

JOHN SPENDLUFFE TECHNOLOGY COLLEGE



EXCLUSION POLICY

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Context

As a school our aim is to work with young people to enable them to become responsible and resilient individuals able to progress beyond school successfully. We have a range of support strategies in school that should enable students to work with staff to address any instances of poor behaviour. The pastoral teams, supported by tutors, deploy a range of strategies to ensure students have support to make the right choices and enable their learning to progress in school as a result of maintaining appropriate behaviour in classrooms, around the site and to and from school. Schools can address poor behaviour in any of these settings together with poor behaviour taking place outside of normal school time if the behaviour concerned impacts on the smooth running of the school.

Good behaviour ensures students benefit from the opportunities provided by JSTC and this is maintained via our Behaviour Policy and Learner Agreement that we expect all students and parents/guardians to sign. Our behaviour policy is underpinned by our ethos of mutual respect. The behaviour policy sets out the sanctions that can occur when behaviour falls below the expected standard and the most serious sanction that can be applied is exclusion. Students of course respond well to rewards and across the school a series of these are incorporated into our behaviour code including contact with home – both verbally and in written form as well as direct rewards given to the students eg Reward Store prizes, Headteacher Commendation certificates, prizes at our annual Presentation evening and smaller rewards given during the term.

Through a positive atmosphere of mutual respect supported by a clear approach to behaviour management JSTC seeks to reduce the number of incidents leading to exclusion. We regularly monitor the number of Fixed Term Exclusions and reasons for these to ensure that no group of students is unfairly disadvantaged and that any underlying needs of individuals are being fully met.

Exclusion is the removal of a student from the school for a set period (fixed term) or permanently. Exclusion is a serious step and is used as a last resort either because the range of alternative strategies has been exhausted or when a serious breach of the rules has occurred and allowing the student to remain in school would seriously harm the education and welfare of others. When making any decision about whether to exclude, the Headteacher establishes the facts and then applies the civil standard of proof ie on the balance of probabilities it is more likely than not that a fact is true.

Only the Headteacher can exclude a student from school and this must be on disciplinary grounds.

JSTC works in partnership with The Reintegration Team at Lincolnshire County Council to secure the best outcome for students who are at risk of a permanent exclusion or who have a suspended permanent exclusion. In such cases JSTC will usually seek a managed move to another school. If this strategy is successful a permanent exclusion can be avoided. The student remains at the managed move school.

Informing the parents of an exclusion

Once the decision has been taken to exclude, the Headteacher or Deputy Headteacher will contact the parents. They should be informed of the following information:

- the decision, the period of exclusion and reasons for it
- their right to make representation to the governing body and how to do that and how they can involve their child in the process
- the arrangements for sending work home
- be reminded that they are legally required to ensure that their child is not present in a public place during school hours without reasonable justification
- any arrangements for alternate education provision if appropriate
- the arrangements for reintegrating the student back into school once the fixed term suspension period is over

All this information will be provided in writing following a telephone call to parents; the telephone call will be made prior to the end of the school day.

School Service Agreement: An Alternative to a Fixed Term Suspension

When appropriate, a School Service Agreement may be offered in place of a fixed term suspension. This consists of a community service, restorative approach within school over a period of up to 5 days.

Parents/carers will be notified that their child has been issued with a suspension, however they may be given the chance to opt for the School Service Agreement.

Parents will be invited into school following the fixed term suspension for a reintegration meeting.

If the student fails to meet the expectations outlined in the Agreement, or the meeting doesn't go ahead, the fixed term suspension will be implemented.

Informing the Governing Body

All exclusions/suspensions are reported to the governing body once per term. The reasons for any exclusion/suspension and the length of any period of exclusion/suspension will form part of the report to governors.

For an exclusion/suspension of 5 days or more or for an exclusion which results in a student missing a public examination, the Headteacher will notify both the governing body and the LA.

Making arrangements for the education of excluded/suspended students

The governing body will make suitable arrangements for full time education of any student (of compulsory school age) after the fifth day of any fixed term suspension. The school will take reasonable steps to set appropriate work for the student and to provide feedback on it. In the case of a permanent exclusion, that duty falls to the LA in partnership with the school.

Students returning to school following a fixed-term suspension

In all instances, students returning from a fixed term suspension will be required to attend a reintegration interview with a senior member of staff with their parent or carer present.

In some incidents, on the return from a Fixed Term Suspension student will be required to attend additional courses/ student support within the school so that a phased reintegration can take place.

The role of the Governing Body to consider exclusions

The governing body has a duty to consider parents' representations about any exclusion; this function is delegated to the Discipline Committee comprising of at least 3 governors. A flow diagram sharing this information can be found from the DfE guidance (p32).

The Discipline Committee is required to meet to consider cases where the period of exclusion exceeds 5 days.

In the case of a fixed term suspension which does not bring a student's total of school days of exclusion to more than 5 in a term, the Discipline Committee must consider representations made by parents but they are not required to arrange a meeting with parents nor can the Discipline Committee direct the school to reinstate the student.

