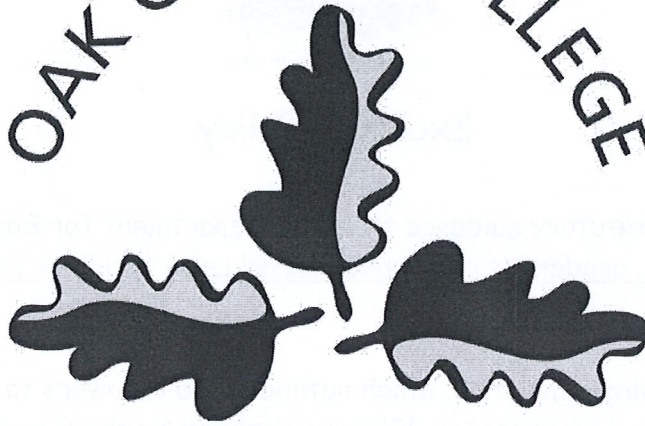


OAK GROVE COLLEGE



Everyone matters, every day counts

EXCLUSIONS POLICY

Policy created: Updated and renewed Nov 2018 Policy first adopted: Feb 2014

Signed chair of student support committee:

 3/12/18

Re-adopted & signed:

Pastoral leaders & team consultation: SLT Nov 2018, ELT Nov 2018

Student Support Committee Consultation:

For ratification:



Exclusion Policy

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England. September 2017

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

Rationale

This policy, which is a supplement to the College Behaviour for Learning Policy, deals with the policy and practice, which informs the use of exclusion. It is underpinned by the shared commitment of all members of the College community to achieve two important aims:

1. The first is to ensure the safety and wellbeing of all members of the College community, and to maintain an appropriate educational environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

Definition

For the purposes of exclusions, a college day is defined as any day on which there is a college session. Therefore, INSET days do not count as a college day.

Introduction

The decision to exclude a student will be taken in the following circumstances:

- a. In response to a serious breach of the College rules;

- b. If allowing the student to remain in College would seriously harm the education or welfare of the student or others in the College.

Exclusion is an extreme sanction and is only administered by the Headteacher or in their absence the Deputy Headteacher acting as the Acting Headteacher.

Fixed term exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct:

- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

Exclusion procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The Management Committee has established arrangements to review promptly all permanent exclusions from the College, and all fixed term exclusions that would lead to a student being excluded for over 15 days in a College term, or missing a public examination.
- The Management Committee has established arrangements to review fixed term exclusions, which would lead to a student being excluded for over five days but not over 15 days in a College term, where a parent has expressed a wish to make representations within the appropriate timescales.
- Prior to making a decision to exclude the full details of the behaviour must be recorded, the views of the student sought and signed paperwork passed to the Headteacher.
- Following exclusion parents/carers are contacted immediately. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents/carers have a right to make representations to the Management Committee.
- A return to College meeting will be held following the expiry of the fixed term exclusion and this will involve the relevant Pastoral Leader and other staff where appropriate.

- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on the College premises and that daytime supervision is their responsibility, as parents/carers.

Permanent Exclusion

The decision to exclude a student permanently is an incredibly serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon *.
- Arson.
- Possession of and/or use of an illegal drug on college premises.

The College will consider police involvement for any of the above offences.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the College.

General factors the college considers before making a decision to exclude

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the College or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out, including ensuring the student has had the opportunity to give their views.
- Consider all the evidence available to support the allegations taking into account the Behaviour and Equal Opportunity Policies.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.
- Ensure that the duties of the College under the Equalities Act 2010 have been discharged.
- Ensured that the SEN of the student has been taken into account and that the College has made 'reasonable adjustments'.

- Considered whether a review of the statement of special educational need would be more appropriate.

If the Headteacher is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- a. the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of college discipline and
- b. the effect that the student remaining in the college would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Management Committee's Student Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's College record, witness statements and the strategies used by the College to support the student prior to exclusion. In addition the Committee must ensure that the decision was fair, reasonable and procedurally correct.

Considering the reinstatement of a pupil

The Management Committee of Oak Grove College will consider the reinstatement of an excluded student within 15 college days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of college days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents/carers, the Management Committee of Oak Grove College will consider the reinstatement of an excluded student within 50 college days of receiving notice of the exclusion, if the college would be excluded from college for more than 5 college days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the Management Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of the Management Committee (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the student.

The Management Committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision, the Management Committee of Oak Grove College will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Management Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Management Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require West Sussex County Council to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That if parents/carers believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.