

# **PROCEDURES FOR EXCLUDING A PUPIL FROM SCHOOL**

## **1. The Use of Exclusion**

### **1.1 Definition**

Exclusion is the statutory power to debar a pupil from attending school on disciplinary grounds.

Only the headteacher has the power to exclude a pupil from school, unless the head is absent from school, in which case the power rests with the most senior teacher who should make clear that they are acting in the head's absence.

Exclusion is not a decision to be taken in the heat of the moment, unless there is an immediate risk to the safety of others in the school or the pupil concerned.

### **1.2 Appropriate use of Exclusion**

A decision to exclude a child should be taken only:

- in response to serious breaches of a school's discipline policy; and
- once a range of alternative strategies have been tried and have failed; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

### **1.3 Inappropriate use of Exclusion**

Exclusion should not be used for:

- minor incidents such as failure to do homework or to bring dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaching school uniform policy, including hairstyle or wearing jewellery;
- punishing pupils for the actions or behaviour of the parents, for example by extending a fixed period exclusion until the parents agree to attend a meeting.

### **1.4. Types of Exclusion**

There are only two types of exclusion: fixed period and permanent.

## **2. Fixed Period Exclusion**

### **2.1 Definition**

A fixed period exclusion is a procedure whereby a Headteacher excludes a pupil for a pre-determined period and the pupil returns to school at the end of that period. A pupil may not lawfully be excluded for fixed periods which total more than 45 school days in one academic year.

### **2.2 Appropriate length of Fixed Period Exclusion**

Fixed period exclusions should be for the shortest time necessary to ensure that the pupil and others in the school understand that the behaviour has been unacceptable. There is no evidence to suggest that an exclusion of a week or longer is more likely to prevent a pupil continuing to seriously misbehave than an exclusion of only a day or two. Indeed, the longer the exclusion the more difficult it can be for the pupil to reintegrate into the school.

If it is necessary to exclude a pupil on more than one occasion because of persistent unacceptable behaviour, it may in some cases be appropriate to use a staged approach (i.e. applying sanctions of increasing length) to mark a lack of improvement in behaviour despite all other strategies and sanctions having been attempted. However it is **not** the case that an exclusion of a short period must automatically be followed by one of greater length. Neither is it the case that once a certain number or length of exclusions have been used, that the next stage is automatically to recommend permanent exclusion. Each case will need to be considered on its own merits but, in general, the length of exclusion should be the minimum necessary as a reasonable response to the incident, taking into account the child's age and individual circumstances.

### **2.3 Consulting the LEA before using Fixed Period Exclusion**

Heads in any doubt about the length or suitability of an exclusion should seek advice from the LEA's Pupil Services Manager or Assistant Pupil Services Manager

### **2.4 Fixed Period Exclusion of 1-5 school days**

Headteachers may exclude a pupil for a single period or periods which total between one to five school days in any one term without the approval of the Discipline Committee. However parents have a statutory right to express any views on the exclusion to the Discipline Committee which must consider these, even though they have no statutory duty to consider whether a child excluded for up to 5 school days should be reinstated.

### **2.5 Fixed Period Exclusion of 6-15 school days**

If a headteacher excludes a pupil for a single period or periods which total six school days or more in any one term, the Discipline Committee must consider the reasons for the exclusion, together with any views presented by the parent and the LEA, and decide whether the pupil should be reinstated.

## **2.6 Fixed Period Exclusion which involves missing a public examination**

If a headteacher excludes a pupil for any period which involves missing a public examination, the Discipline Committee must consider the reasons for the exclusion, together with any views presented by the parent and the LEA, and decide whether the pupil should be reinstated.

## **2.7 Fixed Period Exclusion of more than 15 school days**

Only in the most exceptional circumstances should a pupil be excluded for a single period of more than 15 school days. The headteacher must consult the LEA's Pupil Services Manager or Assistant Pupil Services Manager before implementing an exclusion of more than 15 school days, and will need to demonstrate that arrangements are in place for the pupil to continue their education and have their problems addressed prior to their reintegration at the end of this extended period.

**NB A pupil may not lawfully be excluded for a single period or periods which in aggregate total more than 45 school days in any one academic year.**

## **2.8 Extending a Fixed Period Exclusion**

A child should return to school at the end of a fixed period exclusion. However it may occasionally be necessary for a fixed period exclusion to be extended or made permanent where it is necessary to for the headteacher to exclude a child immediately before completing an investigation into an incident, because of a risk to the safety of others. In these circumstances, the initial letter informing the parent of the exclusion must make clear that a further period of exclusion is possible after the investigation is complete. In such cases, the initial period of exclusion should be no greater than five school days. When extending an exclusion, or making it permanent, the headteacher must again write to the parent giving reasons for the decision and follow the procedures set out below.

## **2.9 Return to school after Fixed Period Exclusion**

Following a period of exclusion, the headteacher should arrange for the parent to bring the child to school to meet with them or a senior member of staff, before the child returns to classes. However, if parents refuse to comply with such a request, the headteacher may not refuse to re-admit the pupil.

If a child does not return from exclusion on the date expected, the school's Education Welfare Officer should be informed.

# **3. Permanent Exclusion**

## **3.1 Definition**

Permanent exclusion is a procedure whereby a headteacher excludes a pupil with a recommendation to the Discipline Committee that they should not return, and that their name is removed from the school roll.

