

Liverpool College

Exclusion Policy



Mission Statement

Liverpool College values the dignity of each individual and promotes the development of character and learning through a commitment to high standards within a caring community.

Core Values

We recognise that all pupils have different talents and strive to ensure that every pupil has an equal opportunity to find and develop the talents they do possess

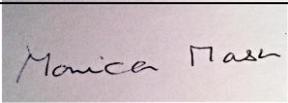
We believe that the development of character, creativity, intellect and spirituality, are the primary aims of education.

We work together to create a happy and caring school community which is engaged in our local community and the wider world

We pursue high standards in every area of school life

This is a whole college policy and applies the Primary and Secondary Phase as well as Boarding, Breakfast Club and after school activities



Approved Date	16 th May 2019		
Review Date	16 th May 2021		
Signed Principal		Print name	Mr H Broekman
Signed Governor		Print name	Mrs M Mason

Liverpool College Exclusion Policy

Introduction

The Governors of Liverpool College, with regard to the Mission Statement, consider that the use of the Principal's power to exclude from school can be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate. Within these limits they support the Principal in using his/her discretion in the exercise of these powers.

Any decision of the College including exclusion, must be made in line with the principles of administrative law and it is lawful with respect to the legislation relating directly to exclusions and schools wider legal duties, including the European convention of Human Rights and the Equality Act 2010); decisions must be 'rational, reasonable, fair and proportionate'.

This policy is a whole college policy and applies to the Primary and Secondary Phase as well as Boarding, Breakfast Club and after school activities

Aims

The Governing Body aims:

- to give appropriate support to the Principal in exclusion issues
- to use its best endeavours to ensure that the College does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour
- to ensure that exclusion is used appropriately within the framework of the College behaviour policy
- to discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded pupils.

The Decision to Exclude

Pupils will **only be excluded** in cases of a serious breach or persistent breaches of the College behaviour policy, other related policies **and** if the continued presence of the pupil in the school would seriously damage the education or the welfare of other pupils or staff. It will be used as a last resort.

Only the Principal, or Vice Principal should the Principal be absent, can exclude a pupil.

Before deciding to exclude a pupil the Principal will:

- ensure that an appropriate investigation has been conducted
- ensure that all the relevant evidence has been considered
- give the pupil an opportunity to be heard
- consult other relevant people if necessary.

The decision to exclude must be lawful reasonable and fair. Having considered the above matters the Principal will make a decision based on evidence and on the balance of probability, having regard to current legal guidance. If **the balance of probabilities has been established**, the pupil may be excluded. The school will not resort to unofficial exclusions.

Exclusion is inappropriate in cases of:

- minor breaches of discipline
- poor academic performance
- truancy or lateness
- pregnancy

- non-compliance with uniform regulations
- in response to the (unacceptable) behaviour/attitude/conduct of a pupil's parents.

Alternatives to Exclusion

The College will consider possible alternatives to exclusion as we are fully aware of the serious consequences once a pupil has been excluded.

These may include:

- a restorative justice process
- a multi-agency assessment of unmet needs
- internal exclusion
- a managed move to another school.

Categories of Exclusion

Exclusions can either be for a fixed term or permanent. Indefinite exclusions are not permissible by law.

Fixed Term Exclusions

The Principal is permitted to exclude a pupil for one or more **fixed-term periods not exceeding 45 school days in any one school year**. The length of the exclusion will be proportionate to the gravity of the offence.

The school will continue to provide education for an excluded pupil up to five days (whilst he/she remains on roll). The Principal in consultation with the relevant members of staff will consider the following:

- how the pupil's education will continue
- how his/her problems might be addressed in the interim
- reintegration post-exclusion.

For a fixed-period exclusion of more than five school days, the College must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a pupil receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a pupil has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

Boarding students are required to go to their guardians during the period of a fixed term exclusion.

Permanent Exclusion

A decision to exclude a pupil permanently, as befitting its gravity, will only be taken as **a last resort** when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or if an **exceptionally grave offence has been committed**. Permanent Exclusion will be reserved for offences that will have a seriously damaging effect on the life of the school, the well-being of other pupils or of staff or seriously and persistently interfere with teaching and learning in the school. This can include but is not limited by:

- serious actual or threatened violence which creates fear and anxiety among staff or pupils
- sexual abuse or assault
- possession of an offensive weapon or item on the school site *
- dealing in or possession of drugs on or near the school site or during or related to any school activity
- use of alcohol or drugs on or near the school site or during or related to any school activity

- persistent defiance of school authority or disruption of teaching and learning, after ensuring that individual needs have been met
- persistent bullying or serious bullying, harassment or abuse (as above).

