

OCKBROOK SCHOOL EXCLUSION POLICY

The aims of this policy are:

- To support the behaviour and discipline codes of the School.
- To ensure procedural fairness and natural justice.
- To promote co-operation between the schools and parents when it is necessary for a pupil to leave earlier than expected.

Exclusion from School may result from persistent misbehaviour or for serious incidents in which pupils have been involved. Exclusion may last for a fixed period of time, e.g. one day, two days, or it could be permanent. Exclusion is a very extreme sanction.

The kind of incidents for which fixed term exclusion might be appropriate are:

- bullying;
- fighting or threatening other people;
- swearing /being rude to an adult;
- other actions which disrupt the smooth running of the School or put at risk the health and safety of other people.

In the case of highly inappropriate behaviour, the teacher involved will notify a senior member of staff, usually the Deputy Head giving details of the misdemeanour and then complete a Pupil Report Form.

On the occasion of exclusion parents will be involved. In some cases they will be asked to come into School to collect the pupil immediately and work will be set which must be done at home and returned to School. A senior member of staff will be here on return to talk through the terms of re-entry to School; and the pupil may remain on report.

The kinds of incident which may result in the ultimate sanction of expulsion or removal are

- persistent bullying, theft, blackmail, physical violence, intimidation, racism
- The supply/possession/use when under the jurisdiction of the school of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- The possession or use of unauthorised firearms or other weapons.
- Misconduct of a sexual nature; supply and possession of pornography.
- Vandalism and computer hacking.
- Persistent attitudes or behaviour which are inconsistent with the ethos of the schools.
- Other serious misconduct (either single or repeated episodes) towards a member of a school community which brings a school into disrepute.

Other Circumstances:

A pupil may be required to leave if, after appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School that he or she remains at the school.

Investigation Procedure

Any investigation and subsequent meeting will be conducted fairly and in a manner which is appropriate.

Investigation of a complaint or rumour concerning alleged serious misconduct will normally be co-ordinated by the Deputy Head, or a senior member of staff and its outcome will be reported to the Head Teacher. The person who investigates an allegation of serious misconduct will not take the decisions on the outcome. If appropriate, a pupil may be excluded and required to live at home or with his or her parents or education guardian whilst a complaint is being investigated; alternatively, he or she may be excluded on school premises.

If appropriate, school staff may decide to search a pupil's space and belongings, and ask the pupil to turn out the contents of pockets or a bag, if it is considered there is reasonable cause to do so. Clothing will not be searched until it has been removed from the wearer and care will be taken to ensure reasonable privacy. This policy does not authorise an intimate search or physical compulsion in removing clothing. If necessary, the police could be called.

Disciplinary meeting

The Chairman of Governors will be informed of an investigation. A short cooling off period may take place if the Head Teacher considers that this course would be helpful.

Documents available at the disciplinary meeting before the Head will include:

- A statement setting out the points of complaint against the pupil.
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
- The investigation Report.
- The pupil's school file and conduct record.
- The relevant school policies and procedures.

The pupil and his or her parents (if available) will be asked to attend the disciplinary meeting with the Head at which the Deputy Head or senior member of staff will explain the circumstances of the complaint and the outcome of his or her investigation. The pupil may also be accompanied by a member of staff. The pupil and his or her parents will have an opportunity to state their side of the case. Members of staff will be on hand to join the meeting if needed, and their statements will be disclosed but, in most cases, the anonymity of other pupils will be preserved.

There are normally three distinct stages of a disciplinary meeting:

The Complaint: The Head Teacher will consider the complaint/s and the evidence, including statements made by and/or on behalf of the pupil. Unless the Head considers that further investigation is needed, he or she will decide whether the complaint has been sufficiently proved.

The sanction: If the complaint or allegation has been satisfactorily demonstrated, the Head teacher will outline the range of disciplinary sanctions which he or she considers are available. He or she will take into account any further statements which the pupil and or others present on his or her behalf may wish to make. The pupil's disciplinary record will be taken into account. At

that stage, or at some later time within 48 hours, the Head will provide his or her decision, with reasons.

Leaving status: If the Head teacher decides that a pupil must leave the school, he or she will discuss the matter with the parent(s) before deciding on the pupil's leaving status. If a pupil is expelled or required to leave, his or her leaving status will be 'expelled' or 'removed'.

Delayed Effect

A decision to expel or remove a pupil shall take effect 72 hours after the decision was first communicated to a parent. Until then, the pupil shall remain excluded. If within 72 hours the parents have made a written application for a Governors' Review, the pupil shall remain excluded until the Review has taken place.