### **3.2 Appropriate use of Permanent Exclusion**

Permanent exclusion is a serious and final step in the process for dealing with disciplinary offences when a wide range of other strategies, have been tried and have failed, including the involvement of external agencies and use of a Pastoral Support Programme where applicable. It is also an acknowledgement by the school that it can no longer cope with the child. The LEA does not expect a headteacher normally to exclude a pupil permanently for a ‘one-off’ or first offence, although there may be circumstances where the incident is so serious that allowing the pupil to return to school under any circumstances would seriously harm the education or welfare of the pupil or of others in the school.

It would normally be expected that a recommendation for permanent exclusion will have been preceded by a number of fixed period exclusions of varying lengths at least one of which has been considered by the Discipline Committee.

### **3.3 Consulting the LEA before using Permanent Exclusion**

Headteachers considering permanent exclusion are advised to consult the LEA’s Pupil Services Manager or Assistant Pupil Services Manager before implementing the decision. Permanent exclusion is not only subject to the agreement of the Discipline Committee but also provides parents with a statutory right to appeal to an independent appeal panel, if the Discipline Committee decide not to reinstate the pupil.

DfEE Circular 10/99 states that if, when they review an exclusion, the Discipline Committee or the independent appeal panel consider that the guidance in Chapter 6 and Annexe D of that Circular was not followed, they should normally direct reinstatement of the pupil.

The School Standards & Framework Act 1998 provides the LEA with a role in giving its view on the appropriateness of the exclusion to the Discipline Committee and to an independent appeals panel. Headteachers may therefore find it useful to consult the LEA at the earliest stage to discuss their proposed action.

## **4. ‘Informal’ Exclusion**

There is no such thing as an ‘informal’ exclusion or ‘cooling off’ period, and these sanctions must not be used. Where it is necessary to exclude a child from attending school for a day or more, the statutory procedures as set out in this document must be used.

## **5. ‘Voluntary’ Withdrawals**

Parents must not be encouraged to ‘voluntarily’ withdraw their child from school as an alternative to exclusion. Such action denies the pupil and the parent the safeguards of access to the exclusion and appeals procedure to which they are legally entitled. It also denies the child an education, as it is unlikely that a new school place could be arranged quickly.

## **6. Debarring Attendance during the Midday Break**

Where a pupil's behaviour is particularly difficult at lunch time and there is a clear risk to the safety of the pupils or other pupils in the school, it may be possible to arrange for the pupil to go home for lunch. If this is not possible, headteachers may request parents to accept responsibility for their child during the midday break because this is outside of the time during which a school provides education for the child during a morning or afternoon session.

It is expected that such an arrangement will be considered in exceptional circumstances only and be agreed between the school and the parent, in the best interests of the child, to avoid exclusion for the whole of the school day. The arrangement should be time-limited (normally no more than 5 days in the first instance) and kept under review. It should not become a long-term arrangement.

Where a child is in receipt of free school meals, a packed lunch should be provided by the school.

Headteachers considering debarring attendance during the midday break should contact the LEA's Pupil Services Manager or Assistant Pupil Services Manager for advice.

## **7. The Decision Whether to Exclude and the Length of Exclusion**

### **7.1 Matters to be taken into Account**

The following matters should be amongst those taken into account by the headteacher before deciding whether to exclude and the appropriate length of an exclusion:

- the degree of severity of the behaviour, the frequency of its occurrence and the likelihood of it recurring;
- the extent to which the behaviour impaired or will impair the good order of the school;
- the extent to which the behaviour affected or will affect the learning of other pupils;
- the extent to which the behaviour was a serious breach of the school's discipline policy;
- the extent to which parental, peer or other pressure may have contributed to the behaviour;
- whether the incident was perpetuated by the pupil on his or her own or as part of a group (using one pupil as a scapegoat should be avoided);
- whether the behaviour occurred on school premises, or when the pupil was otherwise in the charge of school staff, or on the way to or from school;

- where the pupil has broken the terms of a behaviour contract/agreement, it should be decided whether the behaviour itself warrants exclusion, rather than the fact that the contract/agreement has been broken;
- the pupil's previous record at the school;
- the age, state of health and any particular circumstances unique to the pupil, including whether the child is looked after by the Local Authority (see 7.3 below);
- whether the child has a statement of SEN or is undergoing statutory assessment (see 7.2 below);
- whether the support of external agencies has been sought and the current stage of their intervention, including setting up a Pastoral Support Programme (see 7.5 below).

## 7.2 **Pupils undergoing Statutory Assessment or with a Statement of Special Educational Needs**

Permanent exclusion of pupils who are undergoing statutory assessment at Stage 4 of the Code of Practice or who have a statement of Special Educational Needs (SEN) should be avoided wherever possible.

In the case of a pupil with a statement, headteachers will usually be aware that the school is having difficulty managing their behaviour well before the situation has escalated to a point where permanent exclusion is being considered.

As a first step, the headteacher should ensure that all the provision outlined in the statement is being delivered within the school, and that the pupil's Individual Education Plan (IEP) is being effectively monitored. Where behaviour is deteriorating, the headteacher should ensure that a Pastoral Support Programme (PSP) is set up.

