Where the Principal decides to permanently exclude a student or excludes for a period of more than 15 school days, that decision must be considered by the Governing Body at a Pupil Discipline Hearing within 15 school days. The Governing Body will either uphold the decision or direct the Principal to reinstate the student. Parents will be invited to attend and present their case to the Governing Body if they so wish.</p> <p>The School will advise the police of any criminal activity; this includes racist incidents that are categorised as crimes.</p> <p><b>Who does the policy apply to?</b></p> <p>This applies to all TDS students.</p> <p><b>Who is responsible for carrying out this policy?</b></p> <p>The implementation of this policy will be monitored by the Governors of the School. Day to day responsibility will be with the Principal and SLT.</p> <p><b>What are the principles behind this policy?</b></p> <p>The school is committed to treating its students fairly and with the same respect and consideration as adult members of the school.</p> <p>The school will adopt a series of high expectations of behaviour based on individual responsibility and mutual respect in order to generate an environment where positive relationships are encouraged to flourish.</p> <p>The school will usually seek to put in place a range of intervention strategies which minimise the need for fixed period exclusions or permanent exclusions. These may include being placed on report, internal exclusion, managed moves and the involvement of appropriate external agencies. In some circumstances, the school has the power to direct a student off-site for education to improve behaviour.</p>
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	<p>Decisions to exclude a student will only be taken in response to breaches in the school policy on behaviour, including persistent and disruptive behaviour and for permanent exclusions where allowing the student to remain in the school would seriously harm the education and/or welfare of that pupil or others in the school community. An exclusion may also be appropriate where a criminal act has been committed.</p> <p>A series of support strategies will be put into place to help realign behaviour</p> <ul style="list-style-type: none"><li>• Tutor intervention</li><li>• Director of Year intervention</li><li>• Assistant Principal intervention</li><li>• Principal intervention</li><li>• Positive Impact Centre<ul style="list-style-type: none"><li>-Self Assurance in Life and Learning (SAIL)</li><li>-Girls/Boys Achievement Groups (GAG/BAG)</li><li>-Anger Management</li><li>- Protective Behaviours (PBs)</li><li>-FRIENDS Resilience</li><li>-Alternative provision</li><li>-Educational Psychologist</li></ul></li></ul> <p>If suitable these interventions will be put in place prior to permanent exclusion.</p> <p><b>Reasons for Exclusion</b></p> <p>Incidents including one or more of the following could justify a fixed term exclusion depending upon enquires. These behaviours are deemed inappropriate behaviour at The Duston School</p> <ul style="list-style-type: none"><li>• Explicit swearing at a member of staff</li><li>• Fighting</li><li>• Bullying</li><li>• Persistent oppositional defiance</li><li>• Persistent truancy</li><li>• Refusal to attend detention</li><li>• Smoking on school site</li><li>• Consuming or bringing in alcohol</li><li>• Bringing illegal substances to school (and distributing)</li><li>• Bringing a weapon to school</li><li>• Assaulting a member of staff</li></ul> <p>There may be other issues for which a student needs to be excluded which will be at the discretion of the Principal and the school.</p> <p><b>Procedures</b></p> <p>Only the Principal may take the decision to exclude a student.</p> <p><b>Notifying Parents</b></p> <p>When the decision to exclude a student has been made the parent will be notified by telephone and this will be confirmed in writing.</p> <p>Written confirmation of the exclusion will include the following details:</p>
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- For a fixed term exclusion the precise period of the exclusion
- For a permanent exclusion the fact that it is a permanent exclusion and the date from which the exclusion takes effect
- The reasons for the exclusion, including any relevant previous history
- The days and dates on which the parent is required to ensure that the student is not present in a public place during school hours
- The parent's right to make representations regarding the exclusion to the Pupil Discipline Committee and how the student may be involved in this
- Where there is a legal requirement for the Governing Body to consider the exclusion, that parents have a right to attend the Pupil Discipline Hearing, be represented at this hearing (at their own expense) and to bring a friend
- The person in the school who the parent should contact if they wish to make representations
- The latest date when the Pupil Discipline Hearing must be held to consider the circumstances of the exclusion
- The arrangements that will be put in place to ensure that the student is able to continue their education during the first five days of the exclusion, including the setting and marking of work (it is the parent's responsibility to ensure that this is completed and returned to the school)
- The school days on which a student may be provided with alternative full time education or may be required to attend an alternative provision. This information may be given by separate notification but will be at least 48 hours before the education is to be provided
- If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:
  - o The start date for any provision of full-time education that has been arranged for the student during the exclusion
  - o The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
  - o The address at which the provision will take place; and
  - o Any information required by the student to identify the person he/she should report to on the first day
- For fixed term exclusions, the arrangements for reintegrating the student into the school will be provided including the date and time the student should return to the school. This may also require the parent to attend an interview with the Principal prior to reintegration

### **Notifying Governors**

The Principal will inform the Governing Body of all short fixed term exclusions once per term.

