

## South Devon UTC Exclusion of Pupils Policy

### Document Control

Version	Date	Author	Notes on Revisions
1.0	4 <sup>th</sup> November 2014	Ian Crews	

Owner	Author	Review	Next review	Approval committee
PL	IC	28/11/2014	11/15	FGPC
PL	IC	13/11/2015	11/16	CPLS
PL	IC	04/11/2016	11/17	CPLS

### 1. PURPOSE AND SCOPE

- i. This policy applies to pupils at South Devon UTC, which means all students in years 10 to 13 inclusive.
- ii. The purpose of this document is to detail the policy with regards to the exclusion of pupils.
- iii. Good discipline is essential to ensure that all pupils can benefit from the opportunities afforded by our UTC. The Governors support the Principal in using exclusion as a sanction where it is warranted.
- iv. This policy should be read in conjunction with the school's behaviour policy and advice from the DfE 'Exclusion from maintained schools, Academies and PRUs in England; A guide for those with legal responsibilities in relation to exclusion, 2012'

### 2. THE GOVERNING BODY AIMS:

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

### 3. THE DECISION TO EXCLUDE

#### 3.1. Pupils should only be excluded:

- i. In cases of a serious breach of the school's behaviour policy
- ii. If the continued presence of the excludee in the school would seriously damage the education or the welfare of other students or staff

#### 3.2. Only the Principal can exclude, or the delegated person in charge on the day and in every case the Principal is to be informed as soon as possible.

- a. Before deciding to exclude a pupil the Principal (or the person with delegated authority) will:

- i. Ensure that an appropriate investigation has been conducted
  - ii. Ensure that all the relevant evidence has been considered
  - iii. Give the pupil an opportunity to be heard and
  - iv. Consult other relevant people if necessary
- b. Having considered these matters the Principal (or the person with delegated authority) will make a decision based on the balance of probability, having regard to any current guidance from the DfE.

### 3.3. WHERE EXCLUSION IS INAPPROPRIATE

- i. Minor breaches of discipline.
- ii. Poor academic performance.
- iii. Truancy or lateness.
- iv. Pregnancy.
- v. Non compliance with uniform regulations (except where these could be easily rectified and the issue is one of defiance and refusal to accept the standards required by the governing body).
- vi. In response to the (unacceptable) behaviour/attitude/conduct of a pupil's parent.

Exclusions can be with either fixed term (decided by the Principal or the holder of his/her delegated authority) or Permanent (decided by the Principal in conjunction with the Governing Body.)

### 3.4 FIXED TERM EXCLUSION

- i. The principal is permitted to exclude a pupil for fixed term periods not exceeding 45 school days in any one academic year.
- ii. The school 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 6<sup>th</sup> day of the exclusion.

### 3.5 PROCEDURE FOR EXCLUDING A PUPIL

#### 3.5.1 Informing parents about the exclusion

- i. Whenever a decision to exclude a student is reached, parents must, without delay, be notified. Every possible means should be used to contact parents.
- ii. Parents must also, without delay be provided with the following information in writing ( this can be provided by: delivering it directly to their address, leaving it at their last known address, by posting it to this address, or by using an already established means of email communication.)

The reasons for the exclusion.

- i. The period of fixed term exclusion, or for a permanent exclusion, the fact that it is permanent.

- ii. 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'.
- iii. How any representations should be made (normally in writing).
- iv. 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
- v. The date and time the student should return to school (with a fixed term exclusion).
- vi. With a permanent exclusion, its immediate effect and any relevant previous history.
- vii. 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 the school before more is supplied).

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

#### 3.5.2 Informing the Discipline Committee and LA

The Principal will notify, without delay, the Governing Body and Local Authority of:

- i. A permanent exclusion (including where a fixed period exclusion is made permanent).
- ii. Exclusions which result in the pupil being excluded for more than 5 schools days in a term and,
- iii. Exclusions that would result in the pupil missing a public examination or national curriculum test.

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

In order to ensure compliance with the requirements of the DFE and in the best interests of the students at South Devon UTC all exclusions are reported to the LA and the Governing body. The Governing Body also receives a termly report regarding exclusions, attendance and the instances of bullying.

#### 3.6 THE RESPONSIBILITIES OF THE DISCIPLINE COMMITTEE

- i. The governing body will appoint a discipline committee as required.
- ii. The discipline committee will review all exclusions and consider any representations from parents. The governors may decide that for exclusions under 6 days only written representations will be accepted.
- iii. The committee will consider whether reinstatement is a practical option:

- iv. The committee may consider more than one exclusion at any one meeting where appropriate.
- v. In cases where a pupil will miss a public examination as a result of exclusion, the Discipline Committee should endeavour to meet before the date of the examination.
- vi. In extremis with fixed term exclusion, the Chair of the Committee may consider the exclusion on his/her own and may reinstate.

### 3.7 DISCIPLINE COMMITTEE MEETINGS WITH REGARDS EXCLUSIONS

On being informed of an exclusion by the Principal, the clerk or chair must:

- i. With fixed term exclusions totaling more than 5 School days in one term, convene a meeting of the Discipline Committee to consider representations from the parents (if these have been made), but the pupil cannot be reinstated
- ii. In the case of fixed term exclusions totaling more than 5, but not more than 15 School days, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations between the 6th and the 50th School day after being notified of the exclusion
- iii. In cases of permanent exclusion or where one or more fixed term exclusions add up to more than 45 days in any one term, arrange a meeting to review the exclusion between the 6th and the 15th School day after being notified of the exclusion and
- iv. Invite the parent, Principal and an LA officer to attend at a mutually convenient time and place.

And should:

- i. Request written statements before the meeting and
- ii. Circulate any such written statements (including any statements from witnesses, names of witnesses should be blanked out and be only held by the Chair who is to keep said names confidential.)
- iii. Circulate the names the names of attendees beforehand.

### 3.8 DRUG RELATED EXCLUSIONS

‘Possession’ or ‘being under the influence’ will normally result in a fixed term exclusion. Repeated incidents of ‘Possession’ or ‘being under the influence’ will result in consideration being given to permanent exclusion. A key point in this decision will be the agreement of the individual to some form of rehabilitation.

‘Supply’ of substances will result in consideration of permanent exclusion.

Substances in these cases applies to any illegal substance, or any deemed as a ‘legal high’.

In all cases of supply the Police Service will be informed and the school will give full co-operation to their enquiries.

### 3.9 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.

- i. Serious violence, actual or threatened, against a pupil or member of staff
- ii. Sexual abuse or assault
- iii. Supplying an illegal drug
- iv. Carrying and threatening to use an offensive weapon in a manner judged to be genuinely threatening to the safety of others.

#### 4.0 EQUAL OPPORTUNITIES

In making decisions about the exclusion the Principal and Discipline Committee will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case. The Principal will seek advice from the current DFE literature and professional bodies.