Where every practicable means to maintain the placement of a pupil with a statement has been used by the school, an annual review of the child's statement should be arranged. The Annual Review Officer and the school's Educational Psychologist should be invited to attend.

In **all** cases where permanent exclusion of statemented pupils or pupils under assessment is being considered, the Special Needs Assessment Section **must** be consulted before a decision is taken.

## 7.3 **Children Looked After**

Where a headteacher decides to exclude a pupil who is a child looked after by a local authority, the school should be clear from its records about who should be informed. In all cases the allocated social worker should be informed and invited to attend any meeting to consider an exclusion, as well as the child's current foster carer or key worker. The child's natural parent(s) should also be informed of an exclusion, unless there is a care order in force and the local authority are satisfied that this would be necessary to safeguard or promote the child's welfare.

As this group of children are particularly vulnerable if they do not attend school, it is important that they are not permanently excluded unless all possible alternative strategies have been explored.

Further advice is contained in 'Children Looked After by Wandsworth Local Authority Guideline for Schools' (November 1997).

#### **7.4 Home/School Agreements**

Home/School agreements drawn up in consultation with parents will usually include an expectation that the pupil will keep to the school rules and that parents will support the school in maintaining good behaviour and discipline. However, the breaking of such an agreement should not, in itself, be sufficient reason for exclusion.

Similarly, where schools decide to use a contract of expected behaviour signed by a pupil and parent as a useful part of its strategy to support behaviour improvement, the breaking of the terms of the contract should not, in itself, be sufficient to warrant a decision to exclude. Exclusion should only be based on a specific incident or series of incidents which are considered sufficiently serious to warrant this sanction.

#### **7.5 Pastoral Support Programmes**

A Pastoral Support Programme (PSP) is a school-based intervention to help individual pupils to better manage their behaviour. It will, in particular, be needed for those whose behaviour is deteriorating rapidly.

Schools should set up a PSP for a pupil who has had several fixed period exclusions that may lead to a permanent exclusion, or who has been otherwise identified as being at risk of failure at school through disaffection. Occasionally, the LEA may prompt a school to set up a PSP from its record of fixed period exclusions.

A PSP should be viewed as a real attempt to effect an improvement in a child's behaviour and as a strategy to avoid permanent exclusion. It should not be seen solely as a necessary step in a process leading inevitably to permanent exclusion.

Schools considering setting up a PSP must firstly notify the LEA (Pupil Services Section) of their intention. They should then contact the Behaviour and Learning Support Service (Primary), or the Francis Barber Pupil Referral Unit and the Inclusion Pilot Consultant (Secondary) to arrange for a representative of that service to be involved in planning the PSP. Where a PSP is being considered for a pupil at Stage 4 or 5 of the SEN Code of Practice, the allocated Educational Psychologist must be involved.

The PSP should be short, practical and identify precise and realistic behavioural interventions and outcomes.

When the PSP has been drawn up, the school should send a copy of the PSP form to the LEA (Pupil Services Section).

Every PSP should be reviewed frequently and have a final review date approximately 16 weeks from its implementation. At the final review a decision might be made that sufficient progress has been made for the pupil to come off the programme.

Alternatively it might be decided that further progress is necessary and that a further period on the programme is required.

Permanent exclusion should only be considered where little or no progress has been made and where the pupil continues to be responsible for incidents of unacceptable behaviour which leave the school with no alternative but to take this action. Where the behaviour of a child on a PSP is deteriorating rapidly, an urgent review meeting should be arranged to review the effectiveness of the programme.

Guidance on the use of a PSP is set out in Chapter 5 of DfEE Circular 10/99 and in the Wandsworth Circular 'Social Inclusion: Pupil Support - LEA Guidance For Schools and central services on the operation of Pastoral Programmes and Individual Re-integration Plans' (October 1999).

## **8. Investigation of Incidents by the School**

### **8.1 Procedures to be followed when investigating an incident**

Before reaching a decision whether to exclude a pupil and determining the length of any exclusion, the headteacher should ensure that as soon as possible after an incident takes place:

- that the incident has been investigated as thoroughly as possible by school staff;
- that staff or pupils who witnessed the incident are interviewed individually and their version of events written down and signed;
- that the pupil alleged to be responsible for the incident is interviewed in order to have the opportunity to give their version of events and for this to be written down and signed;
- that all the relevant facts and the evidence available to support the allegations made have been considered, taking into account the school's behaviour policy and the policy on equal opportunities. (If there is reasonable doubt that the pupil actually did what is alleged, the headteacher should not exclude the pupil);
- that Governors who may later take part in a meeting of the Discipline Committee to consider the decision are not consulted at this stage.

### **8.2 Incidents of criminal activity**

The fact that an incident could constitute a breach of the criminal law, should not, in itself, be taken as automatically leading to the exclusion of the pupil. Schools should always advise the police of any criminal activity, but a Headteacher's decision whether or not to exclude must be based on the school's investigation of the incident, irrespective of any action which may be being taken by the police.

