



## EXCLUSION POLICY

### 1. AIMS

VLC aims to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by governors, staff, parents and pupils.
- Pupils in school are safe and happy.
- Pupils do not become NEET (not in education, employment or training).

### 2. AGREEING TO BE PART OF VLC DURING OUR INDUCTION PROCESS:

Our induction processes enable commissioners, parents and students to be familiar with the expectations of students at VLC.

During this process, our value of “belonging” will be an important part of the discussion. Pupils must choose and decide to come to VLC. To agree to belong to VLC is also to agree to follow our rules. These rules are displayed clearly in all centres.

Everyone at VLC must choose to behave safely. More details can be found in our Relationships and Praise Policy.

### 3. IF A STUDENT'S BEHAVIOUR IS UNSAFE:

A student can choose to behave in an unsafe way which means that for the benefit of the whole VLC community, this needs to be addressed. For this process, please see our Relationships and Praise Policy, which involves the Regulate, Relate and Reason/Reflect Steps.

If the safety of the centre is at immediate risk, we will act in accordance with our Maintaining a Safe Environment Policy.

Incident Forms will be completed and sent to commissioners and other appropriate professionals (such as Social Workers). Incidents are always followed by a restorative meeting, the outcomes of which are recorded on the student ILP.

The aim is always to help students to find strategies of self-regulation and reflection to keep their behaviours safe.

### **3.1 THE DECISION TO EXCLUDE FULL TIME STUDENTS ON VLC ROLL:**

Only the Principal, or in the absence of the Principal The Deputy Principal, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

We are committed to following all exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's Relationship and Praise policy, where restorative meetings cannot find an answer to help a pupil keep themselves and others at VLC safe.
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.
- Parental or commissioner breach of contract with VLC.
- Parents causing serious or repeating nuisance on VLC premises.
- Serious disagreement (on the part of parents, pupils or commissioners) with, or contravention of, the school's policies on social inclusion, diversity or equality.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider if the pupil has special educational needs (SEN).

### **3.2 THE DECISION TO EXCLUDE PART-TIME STUDENTS ON ANOTHER SCHOOL'S ROLL:**

If a part-time pupil is on roll at a commissioning school, and that school deem an exclusion for any period of time is necessary, the commissioning school's Exclusion Policy will override this current policy. VLC will work alongside the school, pupil and parent/carer during this process. These exclusions will not count towards VLC's exclusion figures.

If VLC decides that a pupil's behaviour is unsafe enough to need an exclusion, VLC will discuss this with the commissioning school and advise them of this. The school will then decide the course of action and their Exclusions Policy will override VLC's.

## **4. DEFINITION**

For the purposes of exclusions, a 'school day' is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## **5. ROLES AND RESPONSIBILITIES**

## **5.1 THE PRINCIPAL**

### **Informing parents**

The Principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion;
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Information about the parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

### **Informing the governing board and the Local Authority**

The Principal will immediately notify the governing board:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Principal will notify the governing board and LA once a term.

## **5.2 THE GOVERNING BOARD**

The VLC governing board has a duty to consider the reinstatement of an excluded pupil (see section 6)

Within 14 days of receipt of a request, the governing board will provide Warwickshire Local Authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## **6. CONSIDERING THE REINSTATEMENT OF A PUPIL**

VLC governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the VLC governing board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

The VLC governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the VLC governing board will consider whether the exclusion was lawful, reasonable and procedurally fair. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The VLC governing board will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the VLC governing board decision will also include the following:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made.

- The name and address to whom an application for a review should be submitted.
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion.
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review.
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

#### **7. POLICE INVOLVEMENT:**

If there is police involvement, the Principal need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. Where the evidence is limited by a police investigation or criminal proceedings, the Principal will give particular consideration to ensuring that the decision to exclude is fair.

Where the VLC governing board is required to consider the Principal's decision in these circumstances, they cannot postpone their meeting and must decide whether or not to reinstate the pupil on the evidence available. Criminal proceedings shouldn't directly affect the decision of the review panel as to whether it should adjourn.

#### **8. AN INDEPENDENT REVIEW:**

Applications for an independent review must be made within 15 school days of notice being given to the parents by the local governing board of its decision to not reinstate a pupil. If parents apply for an independent review, VLC will arrange for an independent panel to review the decision of the local governing board not to reinstate a permanently excluded pupil. A panel of 3 members will be constituted with representatives from each of the categories below.

- A lay member to Chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time

- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of VLC, or governing board of the excluding school
- Are the principal of VLC, or have held this position in the last 5 years
- Are an employee of VLC or the governing board, (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## **9. VLC REGISTERS**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

## **10. RETURNING FROM A FIXED-TERM EXCLUSION**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- A period of reduced hours in order to give pupils and teachers opportunity to implement agreed strategies, potentially requiring advice from external specialist (see part-time timetables policy)
- The pupils will be reminded of VLC rules and values and asked to recommit to the value of belonging to our community
- Pupil targets and strategies for self-regulation will be agreed through the restorative form and the ILP will be updated
- Agreed targets will be available for students to refer to in their student box

### **11. KEEPING IN TOUCH**

When a pupil is excluded, VLC will conduct daily self and well checks for pupils.

When a pupil is excluded for a fixed period longer than two days we will conduct an Outreach visit. This will be an opportunity to discuss any pastoral and wellbeing issues, as well as any concerns about the exclusion/incident.

### **12. MONITORING ARRANGEMENTS**

The Principal monitors the number of exclusions every term. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by The Principal every 2 years. At every review, the policy will be shared with the governing board.

### **13. LINKS WITH OTHER POLICIES**

This Exclusions Policy is linked to our:

- Relationships and Praise Policy
- Maintaining a Safe Environment Policy
- SEN Policy and Information Report
- Transitions and Timetables Policy

## Appendix 1: Independent review panel training

They must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act