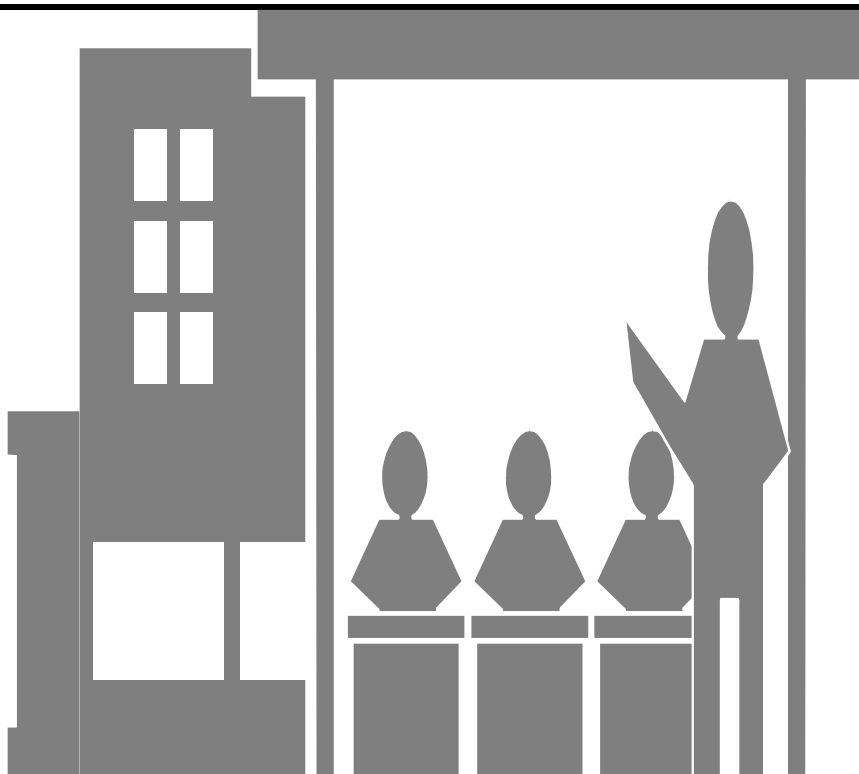


FIXED PERIOD AND LUNCHTIME EXCLUSION FROM SCHOOL



Advice for Parents/Guardians

Information for Headteachers/Teacher in Charge of the PRU/Governors.

VALE OF GLAMORGAN COUNCIL

INTRODUCTION

This booklet contains advice for Parents/Guardians and information for Headteachers, Teacher in Charge of the PRU and Governors, for pupils who have been excluded from Local Authority County, Controlled, Voluntary Aided, Foundation and Special Schools.

References in this booklet to school and Headteacher should also be read to mean the PRU and the Teacher in Charge of the PRU.

It is important to note that the Education Act 2002 states that all professional parties must by law have regard to the guidance contained in Circular 1/2004.

Procedures apply to all schools and the PRU in the Vale of Glamorgan and include pupils above and below compulsory school age.

This guide is not exhaustive and it is recommended that circular 1/2004 is consulted.

Independent advice can be sought from:-

The Advisory Centre for Education (ACE) ~ Telephone Number 020 7704 9822
Special Needs Advisory Project (SNAP) ~ Telephone Number 01446 747681

Throughout this booklet there is reference to the Education Welfare Service; an Education Welfare Officer is able to assist by offering further information and practical advice. If you wish more information about this service or if you have any queries please contact:-

Mrs J Werrett 01446 709147

EXCLUSION

Only the Headteacher has the right to exclude your child. If the Headteacher is absent, then the most senior teacher may exercise this power.

The Governing Body or its Discipline Committee must not be involved in the decision to exclude ~ it has to remain impartial in order to discharge its duty to fairly review the use of exclusion and to exercise its power to reinstate pupils when appropriate.

Your child should only be excluded:-

- in response to serious breaches of the school's behaviour policy;
and
- if allowing your child to remain in school would seriously harm the education or welfare of your child or others in the school.

Your child should not be excluded for:-

- minor incidents;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of school uniform rules or rules on appearance (including jewellery and hairstyle), except when your child persistently defies such rules and where all other avenues for resolving disputes have been exhausted;
- your behaviour e.g. should you refuse or are unable to attend a meeting.

