

EXCLUSIONS POLICY



THE USE OF EXCLUSIONS

Exclusion from HGSC, whether it be permanently from school or for a fixed term is a disciplinary sanction to be used by the Principal or a member of the SLT where he or she is acting in the Principal's absence.

Following the behaviour policy of HGSC, good behaviour at all times is expected of all students as this allows effective teaching and learning to take place and creates a climate of support and calm for all students. Incidents which take place will be dealt with according to the behaviour policy and, where necessary, exclusions from school will be actioned for more serious incidents.

FIXED TERM EXCLUSIONS

Incidents where a fixed term exclusion might be used include:

- Abusive language / swearing directly at staff
- Bullying
- Inappropriate sexualised behaviour
- Serious damage to school property (including buses)
- Dangerous behaviour sufficient to cause potential harm to others
- Inciting others to fight (passively/aggressively)
- Refusal to complete the required period in Isolation
- Persistent violation of school rules
- Physical assault of another student

The exclusion period implemented will be decided by the KSAL in conjunction with the AHT (Pastoral). This is turn will be discussed further with the Principal for sanctioning. All incidents that may require a fixed term exclusion will be thoroughly investigated by the appropriate staff and parents/carers will be kept updated as to the proceedings. Investigations may include: statements from witnesses (taken individually), the use of CCTV and other evidence (e.g. social media). All steps will be taken to make sure parents/carers are informed, including the use of emergency numbers where parents/carers cannot be contacted. Further to this, a letter will be sent home and a re-admission appointment will be made with parents/carers. Students will not be allowed back into class until this meeting has been held. Students will work in the Isolation room or in a specified seclusion area.

THE DECISION TO EXCLUDE

If the Principal decided to exclude a student he (or a delegated person) will:

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the student
- contact the parents/carers, explain the decision and, where appropriate or necessary, ask that the child be collected
- send a letter to the parents confirming the reasons for the exclusion and the length of the exclusion along with any terms or conditions agreed for the student's return
- ensure that appropriate work is set and that arrangements are in place for it to be marked
- for fixed period exclusions of over 5 days arrange suitable full-time educational provision from, and including, the sixth school day of the exclusion
- plan how to address the student's needs on his/her return
- meet with parents and student on his/her return for re-admission
- prepare a behaviour contract for the returning student along with targets for the post exclusion report

On return from an exclusion, all students will be required to complete a full day in Isolation and then a day in a seclusion area. This is to allow time for the Pastoral Team or for the Inclusion Team to work with students around their behaviour and to put in place any support that the student may require to help modify their behaviour. Recommendation for support/intervention may also be discussed and agreed at the re-admission meeting. Examples of additional intervention which may take place following an exclusion could include:

- Referral to the Achievement Centre
- Alternative provision put in place
- Timetables alterations
- Restorative Practice Meeting
- Referral to a PRU or to Behavioural Support
- Involvement of outside agencies
- Multi agency meeting
- Referral to School Health
- Referral to Connexions
- Managed Move to another school

All students returning from a fixed term exclusion will also be placed on a post exclusion report that will be for a period of at least two weeks to be monitored by an identified member of staff. A behaviour contract will also be put in place.

Students who continue to commit serious offences and receive further fixed term exclusions despite support put in place will be required to go before the Governor's Disciplinary Panel to discuss the seriousness of the situation and to discuss any further support that may be required. This may also include a final warning to the student. Parents/carers are required to attend these meetings.

PERMANENT EXCLUSION

Whilst everything that can be done to avoid a permanent exclusion will be put in place, where an incident is so severe the Principal will use his power to permanently exclude a student from HGSC. Such incidents could be based on the following:

- Possessing an offensive weapon with threats, intimidation of others and/or its use
- Dealing/selling illegal substances
- Violent and/or physical aggression towards a member of staff
- Violent physical assault of student
- Extreme sexual misconduct
- Repeated violation of school rules/persistent disruptive behaviour when all other measures have been exhausted

Where such incident might occur, the police may be consulted, especially where a criminal act has taken place.

As with Fixed Term Exclusions, any incident of such a serious nature will be thoroughly investigated before a decision is made and parents/carers will be kept informed at all times. Where the decision to permanently exclude is taken, parents/carers will have the procedures explained to them along with the time frames imposed on the school for such a procedure.

For the Permanent Exclusion Governors' meeting, parents/carers will be invited to bring along support (such as Parent Partnership).

Only the Principal or, in the Principal's absence, the Deputy Principal, acting as Principal can exclude a student. In normal practice, this will be following the recommendation of the Assistant Principal responsible for behaviour and pastoral matters.

At all times the school will pay appropriate regard to the DfE document Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A guide for those with legal responsibilities in relation to exclusions (2012). No exclusion will be initiated without first exploring other strategies or, in the case of a serious single incident, a thorough investigation.

BEHAVIOUR OUTSIDE SCHOOL

Students' behaviour outside school on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Bad behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school business, the Principal may exclude a student if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole, or if it is deemed to be damaging to the reputation of the school. This will include travelling to and from school at the start and end of the school day, including any public transport.

STUDENTS WITH SPECIAL EDUCATIONAL NEEDS AND DISABLED STUDENTS

The school will always take into account any special educational needs when considering whether or not to exclude a student. We have a legal duty under the Disability Discrimination Act 1995 as amended not to discriminate against disabled students by excluding them from school for behaviour related to their disability. The Principal should ensure that reasonable steps have been taken by the school to respond to a student's disability so the student is not treated less favourable for reasons related to their disability. 'Reasonable steps' could include:

- differentiation in the school's Behaviour Policy
- developing strategies to prevent the student's behaviour
- requesting external help with the student
- staff training

Where reasonable adjustments to policies and practices have been made to accommodate a student's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a substantial reason for it. Or indeed the serious offence has no link with the student's individual disability or needs.

INVOLVEMENT OF THE GOVERNING BODY

The requirements on a governing body to consider an exclusion:

A guide to the law¹⁴

The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depends upon a number of factors (these requirements are illustrated by the diagram in Annex A of this guidance, A summary of the governing body's duties to review the Principal's exclusion decision). The governing body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors.

The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination

* Where an exclusion would result in a pupil missing a public examination there is a further requirement for a governing body, so as far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion

decision alone. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- parents/carers
- The Principal

The governing body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

STATUTORY GUIDANCE TO GOVERNING BODIES IN PREPARING FOR THE CONSIDERATION OF A PERMANENT EXCLUSION DECISION

Where the governing body is legally required to consider the decision of a Principal to exclude a pupil they should:

- not discuss the exclusion with any party outside the meetings
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information)
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting)
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meetings (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations)
- identify the steps they will take to enable and encourage the excluded pupil to attend the meetings and speak on his/her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding or how the excluded pupil may present his/herviews.

STATUTORY GUIDANCE TO GOVERNING BODIES ON EXCLUSIONS THAT WOULD RESULT IN A PUPIL MISSING A PUBLIC EXAMINATION OR NATION CURRICULUM TEST

Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

APPEAL AGAINST A PERMANENT EXCLUSION

Where requested by a parent, the Governing body will need to arrange an independent review panel to consider the decision of a governing body to uphold a permanent exclusion.

Involvement of an Independent review panel:

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion. Parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decided that a governing body's decision is flawed when considered in the light of the principles applicable on a application for judicial review, it can direct a governing body to reconsider its decision.

REVIEW

- The Governing Body will regularly review this policy and associated procedures, to ensure its continuing appropriateness and effectiveness. This review will take place in consultation with the Principal, staff and parents. The outcomes will be incorporated into an amended Exclusion from School Policy.