

## **EXCLUSION POLICY**

**(Part of the Behaviour for Learning Policy)**

**Responsible:** The Principal

### **1. RATIONALE**

At the Watford UTC we believe that the most effective teaching and learning takes place in a well-managed environment, one that is calm, happy and safe for the whole Watford UTC community (“WUTC”). Our ethos is founded on ‘mutual respect and responsible behaviour’. In certain circumstances there may be times when it is necessary to exclude students for a fixed period of time or permanently from the WUTC. The purpose of this policy is to ensure that when behaviour problems occur, all staff, students and parents have a clear understanding of the procedures where the issue of exclusion arises.

### **2. COMPLIANCE**

The Principal and Governors of WUTC will have regard to the statutory, regulatory and guidance provided in regards to exclusions and applicable procedures.

### **3. PROCEDURE**

- 3.1 Any action to implement a fixed period of time or to permanently exclude a student is the responsibility of the Principal.
- 3.2 Where behaviour by a student is contrary to the Behaviour and Learning Policy the Principal or an authorised individual must interview students. If the nature of the incident is very serious then the Principal or another Senior Leadership Team member should be present to conduct the interview.
- 3.3 In the interview the student should be questioned fairly and given ample opportunity to give their response.
- 3.4 The student should be asked to provide a statement of what happened.
- 3.5 This statement is provided to assist the Principal to decide what further action should be taken.

### **4. CRITERIA FOR EXCLUSION**

- 4.1 A decision to exclude a student will only be taken:
  - 4.1.1 In response to serious breaches of the WUTC’s Behaviour and Learning Policy;
  - 4.1.2 If allowing the student to remain at WUTC would seriously harm the learning or welfare of the student or other students at WUTC;
  - 4.1.3 In cases where there has been a major breach of normal expectations of conduct.

4.2A decision to exclude a student, in most cases, will be taken after a range of alternative strategies have been tried.

## 5. RESPONSIBILITIES OF THE PRINCIPAL

5.1 The Principal or the Senior Director in her absence has the power to exclude students.

5.2 The Principal should carry out a range of steps when considering the exclusion of a student. These steps may include some or all of the following. These steps do not preclude the Principal from including other steps that in their professional assessment should be taken.

5.2.1 Undertake a thorough investigation.

5.2.2 Consider all the relevant facts and firm evidence to support the allegations.

5.2.3 Take into account WUTC's Behaviour For Learning Policy including Equal Opportunities and Anti-Bullying Policies.

5.2.4 Consider whether the incident appeared to be provoked by racial or sexual harassment.

5.2.5 Ensuring that all students involved have the opportunity to give their version of events.

5.2.6 Consult other people or agencies except where they may be involved in any review of the exclusion.

5.2.7 Ensure time has been given to addressing and supporting the student's individual problems.

5.3 Before deciding to exclude a student permanently the Principal will normally try a range of actions including fixed term exclusion. Normally only when other actions have been tried without success will the Principal consider permanent exclusion.

5.4 There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.

5.5 The Principal may exclude a student for one or more fixed periods up to and including 45 WUTC days in any one academic year or can permanently exclude the student. The Principal will discuss, if appropriate, with the Local Authority alternative arrangements for the student's education should the Principal decide to permanently exclude.

5.6 The Principal will aim for the shortest possible period of exclusion and should organise an exclusion plan:

5.6.1 To enable the student to continue his or her education.

5.6.2 To use the time to address the student's problems.

5.6.3 To plan the process of reintegration.

## **6. INFORMING PARENTS/CARERS ABOUT THE EXCLUSION**

6.1 The Principal will make sure that the Parent/Guardian is notified immediately, by telephone. The call will, normally, be followed up with written confirmation and the exclusion will normally begin the next WUTC day.

6.2 Letters about fixed period or permanent exclusion will explain the process for implementation and the parent(s)/guardian(s) rights on implementation of exclusion.

6.3 If the Principal wishes to extend a fixed period exclusion or convert a fixed period exclusion to a permanent exclusion the Principal will write to the parent/guardian explaining the reasons for exclusion and highlight the parent/guardian(s) right to contact the Trust Governing Body.