The Headteacher can:

EXCLUDE A PUPIL FOR A FIXED PERIOD

This can be up to 45 days in 1 academic year.

OR

EXCLUDE A PUPIL AT LUNCHTIME ~ each lunchtime exclusion counts as a ¼ of a school day

OR

EXCLUDE A PUPIL PERMANENTLY

The Headteacher must report exclusions to the Governing Body and the LEA.

The Education Welfare Officer will be informed and, if you wish, can contact you to discuss the situation in more detail.

The information in this booklet relates to:-

FIXED PERIOD and LUNCHTIME EXCLUSION

There is a separate booklet for Permanent Exclusion.

THE ROLE OF THE HEADTEACHER

The Headteacher should:-

- not exclude in the heat of the moment;
- ensure that an appropriate investigation has been carried out;
- consider all the evidence taking account of the school's behaviour policy/equal opportunities policy and where appropriate the Race Relations Act and the Disability Discrimination Act;
- allow your child to give his/her version of events;
- check if the incident may have been provoked, for example by bullying or by racial or sexual harassment;
- consult others if necessary but not a member of the Governing Body's Discipline Committee;
- consider if allowing your child to remain in school would be seriously detrimental to the education or welfare of your child or others in the school;
- have exhausted all strategies available to the school e.g use of:-
 - a Pastoral Support programme (PSPs) ~ this is a plan drawn up using a multi-agency approach to assist your child to better manage their behaviour;
 - a restorative justice process ~ this would provide the opportunity, if appropriate, for your child to redress the harm that has been done to a victim;
 - internal exclusion ~ your child may be removed from lessons in order to diffuse a situation ~ this should be short term measure;
 - a managed move ~ consideration may be given to moving your child to another school ~ this would only be done with your agreement and the assistance of the LEA. It should be noted that this strategy would rarely be used in the Vale of Glamorgan as it is extremely difficult to arrange transfers particularly at secondary level. **You should never be pressured into removing your child from school.**

OTHER RELEVANT ISSUES

Lunchtime Exclusions

- If your child's behaviour is particularly difficult at lunchtimes, it is possible, through discussion with the Headteacher and your agreement for your child to go home for lunch;

If this is not feasible,

- The Headteacher may exclude for the lunch period, placing the legal responsibility back to you;
- Lunchtimes exclusions should be a short term measure only, with regular review of whether it continues to be an appropriate approach;
- The Headteacher will let you know of the duration and the arrangements for providing a free school meal if your child is entitled to one.

Behaviour Outside School

- On school business ~ your child's behaviour will be subject to the school's behaviour policy and treated as though it had happened on school premises;
- Not on school business ~ your child could be excluded if there is a clear link between his/her behaviour and maintaining good behaviour and discipline in the school.

Voluntary Withdrawals

- The National Assembly does not believe that influencing or encouraging parents to voluntarily withdraw their child is an appropriate response to deal with troublesome behaviour;
- Being asked to keep your child at home pending an appointment with the Headteacher is an exclusion and should follow the exclusion procedures;
- Unofficial exclusions are illegal.

Setting and Marking of work

- In all cases of more than a days exclusion, the school should provide work, it is your responsibility to ensure that work sent home is completed and returned for marking;
- The Governing Body is responsible for ensuring that the school complies with these requirements.

WHEN YOUR CHILD HAS BEEN EXCLUDED

The Headteacher has to make contact with the relevant person which means:-

- yourself if your child is aged 10 or below;
- yourself and your child if your child is 11 or above;
- your child if over compulsory school age.

The Headteacher will make contact with you (by phone if possible) and will also write to you and/or your child within 1 school day; letters must confirm:-

- the precise period of your child's exclusion;
- the reasons for his/her exclusion;
- yours and/or your child's rights to make representations to the Governing Body's Discipline Committee, in the case of exclusions from the PRU representations are made to the LEA;
- the person to be contacted to make representations.

