

Exclusion Policy

General

Good discipline is essential to ensure that all pupils can benefit from the opportunities afforded by education. The Governors support the Principal in using exclusion as a sanction where it is warranted.

This policy should be read in conjunction with the College's behaviour policy and advice from the relevant advice from the DfE.

The governing body aims:

- to give appropriate support to the Principal in exclusion issues
- to use its best endeavours to ensure that the College does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour
- to ensure that exclusion is used appropriately within the framework of the College's behaviour policy and
- to discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded pupils

The Decision to Exclude

Pupils should only be excluded:

- in cases of a serious breach of the College's behaviour/discipline policy
- if the continued presence of the excludee in the College would seriously damage the education or the welfare of other pupils or staff

Only the Principal can exclude, or the person in charge on the day, if they are absent from College.

Fixed Term Exclusion

The Principal is permitted to exclude a pupil for fixed term periods not exceeding 45 College days in any one academic year.

The College will continue to provide education for an excluded pupil (whilst he/she remains on roll) and will arrange a suitable full time education for any students excluded for more than 5 days; this provision will begin no later than the 6th day of the exclusion.

Before deciding to exclude (1 – 5 days) a pupil the Senior Leadership Team (SLT) will:

- ensure that an appropriate investigation has been conducted
- ensure that all the relevant evidence has been considered
- give the pupil an opportunity to be heard and
- consult other relevant people if necessary

- triangulate the decision with another member of the SLT
- consult the Principal

Permanent Exclusion

A decision to exclude a pupil permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or if an exceptional 'one-off' offence has been committed e.g.

- serious violence, actual or threatened, against a pupil or member of staff
- sexual abuse or assault
- supplying an illegal drug and
- carrying an offensive weapon

Any other one-off offence considered by the Principal to be an exceptionally serious one may also result in permanent exclusion.

If a permanent exclusion is to be considered the Principal will, after the above steps have been taken, request that the member of the SLT complete the process for a 5 day fixed term exclusion with the note that the decision regarding a permanent exclusion is pending. The Principal will then convene a meeting of relevant members of the SLT within 3 days to consider the exclusion. If a permanent exclusion is deemed appropriate then the Chair of Governors will be informed and the relevant documentation posted. Parents will, in addition to this, be informed by the member of the SLT managing the incident and the relevant agencies informed as soon as is possible.

Having considered these matters the will be based on the balance of probability and with regard to any current guidance from the DfE.

When Exclusion Is Inappropriate

In cases of:

- minor breaches of discipline
- poor academic performance
- truancy or lateness
- pregnancy
- non-compliance with uniform regulations (except where these could easily be rectified and the issue is one of defiance and refusal to accept the standards required by the Governing Body) and
- in response to the (unacceptable) behaviour/attitude/conduct of a pupil's parent

Exclusions can either be for a Fixed Term or Permanent, but not indefinite.

Drug-related Exclusions

'Possession' / being 'under the influence' will normally result in Fixed Term Exclusion/s. Repeated incidents of 'possession' / being 'under the influence' will result in consideration being given to permanent exclusion. 'Supply' will result in consideration of permanent exclusion.

Lunchtime Exclusion

Pupils whose behaviour at lunch/break time is disruptive may be excluded from the College premises for the duration of the lunch period. In such cases the legal requirements relating to exclusion still apply and for statistical purposes lunch/break time exclusions count as half a College day.

Off-site Behaviour

Teachers have a statutory power to discipline pupils 'to such an extent that is reasonable' for misbehaving outside of the school premises. This includes any misbehaviour when (in accordance with the Pupil Discipline and Rewards Policy) the child is:

- Taking part in any school-organised or school-related activity;
- travelling to or from school
- wearing school uniform or
- is in some other way identifiable as a pupil at the school

Misbehaviour outside of the College could be punishable through exclusion if it is within the parameters noted above and is:

- A serious breach of the College's behaviour/discipline policy and/or
- If the continued presence of the excludee in the College would seriously damage the education or the welfare of other pupils or staff

Procedure for Excluding a Pupil

Informing Parents About the Exclusion

Whenever a decision to exclude a student is reached parents must, without delay, be notified.