Additional points which may need consideration are:

- The form of letter which will be written to the parents and, given the provisions of the Data Protection Act, the form of announcement in the School that the pupil has left.
- The form of reference which will be supplied for the pupil.
- The entry which will be made on the school record and the pupil's status as a leaver.
- Arrangements for the transfer of any course and project work to the pupil, his parents or another school.
- Whether (if relevant) the pupil will be permitted to return to school premises to sit public examinations.
- Whether (if relevant) the School can offer assistance in finding an alternative placement for the pupil.
- Whether the pupil will be eligible for membership of Ockbrook school Leavers Association, OSLA and, if so, from what date.
- The conditions under which the pupil may re-enter school premises in the future.

Governors' Review

If expulsion or removal by a head has been deemed appropriate, a pupil or his or her parents may make a written application for a Governors' Review. This right is not available in the event of exclusion. The application must be received by the bursarial Manager acting in her capacity as the Clerk to the Governors, within 72 hours of the Head's decision being received by a parent.

In their application the parents must state the grounds on which they are asking for a review and the outcome which they seek.

The Review will be undertaken by a three member sub-committee of the Board of Governors. The Panel members will have no detailed previous knowledge of the case or of the pupil or parents and will not include the Chairman of Governors. The Chairman of Governors will select the members of the Review Panel and the members of the Panel will elect a Panel Chairman.

The Review Panel may, depending upon the circumstances and after consulting the appropriate parents and the Chairman of Governors, hold a meeting as described below or reach a decision on the basis of written representations provided by the parties involved.

The Review Meeting

The meeting will take place at the school premises, if possible between 3 and 14 days after the parents' application has been received. A Review will not normally take place during school holidays but may do so by the agreement of the parties. A Review Meeting is a private procedure and all of those who are involved in one are required to keep the proceedings confidential.

Those present at the Review Meeting will normally be:

- The members of the Review Panel and the clerk to the Governors
- The Head, Deputy Head and any relevant member of staff whom the pupil or his or her parents have asked should attend, or whom the Head considers should attend in order to secure a fair outcome.
- The pupil together with his or her parents and, if they wish, a member of the school staff who is willing to speak on the pupil's behalf. The parents may be accompanied by a friend or relation. Clerk to the Governors must be given 7 days' notice if the friend or relation is legally qualified.

The meeting will be chaired by one member of the Review Panel and will be conducted in a suitable room and in an informal manner. The Clerk to the governors will be asked to keep handwritten notes of the main points which arise at the meeting and should advise on procedural or legal aspects. All those present will be entitled, should they wish, to write their own notes. The meeting will be directed by the Chairman who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chairman may at his or her discretion adjourn or terminate the meeting. If the meeting is terminated without firm conclusions being reached, the original decision by the Head will stand.

The Panel will consider each of the issues raised by the pupil or his/her parents so far as they are relevant to:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil
- Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred.
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If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting they must inform the Chairman at the time and ask the Clerk to the Governors to note their dissatisfaction and the reasons for it.

A member of the school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

When the Chairman decides that all issues have been sufficiently discussed and if by then there is no consensus, he or she may adjourn the meeting; alternatively, the Chairman may ask those present to withdraw while the Panel considers its decision. The Panel may uphold or, alternatively, refuse to confirm the conclusions or decisions reached by a Head. In the former event the Panel will confirm the sanction awarded; in the latter event the Panel will determine

the sanction. The decision will be notified, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision. The decision of the Review Panel will be final.

Consideration On The Basis Of Written Submissions

If a Review Panel decides that the circumstances are such that it will consider the complaint or allegation, the Head's decision and the sanction on the basis of written submissions from the parties, the following procedure is to apply:

Those present at the Review Meeting will normally be:

- The members of the Review Panel and the Clerk to the Governors

The meeting will be chaired by one member of the Review Panel and will be conducted in an informal manner. Each of the parties must be given an opportunity to comment in their written representation on the points made by the other party in their representation. The Clerk to the Governors will be asked to keep a hand-written note of the main points which arise at the meeting and should advise on procedural or legal aspects. Each member of the Panel will study the written submissions provided by the various parties before discussing the matter.

The Panel will consider each of the issues raised by the pupil or his/her parents so far as they are relevant to:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel or remove the pupil.
- Whether the sanction was warranted, that is, whether it was proportionate to the breach of discipline or the other events which are found to have occurred.

When the Chairman decides that all issues have been sufficiently discussed, the Panel will need to consider its decision. The Panel may uphold, or alternatively refuse to confirm the conclusions or decisions reached by a Head. In the former event the Panel will confirm the sanction awarded; in the latter event the Panel will determine the sanction. The decision will be notified, with reasons, to the Head and the parents by the Chairman of the Review Panel or the Chairman of Governors by letter or telephone. If necessary the Review Panel may seek professional advice before reaching or notifying their decision. The decision of the Review Panel will be final.

September 2009