



## Exclusion Policy

**Last reviewed: February 2017**

**Next review: February 2019**

**Linked Governor: Craig Lambourne**

**SLT Member: Rich Peters**

Ashlyns School is an inclusive school, which seeks to encourage good attitudes to behaviour for learning and to modify poor and inappropriate behaviour by using positive methods of redress; this policy should therefore be read in conjunction with the School's Behaviour Policy. Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted.

The law also provides that behaviour of pupils outside school can also be considered as grounds for exclusion.

We follow statutory guidelines on exclusions, and the final decision to externally exclude can be made only by the Headteacher. Other exclusion-related activities do not have to be undertaken by the Headteacher personally, but may be delegated. When deciding to exclude a student, the Headteacher will ensure there has been a thorough investigation and that a written record is kept of his actions and those of other staff.

The following factors will be considered before any decision to exclude:

- encouraging the student to give their version of events
- consideration of all the evidence available to support the allegations, taking account of the schools' behaviour and equal opportunities policies

Whilst an exclusion may still be an appropriate sanction, the head teacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred, for example checking whether the incident is provoked, e.g. by bullying or by racial or sexual harassment, and any Special Educational Needs, in determining whether to exclude and the length of any exclusion.

**There are two main types of external exclusion: Fixed Term and Permanent.**

### **Fixed-Term Exclusions (C5)**

The following incidents or offences will normally lead to a fixed-term exclusion:

- persistent disruption
- poor behaviour during an internal exclusion
- continual refusal to comply with the school's Behaviour Policy
- deliberate damage or vandalism
- theft
- swearing at or about a member of staff
- physical violence towards a student
- persistent bullying or a single case of extreme bullying
- prejudicial abuse, such as racist or homophobic abuse
- bringing the school into disrepute
- bringing an offensive weapon onto the school premises

- possession of illegal substances on the school site

The length of **Fixed-Term Exclusion** will be decided by the Head Teacher with reference to:

- the age of the student
- the disciplinary record
- the nature of the offence
- exam obligations

### **Procedures for Investigating incidents**

Incidents will normally be investigated by the Heads of Year, Heads of Faculty, Learning Mentors, or members of the Senior Leadership Team.

When investigating any incident the member of staff responsible will ensure that the following protocols are adhered to:

- Statements where relevant will be taken from the students and adults involved in the incident. In addition statements will be taken from as many students or adults as the member of staff investigating the incident feels is necessary to be satisfied that they have an accurate picture of what transpired.
- If necessary, photos or CCTV footage of the incident will be viewed as part of the investigation.
- All statements should be signed and dated by the student to confirm that they have written them themselves and are satisfied with what they have written.
- If a student is unable to write their own statement they will dictate it to an appropriate adult. This could be a form tutor, teaching assistant, Learning Mentor, Head of Year, the Director of Student Progress and Inclusion or another member of the teaching staff or Senior Leadership Team.
- Where a statement is dictated to an appropriate adult this will be indicated on the statement but the student will still sign it themselves to indicate that they agree with what has been written.

Once the investigation has been completed and if exclusion is felt to be appropriate the Headteacher will review the evidence and make the final decision.

**The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Headteacher may exclude the student.**

Where a student is excluded the school will:

- contact parents/carers immediately to inform them of the decision
- confirm the decision, details and expectations in writing within 24 hours
- notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any fixed period exclusion (a fixed penalty notice of £50 can be imposed)
- undertake to set and mark work for that student for the first five days of the exclusion
- provide full-time education (off-site or in a shared provision) from the sixth day of any period of fixed-term exclusions of six days or longer
- advise of any sanctions that may be imposed for non-attendance of the provision for the sixth day onwards
- consider how the time out of school might be used to address the student's problems
- consider what support will best help with the student's reintegration into the school at the end of the exclusion

## **Penalty Notice for excluded students**

During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded student must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the student is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

## **Re-integration**

After a fixed term exclusion students must attend a re-admission meeting with their parents and a member of the Senior Leadership Team and their Head of Year. The terms of re-admission are discussed and agreed at such meetings and provision for continued support for the student arranged at this time.