* *The school site includes the Boarding Halls.*

Modifying an Exclusion

An exclusion may be extended or made permanent where:

- it was necessary to exclude the pupil in order to complete the investigation freely. If new evidence has come to light, an excluded pupil/student will always be given the opportunity to respond to it before the exclusion is extended or made permanent
- the pupil has also been reported to the police and the result of that investigation provides additional evidence to the school.

Investigation

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this.
- Witness statements will be recorded, signed and dated.
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld. All parties must recognise that less reliance can be placed on anonymised statements.
- The person accused of any offence will be given the opportunity to give his/her own version of events and respond to statements made by others. It is not necessary that there is a face-to-face confrontation.
- All relevant evidence from the investigation will be collated and filed.

Informing

The Principal will inform parents without delay, preferably by telephone (but may also be by email), with a follow-up letter within one school day, and will provide the following information:

- in cases of fixed-term exclusions, the **length of the exclusion**
- in cases of permanent exclusion, that **it is a permanent exclusion**
- the **reasons for the exclusion**
- their **right to make representations** to the Governing Body
- the **name of the person** to be contacted, if they wish to make representations

The letter to parents will also state:

- where legally required to consider an exclusion, the latest date by which the Governing Body discipline committee must meet to consider the case
- the **parent's right of access to the pupil's school record**
- the **date and time when the pupil should return to school** (with a fixed-term exclusion)
- with a permanent exclusion, its immediate effect and any relevant previous history
- arrangements for the setting and marking of work (it is the **parent's responsibility to ensure that work sent home is completed and returned to school**).

The Principal will inform the Clerk to the Governors (who will immediately communicate with the Disciplinary Committee) and the local authority within one school day of:

- permanent exclusions
- exclusions totalling **more than 5 school days (or 10 lunch-times)** per term
- exclusions necessitating a pupil missing a public examination

The Principal must inform the Clerk and local authority of fixed-term exclusions amounting to **5 or fewer school days or 10 or fewer lunch-times (or half days) in total per term on a termly basis.**

The Principal must include the following in his/her exclusion report:

- the name of the pupil
- the duration of the exclusion
- the reason(s) for the exclusion
- the pupil's age, gender and ethnicity
- whether the pupil is statemented/has an EHCP or has SEN support
- whether he/she is in local authority care.

Work for Excluded Pupils

Members of staff who teach excluded pupils will provide work for these pupils to do at home (or at the home of the guardian in the case of boarding students) and make it available as instructed by the Head of House responsible for those pupil/students in the Secondary Phase. In the Primary Phase work will be provided as instructed by the Head of School.

Governing Body Disciplinary Committee

The Governing Body will appoint a disciplinary committee at the beginning of each academic year, and appoint a chair and a clerk.

A flowchart setting out the procedure for review of exclusions is set out in **Appendix A.**

When the Disciplinary Committee meets to review an exclusion, the clerk or chair must

- request any written evidence in advance of the meeting from all parties (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN)
- where possible, circulate any such written evidence and a list of those due to attend to all interested parties at least five school days in advance of the meeting.

The meeting should be conducted in accordance with the principles set out in government guidelines. The parent may be accompanied by a friend or a legal representative. In the case of boarding students, the parents may request that the student's guardian attend in their place. The excluded pupil would usually be allowed to attend and to speak if the parent requests this. A pupil aged 18 or over is allowed to attend and to make representations in his/her own right.

The Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (i.e., its decision remains valid even if it was made out of time).

After due consideration of all the facts they consider relevant, the Committee will reach a decision on the appeal and may make recommendations, including reinstatement, which it shall complete within three working days of the meeting. The Committee will write to the parents and Principal informing them of its decision and the reasons for it.

In the case of permanent exclusions where the committee has decided not to reinstate the pupil, parents have the right to ask for the decision of the Disciplinary Committee to be reviewed by an independent review panel.

Reintegration

Pupils returning to school after exclusion will be subject to a reintegration meeting organised by the appropriate Head of School (Primary Phase) or Head of Guidance/Head of Sixth Form and/or Head of Boarding (Secondary Phase). This will normally involve the parents (or guardians in the case of boarding pupils) and the relevant Senior Leader.

Off-site Behaviour

In certain circumstances, at the discretion of the Principal, the College will treat poor behaviour off-site as though it occurred on the premises.

Equal Opportunities

The College acknowledges the requirement to act in a non-discriminatory manner. In making decisions about exclusion the Principal and disciplinary committee will take into account any special educational needs and any protected characteristics such as disabilities, gender, and cultural differences that may be relevant to the case. The Principal will consider the advice in published codes of practice.

