



# 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.

## **The Decision to Exclude a Pupil**

The decision to exclude a pupil may be taken in the following circumstances:

1. In response to a serious breach of the school's Behaviour Policy.
2. If allowing the pupil to remain in school would seriously harm the education or welfare of other persons or the pupil themselves in the school.

Whether for a fixed term or permanent, exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the principles that underpin the School's Behaviour Policy:

### *Physical assault against pupil:*

1. Fighting
2. Violent behaviour
3. Wounding
4. Obstruction and jostling

### *Physical assault against adult:*

1. Violent behaviour
2. Wounding
3. Obstruction and jostling

### *Verbal abuse/threatening behaviour against pupil:*

1. Threatened violence
2. Aggressive behaviour
3. Homophobic abuse and harassment
4. Verbal intimidation
5. Carrying an offensive weapon

### *Verbal abuse/threatening behaviour against adult:*

1. Threatened violence
2. Aggressive behaviour
3. Homophobic abuse and harassment
4. Verbal intimidation
5. Carrying and offensive weapon

### *Bullying:*

1. Verbal bullying
2. Physical bullying
3. Homophobic bullying
4. Racist bullying

### *Racist Abuse:*

1. Racist taunting and harassment
2. Derogatory racist statements
3. Swearing that can be attributed to racist characteristics
4. Racist bullying

*Sexual Misconduct:*

1. Sexual abuse
2. Sexual assault
3. Sexual harassment
4. Lewd behaviour
5. Sexual bullying
6. Sexual graffiti

*Drug and alcohol related:*

1. Possession of illegal drugs
2. Inappropriate use of prescribed drugs
3. Drug dealing
4. Smoking on the school site
5. Alcohol abuse
6. Substance abuse

*Damage (includes damage to school or personal property belonging to any member or visitor of the school community:*

1. Vandalism
2. Arson
3. Graffiti

*Theft:*

1. Stealing school property
2. Stealing personal property (pupil or adult)
3. Stealing from local shops near the school
4. Stealing from local shops on a school outing
5. Selling and dealing in stolen property

*Persistent disruptive behaviour:*

1. Challenging behaviour, impacting on the learning of others
2. Disobedience
3. Persistent violation of school rules

*Extremism and radicalisation:*

Promoting, disseminating and/or publishing extremist views (including the use of violence) that are contrary to the will and laws of British society.

This is not an exhaustive list and there may be other situations where the Headmistress makes the judgement that exclusion is an appropriate sanction. At times the Headmistress will decide not to use the extreme sanction of an exclusion but may decide that a Pastoral Support Plan should be drawn up to try to avoid exclusion as a sanction in the future. This might be accompanied by an internal exclusion.

**Investigation Procedure**

An investigation of a complaint or rumour about serious misconduct will normally be co-ordinated by a member of the Senior Leadership Team, and its outcome reported to the Headmistress. The Governing Body will be informed of the investigation. 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.

### **Exclusion Procedure for Fixed Term Exclusions**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). Department for Education regulations allow the Headmistress to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

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. The letter will include the following information:

- a) the reason for the exclusion.
- b) full details of the circumstances and events that have led to the exclusion including steps taken to avoid it, if relevant.
- c) the duration of the fixed term exclusion.
- d) 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.
- e) the arrangements for enabling the pupil to undertake schoolwork at home.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the School's Leadership Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up, which will include a review date.

During the course of a fixed term exclusion where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/carers.

The Principals have established arrangements to review fixed term exclusions that would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent/carer has expressed a wish to make representations.

Records relating to exclusions will be stored confidentially.

### **Exclusion Procedure for Permanent Exclusions**

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence.

These might include, but are not limited to:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault or bullying
- Supplying an illegal drug
- Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him”).
- Arson
- Behaviour which poses a significant risk to the child’s own safety
- Extremism and radicalisation
- Deliberate Criminal Damage

The school may involve the police for any offence detailed above. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the school.

### *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) relevant documents from 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 three distinct stages:

#### 1. 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.

#### 2. 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 her decision, with reasons.

#### 3. 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 three 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 three 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.

Anybody with parental responsibility will be notified of the decision as soon as possible in writing. The letter will include the following information:

- a) the reason for the exclusion.
- b) full details of the circumstances and events that have led to the exclusion including steps taken to avoid it, if relevant.
- c) the Headmistress's decision about the exclusion.
- d) who parents should contact if they want to make representations.
- e) 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.
- f) the parents' right to see their documentation relating to the exclusion.

