



**EXCLUSION POLICY**

**Reviewed:** 20/01/21 TJ

**Governor Review:** 21/01/21 SMG

**Review Dates:**

## **Exclusion Policy**

### **Background**

The policy is based on the Department of Education guidance on School Exclusions (2012) and with due regard to the Education Act 2002, and the Equality Act 2010.

### **Aims**

The school aims not to interfere with the continuous education of a pupil beyond what is necessary to modify behaviour. The decision to exclude a pupil must be lawful, reasonable and fair.

### **Procedure**

Pupils will only be excluded in cases of a serious breach of the school's behaviour and disciplinary policy. A pupil may also be excluded if their continued presence in the school would seriously harm their own education or welfare, or the education or welfare of other pupils or staff.

Only the Head or the Deputy Head- Pastoral, when deputising for the Head, may exclude a pupil from the school. In the absence of both the Head and Deputy Head- Pastoral, the Deputy Head- Academic may advise or require a pupil to be out of school for pastoral reasons or pending further investigation.

Before deciding to exclude a pupil, the Head will:

- Ensure that an appropriate investigation has been conducted. The Head, (or Deputy Head – Pastoral in her absence) may require the pupil to be excluded for a fixed term whilst the investigation is conducted. This may be considered to be a non-disciplinary or pastoral exclusion.
- Ensure that all the relevant evidence has been considered.
- Give the pupil an opportunity to be heard.
- Consult other relevant people, if necessary.

Having considered these matters, the Head will make a decision based on the balance of probability.

Before excluding a pupil, the Head will always consider other alternative actions to resolve a situation. For example:

- Restorative process; whereby the harm caused to the victim can be redressed.
- Internal exclusion e.g. removal from a class or transfer from one set to another.

Exclusion is inappropriate in cases of:

- Minor breaches of discipline, unless part of a wider picture of ill-discipline.
- Poor academic performance, unless linked to disruptive behaviour in class or house.
- Pregnancy.

Exclusion can either be of a fixed term (e.g. suspension) or permanent (e.g. expulsion).

## **1. Fixed term**

The Head is permitted to exclude a pupil for one or more fixed term periods.

The school will continue to provide education for the excluded pupil. The Tutor will collect work for the pupil and send it home. In the case of an exclusion lasting more than seven days, the Head, in consultation with the relevant members of staff, will consider the following:

- How the pupil's education will continue.
- How the pupil's problems might be addressed in the interim.
- Reintegration into the school post-exclusion.

Where appropriate, the Head or Deputy Head- Pastoral will inform parents (by telephone, with a follow-up letter) and provide parents with the following information:

- The reasons for the exclusion.
- The length of the exclusion.
- The date and time when the pupil should return to school.
- Arrangements for the setting of work.

At all stages, parental co-operation will be sought. However, in all cases of fixed-term exclusion, the Head's decision is final.

## **2. Permanent Exclusion**

Only the Head, after any appropriate consultation with the Chair of Governors, may permanently remove a pupil from the school. Such a decision will only be taken as a last resort, when a wide range of strategies for dealing with the pupil has been employed to no avail. A pupil may also be removed from the school following an exceptional "one-off" offence, such as:

- Serious violence, actual or threatened, against a pupil or member of staff.
- Serious bullying of another pupil.
- Sexual abuse or assault.
- If pupils are caught engaging in inappropriate sexual activity.
- An incident involving an illegal drug or serious misuse of legal psychoactive agents such as solvents or 'legal highs'
- Carrying an offensive weapon
- Acting in such a way that seriously harms the School's reputation
- Making a false accusation, of a safeguarding nature, against a member of staff.

In such cases, the Head will invite the parents to a meeting to discuss the matter and then ask them to remove their child from the school site.

## **Off-site behaviour**

In certain circumstances, at the discretion of the Head, the school will treat poor behaviour off-site as though it had occurred on the premises. Teachers and pupils should be aware of the rules and guidance relating to off site visits (see staff handbook). The School will, where appropriate, investigate and respond to poor behaviour by pupils during the holidays (see Behaviour policy).

## **Appeal**

Parents have the right of appeal to the Governors following the Head's decision to exclude a pupil permanently from the school. Parents do not have the right of appeal to a fixed-term exclusion. For the avoidance of doubt, a mere disagreement with the decision of the Head will not itself be grounds sufficient for a Governors' review (see Review procedure below).

## **Equal Opportunities**

In making decisions about exclusions, the Head will consider any special educational needs, disabilities, gender and cultural differences that may be relevant to the case. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

## **Monitor and Review**

The Head will record the number and type of exclusions. These records are required by the Independent Schools Inspectorate (ISI) and will be annually monitored by the Deputy Head - Pastoral.

This policy will be reviewed by the Head and Deputy Head- Pastoral before the start of the academic year.

## **Review procedure following exclusion**

Important Note: These guidelines are non-contractual in nature and will be followed in accordance with their spirit rather than their letter. They have been prepared for the information of all who may become concerned in a Review Hearing following a permanent exclusion.

