



# Hednesford Valley High

## Exclusion Policy

**Reviewed by:** S. Stokes

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## 1. Rationale

## 2. Legislation and Guidance

## 3. Responsibility of the School

## 4. Behaviour Policy

An exclusion is a very serious matter and even if you do not want to meet with the Governors, it might be useful to discuss what has happened with Staff at school and how you might work together to improve your child's behaviour.

Hednesford Valley High School has a behaviour policy which explains how we manage behaviour in school. The policy includes sanctions for poor behaviour and reward systems in place to help promote improved behaviour in school.

Parents/Carers often have a strong influence on their child's behaviour and will want to add their support to the efforts made by school to prevent further exclusions. The behaviour policy may also include ways the school works with Parents/Carers, other agencies and professionals in conjunction with existing support plans in place, for example a Positive Behaviour Plan or a Parenting Contract. For information and advice on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices, you can contact the Parent Partnership Service.

If you want more information, the school will be able to explain what has happened and why it has happened. If you want further advice on the exclusion, contact District Exclusion Officer (Bird Street, Lichfield) or the Senior Administration Officer for Inclusion (based at Tipping Street, Stafford).

The Advisory Centre for Education also has a national helpline on exclusions.

## 5. Fixed Period Exclusion

A fixed period exclusion means that your child will not be allowed to go to school for lunchtime periods or a number of school days. You will normally receive a telephone call followed by a letter telling you about the exclusion.

The letter will tell you when your child can go back to school. A return to school should not be delayed until you have met with the Headteacher or a member of Staff.

A fixed period of exclusion can be for a lunchtime period or for a fixed period of one to forty-five days in an academic year. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of Parents/Carers.

- Parents/Carers must know the detail of the case against their child.
- If your child is excluded from school, you will get a letter giving the reasons for the exclusion.
- If your child is excluded for a lunchtime period and is entitled to a free school meal, school will make arrangements for a lunch to be provided, for example provide a packed lunch.

- If the exclusion is for five days or less and you want to discuss it with the Governors, you can say that you want to make representations to the Student Discipline Committee. Whilst they do not have to meet with you, it is good practice for them to do so.
- If your child has been excluded for between six and fifteen school days in a term, the Governors Student Discipline Committee must meet to discuss this, if you request a meeting. The latest date by which the Student Discipline Committee can meet is no later than 50 school days from the date that the Governors were notified. The school will write and tell you about the meeting and your right to attend and make your representation at the meeting. Parents/Carers may wish to be accompanied by a friend or representative and advise school of a disability or special needs which would affect their attendance at a meeting held in school.
- If your child has been excluded for more than 15 school days in a term, the Student Disciplinary Committee must meet to review the exclusion whether or not you choose to attend.

## **6. Permanent Exclusion**

Parents/Carers must know the detail of the case against their child.

- If your child is permanently excluded from school, you will get a letter giving the reasons for the permanent exclusion. You should get this letter on the day of the exclusion.
- The school will tell you about the date of the Governors meeting. A group of 3 or 5 Governors make up the Pupil Discipline Committee or school could hold a full Governing Body Meeting, which has decision-making powers. This is a meeting that you can attend with a friend or representative to help you. Your child can go to the meeting if you want him/her to go.
- Before the meeting, the school must send you details of all the reasons for the exclusion. The school must include all the reasons that they will present to the Governors and they cannot bring in new information at the meeting. If you give new information, then the school can respond to this.

### **During the Exclusion**

While your child is excluded, he or she may not go to school or into the school grounds. The school will set work but it is up to you to make sure it is collected and turned when it is completed for marking.

You are responsible for your child while he or she is excluded. An exclusion takes effect as soon as the school has made the decision to exclude.

Parents/Carers have the right to attend a meeting of the Governor's Student Discipline Committee or full Governing Body meeting.

- The District Inclusion Officer (DIO) will discuss with you and your child an education plan so that you will be aware of what plans are in place and how it will be monitored.
- If you want to appeal against the exclusion to an Independent Appeal Committee, the letter about the exclusion decision will tell you who to write to and the deadline for doing this. You will have to state why you think the decision should be changed.

If you want more information, you can contact the Senior Administrative Officer for Exclusions.