Letters should also confirm:-

- the latest date by which the Discipline Committee must meet to consider representations;
- that you have the right to see and have a copy of your child's educational record upon written request to the school;
- the date and time when your child should return to school;
- the arrangements for enabling your child to continue their education, including the setting and marking of work;
- details of a contact at the LEA who can provide advice;
- the telephone number for the Advisory Centre for Education (ACE) helpline (020 7704 9822).

DISCIPLINE COMMITTEE RESPONSIBILITIES

The Governing Body should establish a Discipline Committee of at least 3 Governors. The role of the Committee is to review the use of exclusions within the school. **For exclusions from the PRU the LEA is the responsible body and will follow the procedures set out below.**

The Discipline Committee must for exclusions:-

- totalling 5 school days or less in any one term, consider any representations made by you and/or your child. The Discipline Committee cannot direct reinstatement but can put a record of their considerations on your child's educational record;
- totalling 5 but not more than 15 school days in any one term, arrange to meet if you and/or your child request ~ the meeting has to be arranged between the 6th and 50th school day from the date of the exclusion. The Discipline Committee may direct reinstatement;
- totalling more than 15 school days in any one term, meet between the 6th and 15th school day from the date of exclusion. You and/or your child will be invited to attend. The Discipline Committee may direct reinstatement.

Once the exclusion has exceeded 15 school days the Discipline Committee must meet again to consider each subsequent exclusion in the same term. You and/or your child will be invited to attend any subsequent meetings.

If an exclusion would result in the pupil missing a public examination the Discipline Committee should try to meet before the examination.

THE MEETING WITH GOVERNORS

The Clerk to the Discipline Committee will notify you and/or your child of the meeting date, circulate any written statements and provide a list of those who will be present at the meeting.

In the case of short fixed period exclusions your child may have returned to school before the meeting is arranged. The meeting can still be held as it will give an opportunity for everyone to discuss the reasons for the exclusion and explore ways forward.

The panel will hear the reasons for the Headteacher's decision and then listen to your views and/or your child's views.

To help you put forward your views, you and/or your child may bring a friend or a legal representative.

WHAT HAPPENS AT THE MEETING

The Discipline Committee is not a court of law but serves as a structured approach to ensure fairness and consistency.

The Discipline Committee should consider:-

- any representations made by you and/or your child;
- whether the Headteacher has complied with the exclusion procedure and has had regard to the National Assembly's guidance (Circular 1/2004) before excluding your child;
- appropriate school policies, including the school's published behaviour policy, equal opportunities policy, anti-bullying policy, special educational needs policy and race equality policy.

The Chairman will:-

- introduce her/himself and explain the reason for the meeting and the basic procedures;
- offer to stop at any time to clarify any points;
- ask the Headteacher to outline the reasons for the exclusion decision;
- offer you and/or your child (or a representative) an opportunity to ask questions of the Headteacher;
- offer Governors the opportunity to ask questions of the Headteacher;
- ask you and/or your child (or a representative) to make any representations you may wish to offer;
- offer the Headteacher the opportunity to ask questions of you and/or your child (or representative);
- offer all Governors the opportunity to ask questions of you and/or your child (or representative);
- ask the LEA, if in attendance, for any observations or comments;
- offer both parties the opportunity to sum up.

WHAT HAPPENS AFTER THE MEETING

The Discipline Committee must notify you and/or your child and the LEA of their decision within one school day of the date of the hearing, giving reasons for their decision.

Where reinstatement is directed the Committee may not attach conditions to the reinstatement.

A note of the Discipline Committee's views on the exclusion should be placed on your child's record along with a copy of the Headteacher's exclusion letter and other relevant papers.

EXTENDING THE FIXED PERIOD EXCLUSION

In exceptional cases ~ usually where further evidence has come to light ~ a fixed period exclusion may be extended for a further period not exceeding **45 school days** or converted to a permanent exclusion.

In such cases the Headteacher must write to you and/or your child explaining the reasons for the change.

RELEVANT LEGISLATION

Education Act 2002

National Assembly Circular 1/2004 ~ Exclusion from Schools and PRUs

The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003

The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003

Race Relations Act 1976 (amended 2000)

Sex Discrimination Act 1976

Disability Discrimination Act 2001

Human Rights Act 1998

Education (Pupil Records) (Wales) Regulations 2001