The Principal will inform the Chair of the Governing Body within one school day of all permanent exclusions or fixed term exclusions which would result in a student being excluded for more than 5 school days in a term or missing a public exam. This notification will include the following:

- The student's name
- The length of the exclusion
- The reason for the exclusion
- The student's age, gender and ethnicity

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- If the student has a Statement of Special Educational needs or an EHC Plan
- If the student is looked after (in care)
- For fixed term exclusions of more than five days, what alternative provision has been put in place

For a fixed period exclusion of more than five school days, the Governing Body must arrange suitable full-time education for any student of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

For permanent exclusions, the local authority must arrange suitable full-time education for the student to begin no later than the sixth day of the exclusion. This will be the student's 'home authority' in cases where the school is maintained by (or located within) a different local authority.

Provision does not have to be arranged by either the school or local authority for students in the final year of compulsory education who do not have any further public examinations to sit.

The Governing Body must arrange a Pupil Discipline Hearing to consider the reinstatement of an excluded student within 15 school days, where practicable, of receiving notice of the exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term; or
- It would result in a student missing a public examination.

The Pupil Discipline Committee is to be comprised of governing body members of the school.

If requested to do so by the parents, the Local Governing Body must consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion, if a student would be excluded from school for more than five school days, but not more than fifteen, in a single term.

Where an exclusion would result in a student missing a public examination, there is a further requirement for the Pupil Discipline Committee, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. In such cases, parents still have the right to make representations to the Pupil Discipline Committee and must be made aware of this right. In the light of its consideration the Pupil Disciplinary Committee may, where it has the power to do so either:

- Decline to reinstate the pupil;
- Direct reinstatement of the pupil immediately or on a particular date.

In the case of a fixed period exclusions which does not bring the student's total number of days of exclusion to more than 5 in a term, the Local Governing Body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with Parents.

The Local Governing Body will invite the parents/carers to attend the Pupil Discipline Hearing.

The Pupil Hearing Committee will request written statements and will circulate these at least five days in advance of the meeting.

The Pupil Hearing Committee may uphold the exclusion or direct the student's reinstatement.

The outcome of the review will be added to the student record in the School.

Whilst there is no automatic right for an excluded student to take an examination or test on the excluding school's premises, the Local Governing Body should consider whether it would be appropriate to exercise their

discretion to allow an excluded student on the premises for the sole purpose of taking the examination or test.

### **Attendance Registers**

Where a student has been excluded for a fixed term of up to five days and no alternative provision is made, attendance registers should be marked using Code E. Where alternative provision has been made, Code B (education off site) or Code D (dual registration) should be used.

Where a student has been permanently excluded they should not be deleted from the register until after the appeal process has been completed. This will be extended to the completion of the independent review panel hearing, if one is requested.

### **Independent Review Panel**

Where a permanent exclusion is upheld by the Governing Body, the parents must be notified in writing. This notification must include the following:

- The reasons for the decision
  - Details informing parents of their option for the case to be referred to an independent review panel, including relevant contact details
  - The last day on which an appeal may be lodged
  - An explanation that an application for independent review panel may only be received in writing
- reference to the right for parents to request a SEND expert and the right to make separate discrimination claims as per the DfE exclusions guidance.

- Relevant sources of free and impartial information that will allow parents to make an informed decision on whether and, if so, how to seek an independent review of the decision
- A link to this statutory guidance on exclusions:

<https://www.gov.uk/government/publications/school-exclusion>

- A link to guidance on making a claim of discrimination to the First-tier Tribunal: <http://www.justice.gov.uk/tribunals/send/appeals>;

- A link to the Coram Children’s Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

- Where considered relevant by the governing body, links to local services, such as Traveller Education Services or the parent partnerships  
<http://www.parentchampions.org.uk/resources/>

Where a permanent exclusion is upheld by the Governing Body parents have 15 school days from the day on which they are notified of this decision to make an application for an independent review panel. The School must then arrange for an independent review panel hearing to review the decision of a Governing Body not to reinstate a permanently excluded student.

Any application made outside of the legal time frame of 15 school days must be rejected by the School.

Parents may request an independent review panel even if they did not make a case to, or attend, the meeting at which the Governing Body considered the exclusion.

The School must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school

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	<p>days of the day on which the School received the parent's application for an independent review. However, the independent review panel have the power to adjourn a hearing if required.</p> <p>Where the issues raised by two or more applications for review are the same, or connected, the independent review panel may combine the reviews if, after consultation with all parties, there are no objections.</p> <p>Where an application for an independent review is received, the School will convene an independent review panel which will comprise of three or five members, as decided by the School, representing each of the three categories below. A five member panel must be constituted with two members from each of the categories of school governors and head teachers. All panel members will not have any current or prior connections to the School that could reasonably be taken to raise doubts about their impartiality.</p> <ul style="list-style-type: none"><li>- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer</li><li>- School Governors, who have served as a Governor for at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during this time</li><li>- Head teachers or individuals who have been a head teacher within the last five years</li></ul> <p>During the review, each party will be given the opportunity to put forward their case. The Governing Body may wish to call witnesses who were directly involved in the incident which led to the exclusion.</p> <p>Parents have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEN.</p> <p>The role of the independent review panel is to review the Governing Body's decision not to reinstate a permanently excluded student. In reviewing the decision the board must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school.</p> <p>Following its review, the independent review panel can decide to:</p> <ul style="list-style-type: none"><li>- Uphold the exclusion decision</li><li>- Recommend that the Governing Body reconsiders their decision, or</li><li>- Quash the decision and direct that the Governing Body considers the exclusion again where the independent review panel find that the original governing body decision was flawed when considered against principles applicable to judicial review</li></ul> <p>The independent review panel is independent and the decision is binding on the parent, the Governing Body, the Principal and the School.</p> <p>The review board will inform all parties of the outcome without delay, giving reasons for the decision</p> <p>Where the independent review panel directs or recommends that the Governing</p>
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Body reconsiders their decision, the Governing Body must reconvene to do so within 10 school days of being given notice of the independent review panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