### **8.3 Drug-related incidents**



In many cases where an incident occurs involving the possession, use, or sale of illegal drugs, exclusion will be an appropriate course of action. Headteachers should decide on a case by case basis whether fixed period exclusion would be more appropriate than

permanent exclusion, taking into account the pupil's actions, and their effect upon the health and safety of other pupils. It is recommended that schools respond to such incidents in a similar way to other incidents of unacceptable behaviour by taking into account the degree of seriousness in each case. Schools also need to ensure that the course of action takes into account the needs of the pupil involved (as well as their peers), both in terms of their educational and personal development and in recognising that permanent exclusion may make a young person more vulnerable to exposure to drugs.

The police should be informed whenever an incident involving illegal substances has taken place at school. However the degree and form of police involvement will be a matter for agreement between the school and its police liaison officer.

Staff may lawfully take possession of a suspicious substance, but should hand it to the police or dispose of it safely in the presence of a witness and keep a written record of their actions.

Staff are permitted to search pupils desks or lockers on suspicion of possession of illegal drugs. However, to search a pupil, consent is required from the pupil. If consent is refused and the pupil refuses to volunteer the contents of their clothing then the police should be called in to deal with the situation.

Guidance on dealing with drug-related issues in schools is contained in the DfEE publication "Protecting Young People – good practice in drugs education in schools and the Youth Service" (1998), copies of which have been issued to all schools.

#### **8.4 Incidents of suspected sexual abuse**

The procedure for responding to incidents or allegations where pupils are suspected of sexual abuse is set out on page 71 of the 'Wandsworth Inter-Agency Borough Guidelines on Child Protection' issued to schools in July 1997.

A headteacher who becomes aware that a child or young person may have committed a sexual offence should immediately report their concern to the Social Services District Office and/or the Police Child Protection Team who will jointly plan an investigation.

If an allegation of sexual abuse by a child or young person is made by a child it is important to allow her/him to say what has happened in their own words. Staff must record and report accurately what the child has said, using the language used by the child. It is very important that the child is not questioned extensively at this stage as it may be necessary for the child to be formally interviewed later.

A child or young person suspected of sexually abusing another child should not be confronted with the allegation immediately. Any member of staff who suspects sexual abuse by a child or young person should discuss their concern initially with the headteacher.

Social Services will convene separate planning meetings for the alleged victim(s) and the young person alleged to have abused, as appropriate, to decide on an appropriate course of action.

## **8.5 Exclusion of pupils suspected of sexual abuse**

In cases where the presence of the alleged abuser(s) in school is considered by the headteacher to threaten the safety of either the pupil(s) making the allegations or of other pupils generally, the procedures for exclusion should be followed. However, it is recommended that exclusion in these circumstances should be for a fixed period of up to 15 days to give the police time to investigate the allegation further. If it is considered that permanent exclusion is warranted, headteachers should seek advice from the LEA's Pupil Services Manager or Assistant Pupil Services Manager Section before taking this action.

## **8.6 Incidents of bullying**

Headteachers have a legal duty to take measures to prevent all forms of bullying among pupils. The school's behaviour policy must make clear that such behaviour will not be tolerated. All teaching and non-teaching staff should be alert to signs of bullying and act promptly and firmly. Where an incident is considered sufficiently serious to warrant exclusion, the normal procedures should be followed.

Guidance on dealing with bullying is contained in the DfEE publication "Bullying. Don't suffer in silence" (1994), copies of which have been issued to all schools.

## **8.7 Incidents of racial or sexual harassment**

The school's behaviour policy must make clear that racial or sexual harassment will not be tolerated and say how staff and pupils should deal with it. The school should record all such incidents and inform parents and governors of action taken to deal with them. Where an incident is considered sufficiently serious to warrant exclusion, the normal procedures should be followed.

Wandsworth Education Department's Draft Guidelines for schools on Racial Incidents' were issued to schools in November 1999.

## **8.8 Incidents off school premises**

Headteachers may exclude a pupil for a serious incident which takes place when a pupil is on the way to or from school, on the grounds that the pupil's behaviour brings the school into disrepute.

It would not normally be appropriate to exclude a child for behaviour outside school hours in any other circumstances.

# **9. Procedure to be Followed When Excluding a Pupil**

## **9.1 Informing parents about the Exclusion**

Once a decision has been made to exclude a child, the headteacher must ensure that reasonable efforts are made to contact the parent immediately. Contact should ideally be

made by telephone, followed by a letter written on the same day, with one copy taken home by the pupil and a second copy sent home by first class post.

An exclusion should normally begin on the next school day. Where it is considered essential for a pupil to leave the premises immediately, the headteacher should check with the parent that the child will not be left unsupervised.

## **9.2 Content of the Headteacher's letter**

The headteacher's letters informing parents of a fixed period or permanent exclusion should contain:

- the date the exclusion begins and, in the case of a fixed period exclusion, the date it ends and the number of school days included;
- the reasons that the headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- the arrangements for setting and marking work for the pupil during the period of exclusion( in all cases of exclusion of more than one day, work should be set and marked);
- that while the exclusion is in force, the child may not come to school and his/her welfare is the responsibility of the parent;
- the arrangements for the parent to bring the child back to school at the end of the exclusion for a reintegration meeting (fixed period exclusions only);
- the parents' right to give their views to the Discipline Committee of the school governors, and that they should contact the clerk if they wish to do so (fixed period(s) of upto a total of 5 school days in one term);
- that the parent will be invited to attend a meeting of the Discipline Committee to give any views and that the clerk will notify them of the date (fixed period(s) which total six school days or more in one term, or permanent or any period where a pupil would miss a public examination);
- the parents' right to see their child's school record (see 14 below);
- that the LEA's information leaflet is enclosed and that they may contact the Pupil Services Section at the Town Hall for further advice: 0181-871 7962. (Headteachers should ensure that the LEA's leaflet is included with all exclusion letters).

