

Exclusion Policy

Policy application: - Education and Life Skills – College

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Responsibilities for implementation: - Angie Fisher - Director of Education

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Introduction

Exclusion is a very serious behavioural sanction. It is used by the Principal when a behavioural incident warrants a period of fixed suspension or permanent exclusion from the College. It is a power that only the Principal (or an acting Principal) can exercise. In making a decision, the Principal will be supported by members of the senior leadership team through investigations and counsel.

This policy sets out the procedure that will be followed when a decision to exclude a pupil from The David Lewis College ("the College") is taken by the Principal or acting Principal. It has been prepared to ensure the process is transparent to all parties, to manage expectations and to assist all involved as to how the process will proceed.

DECISION TO EXCLUDE A PUPIL

The power to exclude a pupil from the College, whether by suspension, exclusion or otherwise shall be exercisable only by the Principal (or an acting Principal).

The Principal may exercise this power in response to repeated breaches of the College's Student Code of Conduct Policy or when there is a one-off serious breach.

When the Principal has made a decision to exclude a pupil, whether for a fixed period of suspension or permanent exclusion, he/she will write to the parents/guardians of the pupil to explain the circumstances that have led to the decision and explain that the Chair of Governors and the relevant funding authority will be informed.

The Principal may determine that a fixed period exclusion should be made permanent. This may occur when further information or evidence comes to light which justifies the most serious sanction being imposed. If this is the case, the Principal will send a further letter to the parents/guardians, Chair of Governors and the relevant funding authority setting out the decision and reasons for it.

When the pupil is 18 or over, and they have the capacity to understand it, the pupil will be informed of the decision and the reasons for it. If they do not have capacity the parents/guardians will be informed.

Exclusion review – stage 1

Parents/guardians may request a review of the decision to exclude a pupil. If the pupil is aged 18 and has capacity, he/she may make the submissions themselves. These submissions must be submitted within 10 College days from the date of the Principal's decision letter. The request for a review must be directed to the Clerk to Governors. The Chair of Governors, or Vice-Chair, will consider the submissions made. If the funding authorities have made any submissions these will also be considered.

The Chair or Vice-Chair of Governors may arrange for a meeting with the parents/guardians or pupil (as the case may be) in order to discuss the submissions further. The Chair or Vice-Chair may also consult with the Principal to raise any

questions they have about the decision to exclude. The Chair or Vice-Chair will be entitled to review any documents that have played a part in the Principal's decision.

Upon concluding the review, the Chair or Vice-Chair will communicate their decision in writing to the parents/guardian or pupil, Principal and relevant funding authority. This will take place within 15 college days. The Chair or Vice-Chair have the power to uphold the Principal's decision or order reinstatement. In the event that the review takes place after a fixed period of exclusion has expired, the Chair or Vice-Chair will have the power to place a note of their findings and decision on the pupil's educational record. The letter communicating the decision must also set out the right to refer the matter to the College Governing Body's Appeal Committee.

Reinstatement may be immediate or at a specified date and time. For the avoidance of doubt, in the absence of the Chair or Vice-Chair of Governors any other Governor may undertake the review of the exclusion.

Appeal of review - stage 2 – Appeal of the Exclusion Review Decision

Following the issue of the Exclusion Review decision letter an appeal may be made by parents/guardians or by a pupil over 18 with capacity, to the Clerk to Governors. This appeal must be in writing and made within 15 College days of the exclusion review decision letter. In the event that a request for an appeal is not made within the time limit, an appeal cannot proceed.

On receipt of an appeal an Appeals Committee will be formed. The Clerk will endeavour to arrange the appeal hearing within 15 College days from the date that the written request for an appeal is received in College. The Committee will consist of three Governors, one of whom will act as the Appeal Committees' Chair. Any Governor may sit on an appeals committee subject to he/she having no prior involvement in the decision or review to exclude, or the management of the pupils behaviour. For the avoidance of doubt, the Appeal Committee is an ad-hoc committee of the Governing Body and its decisions are made with delegated authority. Its decisions are binding and there is no further level of appeal from its determination.

The Clerk to Governors will be required to prepare a bundle of papers to include all relevant evidence as considered by the Chair or Vice-Chair at the review stage, including submissions by the Pupil, Parent or Guardian and relevant funding authority, the decision letter from the Principal and the decision letter from the exclusion review.

The Chair of the Appeal Committee will open the meeting and introduce all parties. The Chair will invite the Principal to make representations about the decision to exclude. Upon the completion of the representations, the other parties will be entitled to raise any questions arising out of the representation made. For the avoidance of doubt, the parents/guardians or pupil will raise his/her questions first followed by the committee members.

The Chair will then invite the parents to make their representations. Once the representations have been completed the Chair will invite questions from the other

parties. For the avoidance of doubt, the Principal will raise his/her queries first followed by the committee members.

The Chair of the Appeal Committee will close the meeting once all questions have been raised and answered. If there is any additional evidence which the Chair believes is required, he/she may direct that it be submitted within a reasonable period he/she so determines before a decision is made.

The Appeal Committee has the power to uphold the decision to exclude or to order reinstatement. Reinstatement may be ordered immediately or at a date and time to be specified. Prior to making any decision, the committee members must consider any submissions made by a relevant funding authority and must be mindful of any conditions of funding which relate to the exclusion of pupils.

If at the time of the Appeal Committee's decision the period of the fixed term exclusion being appealed has lapsed the Governors will be entitled to place on the pupil's educational record a copy of their findings which can include their view that the decision to exclude should not have been taken and reinstatement would have been ordered.

The Chair of the Appeal Committee will arrange for the Clerk to minute the appeal hearing. In addition, the Clerk will, under the instruction of the Chair of the Appeal Committee, prepare the decision letter. The decision letter will explain the decision of the Appeal Committee and set out whether they have upheld the Principal's decision to exclude, ordered reinstatement or placed a note on the pupil's educational record. The relevant funding authorities will also be informed of the Appeal Committee's decision.

Policy review

This Policy is subject to review at any time by the Governing Body. In any event, it will be reviewed every two years by the Governing Body