Parents must also, without delay, be provided with the following information in writing (this can be provided by: delivering it directly to the parents; leaving it at their last known address; or by posting it to this address):

- The reasons for the exclusion
- The period of fixed term exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the Governing Body (in line with recommendations set out in paragraphs 50 – 57 of DfE guidance 'Exclusion

from maintained schools, Academies and PRUs in England; A guide for those with legal responsibilities in relation to exclusion, 2012’;

- How any representations should be made
- Where there is a legal requirement for the Governing Body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend
- The date and time when the pupil should return to College (with a fixed term exclusion) or the number of lunch-times for which the pupil is excluded (with lunch-time exclusions)
- With a permanent exclusion, its immediate effect and any relevant previous history, and
- arrangements for the setting and marking of work (it is the parent’s responsibility to ensure that work sent home is completed and returned to College before more is supplied)

Letters will also draw attention to relevant sources of free and impartial information through inclusion of the statement; ‘Further impartial information and advice regarding exclusions can be obtained from the Department for Education and the Corum Children’s Legal Centre websites.’

Informing the Governing Body and the LA

The Principal will notify, without delay, the Governing Body and 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 5 school days (or more than 10 lunchtimes) in a term and
- Exclusions which would result in the pupil missing a public examination or national curriculum test

For all other exclusions the Principal must notify the LA and Governing Body once a term.

In order to ensure compliance with requirements of the DfE and in the best interests of pupils at Bodmin College all exclusions are reported to the LA and to the Governing Body. The Governing Body also receive a termly report regarding exclusions, attendance and instances of bullying.

REVIEW BY THE GOVERNING BODY (SEE ANNEX 1)

The Governing Body or Review Panel appointed by the Governing Body has a duty to consider any parent’s representations in respect of an exclusion of their child. They will review all cases where:

- a) the exclusion is permanent,
- b) the exclusion is for a fixed period which would bring the pupil’s total number of College days of exclusion to more than 15 in a term or

- c) the exclusion would result in the pupil missing a public examination or national curriculum test

Note that if the exclusion does not take the pupil's total days of exclusion above 5 for the term, then the Governing Body must consider representations made by parents, but does not have the power to overturn the decision.

The Review Panel should have regard to and consider the Department for Education Guidance "Exclusion from maintained Colleges, Academies and pupil referral units in England" when reviewing any decision to exclude a pupil. The primary function of the Review Panel is to consider all of the evidence and decide whether, in their opinion, the decision of the Principal was a fair one.

When considering the decision of a Principal, the Review Panel will request any written evidence in advance of the review meeting and where possible, circulate any written evidence and information, including a list of those who will be present at the review meeting, to all parties at least 5 days in advance of the meeting.

Where any parent appeals a decision to exclude their child, they will be invited to a review meeting along with the Principal and are entitled to be accompanied a friend or representative (at their expense).

The Review Panel will identify any steps they might take to enable and encourage the excluded pupil to attend the review meeting and or how the excluded pupil might make representations if it is not possible for them to attend.

At the review meeting, when making any findings of fact, the Governing Body will decide on matters based on the balance of probabilities i.e. whether something is more likely than not.

The Review Panel must decide whether to **uphold** the Principal's decision or **direct reinstatement** of the pupil. The Review Panel will notify the parents, the Principal and the Local Authority of their decision, and the reasons for their decision, in writing without delay.

Exclusion Upheld

If the Review Panel upholds the Principal's decision to exclude, they must write to the parents and confirm:

- the fact that the decision to exclude was upheld
- the reasons for their decision
- the parent's right to appeal to an independent review panel
- the name and address to whom an application (and any written evidence) should be submitted

- that any application should set out the grounds of appeal, the date by which any appeal needs to be submitted and where relevant, how the pupil's special educational needs were relevant to the exclusion
- the parent's right (regardless of whether the pupil has recognised special educational needs) to appoint an SEN expert to attend the review, details of the role of the expert and the fact there would be no cost to the parents in this regard
- that parents must make it clear if they wish for an SEN expert to be appointed
- that parents may, appoint someone (at their expense) to make written and/or oral representations and that they may also be accompanied by a friend
- that if parents believe any form of discrimination has taken place that they have the option of pursuing a claim under the Equality Act and that any such claim must be issued within 6 months of the date on which the alleged discrimination occurred

ANNEX 1

*A summary of the governing body's duties to review the Principal teacher's exclusion decision
DfE guidance 'Exclusion from maintained schools, Academies and PRUs in England; A guide for those with legal responsibilities in relation to exclusion, 2012'*