If the exclusion is permanent, details of any relevant previous warnings, fixed period exclusion, or other disciplinary measures taken before the present incident, should also be included. However, as it is important that exclusion letters are not delayed, this information could, if necessary, be contained in further documentation sent to the parent in good time before the meeting of the Discipline Committee.

(Model letters are included in Appendix 3).

### 9.3 **Setting and marking work**

Headteachers must arrange for work to be provided as soon as a pupil is excluded for a fixed period or permanently. Parents should arrange for the work to be collected and returned to the school and the headteacher must ensure that it is marked and further work set until the pupil returns to school.

If a pupil is permanently excluded, the school remains responsible for setting and marking work until the child's name is removed from the roll.

### 9.4 **Informing the Discipline Committee and the LEA (Pupil Services Section)**

The headteacher should inform the clerk to the Discipline Committee and the LEA (Pupil Services Section) immediately of **all** exclusions (including those of one to five school days). This should be done by forwarding a copy of the letter on the same day that it is sent to the parent.

When notifying the Pupil Services Section, the letter must be attached to a completed Exclusion Reporting Form (ERF1 for fixed period exclusions and ERF 2 for permanent exclusions). The forms have been revised to collect all the relevant data which must be provided for every instance of an exclusion. The revised forms are attached at Appendix 2 and supplies are available from the Pupil Services Section. (Tel: 0181-871 7962).

The DfEE requires the LEA to collect this data on exclusions from **all** maintained schools (community, voluntary aided and foundation) within the borough with effect from 1 September 1999.

It is therefore essential that **all** Schools provide the LEA with details of **all** exclusions so that the LEA can effectively monitor exclusions as they take place and work closely with schools to ensure that government targets are met.

## 10. **The Discipline Committee**

The Governing Body are required to establish a Discipline Committee to review the use of exclusion within the school, including considering the views of a parent of an excluded pupil and the LEA, 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 Committee should be comprised of three or five governors (not including the headteacher). A quorum for a meeting is three, and if four members are present, the chair has a second and casting vote. As far as it is possible to achieve within the composition of the whole governing body, the Discipline Committee should have a balance of gender and ethnicity in its membership.

If a governor (including a teacher governor) has a connection with the pupil or the incident which could effect their ability to act impartially, they should not take part in that meeting.

The Governing Body should appoint a clerk to the Discipline Committee to provide advice on the exclusion process and handle the administrative arrangements for

considering exclusions. The clerk has a key role in ensuring that the Committee carries out its functions within the statutory framework and timetables.

It should be noted that an LEA representative attending a meeting to give views on the exclusion, cannot also act as the clerk to the committee, due to the conflict of interests with the LEA's role as defined by the DfEE. However LEA staff can give advice on procedures to assist those appointed as clerks. (See 15 below).

## **11. Action by the Clerk to the Discipline Committee when Notified of an Exclusion**

When notified by the headteacher of an exclusion the clerk should take action as follows:

### **11.1 Fixed Period Exclusion of 1-5 School Days (in one period or periods totalling 1-5 school days within one term) unless the pupil would miss a public examination**

Where a pupil is excluded for a period of upto and including 5 school days, or periods which total upto and including 5 school days in one term, the Discipline Committee has no duty to consider the exclusion unless the child would miss a public examination. However they must consider any statement from the parent. Parents will have been advised in the Head's letter that if they wish to make a statement to the Discipline Committee, they should notify the clerk. Unless parents contact the clerk, no action need be taken other than to record the exclusion and report it to governors at the next termly meeting. In these cases, the clerk should invite the parent to send in a written statement or, if necessary, take a note of the parent's statement and circulate the statement to the members of the Discipline Committee. The clerk should confirm to the parent that the statement will be considered by the Discipline Committee.

### **11.2 Fixed Period Exclusions of 6-15 school days (in one period or periods totalling 6-15 school days within one term), or any Exclusion where a pupil would miss the opportunity to take a public examination.**

Where a pupil is excluded for a period of between 6 and 15 school days inclusive, or periods which total between 6 and 15 school days in one term, or for any period where a child would miss a public examination, the Discipline Committee has a duty to consider the exclusion. They must decide whether to direct the headteacher to reinstate the pupil, where it would be practical to do so, and consider any views presented by the parent or by the LEA before reaching a decision.

The duty applies irrespective of whether the parent has indicated that they wish to present any views to the Committee. The duty also applies if the pupil is already back in school before the Committee meets.

If a pupil whose exclusion has been considered by the Discipline Committee is excluded again during the same term, the Discipline Committee should meet again to consider the new exclusion period.

On receiving notification from the headteacher, the clerk should arrange a date for the meeting between the **6<sup>th</sup> and 30<sup>th</sup> school day from the first day of exclusion**. In cases where a pupil would miss a public examination the Committee must meet if practicable before the examination. The Committee are required to invite the parent and a representative of the LEA to the meeting.