What to expect at the Review Hearing

1. The Review will be conducted by a Review Panel selected by the Chair of Governors at his/her discretion. The Chair may choose to ask a person independent of the School to be part of the Review Panel. Any Governors chosen to be part of it will be those who have no detailed previous knowledge of the case or of the pupil, parents or guardians and will not include the Chair. The Review Panel will consider all the evidence and any new evidence that is offered and the matters listed in the section below.
2. Those present throughout the Hearing will normally be the Review Panel, the Head, the parents/guardian ("parents") and the pupil and the Clerk to the Governing Body. The parents may be accompanied by a friend or relation or by a member of the School staff if desired.

3. It is intended that the Review Hearing will be conducted in an informal way. The seating will be arranged so that, as far as practicable, everyone present can see and speak to each other without difficulty.
4. Each of the grounds given in the parents' "Request for Review of Exclusion" will be considered in turn and discussed. The proceedings will not be tape-recorded but the Clerk to the Governing Body will be asked to keep a Minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. Pens and paper will be provided.

### **Matters which the Review Panel may consider**

In relation to each issue raised, the members of the Review Panel may take into account all of the following circumstances:-

1. The nature and gravity of the complaint(s) against the pupil.
2. Whether or not the guilt of the pupil has been reasonably well established on the evidence that is before the Review Panel including any given at the original hearing.
3. Whether or not the complaint was investigated fairly.
4. The level of co-operation that has been given by the pupil and the parents/guardian.
5. The actual or likely effect of the pupil's alleged conduct on other members of the School's community.
6. The general record of the pupil during their time at the School.
7. The interests of the School community balanced with those of the individual pupil.
8. Any other relevant circumstances, including the personal circumstances of the individual pupil.

### **How to apply for a Review**

1. At the time of the exclusion the parents will be given a form of "Request for Review of Exclusion" together with a copy of these procedures. If parents seek review, the request form must be completed and returned to the Clerk to the Governing Body within 3 working days after they were first aware of the exclusion decision.
2. In their application the parents must state the grounds on which they are asking for a review and the outcome they seek. For the avoidance of doubt, a mere disagreement with the decision of the Head will not itself be grounds sufficient for a Governors' review
3. Unless there are exceptional circumstances the review must be heard within 7 to 14 days of the exclusion and may be heard sooner if all concerned agree.
4. As soon as practicable after the Clerk to the Governing Body received the notice of appeal she will convene the Review Panel and contact the parents to agree a convenient date, time and place for the Review Hearing. Each member of the Review Panel will be provided with a copy of any

relevant documents including the conduct file of the pupil. The parents shall be entitled to copies of all those documents save any which, in the opinion of the Head, should not be disclosed.

### **Conduct of the Review Hearing**

1. The Review Hearing shall be directed in all respects by the Chair of the Review Panel. Statements made at the hearing shall be unsworn. The Chair of the Review Panel will conduct the hearing in such a manner as he/she thinks fit in order to ensure that all those present have the opportunity of asking questions and making comments.
2. If the Head considers it necessary in the interests of the individual or of the School that the identity of any witnesses shall be withheld, the Chair may require the name of the witness and the reasons for withholding identity to be written down and shown to the Review Panel. The Chair, at his/her discretion may direct that the witness be identified.
3. Up to two members of the School staff may speak generally about the pupil's character, and conduct and achievements at the School if they are willing to do so.
4. All those attending the Review Hearing are expected to show courtesy and good manners, otherwise the Chair may, at his/her discretion adjourn or terminate the Review Hearing. If the Hearing is terminated the original decision will stand.
5. When the Chair decides that all issues have been sufficiently discussed, he/she may require all those present (except the members of the Review Panel) to withdraw to another room while the Review Panel decides:-
  - a) Whether it is likely to be able to reach a decision within the next hour; in which case the decision will be given at that time; or
  - b) Whether, during the course of the Review, some consensus has been reached so the formal decision will be unnecessary; or
  - c) Whether more time will be required before a decision can be reached. If more than one hour will be required, the Chair may adjourn the Review Hearing, and arrange for the decision of the Review Panel to be notified to the parents/guardian.
6. The decision of the Review Panel will normally be notified by the Chair of the Review Panel or the Head by telephone, confirmed in a letter, or by letter alone, within 7 days of the hearing. The decision of the Review Panel will be final.

**REQUEST FOR REVIEW**

To: Clerk to the Governing Body

Name of Pupil .....

Names of those with Parental Responsibility: .....

Address of Parents/Guardian .....

.....

Telephone Numbers: ..... (day time) ..... (evening)

I, being a person with parental responsibility for the above named pupil, request that a Review Panel of the Governing Body carries out a review of the decision to exclude the pupil permanently from the school.

We have received with this form a copy of the Review Procedure and we agree to abide by its terms.

We also agree that the proceedings are and will remain confidential and that this review will be final subject to such (if any) legal rights as may exist.

The grounds upon which we seek a review and the matters which we wish to discuss at the review, and to ask the Panel to take into account, are as set out on the reverse side of this sheet.

We understand that we may be accompanied at the review hearing by a friend or relation or by a member of the School's staff who knows and who is willing to speak on behalf of the pupil.

(Two signatures required where practicable.)

First Signature:

Second Signature

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Full Name:

Full Name:

.....

.....

Relationship to Pupil:

Relationship to Pupil:

.....

.....

**Date:** .....

**Date:** .....