## **7. INFORMING THE TRUST GOVERNING BODY**

7.1 The Principal will inform the Chairman of the Trust Governing Body of:

7.1.1 All permanent exclusions

7.1.2 All exclusions where student miss more than 5 WUTC days in any one term.

7.1.3 All exclusions which prevent the student the opportunity to take a public examination. Fixed period exclusions of 1 to 5 WUTC days will be reported termly, unless the Trust Governing Body asks for more frequent reports.

7.2 The Principal will inform the student's home LA, if appropriate, of the student's permanent exclusion so that the LA can make preparations to provide the student with suitable full-time education if they remain excluded after 6 WUTC days.

## **8. RESPONSIBILITIES OF THE GOVERNING BODY**

8.1 The Watford UTC Trust Governing Body ("WTGB") does not have the right to exclude a student. The WTGB may establish a Discipline Committee to hear a parent/guardian's appeal against the decision to permanently exclude and, when the need arises, will establish an Independent Appeal Panel.

8.2 If the WTGB decides to establish a Discipline Committee, it will consist of at least 3 Governors who will review the use of exclusion within WUTC, including the views of the parents of an excluded student, and deciding whether or not to confirm exclusions of more than 5 WUTC days or those where a student would miss an opportunity to take a public examination. The WTGB will appoint a Clerk to the Discipline Committee to provide advice on

the exclusions process and to handle the administrative arrangements for considering exclusions.

- 8.3 If the exclusion is for 5 WUTC days or fewer WTGB will consider any statement submitted by the parent/guardian. If any exclusion would cause the student to miss sitting a public examination the WTGB will try to meet before the public examination. Where a public examination is concerned if it is not practical for the WTGB to meet the Chair of the WTGB will consider the exclusion.
- 8.4 For permanent exclusions the WTGB will consider the exclusion and decide whether the student should be reinstated. Such considerations will take account of the student's disciplinary record and the interests of the whole WUTC community as well as the severity of the offence.
- 8.5 On receiving notice from the Principal that a student has been excluded for more than 5 WUTC days the Clerk to the WTGB should:
  - 8.5.1 For an exclusion of between 6 – 15 WUTC days in a term set up a meeting at the request of the parent/guardian of the excluded student between the 6<sup>th</sup> and the 15<sup>th</sup> WUTC day to consider the exclusion.
  - 8.5.2 For an exclusion of over 15 WUTC days set up a meeting between the 6<sup>th</sup> and 15<sup>th</sup> WUTC day after that notice to consider the exclusion; invite the parent/guardian to the meeting at a time and place convenient to all parties as far as possible. The parent/guardian may be accompanied by a friend or a legal representative at their request.
  - 8.5.3 Ask for any written statements in advance of any meeting; circulate any written statements ensuring that the identity of student(s) is/are concealed if thought appropriate and a list of those who will be present at the meeting to all parties attending.
- 8.6 The WTGB Chair should normally allow the excluded student to attend the meeting and speak if the parent/guardian and the student ask for this. If the student is 18 or over they are able to present their own case.

## **9. PROCEDURE AT THE MEETING**

- 9.1 If the student is back at school before the WTGB meets the meeting still enables the parent/guardian to give their views. WTGB can also consider whether more information should be added to the student's record.
- 9.2 If the student is still excluded when the meeting takes place the WTGB should decide whether to direct re-instatement.
- 9.3 In reaching their decision WTGB should:
  - 9.3.1 Consider the parent/guardians statement

- 9.3.2 Have regard to government guidance on exclusion and the WUTC Behaviour For Learning Policy.
- 9.3.3 Consider if the Principal has tried sufficient approaches to improve the student's behaviour before resorting to exclusion and whether ancillary approaches could not be applied due to the serious nature of the incident that led to exclusion.

9.4 WTGB are not entitled to attach conditions to the student's reinstatement.

9.5 If the WTGB uphold the Principal's decision to permanently exclude it will write to the parent/guardian within 1 WUTC day giving reasons for their decision and providing details of the appeal procedure. WTGB will also notify the student's home LA in writing of their decision.