The purpose of the reintegration interview is to assist the reintegration of the student and promote the improvement of his or her behaviour. It provides an opportunity to:

- a) emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour
- b) discuss how behaviour problems can be addressed
- c) explore wider issues and any circumstances that may be affecting the child's behaviour
- d) reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- e) create a useful forum to consider with parents the possibility of a parenting contract

The parents/carers of a student who is excluded for a single or cumulative period of 6-15 days in any one term can request a meeting with Governors to review the exclusion. The Governors will meet within 15 school days of the exclusion and will decide whether or not to uphold the exclusion. If a student is excluded for more than 15 days in a term the Governors will always meet within 15 school days to review the exclusion.

## **Permanent Exclusions (C6 offences)**

Repeated offences could ultimately lead to **Permanent Exclusion**. Permanent exclusion will usually be considered as a 'last resort' action, applied only when all other methods and strategies have failed, in response to serious or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. However, permanent exclusion would normally follow after certain single incidents, which are deemed to be extremely serious.

These might include:

- a) serious actual or threatened violence against another student or member of staff
- b) theft from school, a student or a member of staff
- c) sexual abuse or assault
- d) supplying or intent to supply an illegal drug
- e) carrying an offensive weapon

Schools now have a power to screen and search students for weapons. We will consider whether or not to inform the police where a criminal offence may have taken place. Contacting the Young Offending Team and/or social workers will also be considered.

If a student is permanently excluded the school will:

- notify parents of their responsibility to ensure that their child is not present in a public place in school hours during their first five days of any permanent exclusion (a fixed penalty notice of £50 could be imposed)
- undertake to set and mark work for that student for the first five days of the exclusion
- advise parents or carers that, during the first week of the exclusion, that the Local Authority will arrange to assess the student's needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full time education is provided
- arrange a meeting of Governors to review the exclusion and decide whether to uphold it

Students who are permanently excluded will remain on the school roll during the period allowed for appeals, or removed sooner if the Local Authority confirms there will be no appeal.

### **The Role of Governors – Exclusion Process and Timescale**

On exclusions of five days or less:

- governors will consider any representation from parents but do not have to meet
- governors have no power to re-instate or overturn a decision (but can place findings in the students record)
- if a public exam will be missed – the group should convene immediately if requested (the Chair of Governing Body may consider the issue alone)
- the Head Teacher will report all fixed term exclusion details to Governing Body and LA once a term (name, length, reason, age, gender, ethnicity, and whether student has SEN or is in LA care)

#### **Exclusions of 6 – 15 days in any one term (single event or cumulative):**

- can be considered by the governors only if parents request a meeting; governors can uphold an exclusion or reinstate the student (earlier or immediately)
- governors meet within 15 school days (after receiving notice of the exclusion)
- the Headteacher must invite parents to a reintegration meeting (within 6 days from the return date)

Once the 15 day limit is exceeded (in any one term) and in all permanent exclusion cases:

- the governors must meet between the 6<sup>th</sup> and 15<sup>th</sup> school day after the date of receipt of notice to consider the exclusion.

### **The Governors' Discipline Panel meeting**

Who can attend?

- Members of the Governing Body (usually 3 or 5 members)
- A clerk who is preferably not a governor or a member of the staff
- The Headteacher and appropriate staff member
- The parents and student (should be encouraged)
- A friend or representative of the parent
- A representative of the LA (CSF)

## Decision making

- Governors make their decision alone (only the clerk may stay)
- They make a decision based on evidence provided at the hearing and in papers supplied
- Be satisfied that the exclusion procedures have been followed and all relevant strategies have been tried (and failed)
- Have regard to the guidance
- Must inform the parent, the Headteacher and the LA of its decision in writing within one school day of the hearing

## **Role of the Local Authority**

- Advises parents of their Right of Appeal
- Invites the student to an Integration Panel to discuss provision following exclusion
- Sixth day provision does not have to be made for students in their final year of compulsory education who have already taken (or missed) their public examinations

For a student with an SEN Education and Health Care Plan, suitable full-time provision must be considered in line with what is specified on the EHCP.