For a period of exclusion of over 5 days but no more than 15 in a single term, the governing body are required to consider reinstatement of the student within 50 days of receiving the notice of the exclusion if requested to do so by the parents.

The governing body must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent
- the fixed term suspension brings the student's total number of school days of exclusion to more than 15 in any term
- it would result in the student missing a public examination

Parents and the Headteacher will be invited to any meeting held by the governors to consider the reinstatement of a student. As an academy, the LA will only attend if they are invited by the parents.

Procedural steps the Discipline Committee will take when preparing to consider an exclusion decision

- not discuss the exclusion with any party outside of the meeting
- ask for written evidence in advance of the meeting
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 school days in advance of the meeting
- allow parents and students to be accompanied by a friend or representative
- identify the steps they will take to enable and encourage an excluded student to attend the meeting and to speak on his or her own behalf
- establish the facts and apply the civil standard of proof (**on the balance of probabilities it is more likely than not that a fact is true**)
- take clear minutes of the meeting as a record of the evidence that was considered by the Discipline Committee. These minutes should be available to all parties on request.
- ask all parties to withdraw before making their decision. The Clerk can remain as a reference point for notes taken in the meeting and the wording of the decision letter.
- consider, in reaching their decision, whether the decision to exclude was lawful, reasonable and procedurally fair

The Discipline Committee can uphold an exclusion or direct the reinstatement of the student immediately or on a particular date. The Governing Body is required to notify parents, the Head teacher and the LA of its decision and the reasons for it, in writing and without delay

There is no automatic right for an excluded student to take an examination on the excluding school's site but the governing body can consider whether it would be appropriate to exercise discretion to allow this happen for the sole purpose of taking a public examination.

Permanent exclusion: the governing body's duty to notify

In addition to notifying parents, the Headteacher and the LA of its decision and the reasons for it, the governing body must also include the following information in the case of permanent exclusion:

- the fact it is a permanent exclusion
- give notice of the right of parents to ask for the decision to be reviewed by an independent review panel

Independent Review Panel

The governing body should also include information about the independent review process:

- the date by which an application for a review must be made (15 school days from the date the written notice of the governors' decision was given to parents)
- the name and address to whom an application for a review should be submitted

- that any application should set out the grounds on which the review is being requested
- Parents have the right to have an SEN expert attend the independent review regardless of whether the excluded student has recognised special educational needs. There is no cost to parents for this appointment; details of the role of the SEN expert need to be explained to parents and that they would need to make clear in their application for a review if they wished a SEN expert to be appointed
- parents at their own expense, can appoint someone to make written and / or oral presentations to the panel
- parents can also bring a friend with them to the review
- parents have a right to make a claim under the Equality Act 2010 to the First-tier tribunal (SEN and disability) or to the County Court for other forms of discrimination if they believe that the exclusion has occurred as a result of discrimination
- the governing body should also draw parents' attention to relevant sources of free and impartial advice when the decision to uphold an exclusion is made, for example the statutory guidance on exclusions, the guidance on making a claim of discrimination to the first-tier tribunal, the Coram Children's Legal Centre and any local sources such as the Parent partnership.

The Academy's duty to arrange an independent review panel

Section 8 of “Exclusions from maintained schools, Academies and pupil referral units in England; a guide for those with legal responsibilities in relation to exclusion” (DfE, 2012) sets out a detailed guide to the law in relation to the circumstances under which an independent review is required and the duties and responsibilities of JSTC to arrange one.

Attendance and registration in the case of permanent exclusion

The Head teacher must remove a student’s name from the school roll if:

15 school days have passed since the parents were notified of the governing body’s decision to uphold a permanent exclusion (and no application has been made for an independent review) or the parents have stated in writing that they will not be applying for an independent review.

Whilst an excluded student’s name remains on the school roll, they should be marked with the appropriate attendance code. When attending alternative provision they should be marked with a ‘B’ and an ‘E’ should be used if they are not attending alternative provision.

The legislation that this policy relates to:

The Education Act 2002, as amended by the Education Act of 2011

The School Discipline (Pupil Exclusions and Reviews) (England) regulations 2012 The Education and Inspections Act 2006

The Education (Provision of Full-time Education for Excluded pupils) (England) regulations 2007 8

Documents underpinning this policy

“Exclusions from maintained schools, Academies and pupil referral units in England; a guide for those with legal responsibilities in relation to exclusion” DfE, 2012

John Spendliffe Technology College Behaviour Policy
Learner Agreement

POLICY DOCUMENTS

The following policy document was presented to the Governing Body of John Spendluffe Technology College and approved and adopted by them on the date stated.

Policy: Official JSTC Exclusion

Signed as approved on behalf of the Governing Body

A handwritten signature in black ink, appearing to read "SC".

Mr S Curtis, Headteacher

Date: 24 January 2022