

# Oakwood Infant and Nursery School



## Discipline and Exclusions

### Terms of Reference

### Discipline (Exclusions) Committee

**(OAK084/11/2021)**

#### *School Mission Statement*

*At Oakwood Infant and Nursery School we provide a safe, healthy, happy and creative learning environment for everyone, through high expectations and mutual respect.*

*We are all stars, watch us shine.*

**Reviewed: 4.11.2020**

**Approved: 4.11.2020**

**To be reviewed: 4.11.2021**

© 2019 Oakwood Infant and Nursery School

*This document contains confidential information that is the property of Oakwood Infant and Nursery School. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorised to read, print, retain, copy, disseminate, distribute, or use this document or any part thereof*

# Discipline (Exclusions) Committee

## Terms of Reference

### Membership

The Pupil Discipline (Exclusions) Committee (to be known as the **Exclusions Committee**) shall consist of not less than three members of the Governing Board, none of whom shall be the Headteacher. If any governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she must step down.

### Quorum

Three

### Meetings

Committee meetings will be held as required. Clerk should be mindful when drafting minutes of the meeting that parents are entitled to see them. Confidential minutes will be circulated to members of the committee *within five school days*. Minutes should be sent to parents when requested. A verbal report, as a confidential item, will be given at the next Governing Board meeting if and when the matter has been resolved.

### Chair

The Exclusions Committee shall agree a Chair for each meeting.

### Clerking

The Clerk to the Committee must not be a governor at the school, a member of the Committee or the Headteacher.

### Decisions

Any decisions shall be made by a simple majority.

### Control and Procedure

The hearing shall be in private and minuted.

The Headteacher is statutorily responsible for determining measures to secure good behaviour. The governors have powers to draw up a written statement of general principles and to provide specific guidance to the Headteacher on particular

disciplinary matters. The Headteacher is responsible for putting any general principles set out by the governors into practice and for dealing with individual cases.

The use of corporal punishment is forbidden.

## Exclusions Guidance

The Headteacher is the only person with the power to exclude a pupil from the school. In his/her absence, the acting Headteacher has the right to exclude a pupil from school. A pupil may not be excluded for an indefinite period; exclusion must be for a fixed term or permanent.

1. The Headteacher must adhere to the following:

- a) where he/she excludes a pupil the parent (or student if aged 18 or over) must be informed immediately and this must be followed by a letter (using the recommended format) on the same day as the exclusion
- b) in exceptional cases, usually where further evidence has come to light, the Headteacher may issue a permanent exclusion following a fixed period exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change.
- c) the Committee and the appropriate Local Authority must be informed immediately of:
  - a permanent exclusion
  - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes in any one term)
  - exclusions which would result in the pupil missing a public examination
- d) for all other exclusions the Headteacher must notify the Governing Board and the Local Authority once a term

2. The Exclusions Committee:

- a) must, in the case of one or more **fixed period** exclusions totalling five school days or less in any one term, consider any representations from the parent (or pupil if aged 18 or over). In this instance the Committee cannot direct reinstatement.
- b) must in the case of one or more **fixed period** exclusions totalling more than five but not more than fifteen school days in any one term be informed and consider any representations from the parent (or pupil if aged 18 or over). If representations are received the Committee must convene a meeting within 50 school days after receiving the notice of the exclusion, to consider the exclusion
- c) must in the case of a **permanent exclusion**, or one or more **fixed period exclusions** (including lunchtimes) totalling more than fifteen school days in

any one term be informed and convene a meeting within 15 school days after receiving the notice of the exclusion to consider the exclusion

- d) must in the case of **any exclusion** which would result in a pupil missing a public examination be informed and convene a meeting as soon as practicable so as to consider the exclusion before the date of the examination. The Chair of Governors (or the Vice Chair if he/she is unavailable) may consider reinstatement independently if the Exclusions Committee is unable to meet before the examination date. In such cases the parents (or pupil if aged 18 or over) still have the right to make representations to the Committee. There is discretion for an excluded pupil to be allowed on the school's premises for the sole purpose of taking an examination.
- e) must invite the parent (or pupil if aged 18 or over), the Headteacher and in case of a maintained school the appropriate Local Authority to any meeting at a time (within the statutory time limit) and place convenient to all parties
- f) should allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent and invite the parents to accompany their child to the meeting)
- g) should ask for any written statements (including witness statements) and other relevant information held by the school such as those relating to pupil's SEN in advance of the meeting
- h) should circulate at least five days in advance any written statements (including witness statements) and a list of those who will be present at the meeting to all parties

The Exclusions Committee should encourage an excluded pupil to attend the meeting and speak on his/her own behalf.

Where there is a legal requirement for the Exclusions Committee to consider the exclusion, parents (or student if aged 18 or over) have a right to attend the meeting, be represented at this meeting (at their own expense) and to bring a friend.

3. The Exclusions Committee cannot increase the severity of the exclusion.

It is the duty of the Committee, where they have been informed of the permanent or fixed term exclusion of a pupil for more than fifteen days in one term:

- a) to consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated
- b) where they consider he/she should be reinstated, to give the appropriate direction to the Headteacher

c) where legally required to consider exclusion, the Exclusions Committee must notify parents, the Headteacher and the appropriate local authority of their decision and the reasons, in writing and without delay.

4. It is the duty of the Headteacher where he/she has excluded a pupil to comply with any direction for the reinstatement of the pupil given by the Exclusions Committee.

### **Permanent exclusions**

It is the duty of the Exclusions Committee to inform parents of a pupil who has been excluded permanently of their right to ask for the case to be reviewed by an Independent Review Panel (IRP).