In view of the demands of attending meetings at all maintained schools, the clerk should consult the LEA (Pupil Services Section) when arranging a date. (However the LEA may decide not to be represented at some meetings to consider fixed period exclusions).

When a date has been arranged, the Clerk should write to the parent at least 5 school days before the meeting giving the date, time, venue and purpose of the meeting and advising them they may bring a friend or representative. A model letter is included in Appendix 3.

The clerk should check whether the headteacher intends to provide a written report for the meeting and circulate this, together with any document from the parent or LEA, to all parties at least 5 working days before the meeting.

### **11.3 Fixed Period Exclusion of more than 15 school days (in one period or periods totalling more than 15 school days within one term).**

The procedure is the same as set out in 11.2 above except that the clerk must arrange the meeting between the **6<sup>th</sup> and 15<sup>th</sup>, day from the first day of exclusion.**

### **11.4 Permanent Exclusion School**

Where a pupil is excluded permanently, the Discipline Committee has a duty to consider the exclusion and decide whether to direct the headteacher to reinstate the pupil. They must consider any views presented by the parent and the LEA before reaching a decision. The duty applies irrespective of whether the parent has indicated that they wish to present any views to the Committee.

On notification from the headteacher of a permanent exclusion, the clerk will need to act quickly to meet the requirement for a meeting to be held between the **6<sup>th</sup> and 15<sup>th</sup> school day from the first day of exclusion.** The parent and an LEA representative must be invited to the meeting.

An LEA representative will normally attend permanent exclusion meetings at all maintained schools in the borough. The clerk should therefore consult the LEA (Pupil Services Section) when arranging a date.

When a date has been arranged, the clerk should write to the parent at least 5 school days before the meeting giving the date, time, venue and purpose of the meeting, and advising them that they may bring a friend or representative. The letter should also advise that in the event of the Committee deciding not to reinstate the pupil, the parent will have a statutory right of appeal to an independent appeals panel. A model letter is included in Appendix 3.

The letter should ask the parent to confirm whether or not they will be attending the meeting. If there has been no response from the parent by the day before the meeting, the clerk should endeavour to contact the parent by telephone to establish whether they will be attending. This will avoid uncertainty at the meeting itself. If the parent does not respond, the meeting should go ahead in their absence in order to ensure that the statutory timescales are met.

## **12. Headteacher's Report**

Headteachers should provide sufficient information and evidence to support their decision. The proceedings of the Disciplinary Committee are not a court of law and the rules of evidence are not so exacting. Nevertheless, governors need to establish that exclusion was a reasonable response to the pupil's behaviour, taking into account all the information available.

In most cases the decision to exclude will have arisen from a specific incident. If there are more details than it has been possible to include in the headteacher's letter, a written account should be prepared for the meeting. Where the headteacher's decision relies on the written statements of pupils or staff, these may be presented to the Discipline Committee. Written witness statements must be attributed and signed, except in cases where the school has good reason to wish to protect the anonymity of pupils. In such cases statements should not be attributed and names may be blanked out. A preferable approach may be for the headteacher to draw together the content of witness statements in the report and only to consider presenting the actual statements where the Discipline Committee consider this is necessary because there is considerable dispute over what took place.

It will also be necessary for the Discipline Committee to be informed of background information on the pupil and past behaviour in school.

The report should include:

- the past record of behaviour in the school and the more serious incidents;
- support given in school to address behavioural needs;
- sanctions used (including all previous exclusions);
- commendations;
- involvement of outside agencies and current progress;
- parental involvement;
- academic progress;
- attendance record.

The report should be circulated to all parties by the clerk at least 5 school days before the meeting.

## **13. Withdrawal of Recommendation for Permanent Exclusion**

Having decided to exclude a child permanently, a headteacher may subsequently withdraw the recommendation at any time prior to the matter being considered by the Discipline Committee on the grounds that new information concerning the incident, or possible alternative strategies have come to light since the original decision.

Where a parent attempts to withdraw their child from the school, having been formally notified of the headteacher's decision to permanently exclude their child, the Discipline Committee are required to consider the exclusion under the statutory procedures.

## **14. School Records and Parents' Right of Access**

The need for accuracy of the Headteacher's report emphasises the importance of staff keeping records of all incidents and action taken and for these to be included in the pupil's file.

In particular, interviews between staff and pupils should be carefully recorded to avoid dispute later on. Contact with parents should also be logged in order to confirm that parental involvement has been maintained.

Parents have a statutory right to inspect their child's school record. Under the School Records Regulations, headteachers should comply with a parents' written request for access to their child's record within 15 school days. However, headteachers should respond more promptly where the request is linked to an exclusion. There is no requirement to disclose information from third parties (other than employees of the LEA) and therefore any material from social services or Health departments or any other person who is not employed by the LEA should be removed.

## **15. LEA Role at Discipline Committee Meetings**

DfEE guidance (circular 10/99), describes the LEA's role as advising the Discipline Committee of all maintained schools by giving the LEA's view on the appropriateness of the exclusion. The LEA representative attending the meeting will consult with any LEA agencies who have been working with the school and the pupil concerned and will present written or oral views to the Discipline Committee at the meeting.

