

Ysgol Aberconwy



Exclusions

POLICY DOCUMENT NO: 19

ISSUE NO: 5

THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

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LT Link : IG

POLICY AND PROCEDURES FOR EXCLUSION

1. GENERAL

This policy supplements the schools' anti-bullying, discipline and behaviour policies. In this policy, the governors have determined that pupil exclusion in appropriate circumstances is a sanction that can be used in Ysgol Aberconwy.

The Governing Body has taken account of the guidance given in the Welsh Government publication : Exclusion from schools and pupil referral units [Guidance document no: 081/2012] which can be found here : <http://tinyurl.com/ndrwt46>

2. AIMS

The Governing Body aims to:-

- give appropriate support to the Head in exclusion issues;
- 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;
- ensure that exclusion is used appropriately within the framework of the school's behaviour/discipline policies; and
- discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded pupils.

3. EXCLUSION PROCESS

3.1 An exclusion

Pupils should only be excluded in cases of a serious breach of the school's behaviour/discipline policies or if the continued presence of the 'excluee' in the school would seriously damage the education or the welfare of other pupils or staff.

Only the **Head** can exclude or, if the Head is absent from school, the person in charge on the day.

3.2 Gathering evidence

Before considering whether to exclude a pupil the **Head** will:-

- ensure that an appropriate **investigation** has been conducted and that statements are recorded, signed & dated;
- ensure that all the **relevant evidence** has been considered;
- give the pupil the opportunity to be heard;
- check whether the incident may have been provoked; and
- consult other relevant people, if appropriate.

3.3 Making a decision to exclude

Before deciding to exclude a pupil the **Head** will confirm that:-

- an appropriate **investigation** has been conducted;
- all the **relevant evidence** has been considered;
- the pupil's account has been heard;
- any claims of provocation have been considered; and
- if appropriate, other relevant people (*not a member of the Discipline Committee*) have been consulted.

If the **balance of probabilities has been established**, the pupil may be excluded.

3.4 Drug-related exclusions

In making a decision on whether or not to exclude for a drug-related offence the **Headteacher** should have regard to the school's published policy on substance misuse and should consult the appropriately trained members of the school staff. The decision, however, will also depend on the precise circumstances of the case and the evidence available. In some cases fixed-period exclusion may be more appropriate than permanent exclusion. In more serious cases, an assessment of the incident should be made against criteria set out in the school's policy. This should be a key factor in determining whether permanent exclusion is an appropriate course of action.

Details in developing and implementing substance misuse policies are contained in National Assembly for Wales Circular No:17/02, Substance Misuse: Children and Young People.

3.5 Alternatives to exclusion

In certain lesser serious cases of a breach of the school's behaviour/discipline policies alternatives to exclusion can be considered. For example alternatives include:-

- using a pastoral support plan (PSP) for pupils who are not responding to the school's general actions to combat disaffection or disengagement;
- a restorative justice process – whereby the harm caused to the 'victim' can be redressed;
- an internal exclusion (removal from class, but not the school site);
- a managed move to another school;
- placement in the Student Support Centre (Hafan).
- application to moderation for a placement in a PRU (Pupil referral unit)

3.6 When exclusion is inappropriate

A pupils' exclusion may be considered inappropriate in some situations. These could include:-

- a minor breach of discipline;
- poor academic performance;
- truancy or poor punctuality (unless encouraging others to truant or be late)
- pregnancy; and
- in response to the (unacceptable) behaviour/attitude/conduct of a pupil's parent(s)/carer(s).

4. PERIOD OF EXCLUSION

The period (or term) of exclusion can be for a '**Fixed Term**' or '**Permanent**'. Indefinite exclusions are not permissible, by law.

4.1 Fixed Term Exclusion

The **Head** is permitted to exclude a pupil for one or more **fixed term** periods not exceeding 45 school days in any one school year.

The school will continue to provide education for an excluded pupil (whilst that pupil remains on roll) and, particularly in the case of an exclusion of more than 15 days.

Members of staff who teach excluded pupils/students will provide work for these pupils/students to do at home and make it available as instructed by the Guidance Manager responsible for those pupil/students.

The **Head**, in consultation with the relevant members of staff will consider the following:-

- how the pupil's education will continue;
- how the pupil's problem might be addressed in the interim; and
- re-integration post-exclusion (see section 7)

4.2 Permanent exclusion

In cases of permanent exclusion the pupil is barred from attending the school on a permanent basis.

5. PROCEDURE FOR EXCLUDING A PUPIL

5.1 Informing parents about the exclusion

Please note that exclusions cannot be overturned solely on the basis of a failure to comply with procedural requirements.

The **Head**, or designate, should inform parents without delay (by telephone, with a follow up letter within one school day) and parents will be provided with the following information:-

- in cases of fixed term exclusion – the **period of exclusion**;
- in cases of permanent exclusion – that it is a **permanent exclusion**;
- the **reason for the exclusion**;
- their **right to make representation** to the Discipline Committee; and
- the name of the person to be contacted, if they wish to make representation.