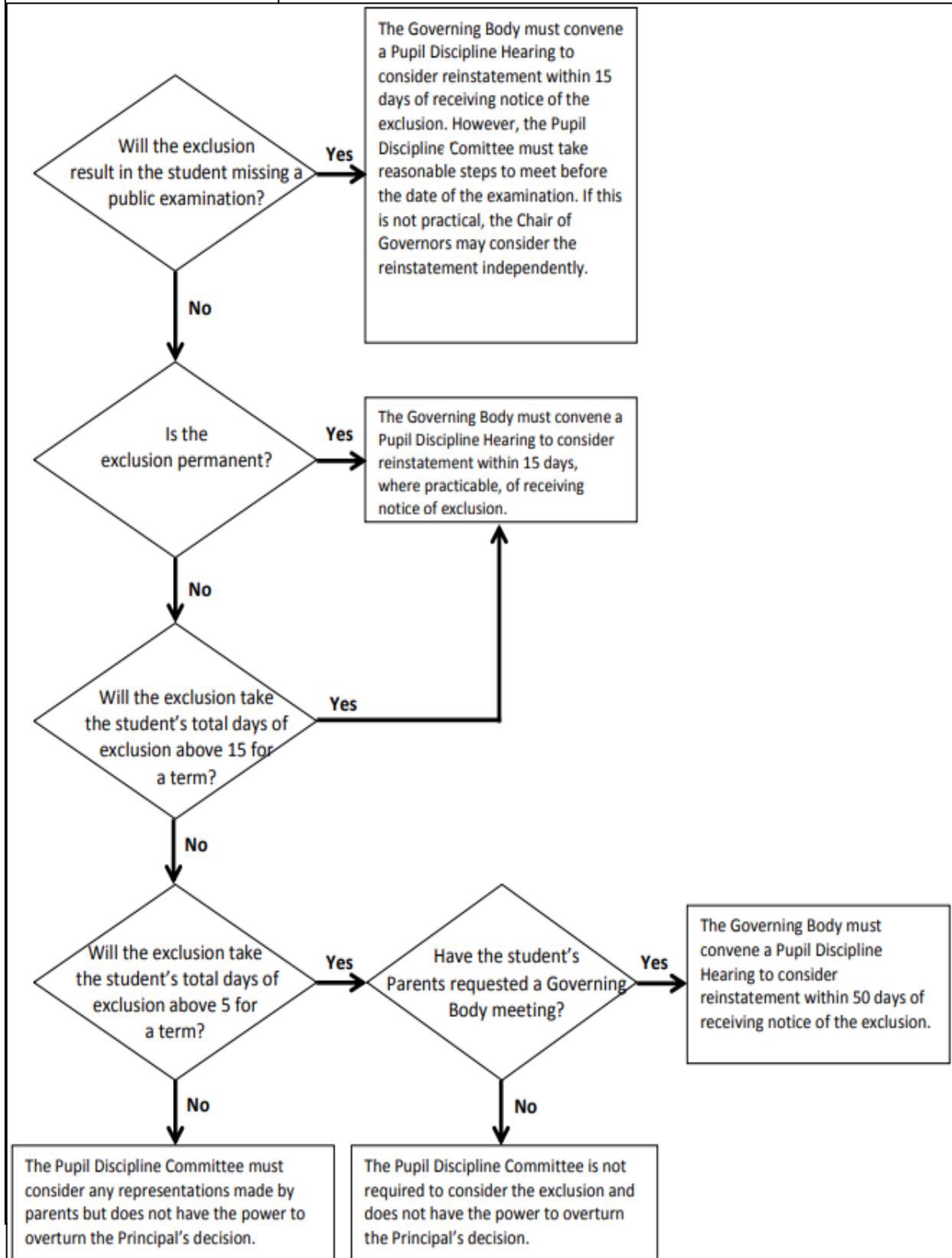
In the case of either a recommended or directed reconsideration, the Governing Body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- The parents
- The Principal
- The local authority and, where relevant, the 'home authority'

### **Policy Review**

This policy will be monitored as part of the School's annual internal review and reviewed on a three year cycle or as required by changes in legislation.

A summary of the Governing Body’s duties to review the Principal’s exclusion decision



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<b>Staff responsible</b>	PDE		
<b>Date approved by GB</b>	04/10/2018	<b>Review Date</b>	October 2020