In the context of the DfEE guidance, the LEA is a third party which may provide information which either supports or disagrees with the headteacher's decision to exclude, or remains neutral on the matter. The Discipline Committee is required to consider the LEA's views when reaching its decision, but the LEA is not a party to the decision.

## **16. Procedure at the Meeting**

### **16.1 General principles**

It is important that the meeting is conducted in a way which is fair, reasonable and just, and is seen to be so. The proceedings should be regarded as confidential and all papers returned to the clerk at the end. The clerk should be present throughout the meeting and remain with the Committee whilst they reach their decision.

### **16.2 Before the meeting**

Before the meeting starts, the clerk should ensure that there is no prior discussion of the matter between the headteacher and governors. The best way to proceed is for the



headteacher, parent and LEA representative to enter the meeting together, so that the meeting can then start immediately with all parties present.

The headteacher or acting headteacher should be present at the meeting (unless their absence is absolutely unavoidable). However they may call upon other members of staff (e.g. a deputy head or head of year in secondary schools) to assist in presenting the school's case.

If parents have not given any indication that they will attend the meeting, the meeting should proceed in their absence in order that the statutory timescales are met. A meeting should only be adjourned if a parent makes a specific request due to exceptional circumstances and agrees to the meeting being held outside the statutory timescale.

Unless there are strong reasons to refuse, the chair of the Discipline Committee should allow the excluded pupil to attend the meeting and make a statement if the parent and pupil ask for this. However it may not be appropriate for a younger primary age pupil to attend a meeting where their emotional or behavioural difficulties are discussed. It will also sometimes be unhelpful for pupils of any age to be present where parents are in dispute with or critical of the actions of staff. In these circumstances, a pupil's might attend for part of the meeting only and arrangements made for them to be supervised.

Reports should have been circulated to all parties prior to the meeting by the clerk. If it is necessary to present further documents at the meeting, time must be set aside for everyone to read these. In exceptional cases, where significant new information is produced at the meeting it may be necessary to adjourn the proceedings to give both parties time to respond.

### **16.3 Conduct of the meeting**

Meetings should be conducted as informally as possible, but the atmosphere should still be businesslike and calm. The clerk must be present throughout the proceedings and should take notes. The following procedure should be followed, and cross-questioning avoided:

- (i) The chair of the meeting should introduce everyone and explain their roles in the meeting;
- (ii) The procedures should be outlined for the benefit of parents and pupil and all reminded that they are confidential;
- (iii) The headteacher should explain the reasons for the decision to exclude, referring to letters and reports previously circulated;
- (iv) The committee members, parent(s) and LEA representative should have the opportunity to question the headteacher;
- (v) The parent should state their case to the Committee, giving reasons for agreeing or disagreeing with the decision to exclude. The pupil should give their view (if the parent agrees to this);

- (vi) The committee members, headteacher and LEA representative should have the opportunity to question the parent and the pupil (if parent agrees);
- (vii) The LEA representative should make any statement they wish, referring to any document previously circulated;
- (viii) The committee members, headteacher and parent should have the opportunity to question the LEA representative;
- (ix) The chair should ensure that all parties have been able to make all their points and allow each to sum up if they wish;
- (x) The headteacher, parent, pupil and LEA representative should then withdraw, leaving the committee members to make their decision in private, with the clerk remaining in attendance.

The clerk should inform parents that they will be notified of the decision in writing within one school day of the hearing.

## **17. The Decision of the Discipline Committee**

### **17.1 The Decision whether to reinstate**

The Discipline Committee should consider all the relevant information presented to them by the headteacher, parent and LEA representative and decide whether or not to direct that the pupil be reinstated.

When considering fixed period exclusions where the pupil is back in school before the meeting takes place, the meeting still enables the Discipline Committee to hear the reasons for the exclusion and the parents' views. If the governors decide that the decision was appropriate they should formally record this. If they decide that the exclusion or period of exclusion was not appropriate, their decision should be recorded on the pupil's record. Where an exclusion is a matter of fact, (i.e. it has been served or partially served), it is not appropriate to delete the details from the pupil's school record.

When considering fixed period exclusions where the child remains excluded when the meeting takes place, the committee should consider all the information presented to them by the headteacher, parent and LEA representative and decide whether to direct earlier re-instatement.

### **17.2 Matters to be taken into account**

In reaching their decision, the Discipline Committee should have regard to the procedures in this document and the guidance on the appropriate use of exclusion in Chapter 6 and Annexe D of DfEE circular 10/99 "Social Inclusion: Pupil Support".

They should satisfy themselves as far as possible that the child was responsible for the behaviour they are accused of and if so, whether exclusion was an appropriate response.

In particular, they should consider whether the headteacher has tried sufficient approaches to improve a pupil's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.

For permanent exclusions they should additionally be satisfied that:

- there has been a serious breach of the school's discipline policy, and
- a range of alternative strategies, have been tried and have failed. (Strategies should include those set out in DfEE guidance circular 10/99, and the use of a Pastoral Support Programme); and
- allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

If the Discipline Committee is not satisfied that the headteacher has used exclusion in appropriate circumstances in accordance with Chapter 6 and Annexe D of DfEE Circular 10/99, they should normally direct reinstatement.