The letter to parents will also state:-

- the latest date by which the Discipline Committee must meet to consider the case (in cases where exclusion exceeds 5 days in any one term);
- the parent's right of access to pupil's school record;
- the date and time when the pupil should return to school (for 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;
- arrangements for the setting and marking of work (it is the **parent's responsibility to ensure that work provided for the pupil is completed and returned to school**);
- the name and telephone number of the LA officer to be contacted for advice; and
- the ACE (Advisory Centre for Education) helpline 020 7704 9822.

5.2 Informing the Discipline Committee and the LA

The **Head** will inform the Governors' Discipline Committee and the LA within 1 school day of:-

- permanent exclusions;
- exclusions totalling more than 5 school days or 20 lunch-times per term;
- exclusions necessitating a pupil missing a public examination; and
- on a termly basis, the fixed term exclusions amounting to 5, or fewer, school days or 20, or fewer lunch-times in total per term.

In the exclusion report to the Discipline Committee and LA the **Head** must include:-

- the name of the pupil;

- the duration of the exclusion;
- the reason(s) for the exclusion;
- the pupil's age, gender and ethnicity;
- whether the pupil is 'statemented' or is on School Action or School Action Plus; and
- whether the pupil is in Local Authority care.

5.3 Responsibilities of the Discipline Committee

The Governing Body will appoint a **Discipline Committee** at the beginning of each school year, and appoint a chair and clerk.

The Discipline Committee will review all exclusions and consider any representations from parents. The governors have decided that for exclusions of 5 days or less only written representations from parents will be accepted. Governors cannot reinstate but can put a record of their consideration on the pupil's educational record.

The Discipline Committee may consider whether **re-instatement** is a practical option. For example:-

- the Committee may consider more than one exclusion at any one meeting where appropriate;
- 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; and
- in extreme circumstances with fixed term exclusions the chair of the Discipline Committee may consider the exclusion on his/her own and may re-instate.

5.4 Discipline Committee meetings

Meetings of the committee may be required with reference to these criteria :

- for exclusions **between 6 and 15 days** there is no automatic requirement for the discipline committee to meet;
- in the case of one or more fixed-term **exclusions totalling five days or less** in any one term, the chair must consider any representation from the parent and pupil;
- in the case of fixed term **exclusions totalling more than 5 but not more than 15 school days in any one term** – if the parents have asked to make representations
- in cases of **permanent exclusion or where one or more fixed term exclusions add up to more than 15 school days in any one term** a meeting of the Discipline Committee should be called.

On being informed of exclusion by the **Head**, and in cases where a meeting is required, the clerk or chair must :

- convene a meeting of the Discipline Committee to review the exclusion between the 6th and 50th school day after being notified of the exclusion.
- Invite the student and their parents, the Headteacher, and a LA Officer must be invited to attend at a mutually convenient time and place;
- request written statements before the Discipline Committee meeting;
- circulate any such written statements (including any statements from witnesses) and a list of those due to attend, in advance, to all interested parties.

The parent(s) may be accompanied at the Discipline Committee meeting by a friend or a legal representative. Pupils aged 11 or above have the right to appeal. A pupil aged 18 or over is allowed to attend and to make representation in his/her own right.

The Discipline Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (i.e. its decision remains valid even if it was made out of time).

5.5 Liaison with parents

At all stages the **Head** is expected to seek parental co-operation.

6. EXCLUSIONS

6.1 Drug-related exclusions

Any decision to exclude a pupil must be based on the criteria spelled out in the schools' drug policy which also covers the schools' approach to legal drugs. The schools drug co-ordinator will be consulted before a decision to exclude is made.

6.2 Lunchtime exclusion

The **Head** can exclude a disruptive pupil for the duration of a lunch break. A lunchtime exclusion will be counted as a quarter day and count towards a right to appeal against exclusion.

6.3 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 **exceptionally serious 'one-off' offence has been committed**.

Examples of **exceptionally serious 'one-off' offences** are:-

- serious violence, actual or threatened, against a pupil or member of staff;
- sexual abuse or assault;
- supplying an illegal drug or substance; and
- in possession of an offensive weapon.

These examples are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

7. REINTEGRATION OF EXCLUDED STUDENTS

Pupils returning to school after exclusion should be subject to a reintegration procedure organised by the Assistant/Deputy Headteacher responsible for the appropriate Keystage. This will normally involve the parents and a member of the leadership team.

A pupil who is returned to school by the Independent Appeals Panel but who is regarded as presenting a threat to the good order and discipline of the school or to members of the school community may be kept in isolation from the remainder of the school community until such time as it is thought appropriate to make a phased return into the school proper.

8. OFF-SITE BEHAVIOUR

In certain circumstances, at the discretion of the **Head**, the school will treat poor, or un-acceptable, behaviour off-site as though it occurred on the school premises.

9. EQUAL OPPORTUNITIES

In making decisions about exclusions the **Head** and **Discipline Committee** will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

10. REVIEW OF EXCLUSIONS

At least termly, the **Head** will report on the number and type of exclusions and their outcomes to the Governing Body.