Parents/carers have a right to make representations to the Governing Body as directed in the letter. The Principals have established arrangements to review promptly all permanent exclusions from the school.

### **General factors the School considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned as detailed above. Before deciding whether to exclude a pupil either permanently or for a fixed period, the Headmistress will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the pupil's SEND, this policy and the school's Equality Policy.
- Allow the pupil to give her/his version of events – though this is not always possible if he has to be removed from the site immediately.
- Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).

If the Headmistress is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then exclusion will normally be the outcome.

### **Procedure for Requiring the Removal of a Child due to Inappropriate Parental Behaviour**

The school upholds a strict behavioural code for all staff, pupils and parents, and believes that everybody is entitled to a safe and protective environment in which to learn and work. Behaviour that will cause harassment, alarm or distress to users of the premises is unacceptable and contrary to the aims of the school.

The school's Terms and Conditions state that parents may be required to remove a pupil permanently from the school if the Headmistress is of the opinion that one or both of the parents have treated the school, members of its staff or any member of the school community (for example another pupil or parent) unreasonably.

If the Headmistress believes that this may be the case, she will usually discuss the unacceptable behaviour with the parent(s) without delay and issue a formal warning that any future occurrences are likely to result in the Contract between home and school being terminated.

If there are any further occurrences of unacceptable behaviour by a parent that may cause physical or emotional harm to another member of the school community, or that could be deemed as harming the school's reputation, then it will be within the Headmistress's authority to terminate the Contract. Depending on the severity of the case, the school will require the child either to be removed immediately or managed over a set period.

## **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. If the parents or the pupil have any special needs or disabilities that call for additional facilities or adjustments, these should be made known to the school so that appropriate arrangements can be made.

1. **Grounds for review:** In their application the parents must state the grounds on which they are asking for a Review and the outcome which they seek. For the avoidance of doubt, a mere disagreement with the decision of the Headmistress will not of itself be grounds sufficient for a Review.
2. **Review panel:** The Review will be undertaken by a three-member panel selected by the chair. The panel members will have no detailed previous knowledge of the case or of the pupil or parents. Parents will be notified in advance of the names of the panel members. Fair consideration will be given to any bona fide objection to a particular member of the panel.
3. **The role of the panel:** The role of the panel is to consider the documentation provided by the parties and representations made and to decide whether to uphold the Head's decision or refer the decision back to her with recommendations so that she may consider the matter further.
4. **The review meeting:** will usually take place at the Group Head Office address, normally between 3 and 10 working school days of receipt of the application but not normally during school holidays. The parents and the Headmistress will be asked to submit any documents they wish to refer to at the meeting to clerk to the panel and a single bundle will be circulated to the panel and the parties at least three days before the meeting. On receipt of new information not previously available to the Headmistress before her decision was made, the panel chair will decide whether:
  - a. to include the new information in the bundle or
  - b. to omit the information if not relevant to the grounds for Review or
  - c. to make further enquiries of the parents or the pupil about the information
  - d. to refer the information to the Headmistress for her consideration as to whether the decision should be revisited.

A Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.

5. **Attendance:** Those present at the Review meeting will normally be:
  - a. Members of the review panel and an appointed clerk
  - b. 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.
  - c. 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, seven 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. The meeting is not a legal proceeding and so legal representation is not necessary.

6. **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 Chair 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.

7. **Procedure:** The panel will consider:

- a. whether the decision was fair procedurally and / or substantively - whether the facts of the case were sufficiently proved when the decision was taken to expel or require the removal of the pupil. The civil standard of proof, namely, "the balance of probability", will apply and
- b. whether the sanction was proportionate - that is whether it was warranted in respect of the breach of discipline or the other events which are found to have occurred and to the legitimate aims of the School 's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or his / her parents are dissatisfied with any aspect of the meeting they must inform the Chair at the time and ask the Clerk to note their dissatisfaction and the reasons for it.

8. **Decision:** When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting. Alternatively, the Chair may ask those present to withdraw while the Panel considers its recommendations. The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmistress and the parents by the Chair of the Review Panel within three days of the meeting. The Headmistress will provide her response to those recommendations, if appropriate, in writing within 24 hours. In the absence of a significant procedural irregularity, the Headmistress's decision will then be final.