## **18. Reinstatement**

If the Discipline Committee decide to direct reinstatement, they may wish to discuss with the LEA whether extra short-term support would help to ensure successful reintegration. However they may not make their decision conditional upon the provision of additional support or any action by the school or parent. The Committee should set a date for reinstatement in consultation with the headteacher. The date should allow sufficient time for any additional support systems to be put in place, where applicable, without the child remaining out of school for an unreasonable period.

## **19. Notification of the Decision**

The clerk should provide the parent, headteacher and LEA representative with written notification of the decision within one school day of the Committee's decision. (A Framework for decision letters is included in Appendix 3).

If the Discipline Committee decide not to direct the headteacher to reinstate the pupil, the letter must include:

- the reasons for the decision;
- the parents' right (under the School Standards & Framework Act 1998) to appeal to an independent panel to which they may make oral or written statements;
- that if the parent wishes to appeal, they should contact:

The Clerk to the Appeals Panel  
Room 111  
The Town Hall, Wandsworth High Street, SW18 2PU  
(Tel: 0181-871 7858)

- the date by which a written appeal must be lodged (15 school days from the date of the letter).

**The parent has the right to appeal irrespective of whether they have made representations to the Discipline Committee.**

The clerk to the Discipline Committee must send a copy of the letter to the headteacher and LEA (Pupil Services Section) at the same time as it is sent to the parent (i.e. within one school day).

If the decision is upheld the LEA (Pupil Services Section) must also write to the parent within 3 school days of the decision confirming details of the right to appeal and how to exercise it.

## **20. Appeals**

### **20.1 Arrangements for hearing appeals**

Exclusion appeal hearings are arranged and clerked by the Committee Section of the Council's Chief Executive's department and are independent of the Council's education department.

As soon as an appeal is received, the clerk to the appeals panel will notify the LEA Pupil Services Section and arrange a date for the hearing which is convenient to all parties. The hearing must take place within 15 school days of the date the appeal is lodged by the parent, and will be held at the Town Hall.

### **20.2 Representation at an appeal hearing**

Those entitled to attend a hearing and present their case both orally and in writing are:

- the parent, who may be represented by a legal or other representative or a friend;
- the headteacher;
- a nominated member of the Discipline Committee (usually the chair);
- a nominated LEA representative;
- a legal or other representative of the Discipline Committee.

### **20.3 Membership of an appeal panel**

An appeal panel will have three members and:

- at least one member must have experience in education, have knowledge of educational conditions in the area of the authority, or be a parent of a registered pupil at a school; and

- at least one member must be a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).
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#### 20.4 **Remit of an appeal panel**

The remit of the panel will be to consider whether the pupil should be reinstated.

In considering an appeal, the panel will decide whether the pupil actually did what they are accused of doing. If satisfied on the balance of probabilities that the pupil did what they are alleged to have done, then the panel will decide whether, considering all relevant factors, permanent exclusion was a reasonable response to that conduct. Relevant factors must include:

- whether permanent exclusion was used in appropriate circumstances in accordance with Chapter 6 and Annexe D of DfEE Guidance in Circular 10/99 – where there is doubt the appeal panel are advised in that Guidance that they should direct reinstatement.
- the broader interests of other pupils and staff in the school, as well as those of the excluded pupil;
- the school's published discipline policy;
- where other pupils were involved in the same incident, and were also disciplined, the fairness of the permanent exclusion in relation to the sanctions imposed on the other pupils involved.

The proceedings of an appeal panel are set out in Annexe D of Circular 10/99.

The decision of the appeal panel is final and binding on all parties and must be communicated to all parties by the end of the second day after the appeal hearing.

## 21. **After Exclusion**

On receipt of written confirmation that the Discipline Committee has upheld a permanent exclusion, the LEA (Pupil Services Section) will initiate the procedures for arranging continuing education for the child. This will involve:

- Requesting the excluding school to provide all relevant information on the pupil to the Pupil Referral Unit as soon as possible;
- Referring the pupil's details to the appropriate Pupil Referral Unit, who will draw up an Individual Reintegration Plan for the pupil within one month of the Committee's decision;

- Notifying the parent and other agencies of the action taken.

These arrangements will proceed irrespective of whether the parent lodges an appeal, but will be cancelled if an appeal is successful.

## **22. Removal from Roll**

The name of a permanently excluded pupil should remain on the school roll until any appeals procedure is completed, or until the time for an appeal to be lodged has expired (15 school days from the date of the letter notifying the Discipline Committee's decision). The pupil's name may only be removed earlier if the parent gives notice in writing that they do not intend to appeal, or confirmation is received that the pupil has been admitted to another school.

## **23. Arrangements for Funding to Follow Excluded Pupils**

Following a decision by the Discipline Committee not to reinstate a pupil and when the time for lodging an appeal has lapsed or any appeals procedure has been completed, the LEA (Pupil Services Section) will invoice the school for the proportion of the AWPU to be deducted from the school's budget.

The amount deducted will be the percentage of the AWPU attributable to the pupil for the number of complete weeks from the date of the Committee's decision until the end of the current financial year.

When a child who has been permanently excluded is admitted to a new school in the same financial year, the school's budget will be credited with the percentage of the AWPU attributable to the pupil for the number of complete weeks from the date of admission until the end of the financial year.

## **24. Further Advice**

This document aims to include as much detail as possible about the exclusion process. However there may well be issues which arise in individual cases where further advice will be required.