

Christ Church New Malden - Parent's Guide to Exclusion

At Christ Church, we believe every child should be enabled to flourish and become the people God made us to be. Our school provides a calm, peaceful environment for learning. To achieve this we have clear expectations around positive everyday interactions and living well together, based upon our Golden Rules. Rules are clear and reasonable, reinforced through praise and reward, and sanctions, where necessary, are proportionate and help pupils to reflect and avoid difficulty in future.

We recognise that reconciliation, with forgiveness at its core, is key to Christian teaching. Restorative practices, whether more formal restorative justice meetings, or incidental constructive discussions, can prove powerful in repairing harm. However, at times we are left with no choice but to take decisive action in relation to pupil discipline, which includes exclusions.

What is an exclusion?

This is a disciplinary measure which the head teacher of a school can use to deal with incidents of poor behaviour. There are two types of exclusion:

- Fixed period – a pupil can be excluded for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year and a date is given for a return to school.
- Permanent – this is where the school feel that the incident(s) was so serious that the pupil should not return to school.

An indefinite exclusion is not lawful, nor can a pupil be sent home “to cool off”.

Who has the power to exclude a pupil?

Only the Head Teacher, or designated senior teacher in the head's absence, has the right to exclude a pupil.

What can a pupil be excluded for?

Each school has a behaviour policy/code of conduct. Where a pupil's behaviour consistently falls below what is expected then it is reasonable to expect the head teacher to consider a fixed period exclusion.

Such behaviour could include:

- Persistent disruption of lessons
- Serious bullying
- Verbal or physical abuse of staff
- Theft

If behaviour problems persist, or a serious 'one off' incident occurs, then the Head Teacher may consider a permanent exclusion. This may be for:

- Serious actual or threatened violence
- Sexual abuse or assault

- Supplying an illegal drug
- Carrying an offensive weapon

How will I be notified if my child is excluded?

The school will try and contact you immediately by telephone. The Head Teacher will also write to you to fully explain his/her decision that will include what your child has done to warrant being excluded.

What happens to my child's education whilst excluded?

If the exclusion is for 5 school days or fewer, work will be provided for your child to complete at home. You may have to collect the package of work from the school.

If the exclusion is for more than 5 school days then the school will arrange full-time education from the sixth day of the exclusion. This might be at an alternative venue than your child's school.

Who is responsible for my child during a fixed period exclusion?

During the first 5 days on an exclusion, the parent is responsible for the whereabouts and wellbeing of their child. The law states that an excluded pupil should not be in a public place during school hours on any day when excluded without 'reasonable justification'. If your child is found in such circumstances then you will be liable to a fixed penalty notice fine of £100.

What is 'reasonable justification'?

A medical emergency could be considered as reasonable justification for your child being in a public place during school hours whilst excluded. Going to the shops to buy food or clothes, for example, would likely not be reasonable justification.

What will happen when my child returns to school?

On return to school, a member of the senior leadership team will meet with the child concerned (and if possible their parent), to review the best way of settling the child back into school, learning from the experience and avoiding future reoccurrences of poor behaviour. It will also consider any opportunities for reconciliation between the child and their peers or other adults.

What if I feel the exclusion was undeserved?

You have the right to make representations about the exclusion, which is to put your views, to the governing body whose job it is to review certain exclusions.

What if I feel the exclusion relates to my child's disability and that discrimination has occurred?

You can apply to the First-tier Tribunal (Special Educational Needs and Disability) to hear cases of alleged disability discrimination <http://www.justice.gov.uk/tribunals/send/appeals/ddc>

- Phone: 01325 392760
- Email: SENDISTQUERIES@hmcts.gsi.gov.uk

In addition you can apply to a County Court to hear other cases of discrimination under the Equality Act 2010.

How do I make representations?

You should write to the Clerk to the Governing Body, ideally within 5 days of being notified of the exclusion setting out your views about the exclusion.

- If an exclusion is for less than 5 school days, the governing body must consider any representations that are made about an exclusion.
- For any exclusion between 6 and 15 school days the governing body must hold a meeting if you request one. This must take place within 50 school days of receiving notice of the exclusion.
- For an exclusion of more than 15 school days (singular or cumulative in a term), or a permanent exclusion, the governing body must meet to consider the decision of the head teacher regardless of whether the parent wishes to make representations. This must take place within 15 school days of receiving notice of the exclusion.

Where the governing body does meet you will be invited to attend.

What will happen at the governing body meeting?

The meeting (which may be called a Discipline Committee hearing) will normally involve 3 governors who have had no role in the initial decision to exclude your child. They will hear your views and decide whether to uphold the head teacher's decision to exclude.

The meeting will also include the head teacher and possibly another member of staff who was closely involved in the incident(s) which led up to the exclusion. You may wish to bring, or send, a friend or representative to help give your views.

The meeting will be as informal as possible.

The head teacher will be invited to describe the events leading up to the exclusion and explain why the sanction was considered necessary. In the case of a permanent exclusion, why a lesser sanction was not considered sufficient. You and the governors will then be able to ask questions.

You will then be invited to put your views. The governors and head teacher may want to ask you questions based on what you say

At the end of the meeting the governors will consider their decision in private. The governors may decide to:

- Uphold the head teacher's decision to exclude (for a fixed period or permanently)
- Direct the reinstatement of the pupil (in the case of longer fixed term or permanent exclusions)

In the case of short period exclusions the pupil will likely be back in school before the meeting takes place. In such cases a note from the meeting will be placed on the pupil's file.

You will be notified of the decision in writing.