



***“Let your light shine”* Matthew 5:16**

GOVERNOR POLICY 10: EXCLUSIONS FROM SCHOOL

Policy first agreed: November 1996

Policy and Terms of Reference agreed: June 2002

Review undertaken by Chairman, Headteacher and members of the Pay and Personnel Committee of the Governing Body

Policy Review Period: Five years or whenever changes of legislation are introduced.

This revision: September 2020

POLICY

1. All Saints will follow the rules, regulations and procedures set out in the relevant sections of the School Standards and Framework Act 1998 (and its subsequent successors)
2. The school and its governors will take regard of the advice and guidelines issued from time to time by the Department for Education and Standards (or its successor) and Dorset Council .
3. Exclusions will be used only as a last resort:
 - When all other attempts and strategies of keeping the pupil in school have not worked.
 - Where there is a danger to the pupil or to the staff or to other pupils.
 - Where the amount of disruption caused is such that the education and/or safety of members of the school is put in jeopardy.
4. Exclusions can only be made by the Headteacher (or in his or her absence the Deputy Headteacher). The punishment must be appropriate to the offence committed and must be in line with the school's Discipline and Pupil Behaviour - Policy 16.
5. Parents must be informed by telephone (if possible) and also by letter that an exclusion has taken place. The grounds for the exclusion; its length (if fixed term); the parents' right to appeal either orally or in writing within a timescale to the appropriate Committee or Discipline Group of the Governing Body; the parental right to attend a meeting with the Group of the Governing Body; who to contact (the Clerk); the date and time of return to school must be included in the written communication as well as covered during the initial telephone call.
6. Parents must also be advised that following any appeal to the Governing Body they have a right to appeal to the Local Education Authority, and if they believe that this meeting was subject to maladministration, they can appeal to the Commissioner for Local Administration (The Local Government Ombudsman), or if they believe the decision taken was legally flawed, to ask the LEA for a judicial review.
7. Where the exclusion is to be permanent the communications must refer also to any previous warnings, fixed term exclusions or other disciplinary measures.

TERMS OF REFERENCE FOR GOVERNOR DISCIPLINE GROUP OR COMMITTEE IN RELATION TO POLICY 10: EXCLUSIONS FROM SCHOOL

1. **ESTABLISHMENT:** Under the School Standards and Framework Act (1998) and its successors, the Governing Body has a statutory requirement to bring into being a Committee or Panel of its number to consider when asked by a parent or guardian the circumstances which have led to a pupil exclusion. This requirement will remain until future legislation dictates otherwise.
2. **GOVERNORS INVOLVED:** 3 (plus the Clerk to the Governors if none of the three hold this office). Governors must be selected initially from the Pay and Personnel Committee. If there are insufficient for the three to come from the People Group then the Chairman of the Governing Body will nominate other governors to fill any vacancy.
3. **EXCLUSIONS FROM MEMBERSHIP:**
 - Headteacher and members of the teaching staff
 - Named Parent Governor
 - Any other governor who is related to the family or may be involved with the disciplinary matter which led to the exclusion.
4. **MANDATORY MEMBERSHIP OF THE PANEL:**

Clerk to the Governors (irrespective of whether he or she is a governor unless he or she is a party to the exclusion.)
5. If the Clerk to the Governors is a non-governor then they will not have a vote and their role on the Committee is restricted to determining the meeting date, time and place, receiving of any documents from the school or parent and distributing these to those involved, recording the salient facts brought up at the meeting and the decision made and ensuring that the school notifies the parents, the Governing Body and Dorset Council's of the Panel's decision.
6. If the Clerk to the Governors is disqualified by being party to the exclusion then the Chairman of the Governing Body will nominate one of the three governors to undertake this role.
7. **CHAIRMAN OF THE PANEL:** The group will elect one of its number to be the Chairman. The Clerk to the Panel may not be the Chairman.
8. The Clerk must arrange for a meeting of the appointed group to be held with 6 to 50 days of any exclusion lasting less than 16 school days and within 6 to 15 days of any exclusion exceeding 15 school days. In addition to the Headteacher, and the parents, the Local Education Authority has a right to be represented at this meeting. All three members of the Governor Panel must be present at the meeting.
9. **PERIOD OF SERVICE:** Only while the exclusion appeal process is taking place.
10. **GOVERNOR POLICIES:** The policy covering Exclusions will be reviewed on a five yearly cycle by the People Group.
11. **ISSUES DEALT WITH BY THE PANEL:** These will be concerned solely with the exclusion of a particularly pupil or group of pupils. Although governors have a role to support the Headteacher and staff in their maintenance or high standards of discipline, they must ensure fairness to all those involved whether pupils, parents, staff or others and make sure that the structures and procedures which deal with exclusions have been followed. Above all they must decide the appropriateness of an exclusion in the light all available information from the school and parents.

12. Governors will determine their position on the exclusion at a meeting (see para 8 and Appendix A).
13. Governors can direct the Headteacher to reinstate a pupil where the fixed term or permanent exclusion is for 5 or more days or if the exclusion will result in a pupil missing a public examination. If the governors uphold a permanent exclusion, Dorset Council may direct reinstatement. Governors however, have the right to appeal to an Independent Appeal Committee or to ask for a judicial review against the Authority's decision.
14. **REPORTING:** The Clerk must make notes of the meeting and the decision taken and the reasons for it. These notes will form the basis of the letter to the parents. Headteacher and Dorset Council dated and sent by the Clerk no later than the next school day which will formally give the result of the decision of the Panel, together with information about how, if they so require, parents can appeal against the decision.
15. The notes on the meeting may be needed if the parents exercise their right to appeal to the Commissioner for Local Administration (The Local Government Ombudsman) or to a judicial review. Should the parents take these options one member of the Governor Panel will be required to attend the hearing.
16. **TERMS OF REFERENCE REVIEW PERIOD:**

At the review time for Policy 10
Review undertaken by: Those reviewing Policy 10

APPENDIX A TO TERMS OF REFERENCE FOR POLICY 10: EXCLUSIONS

EXCLUSION APPEAL HEARING PROCEDURE

(Copy to be provided for Governor Panel, Headteacher, Parents and Dorset Council)

CHAIRMAN OF PANEL INTRODUCES THE PANEL BY NAME AND THEN INVITES THE OTHERS ATTENDING TO INTRODUCE THEMSELVES AND WHO THEY REPRESENT

1. Presentation of School Case
2. Parents ask question on School's case
3. LEA ask questions on the School's case
4. Governor Panel ask questions on the School's case
5. Presentation of Pupil's case by parents
6. School ask questions on Pupil's case
7. LEA ask questions on Pupil's case
8. Governor Panel ask questions on Pupil's case
9. LEA makes representation
10. Parents ask questions on LEA representation
11. School ask questions on LEA representation
12. Governor Panel ask questions on LEA representation
13. School sums up its Case
14. Parents sum up Pupil Case
15. Clerk advises Parents that Panel's decision will be communicated to them in writing within five school days. (Following this the School, Parental and LEA Representatives withdraw).

THE PANEL THEN MAKES ITS DECISION IN PRIVATE.