



Policy on Exclusions

Updated October 2016

Introduction

Jordanhill School is not a local authority. The legislation which governs exclusions from local authority schools does not apply to Jordanhill School.

The School does, however, seek to adopt best practice in managing exclusions and broadly works within the terms of the guidance and advice issued to local authorities by the Scottish Government suitably translated into our context.

Within the School's overarching approach to developing relationships and positive behaviour¹, exclusion represents one specific response to unacceptable conduct.

The period of exclusion will reflect the level of misbehaviour – taking into account the context of the incident, the intent of the pupil and any other relevant factors such as recent behavioural history or mitigating factors which may apply.

A distinction is drawn between

- ♦ **Exclusion:** a time limited exclusion at the conclusion of which the pupil will return to Jordanhill School.
- ♦ **Removal from the Register:** a decision by the Rector to remove a pupil from the register of Jordanhill School which requires the young person to transfer to another school.

The normal test for exclusion is that the School

- ♦ "is of the opinion that the parent of the pupil refuses or fails to comply, or to allow the pupil to comply, with the rules, regulations or disciplinary requirements of the school"
- or
- ♦ "that in all the circumstances to allow the pupil to continue in attendance at the school would be likely to be seriously detrimental to order and discipline in the school or the educational well being of the pupils there".

¹ See 'Jordanhill A Safe School: Developing Relationships and Positive Behaviour through Restorative Practices'

1. Exclusion

1.1 The power to exclude up to a maximum of 10 days has been delegated to the Depute Rector and Head of Primary and through them to the Year Head/Stage as follows:

Up to 3 days	Depute Head Teacher or Year Head
4 to 10 days	Decision to exclude to be ratified by the Depute Rector or Head of Primary

1.2 On the day the decision to exclude is taken the parent² will be informed **orally** and/or **in writing** of the decision to exclude and a date, time and venue to meet with the appropriate member of staff to discuss the decision to exclude within **7 school days**.

1.3 On the day of the exclusion, if the parent is not available, **the pupil will be kept in school, and supervised, until the end of the normal school day**. If the pupil is 16 years or over they can be sent home immediately.

1.4 At the meeting (1.2) or **within 8 days of the exclusion** the parent or young person will normally receive written confirmation of

- ◆ the reasons for the decision to exclude
- ◆ any conditions associated with return to school
- ◆ the appeal procedure
- ◆ any other information that the school considers appropriate

Written notification is not mandatory in straightforward cases where the pupil has returned to school within 7 days and the school has been advised that the parent (or pupil²) does not intend to appeal.

1.5 There is no statutory obligation on Jordanhill School to offer support to an excluded pupil. Nevertheless, support will normally be **offered** to temporarily excluded pupils on the following basis

Period of Exclusion	Support Offered
Up to 3 days	None
4-5 days	Homework programme
6-7 days	Homework programme + 1 tutorial
8-10 days	Homework programme + 2 tutorials

The time and location of any tutorial will be at the discretion of the School and is subject to appropriate staff being available. The School will not employ external agencies to provide such services or reimburse parents for any additional support that they might arrange.

1.6 The parent and/or pupil² will be required to sign a standard written assurance prior to the pupil being readmitted.

1.7 The parent (or pupil²) has the right of appeal as set out in section 5.

² Pupils age 16 and over

If the pupil is age 16 years or over, then all correspondence will be directed to him/her personally and discussion about the exclusion held with them. Copies of the correspondence will be copied to parents where this is deemed to be appropriate.

In all normal circumstances the School will correspond with parents/guardians and involve them in any discussions.

2. Removal from the Register

- 2.1 The power to remove a pupil from the register lies with the Rector, or in his absence with his nominated representative.
- 2.2 The specific grounds for removal from the register relate to
- ◆ Physical or sexual assault on a member of staff or pupil
 - ◆ Serious incidents of drug misuse (see policy on Prevention of Drugs Misuse)
 - ◆ Possession of an offensive weapon
 - ◆ Significant or persistent misconduct
- 2.3 On the day the decision to exclude is taken the parent² will be informed **orally** and/or **in writing** and advised of a date, time and venue to meet with the Rector within **7 school days**.
- 2.4 Only in exceptional circumstances will a temporary exclusion be converted to removal from the register. This would apply where the Rector is provided with additional information to substantiate such a decision as set out in paragraph 2.2. Parents will be advised **in writing** that the matter has been referred to the Rector for further consideration.
- 2.5 The parent (or pupil²) has the right of appeal as set out in section 5.
- 2.6 In the event that a pupil is permanently removed from the register responsibility for ensuring the continuing education of the child rests with the parent. The parent is required to inform Jordanhill School of the school to which the child will transfer. In the event that this does not happen Jordanhill School will refer the matter to the Education Authority in which the child is resident for further action.

In the case of a young person over 16 there is no compulsion to continue in school education.