9.6 The WTGB decision on fixed term exclusions is final. In the case of permanent exclusions parents/guardians may appeal to an Independent Appeal Panel ("IAP").

## **10. AFTER THE MEETING**

10.1 A note of the WTGB views on the exclusion should normally be placed on the student's record with a copy of the Principal's exclusion letter.

## **11. APPEAL HEARINGS**

11.1 Parent/guardians of the excluded student have the right to appeal against the WTGB decision to uphold the permanent exclusion. The appeal is made to the IAP. The right to appeal is unrestricted subject to the time limit.

11.2 An appeal must be lodged in writing with the Clerk to the IAP within 15 WUTC days from the date the parent/guardian received the notice of decision. The panel should meet as soon as possible but in any event within 15 WUTC days of the notification requesting an appeal hearing.

11.3 The Clerk to the WTGB will inform the parent/guardian of the WTGB decision and will provide the details of the Clerk to the IAP. This will be a different Clerk to the WTGB Clerk.

11.4 The Clerk to the WTGB will state the final date for an appeal to be lodged and the appeal will only be accepted if lodged before or on the final date.

11.5 The IAP is an independent panel and will not comprise of any affiliates to WUTC, the student or individuals that have been involved in the incident that led to permanent exclusion.

- 11.6 The Independent Appeal Panel may not reinstate students purely based on a minor 'technicality' relating to the prior procedure where the Panel is persuaded on the merits of the case that the exclusion was justified and would not otherwise direct that the student should be reinstated. The Independent Appeal Panel will rather consider afresh the question of whether the student should be reinstated.
- 11.7 The IAP will meet within 15 WUTC days of the date the parent/guardian lodges their notice of appeal.
- 11.8 Attendees to the IAP hearing are:
  - 11.8.1 Parent/guardian or student if aged 18 or over.
  - 11.8.2 The legal or other representative of attendees in 11.8.1.
  - 11.8.3 The Principal who may make oral representations
  - 11.8.4 A nominated member of the WTGB who may make oral representations.
  - 11.8.5 Legal or other representative of the WTGB.
- 11.9 The Principal and WTGB may also make written representations. The Clerk to the IAP will wherever possible provide all written representations 5 working days before the hearing.

## **12. ROLE OF THE INDEPENDENT APPEAL PANEL CLERK**

- 12.1 The Clerk to the IAP is an independent source of advice on procedure for all parties to the appeal. The IAP will source a Clerk with experience to conduct the hearing using best practice and observing applicable statutory, regulatory and guidance to the process.
- 12.2 The Clerk to the IAP will ensure that all parties are provided with the procedure at the hearing.

## **13. AFTER THE HEARING**

- 13.1 The decision of the IAP is binding on all parties. The IAP will provide their decision in writing to all parties by the end of the 2<sup>nd</sup> WUTC day after the appeal hearing. Where the hearing is held on the last day of term or outside term-time the IAP will notify all parties in writing by the end of the 2<sup>nd</sup> working day after the conclusion of the hearing.

- 13.2 If the IAP upholds the permanent exclusion the IAP Clerk should immediately report this to the student's home LA. The Clerk should also advise parent/guardian to contact their LA about arrangements for continuing education for the student.
- 13.3 The Principal should remove the student's name from WUTC roll the day after the conclusion of the exclusion appeal. Where the IAP direct reinstatement they should immediately inform the Principal of their decision and specify the date on which the student must be readmitted.
- 13.4 Details of an exclusion may not be deleted from the student's record where an exclusion is a matter of fact. The WTGB must however comply with any parent/guardian request to append their appeal statement to the student's record.
- 13.5 The WTGB will decide what details of the exclusion are included in the student's school record. Copies of the Principal's correspondence should be included and possibly the Minutes of the WTGB and IAP hearings if the respective bodies agree.

#### **14. MONITORING AND REVIEW**

- 14.1 This policy will be monitored regularly to assess its implementation and effectiveness. The designated member of staff responsible will provide an annual report to the WTGB and interim reports on request.