



# Oaklands School

## Policy on Exclusion, Removal and Review

### General Principles

Permanent exclusion from School is seen as a last resort when no other options remain. In many situations, sanctions and responses other than exclusion may be appropriate by agreement with the parents, for example:-

- a) using a restorative justice programme e.g. requiring the pupil to restore damage to property or write a written apology
- b) internal exclusion, which removes the pupil from the classroom but not the premises. The exclusion could be to a designated area within the School, with appropriate supervision or support, or to another class on a temporary basis and may continue during break periods
- c) a 'managed move', with the agreement of the parents, to a new school, otherwise known as being 'removed or required to leave', but without the stigma of permanent exclusion.

In general, pupils are likely to be excluded from School for a fixed term or permanently in the following circumstances:

- in response to serious breaches of the School's Behaviour Policy
- if allowing the pupil to remain would seriously harm the education and welfare of the pupil or others in the School.

Only the Head has the power to exclude a pupil. This power can be delegated to a senior teacher who is acting in that role if the Head is temporarily absent from School, pending confirmation by the Head later if possible. It is best if the Head signs all forms and letters in person.

Exclusion will not be used for minor incidents such as failure to do homework, poor academic performance, lateness or truancy, breaching School uniform policy or as a way of punishing pupils for the behaviour of their parents.

### Types of Exclusion

- a) For a fixed number of days up to 45 days in the School year (lunchtime exclusions counted as half a day)
- b) Permanently.

Fixed term exclusions should be for the shortest time possible. By arrangement with parents, other forms of sanctions that avoid disruption to a pupil's learning may be more appropriate in many cases. Parents should be informed as soon as reasonably practical if a complaint under investigation is of a nature that could result in a pupil being excluded or required to leave.

An exclusion may be changed, or even removed altogether on further reflection. In many cases where permanent exclusion is a possibility it may be more appropriate to impose a two or three day fixed term exclusion in the first instance while more information is obtained or alternative strategies are explored, while indicating to parents that permanent exclusion is still being considered.

## **Investigation Procedure**

The Governing Body will be informed of the investigation.

An investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by the Deputy Head, and its outcome reported to the Headmistress. In certain circumstances it may be considered appropriate for a pupil to be excluded from School for a fixed term while a complaint is being investigated. The pupil may be interviewed informally by a member of staff, in order to give his/her version of events and to establish whether there are grounds for a formal investigation. If subsequently interviewed formally, arrangements should be made for the pupil to be accompanied by a member of staff of his/her choice and/or by a parent.

## **Procedure for Permanent or Fixed Term Exclusion**

Parents will be notified of the decision as soon as possible, ideally by telephone and, if the pupil is to be excluded, a letter will be sent to anyone with parental responsibility who does not live with the child.

The letter will include the following information:-

- a) the nature of the exclusion and, if for a fixed term, the date and time of the re-entry meeting with the pupil, parents and Headmistress that will be held prior to the pupil being readmitted into School.
- b) full details of the circumstances and events that have led to the exclusion including steps taken to avoid it, if relevant.
- c) the arrangements for enabling the pupil to undertake schoolwork at home.
- d) the date and time of a Governors' Disciplinary Committee (if required) and the latest date any written representations may be made, bearing in mind that the governing body must meet within six to fifteen days of the exclusion (permanent and fixed term totalling sixteen or more days in a term).
- e) who parents should contact if they want to make representations.
- f) the parents right to see their child's records.

## **Disciplinary Meeting**

The pupil and his/her parents will be requested to attend the disciplinary meeting with the Headmistress, at which the following documents will be made available:-

- a) a statement setting out the points of complaint against the pupil;
- b) any relevant correspondence, including written statements or notes of the evidence supporting the complaint;
- c) the investigation report;
- d) the pupil's school file;
- e) a copy of the School's Policy on Exclusion, Removal and Review.

The pupil may be accompanied by a member of staff of his/her choice, and both the pupil and the parents will have the opportunity to state their side of the case.

The disciplinary meeting will have 3 distinct stages:-

- I. The complaint – based upon the evidence, including statements made by and/or on behalf of the pupil and, unless further investigation is needed, the Headmistress will decide whether the complaint has been sufficiently proved. The standard of proof will be the civil standard, i.e. the balance of probability.

- II. The sanction – if the complaint is proved, the Headmistress will outline the range of disciplinary sanctions open. The pupil's disciplinary record will be taken into account and, normally within 24 hours, the Head will give his/her decision, with reasons.
- III. Leaving status – if the Head decides that the pupil must leave the School, then he/she will consult with a parent before determining the leaving status: 'excluded', 'removed' or 'withdrawn by parents'.

A decision to exclude or remove a pupil will take effect 3 working days after the decision is first communicated to a parent, unless by exception. Until then, the pupil will remain suspended and away from School premises. If within 3 days the parents have made a written application for a review by the governing body, then the pupil will remain suspended, until the review has taken place.

### **Governors' Review**

Parental requests for a review of the Headmistress's decision must be received in writing within 72 hours of notification, stating the grounds on which the review is requested and the outcome sought.

The review will be normally undertaken by two members of the Governing Body and one independent member, often from the local community, with no interest in the running or management of the school. All members of the panel will have no detailed previous knowledge of the case, or of the pupil or parents.

- The review meeting: will usually take place at the Group Headquarters address, normally between 3 and 10 working school days of receipt of the application but not normally during school holidays. The review meeting is a private procedure and those involved are required to keep its proceedings confidential, subject to law.
- Attendance:
  - members of the review panel;
  - the Headmistress and any relevant member of staff requested by the pupil or parent and whom the Headmistress considers should attend in order to secure a fair outcome.
  - the pupil together with his/her parents and, if they wish, a member of the School staff willing to speak on the pupil's behalf.
  - The parents may be accompanied by a friend or relation for whom, if legally qualified, 7 days notice of attendance must be provided to the School. If this is to be the case, the school reserves the right to ask its own legal representatives to be in attendance.
- Conduct of meeting: the meeting will be chaired by one member of the review panel and conducted in an informal manner under fair procedures in accordance with the requirements of natural justice. All statements made at the meeting will be unsworn, the proceedings may not be tape-recorded and minutes of the main points will be taken. All present will have a reasonable opportunity to ask questions and make appropriate comment. Everyone will be expected to show courtesy, restraint and good manners. The Chairman may, at his/her discretion, adjourn or terminate the meeting and, if terminated, the original decision will stand. The review is not a court of law and follows the standard procedures followed by schools in England and Wales as approved by the Department for Education.
- Procedure: the panel will consider whether the facts of the case were sufficiently proved at the time of the original decision, based upon the balance of probability, and whether the sanction was warranted, and proportionate to the breach of discipline.
- Leaving Status: if, having heard all parties, the panel is minded to confirm the Headmistress's earlier decision it is open to the panel, with the agreement of the Headmistress, the pupil and his/her parents, to discuss the pupil's leaving status with a view to reaching an agreement.

- Decision: The decision of the review panel will be final and will be notified, with reasons, to the parents by letter or telephone within 3 days of the meeting.