3. Assurance of Cooperation

- 3.1 At the exclusion interview with the parent(s) (1.2) the parent and pupil² may be asked to sign a standard assurance of cooperation as to the child's future conduct.
- 3.2 If in the course of the exclusion interview there is mutual agreement to modify the terms of any exclusion letter, then such amendments will be noted.
- 3.3 The Assurance of Cooperation Form should be signed by the parent (or young person if over 16) and by the School's representative. The form will be entered in the pupil's file. A copy will be given to the parent (or young person) on request.
- 3.4 If the parent or young person fails to agree to attend an exclusion interview or refuses to sign the written assurance, then the matter will be referred to the Rector or his nominee. If the agreement is then signed, the pupil will return to school immediately.
- 3.5 If the parent or young person continues to refuse to attend an interview or to provide appropriate assurances as to future conduct, then they will be deemed to have withdrawn the child (or themselves) from the School and the pupil's name will be removed from the register.
- 3.6 The standard written assurance is regarded by the School as evidence of the parent's commitment (or the young person's own commitment) to working in partnership with the School to ensure the good behaviour of the pupil.

- 3.7 An appeal against exclusion does not constitute grounds for refusing to sign an Assurance of Cooperation Form. In the event that an appeal is successful in whole or in part the form will be withdrawn from the pupil's record or amended as appropriate.
- 3.8 Until an exclusion has been concluded in terms of the above procedures, the pupil will be deemed to be trespassing should they enter school premises or grounds.

4. Purpose of Exclusions

Exclusions generally have purposes beyond simply disciplining a pupil

- Effecting a positive change in learner behaviour or recognition of harmful behaviours
- Cooling down or reflection
- Involving the learner in or taking responsibility for resolving the situation
- Ensuring that parents recognise the harmful behaviour, and where parents may have been reluctant to engage, do so because of the formality of the action
- Carrying out a risk assessment
- Instigating or reviewing support plans
- Resolution or support for other learners or staff affected by the behaviour

The period of exclusion must allow for any such purposes to be addressed adequately.

As part of a support package on return to school it may be appropriate for the pupil to return on a part-time basis. Any such phased return will be for a short period.

5. Role of Rector

5.1 The rate of exclusions from Jordanhill School is very low compared with national norms. The Rector will, therefore, usually be informed of any temporary exclusion, but will not normally be involved in the direct investigation of disciplinary incidents.

5.2 Promoted staff who hold delegated powers of exclusion (1.1) may seek professional advice from the Rector regarding the decision to exclude and the appropriateness of the period of temporary exclusion.

In offering such advice the Rector will not be testing the evidence upon which the decision is to be based.

5.3 While a decision to exclude can never be a happy one for parents or the young person involved, the School's aim is to try and bring all parties to a full understanding of why such a decision has been taken.

If, following the exclusion meeting (1.2), either the parent or the School's representative is dissatisfied with the outcome then either party may refer the matter to the Rector for further consideration.

The Rector has the power to instigate further investigations and to modify the terms of exclusion. This includes extending the period of exclusion.

Referral to the Rector will not affect the right of appeal as set out in section 6.

6. Appeals

- 6.1 Parents/guardians of pupils under the age of 16 years have the right to appeal against a temporary or permanent exclusion. This right rests with the young person if he/she is age 16 or over. A parent and pupil may not both appeal.

An appeal must be submitted in writing within **7 school days** of

- The pupil being readmitted to School following a temporary exclusion
- A decision to permanently exclude being confirmed by the Rector

- 6.2 An appeal should be submitted in writing to the
Convener of the Board of Managers
c/o The Bursar
Jordanhill School
45 Chamberlain Road
Glasgow
G13 1SP

- 6.3 The letter should state the name of the pupil and must specify clearly the grounds for appeal under one or more of the following categories
- The School has failed in some significant way to follow its stated policy in relation to exclusions
 - The evidence upon which a decision to exclude was taken was materially incorrect in some significant way
 - The decision to exclude or the length of the period of exclusion was disproportionate to the actions of the pupil

The letter must also specify the outcome sought from the appeal: annulment of the exclusion; reduction in the recorded length of the exclusion; overturning a decision to permanently remove from the register or other. The letter of appeal will be acknowledged within **5 school days** of receipt.

- 6.4 The appeal will be heard by a sub-committee of the Board of Managers convened for this purpose. The appellant will be given 10 days notice of the date of the hearing unless an earlier date is convened by mutual agreement.

The appellant may make a written submission to the appeal committee via the Bursar. This must be received by the Bursar at least 3 school days prior to the hearing.

The appellant will be given the opportunity to go to the hearing and speak to the appeal committee. If a parent/guardian is appealing, he/she may be accompanied by their partner and one other person³. The pupil may attend if this is deemed appropriate for his/her age and stage of development. If the appellant is a pupil, then he/she may bring both parents/guardians and one other person³. The appellant may decide, however, simply to submit a letter of appeal and this will be considered by the appeal committee.

The School may seek the child's view even when it is the parent taking forward the appeal⁴.

- 6.5 The purpose of an appeal is to consider the decision taken by the responsible senior manager(s) at the time. The appellant has no right of access to information which may breach confidentiality or the rights of others
- 6.6 The decision of the appeal committee is final.

³ Anyone wishing to bring legal representation to an appeal must give the School at least 5 days notice of their intent. The scheduled appeal will proceed only if the School's legal representatives are also able to attend. Otherwise a new date will be set for the appeal.

⁴ Article 12 of the United Nations Convention on the Rights of the Child and the Children (Scotland) Act 1995 stress that the child's point of view should be represented and taken into account in decisions which directly affect them.