You can also contact the Advisory Centre for Education, which has a free national help line.

## **Independent Appeal Hearings**

### **Background**

Parents/Carers have the right to appeal to an Independent Appeal Panel against any decision made by a Governors' Disciplinary Committee. DCSF guidance – Improving Attendance and Behaviour: Guidance on Exclusion from Schools and Pupil Referral Units – October 2004, Part 5 – Independent Appeal Panels sets out how the appeals should be handled. The guidance also includes an explanation of the management of appeals and procedures followed after the hearing.

### **The Role of the Appeal Hearing**

The role of the Independent Appeal is to uphold the decision to exclude; direct immediate reinstatement at some future date; or it may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction. In coming to this decision the Independent Appeal Panel has to decide whether the exclusion was in line with the national guidance and the school's discipline and behaviour policy, the interests of the student and other students and Staff at the school and the fairness of the exclusion.

The Student Discipline Committee cannot put forward new evidence or grounds to support the exclusion.

The Independent Appeal Panel looks at the decision reached by the Disciplinary Committee and the reasons for that. However, if the Parents/Carers or the DIO produce new information, the Student Disciplinary Committee can respond.

### **The Hearing**

Independent Appeals Hearings are independent and generally follow the same sort of format as the Student Disciplinary Committee's meeting. The school puts forward their case, which can be questioned by the Independent Appeal Panel and the Parents/Carers.

The Parents/Carers put forward their case and the Independent Appeal Panel and the school can ask questions. The school then sums up as do the Parents/Carers. All parties leave the room, excluding the clerk; the Independent Appeal Panel will then discuss and reach an agreed decision.

The Headteacher would normally represent the school and a nominated member of the Student Disciplinary Committee would be invited to attend. The Student Disciplinary Committee and the Parents/Carers may have legal representation.

The DIO will be present at hearings and may make oral or written representation. The clerk to an Independent Appeal Panel minutes the proceedings. The minutes are not public documents but should be retained by the DIO for a period of at least five years, as they may need to be seen by a court or by the Local Government Ombudsman, should the Independent Appeal Panel process be challenged.

Detailed guidance on the conduct of an Independent Appeal Hearing is set out in DCSF Guidance Part 5. Schools should look carefully at this information, particularly in relation to Evidence and Witnesses paragraphs 113 – 119 when involved in an Independent Appeal Hearing.

### **The Remit of the Independent Appeal Hearing**

The decision of the Independent Appeal Panel is final and there is no further appeal against the decision. If the Parents/Carers believe that there has been maladministration in the process, then they can complain to the Local Government Ombudsman but this is a complaint about the process, not about the actual decision.

The Local Government Ombudsman might make a recommendation or a fresh hearing, if this was practical

the DIO would normally be expected to comply if either the Parents/Carers or the Pupil Discipline Committee consider that the Panel's decision is perverse, they may apply to the High Court for a judicial review.

This must be done promptly and no later than three months of the decision. If it was found that the Panel's decision was unlawful or unreasonable (in narrow legal sense of 'unreasonable', i.e. irrational or perverse), the decision could be quashed and the DIO be directed to hold a fresh appeal hearing before a newly constituted panel.

### **After the Appeal Hearing**

If the Parents/Carers are unsuccessful in the appeal, the exclusion will stand and the responsibility for arranging education for the excluded student rests with the DIO. The Inclusion Officer will work with the student, Parent/Carers to gather all the relevant information to help support the family through the re-integration process to appropriate education provision.

If the Parent/Carer is successful, then the student is entitled to return to school. Schools will need to discuss and plan how to manage what could be a difficult situation for a student's return to school. Whilst delay is not acceptable, it is reasonable to expect a meeting with the student and Parents/Carers prior to re-entry so that there can be an agreed planned return to school.

Details of an exclusion may not be deleted from the student's record, even where reinstatement is directed. The Student Discipline Committee must, however, comply with any parental request to append their appeal statement to the student's record. It will be for the Student Discipline Committee to decide what details of the exclusion are included in the student's school record in accordance with DCSF guidance.

## **7. Dissemination and Review**

The policy will be disseminated widely both to Staff and Governors through appropriate meetings.

The policy will be reviewed October 2026.