Monitoring and Review

The Principal will report at least annually on the number and type of exclusions and their outcome to the governing body.

The Chair of the Discipline Committee will review the working of this policy, make an annual report to the Governing Body, and make recommendations as necessary.

Related Policies

CP02 Anti-Bullying
HS05 Drug Education and Prevention
PD07 Behaviour Management
EO02 Equal opportunities

References

Regulations:

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

Guidance from the DfE:

Statutory Guidance and Regulations on exclusion from September 2017

Appendix A

REVIEW OF EXCLUSIONS BY DISCIPLINARY COMMITTEE (DC) OF THE GOVERNING BODY

LENGTH OF EXCLUSION	WILL THE DC AUTOMATICALLY REVIEW THE EXCLUSION?	CAN THE PARENT MAKE WRITTEN REPRESENTATIONS TO THE DC?	CAN THE PARENT MEET WITH THE DC AND MAKE REPRESENTATIONS IN PERSON?	TIME LIMIT	OUTCOME OF THE MEETING	
					DISCIPLINE COMMITTEE HAS POWER TO:	DISCIPLINE COMMITTEE DOES NOT HAVE POWER TO:
Total 5 school days or less in one term	NO The DC will not automatically review the exclusion.	YES The DC must consider any of the parent's written points about the exclusion.	MAYBE DC can agree to meet with the parent if the parent requests this, but they do not have to.	No time limit for the meeting but DC should consider responding promptly.	<ul style="list-style-type: none"> ■ Decide whether or not the Principal was justified in excluding the pupil and note their views on the pupil's record. ■ Include copies of other relevant papers on the pupil's record, e.g. the pupil's version of the incident or the parent's statement. 	<ul style="list-style-type: none"> ■ Reinstate the pupil. ■ Erase the exclusion from the pupil's record.
Total 5½ - 15 school days in one term *An educational provision must be provided on day 6	NO The DC will not automatically review the exclusion. But they must meet if the parent requests it, even if the parent does not attend.	YES The DC must consider any of the parents written points about the exclusion.	YES But the parent has to request a meeting with the DC.	The DC must meet within 50 school days after they receive the parent's request.	<ul style="list-style-type: none"> ■ Decide whether or not the Principal was justified in excluding the pupil and note this on their school record. ■ Consider whether the Principal followed the guidance. ■ Reinstate the pupil immediately or by a particular date. 	<ul style="list-style-type: none"> ■ Erase the exclusion from the pupil's record. ■ Change the severity of the exclusion.
Total 15½ school days or more in one term	YES the DC will automatically review the exclusion.	YES The DC must consider any of the parent's written points about the exclusion.	YES The DC must invite the parent to their meeting.	The meeting must be held no later than 15 school days after the DC receive information about the exclusion from the Principal. The Principal should inform the DC of the exclusion within one school day.	<ul style="list-style-type: none"> ■ Decide whether or not the Principal was justified in excluding the pupil and note this on their school record. ■ Consider whether the Principal followed the guidance. ■ Reinstate the pupil immediately or by a particular date. 	<ul style="list-style-type: none"> ■ Erase the exclusion from the pupil's record. ■ Change the severity of the exclusion.
Permanent exclusion	YES The DC will automatically review the exclusion.	YES The DC must consider any of the parent's written points about the exclusion.	YES The DC must invite the parent to their meeting.	The meeting must be held no later than 15 school days after the DC receive information about the exclusion from the Principal. The Principal should inform the DC of the exclusion within one school day.	<ul style="list-style-type: none"> ■ Decide whether or not the Principal was justified in excluding the pupil and note this on their school record. ■ Consider whether the Principal followed the guidance. ■ Reinstate the pupil immediately or by a particular date. 	<ul style="list-style-type: none"> ■ Erase the exclusion from the pupil's record. ■ Change the severity of the exclusion.
Any exclusion which will result in the pupil missing a public exam or national curriculum test	YES The DC will automatically review the exclusion.	YES The DC must consider any of the parent's written points about the exclusion.	YES The DC or the Chair must invite the parent to their meeting / review.	The meeting should be before the date of the exam . If this is not possible, the Chair of Governors can review the exclusion alone.	<ul style="list-style-type: none"> ■ Decide whether or not the Principal was justified in excluding the pupil and note this on their school record. ■ Consider whether the Principal followed the guidance. ■ Reinstate the pupil immediately or by a particular date. ■ Allow the pupil into school just to take the exam. 	<ul style="list-style-type: none"> ■ Erase the exclusion from the pupil's record. ■ Change the severity of the exclusion.