

The Leek Federation



Procedure for Temporary Exclusions

Background

The temporary exclusion of one of our students is a formal legal process and it is incumbent on the myself, and in our own best interests, to ensure its management is correct and beyond reproach. The law in this area is constantly being tested and hence subject to regular re interpretation and the creation of a new precedent.

As Executive Principal I must ensure that we are familiar with the policies and procedures drawn up by Staffordshire Local Authority or the Governing Body and that all elements are strictly adhered to.

Aims

This document is designed to:

- Provide us with general advice and guidelines on the key issues and procedures involved in the temporary exclusion of students from The Leek Federation schools.
- The resolution of such exclusions and the way forward following both a successful and an unsuccessful resolution meeting.

Key Principles

The power to temporarily exclude students is devolved to the substantive Headteacher from the Director of Education. Although the advice of the Assistant Heads will always be sought regarding temporary exclusions, the ultimate decision to do so resides with the Substantive Head. The Federation's behaviour management policy should indicate clearly how temporary exclusion is to be used within the context of all other strategies.

Article 28 of the UN Convention on the Rights of the Child states that "*Parties shall take appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity*". With this in mind the key principles underpinning any exclusion from any of our schools should be:

- It is the substantive Head teacher's opinion that the parent or the student refuses or fails to comply, or to allow the student to comply, with the rules, regulations or disciplining requirements of the school.
- The substantive Head teacher considers that in all the circumstances to allow the student to continue his/her attendance at the school would be likely to be seriously detrimental to the order and the discipline of the school or the educational well-being of the students there.

Procedures

Having made the decision to impose a temporary exclusion from school, the substantive Headteacher must ensure that the procedures set out by the Local Authority are followed meticulously. The student and/or the parent may exercise their right of appeal and it will not reflect well on either the Headteacher or the school if a temporary exclusion is overturned on account of failure to follow set procedures. Appeals are also expensive of time and sapping of energy. These procedures are for guidance and must not be substituted for the Local Authority or own school policy.

The Day of Exclusion

The young person must be informed that he/she is being excluded and given an explanation of why this is being done. It would be wise for us to take the following into account.

- No student under the age of sixteen should be excluded from school until the end of the school day unless he/she can be delivered directly into the care of the parent/carer.
- Every attempt should be made to contact parent/carer by telephone with the details of a temporary exclusion before the young person is released from the school.
- In case of young people over sixteen while the schools are not under statutory obligation to contact/inform the parents it is usually best to do so.
- Parents/carers should be informed of the full details and offered a date to resolve the exclusion in a letter sent by first class post on the day of the exclusion.

This is a fairly standard procedure across the Local Authority.

Resolving the exclusion

Preparation

The meeting to resolve a temporary exclusion has the potential to be the most testing and stressful part of the process for us. We should give careful thought beforehand as to how the meeting will be structured, who will be present and what each party will contribute. The Headteacher, or my nominated representative, must chair, and be seen to chair, the meeting with rigour, empathy and fairness to all present.

While it is best to keep the number of people at the meeting to a minimum we must ensure that the person involved in investigating the incident resulting in the temporary exclusion is there to present the school's case and answer questions of fact related to that. Should we wish to discuss a way forward in supporting the young person then we should have their Pastoral Head present.

Article 12 of the UN Convention on the Child states

"The child shall in particular be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child"

It is therefore important that the young person cannot be excluded from any part of the resolution meeting unless he/she expresses the wish to be so. The parent/carer of children under the age of sixteen should attend the meeting although other relatives may attend in their place. Parents may be accompanied by a support/advocate but it is important that any such person makes his/her role clear at the outset of the meeting. If a parent is to be accompanied by a legal representative I intend to seek immediate guidance from the Authority before proceeding.

The Resolution Meeting

It is best that we follow a set approach to resolution.

- Welcome the parents to the meeting
- Explain the function of the meeting and the anticipated outcome – to discuss the events leading to temporary exclusion and to seek a way of resolving it.
- Explain the right of appeal which parents and or the student has in regard of the exclusion.
- Ask colleagues to introduce themselves and explain their role in the meeting.
- Explain the school's side of the story.
- Seek the student's and parent/s view of events.
- Seek agreement as to a common understanding of events.

It is at this point that the process is in greatest danger of grinding to a halt in that if students/parents are unwilling to accept our version of events, and hence accept responsibility for the wrong doing which led to exclusion, then it is impossible for him/her to accept and agree to work towards a set of targets designed to promote good behaviour.

If a common understanding is reached we will

- Agree targets with student and parent.
- Agree support that will be put in place by the school; the use of the school counsellor will be crucial in helping the young person to reach their targets.
- Identify the monitoring system to be put in place by the school and lines of communication with the parent.

If a common understanding cannot be reached and the temporary exclusion cannot be resolved.

- Adjourn the meeting, ask the parents and student to take time to reconsider, and arrange a date to reconvene.
- Advise the parent of the procedures to lodge an appeal.

Depending on the circumstances we may wish to readmit the student pending the outcome of the appeal or refuse to readmit until after the appeal hearing. In the latter event I have an obligation to consult with Local Authority. In all events it is important to keep dated notes of all discussions in that they may be crucial in future discussions/hearing.

The Appeal

Not all temporary exclusions are successfully resolved at school level and some will involve the substantive Head teacher in the Appeals process. All of this procedure is a lengthy and time consuming business for Senior staff but the good behaviour of our students is of paramount importance if we are to provide a quality learning experience for our students and a decent working environment for all our staff. Working with adolescents is never easy and our schools have a successful record of helping all of our young people to cope with the twin pressures of growing up and trying to be successful at school; in a majority of cases we succeed with the most difficult of students. We will not hesitate, however, to use our power to exclude students if we consider that the offence is serious enough to warrant it.

ADOPTED BY THE GOVERNORS ON: February 2015

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